

**Ohio Manufactured Homes Commission**  
**January 20, 2010**  
**10:00 AM**  
**5650 Blazer Parkway**  
**Dublin, Ohio 43017**

**Members Present**

Evan J. Atkinson  
Billy Phillips  
Jim Demitrus  
Emory Helmuth  
Dan Rolfes, Chair  
Ron Younkin, Vice Chair

**Commission Staff**

David Zofko, Executive Director  
Janet Williams, Assistant Executive Director  
Mavis Giska, Fiscal/Licensing Specialist  
Dave Long, Inspector/Investigator

**Legal Counsel**

Walter McNamara, AAG

**Members Absent**

William Laubacher  
Roger Suppes

**Guests**

Andrea Reichman, OMHA  
Tim Williams, OMHA  
Warren Connolly, OCIB  
Russ McPherson, AMHRO  
Bill Geniella, AMHRO  
Bengi Williby, Galaxy Homes  
Larry Cormack, Hocking County Health Dept.  
Mike Kirsch, Zanesville-Muskingum County H.D.  
Darcey Roberts  
Danny Kelly  
Terry Wicker  
Andrew Goodall, Clayton Homes

**Call to Order**

The meeting was called to order at 10:05 AM by Chair, Dan Rolfes.

**Roll Call:**

All Commission members were present with the exception of William Laubacher and Roger Suppes.

**Approval of the Minutes:**

**Action:** A motion was made by Evan Atkinson to approve the minutes from the December 16, 2009 meeting. The motion was seconded by Jim Demitrus. The motion passed unanimously.

**Public Comment:**

Bill Geniella from AMHRO was handing out praise. He spoke how someone he was talking to referred to the manufactured homes park, owned by Irene Younkin called Enchanted Acres as manufactured home heaven.

Russ McPherson from AMHRO passed out some correspondence he had with Channel 3 News Today explaining just what a manufactured home of today is. He also spoke on how we all have to do our part to lift up the prestige of a manufactured home. Kuddos to you Russ and thanks.

### **Controlling Board Approval:**

Staff reported that OMHC received the entire appropriation that they asked for, an additional \$320,825 for FY 2010 and \$342,100 for FY2011.

### **Executive Director's Report:**

#### **Dealers, Brokers, and Salesperson Fees:**

It was decided it should be taken back to the BMV Committee for a recommendation.

#### **Third Party Insurance Requirements:**

**Action:** A motion as made by Billy Phillips and seconded by Jim Demitrus to drop the umbrella policy requirement for Third Party Agencies. The motion passed unanimously.

#### **Exclusivity Rule – Recommendation from the Standards Sub-Committee:**

Due to lack of time this was tabled until the next meeting.

#### **Responsible Party for OMHC Rules - Recommendation from the Standards Sub-Committee:**

Due to lack of time this was tabled until the next meeting.

### **11:00 AM Hearings:**

Evidence was presented by AAG Walter J. McNamara IV. Applicants spoke on their own behalf.

**Action:** A motion was made by Ron Younkin and seconded by Jim Demitrus to go into executive session for the purpose of discussing the matter of applicants. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Billy Phillips, Emory Helmuth and Jim Demitrus. The motion passed unanimously. David Zofko (with exception for Danny Kelly), and Janet Williams were invited to remain in the room.

**Action:** A motion was made by Billy Phillips and seconded by Jim Demitrus to exit executive session for the purpose of discussing the matter of applicants. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Billy Phillips, Emory Helmuth, and Jim Demitrus. The motion passed unanimously.

**Action:** A motion was made by Ron Younkin and seconded by Evan Atkinson to approve Darcy J. Roberts for an Installer's license. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Billy Phillips, Emory Helmuth, and Jim Demitrus. The motion passed unanimously.

**Action:** A motion was made by Billy Phillips and seconded by Emory Helmuth to fine Mark L. Anthony in the amount of \$500 and he is ordered to obtain a permit and bring the home in question into compliance with a licensed installer within 60 days from the date of his letter going out. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Billy Phillips, Emory Helmuth, and Jim Demitrus. The motion passed unanimously.

