

VIRGINIA MANUFACTURED HOUSING BOARD MEETING
September 20, 2012
Virginia Department of Professional and Occupational Regulation
9960 Mayland Drive, Richmond, VA

Members Present

Mr. James W. Roncaglione, Chairman
Mr. Walter K. Hughes, Sr., Vice-chairman
Mr. Jim Carver
Mr. Allen W. Dudley
Mr. Ben Flores
Ms. Cindy F. Tomlin

Members Absent

Mr. William Moody
Mr. Michael C. Nickell
Mr. Earl T. Satterwhite

Staff Present

Cindy Davis
Lorenzo Dyer
Janice Firestone
Steven Jack, OAG
Alan McMahan
Sandi Morris
Valrae Negley

Call to Order

The meeting of the Virginia Manufactured Housing Board was called to order by the Chairman at approximately 10:10 a.m.

Roll Call

The attendance was established by Lorenzo Dyer, Secretary, and constituted a quorum. Mr. Steven Jack, Assistant Attorney General in the Office of the Attorney General, was present and serving as the Board's legal counsel.

Introduction of New Board Members

Ms. Cindy Tomlin and Mr. Allen Dudley were introduced as new members of the Board.

Election of Officers

After discussion, Mr. Hughes moved to nominate Mr. Dyer as Secretary. The motion was seconded by Mr. Carver and passed unanimously.

Mr. Flores moved to nominate Mr. Hughes as Chairman. The motion was seconded by Mr. Carver and passed unanimously.

Ms. Tomlin moved to nominate Mr. Flores as Vice-chairman. The motion was seconded by Mr. Carver and passed unanimously.

Approval of Minutes

Mr. Hughes moved to approve the minutes of the May 17, 2012 meeting as presented in the Board members' agenda package. The motion was seconded by Mr. Flores and passed unanimously.

Agenda Change

Mr. Hughes moved to change the order of the agenda to hold the hearing of Ernestine Alexander vs. American Dream Homes, LLC at that time rather than later in the meeting. The motion was seconded by Ms. Tomlin and passed unanimously.

Old Business

Hearing of Ernestine Alexander vs. American Dream Homes, LLC - Case Number 2011-25 (D)

The hearing convened with the Chairman serving as the presiding officer. The hearing concerned a home purchased by Ms. Ernestine Alexander from American Dream Homes, represented by Ms. Linda Guill. A Settlement Agreement was signed by both parties on May 17, 2012. As of the date of the hearing, not all of the terms of the agreement had been met. Mr. Jack informed the Board that the first determination to be made would be whether Linda Guill of American Dream Homes had committed a violation by not satisfying the terms of the agreement. Ms. Guill had had the home removed from Ms. Alexander's property but had only paid a portion of the agreed upon amount. Mr. Jack indicated that the next determination would need to be, if the Board determined there was a violation, what, if any, penalty the Board would impose.

Ms. Guill and Ms. Alexander were both present and given the opportunity to present testimony. Ms. Guill testified that she had not closed on the sale of the home to the new buyer and had therefore not received the balance of money that was due to Ms. Alexander. She also informed the Board of other extenuating circumstances that contributed to her failure to meet all terms of the agreement by the specified date. She indicated that she had a check with her for the balance of the amount in the agreement and was prepared to pay that to Ms. Alexander at that time. Ms. Alexander testified that she felt Ms. Guill now owed her the entire amount paid rather than the amount in the agreement, due to the fact that Ms. Guill violated the agreement.

After deliberation, Mr. Hughes made a motion that Ms. Guill was in violation of the regulation. The motion was seconded by Mr. Carver and passed with five members voting in favor and one member voting in opposition.

Mr. Hughes made a motion that no penalty would be imposed by the Board to Ms. Guill on the violation due to the extenuating circumstances. The motion was seconded by Mr. Carver and passed unanimously.

Public Comment

Mr. Tyler Craddock, Executive Director of the Virginia Manufactured and Modular Housing Association, addressed the Board on behalf the industry. Mr. Craddock congratulated those Board members who had been reappointed and welcomed the new Board members.

Committee Reports

Education Committee

The Board heard three recorded Public Service Announcements (PSA's). Mr. Dyer informed the Board that DHCD, industry representatives and Mr. Craddock would determine the most appropriate venues and times to air the PSA's and would provide the Board with a schedule once it is established.

Secretary's Report

Mr. Dyer informed the Board of the recent reorganization within the Department of Housing and Community Development's Division of Building and Fire Regulation.

SBCO Director's Report

Ms. Cindy Davis further explained the reorganization and updated the Board on the status of the Manufactured Home Safety Regulations and the Manufactured Housing Licensing and Transaction Recovery Fund Regulations.

New Business

Mr. Jack led the Board members through the Virginia Conflict of Interest Training Seminar.

Future Meeting

The next meeting will be scheduled for November 15, 2012.

Adjournment

There being no further business, the meeting was adjourned by motion of Mr. Hughes.