

Virginia Manufactured Housing Board
The Homestead
Hot Springs, VA
Minutes
July 30, 2008

Board Members Present : William H. Moody, Chairman
Michael C. Nickell, Vice Chairman
James W. Roncaglione
Walter K. Hughes, Sr.
Ava Lewis
William B. Toombs
Eric Anderson
Ben Flores

Board Members Absent : Gina M. Burgin

Public Representation : Ron Dunlap, Virginia Manufactured/Modular Association
Curtis L. McIver, Public Representative
John Swecker, Public Representative
Thomas W. Nesbitt, Assistant Attorney General
Ron Burlington, Fleetwood Homes of Virginia
Larry Dean Taylor, Jr., Halifax Homes, Inc.
Emory Rodgers, Deputy Directory

A. Call to Order/Roll Call/Determination of a Quorum.

The Virginia Manufactured Housing Board meeting was held at the Homestead in Hot Springs, Virginia, Wednesday, July 30, 2008. Chairman Moody called the meeting to order at 10:00 a.m. Lorenzo E. Dyer, Staff to the Board performed the Roll Call and a Quorum was present.

B. Approval of the Minutes.

A motion was made by James W. Roncaglione and seconded by Walter K. Hughes to accept the Minutes from the Board's meeting of May 15, 2008. The Minutes were accepted as written by a unanimous vote.

A motion was made by James W. Roncaglione to postpone the Election of Officers until after the New Business Item No. 8 listed on the Agenda. The motion was seconded by William B. Toombs.

A motion was made by James W. Roncaglione to nominate Lorenzo E. Dyer as Secretary to the Virginia Manufactured Housing Board. The motion was seconded by Walter K. Hughes. Chairman Moody called the question and the motion carried by unanimous vote.

A motion was made by James W. Roncaglione to add the Public Participation Guidelines to Item 8 of the Agenda listed under New Business. The motion was seconded by Michael C. Nickell. Chairman Moody called the question and the motion carried by unanimous vote.

C. Public Comment.

Under the Freedom of Information Act, once a case is closed within a Company, information cannot be requested from an outside source in reference to a closed case. If the public record is closed, any writings, data or other reporting that is owned by, prepared by, or in possession of the public body, for instance, the Manufactured Housing Board is a public record is a part of the Freedom of Information Act. Parties cannot request information from a non-public entity.

D. Committee Reports. Educational Program Committee

Develop an Educational Program Package that will include brochures in English and Spanish to educate the public, local code officials, and inspectors.

Develop a consumer process to help assist the consumer(s).

E. Report of the Secretary.

The Proposed Regulations were discussed and reviewed concerning the schedule of fees. A NOIRA will be submitted while discussions on the Proposed Regulations continue. The NOIRA (Notice of Intended Regulations) gives guidelines which gives a thirty-day comment period to continue working on the Proposed Regulations. The Proposed Regulations are sent out for public comment to all channels for review.

The fee schedule for dealers, manufacturers, brokers and salespersons under the Manufactured Housing Program needs to be proposed and reviewed by staff for fee increases. A decision will be made at the next Board meeting in September. A motion was made by Walter K. Hughes for the renewal of licenses for a dealer, if the collection of taxes for titling fees or registration fees are withheld from being paid to DMV or outstanding for more than 30 days, it must be made known on the renewal application. The motion was seconded by James W. Roncaglione. Chairman Moody called the question and the motion carried by unanimous vote.

F. Old Business.

1. Jackie Pate v Housing Solutions.

The dealer failed to pay the taxes and titling fees to the Division of Motor Vehicle (DMV) as required by the Regulations. A motion was made by Eric Anderson instructing staff to conduct a Fact-finding Conference to gather additional information. The motion was seconded by Ava Lewis. Chairman Moody called the question and the motion carried by a unanimous vote.

2. Joseph and Mary Brown v. CMH dba LUV Homes (Notice of Appeals).

The Browns failed to file a Notice of Appeal and failed to name the Virginia Manufactured Housing Board as a party to the Appeal in a timely manner.

3. Joseph and Faye O'Brien v. T.D. Homes, Inc. dba Stutzman, Quality Homes.

The amount of reimbursement to O'Briens for damages and the cost of the installation of gutters and downspouts are in the amount of \$2,463.00. A motion was made by Walter K. Hughes to grant the amount of \$2,463.00 to the James and Faye O'Brien within 30 days. The motion was seconded by Ava Lewis. Chairman Moody called the question and the motion carried by a unanimous vote.

G. New Business.

Transaction Recovery Fund Regulations. Revenues and Expenditures for the Manufactured Housing Program for 2005-2008 cost \$195,937 which is more than what was generated. Funds were transferred in the past from other accounts such as the Industrialized Building Modular Seals Program to cover cost in the Manufactured Housing Program. Sufficient revenue was not generated from the Manufactured Housing Program to cover expenses generated.

1. License Application of Larry Dean Taylor, Sr.

Mr. Larry Dean Taylor, Sr. addressed the Board with comments and explanations of obtaining a license. After much discussion, a motion was made by Walter K. Hughes to grant a license to Larry Dean Taylor, Sr. The motion was seconded by Eric Anderson. Chairman Moody called the question and the motion carried by a unanimous vote.

2. Advertising Request (no name or address to respond to)

The "Truth and Lending Act" the Board has no authority over this type of advertising.

3. James and Doris Harman v. Fleetwood Homes of Virginia, Inc. and Pate's Manor Homes, Inc.

The home has moisture and the installation need to be installed by the dealer and manufacturer. If the problem is not solved, this case needs to be brought back to the Board.

The Public Participation Guidelines (Repealed). The Board has the authority to adopt the Model Public Participation Guidelines for next year. A motion was made by Eric Anderson for a table discussion until the next scheduled Board meeting. The motion was seconded by Michael C. Nickell. Chairman Moody called the question and the motion carried by unanimous vote.

Election of Officers. A motion was made by James W. Roncaglione to nominate Michael C. Nickell as Chairman of the Virginia Manufactured Housing Board. The motion was seconded by Walter K. Hughes. Chairman Moody called the question and the motion carried by unanimous vote.

Walter K. Hughes made a motion to nominate Ava Lewis as Vice Chairman of the Virginia Manufactured Housing Board. The motion was seconded by James W. Roncaglione. Chairman Moody called the question and the motion carried by unanimous vote.

H. Next Meeting Date and Location.

The next meeting date and location of the Virginia Manufactured Housing Board is scheduled for Thursday, September 11, 2008 at 10:00 a.m. 501 N. Second Street, Richmond, Virginia, 23219.

I. Adjournment.

The Virginia Manufactured Housing Board Meeting adjourned at 2:20 p.m. on a motion made by Eric Anderson and seconded by Ava Lewis. The motion carried by a unanimous vote.