**Action:** A motion was made by Jim Demitrus and seconded by Billy Phillips to extend the matter with Danny Kelly until the February meeting. The Commission requests from him a list of all homes that his name was listed as the Installer of record that he says he had no part of. A letter will also be sent to Mr. Goodall from Clayton Homes who stated in a public forum he set at least 6 homes in Ohio. The Commission is requesting the names and addresses of the homes that he sat in Ohio after the date of July 1, 2007. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Billy Phillips, Emory Helmuth, and Jim Demitrus. The motion passed unanimously.

**Action:** A motion was made by Ron Younkin and seconded by Billy Phillips to fine Benton O. Williby in the amount of \$500 and it is recommended that in the future he clearly define all inclusions and exclusions in the scope of work that he is completing. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Billy Phillips, Emory Helmuth, and Jim Demitrus. The motion passed unanimously.

### **Lunch Break:**

### **1:00 PM Resumed with Hearings:**

Evidence was presented by AAG Walter J. McNamara IV. Applicants spoke on their own behalf.

**Action:** A motion was made by Evan Atkinson and seconded by Billy Phillips to go into executive session for the purpose of discussing the matter of applicants. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Billy Phillips, Emory Helmuth and Jim Demitrus. The motion passed unanimously. David Zofko and Janet Williams were invited to remain in the room.

**Action:** A motion was made by Billy Phillips and seconded by Jim Demitrus to exit executive session for the purpose of discussing the matter of applicants. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Billy Phillips, Emory Helmuth, and Jim Demitrus. The motion passed unanimously.

**Action:** A motion was made by Evan Atkinson and seconded by Billy Phillips for the Commission staff to follow through with a dispute resolution case in the case against David Marsh. He will be sent a letter stating he has 50 days from the date of the letter to complete all incomplete items on the home in question. Commissioners would like a progress report back at the February meeting and an inspector shall be sent out one week before the 50 days time frame is up to assess to progress of completion. A final report will be given to the Commissioners at the March meeting and the Commissioners reserve the right to impose future sanctions based on his cooperation in this case. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Billy Phillips, Emory Helmuth, and Jim Demitrus. The motion passed unanimously.

**Action:** A motion was made by Billy Phillips and seconded by Evan Atkinson to deny Terry Wicker's request for an Inspector's license at this time because of his lack of experience in inspecting manufactured homes. It was suggested that Mr. Wicker gain experience by shadowing a certified manufactured homes inspector for at least 25 manufactured home inspections. Those inspections will be signed off on by that certified manufactured home inspector. After at least 25 homes, Mr. Wicker may again request a hearing and the Commissioners will take his request under advisement. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Billy Phillips, Emory Helmuth, and Jim Demitrus. The motion passed unanimously.

It was suggested by Billy Phillips that we should be posting our settlement. Perhaps, on the OMHC website.

### **License Ratification:**

Executive Director David Zofko presented a list of two (2) applicants for installer's license that met the requirements for an installer's license.

**Action:** A motion was made by Ron Younkin and seconded by Billy Phillips to approve the two (2) installer applicants listed on the ratification list. The motion passed unanimously.

Executive Director, David Zofko presented a list of two (2) applicants for inspector's certifications that met the requirements for an inspector's license.

**Action:** A motion was made by Jim Demitrus and seconded by Billy Phillips to approve two (2) inspector applicants listed on the ratification list. The motion passed unanimously.

Executive Director, David Zofko presented a list of two (2) applications for a Health Departments that met the requirements for certification.

**Action:** A motion was made by Billy Phillips and seconded by Jim Demitrus to approve two (2) Health Departments listed on the ratification list. The motion passed unanimously.

### **New Business:**

AAG, Walter J. McNamara asked the Commissioners how they would like to handle future hearings and settlements. Commissioners stated they would like staff to work with the AAG to settle cases, when no agreement can be reached it should be brought to the Commissioners attention.

**Action:** A motion was made by Ron Younkin and seconded by Evan Atkinson to go into executive session for the purpose of discussing potential litigation. Roll call vote, voting Aye: Dan Rolfes ,Ron Younkin, Evan Atkinson, Billy Phillips, and Jim Demitrus. The motion passed unanimously. David Zofko and Janet Williams were invited to remain in the room.

**Action:** A motion was made by Billy Phillips and seconded by Jim Demitrus to exit executive session for the purpose of discussing potential litigation. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Billy Phillips, and Jim Demitrus. The motion passed unanimously.

### **Additional Staff/ Budget Increase/ Office Space:**

Office space was discussed by Executive Director, David Zofko. He felt we would probably remain at the current location. Assistant Executive Director Janet Williams stated that we are still waiting for the comparisons that are to be provided by State Real Estate. They are comparing the current location with a property about a block east of the current location. Staying at the current location would be about 1117 sq ft of office space with the use of the current conference space. Moving to the other location there would be just under 2700 sq. ft. which would include a conference space in the square footage. Current location we would have seven offices and the other location would have about nine. Cost would be about the same at both locations. It would be most convenient to remain at the current location, but the other location would most likely be able to accommodate future growth with the possibility of taking on the Parks from ODH. The decision will really come down to if staying at the current location keeps OMHC under the radar for staying in Dublin. If it doesn't matter, the other location makes the most sense, even though it will involve moving.

**Action:** A motion was made by Billy Phillips and seconded by Evan Atkinson to go into executive session for the purpose of personnel matters; to consider the employment, dismissal, discipline, demotion or compensation of an employee pursuant to RC 121.22(G)(1). Roll call vote, voting Aye: Dan Rolfes ,Ron Younkin, Evan Atkinson, Billy Phillips, and Jim Demitrus. The motion passed unanimously.

**Action:** A motion was made by Ron Younkin and seconded by Billy Phillips to exit executive session for the purpose of personnel matters; to consider the employment, dismissal, discipline, demotion or compensation of an employee pursuant to RC 121.22(G)(1). Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Billy Phillips, and Jim Demitrus. The motion passed unanimously.

**Action:** A motion was made by Evan Atkinson and seconded by Jim Demitrus to approve increases as recommended for Janet Williams and Mavis Giska based on their new job titles and increased job responsibilities. Commissioners stated they would like to wait until they had a full Board to discuss any recommendations for David Zofko. The motion passed unanimously.

**Adjournment:**

**Action:** A motion was made by Jim Demitrus and seconded by Ron Younkin at 2:30 pm to adjourn. The motion passed unanimously.

Minutes respectfully submitted and certified by Interim Executive Director, Janet M. Williams

---

**Janet M. Williams**  
Interim Executive Director  
Ohio Manufactured Homes Commission

---

**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**  
**March 17, 2010**  
**10:00 AM**  
**5650 Blazer Parkway**  
**Dublin, Ohio 43017**

**Members Present**

Evan J. Atkinson  
Jim Demitrus  
William Laubacher  
Chris Miller  
Dan Rolfes, Chair  
Ron Younkin, Vice Chair

**Commission Staff**

Janet M. Williams, Interim Executive Director  
Mavis Giska, Licensing Supervisor  
Dave Long, Inspector/Investigator

**Legal Counsel**

Walter McNamara, AAG

**Members Absent**

Roger Suppes  
Emory Helmuth

**Guests**

Andrea Reichman, OMHA  
Billy Phillips  
Warren Connolly, OCIB  
Bill Geniella, AMHRO  
Tim Williams, OMHA  
Mike Rudey, Wood County

**Call to Order**

The meeting was called to order at 10:10 AM by Chair, Dan Rolfes.

**Swearing In:**

Congratulations to Ron Younkin for his re-appointment as Commissioner. Ron serves as a Park Operator representative to the Commission.

**Roll Call:**

All Commission members were present with the exception of Roger Suppes and Emory Helmuth.

**Approval of the Minutes:**

**Action:** A motion was made by Ron Younkin to approve the minutes from the February 17, 2010 meeting. The motion was seconded by Jim Demitrus. The motion passed unanimously.

**Public Comment:**

Warren Connolly from Ohio Certified Inspection Bureau spoke on the exclusivity issue. Chair, Dan Rolfes stated that the issue would be discussed at a future meeting.

**Interim Executive Director's Report:**

**Update on BMV Rules:**

Finalized Rules that were approved by the BMV Rules Committee were submitted for approval. Interim Executive Director, Janet Williams pointed out that the Commission may want to change some of the language on page 24, which talks about the Manufactured Housing Dealer business establishment. In (F) towards the bottom, the Commission chose to remove the word three. Also, on page 14, 4781:11-09, Manufactured Housing Dealer Net Worth and Bond Requirement, the Commission chose to change the bonding amount from ten thousand to twenty-five thousand.

**Action:** A motion was made by Jim Demitrus and seconded by Chris Miller to accept the Rules that were finalized by the BMV Committee to included the above two stated exceptions. The motion passed unanimously.

**Budget Report – Enforcement Focus:**

Interim Executive Director, Janet Williams submitted the following OMHC Financial Summary:

Fiscal Year 2010 Budgeted Amount	\$ 400,000.00
Additional Appropriations	<u>320,825.00</u>
Total 2010 Budget	\$ 720,825.00

Expenses to date	<u>\$ 262,020.88</u>
------------------	----------------------

Available Budget	\$ 458,804.12
------------------	---------------

**Revenues**

Fiscal Year 2009	\$ 303,804.00
------------------	---------------

First 9 months of Fiscal Year 2010	\$ 162,176.72
------------------------------------	---------------

**Seals**

Fiscal Year 2008 Total	1512
------------------------	------

Fiscal Year 2009 Total	2922
------------------------	------

First 9 months of Fiscal Year 2010	1772
------------------------------------	------

Also submitted was an OMHC Revenues and Expenses sheet from 2005 to the present:

	Actual	Actual	Actual	Actual	Actual	Estimated	Estimated
	FY 05	FY 06	FY 07	FY 08	FY 09	FY10	FY 11
Revenue	\$ 63	\$ 1,302	\$ 90,998	\$ 155,252	\$ 303,804	\$ 325,000	\$ 680,000
Appropriation	\$ 218,330	\$ 257,500	\$ 412,000	\$ 418,122	\$ 434,671	\$ 720,825	\$ 742,100
Expenses	\$ 67,542	\$ 202,903	\$337,604	\$ 362,721	\$ 380,254	\$ 570,625	\$ 702,000
Un-used Appropriation	\$ 150,788	\$ 54,597	\$ 74,396	\$ 55,401	\$ 54,417	\$ 150,200	\$ 40,100
Seals Sold				1,512	2,922	3,000	4,500

Mavis Giska from the OMHC staff gave a report on the Seal Reporting Data. Basically, stating that it appears because of the data that permits in parks are lagging behind significantly.

Because of the lacking revenues, an Enforcement Efforts plan was submitted. The plan involved sending letters to all park owners reiterating the OMHC permit requirements and referring them to the OMHC website for contact information to obtain permits. The letter would also state that the OMHC began enforcing laws in July 2007, if park owners had knowledge of homes set in their parks after July 2007 who did not obtain permits, they should instruct their homeowners to pull a permit and have the proper inspections within 60 days of the date of the letter. Failure to do so could cause additional fees of up to 1 ½ times the permit fees plus a \$50 fee to the Commission after the 60 day grace period.

Commission staff will also work with OMHA and AMHRO to get updates and information in their newsletters.

The biggest push will be to get and keep parks informed, so that they are complying with all permitting.

### **Update – Office Space:**

Janet Williams reported that an agreement for new office space was reached. At the lessees expense they will remove the back wall of the conference space to make it larger, also at their expense they will put a sink in the conference space. At their expense they will replace all carpet in the conference space, clean all the rest of the carpeting and repaint the entire space. The rate will be \$13.00 per square foot and will include the cost of the janitorial services. The rate increase will be 3% for the next biennials, for an increase of only 1 ½ % per year. The lease will begin on May 1, 2010. Staff will have access to the new space for moving on April 29 and 30.

### **Case against David Marsh:**

In the case against David Marsh, he was given 50 days to complete the set of the home. Dave Long from the OMHC staff spent 40 hours overseeing at an expense to the Commission of his time and \$408.00 for reimbursement of mileage expenses. The job has been completed and has had a final seal placed.

### **Case against Danny Kelly:**

Danny Kelly supplied to the Commission a list of the homes he said he did not set that had his name on them.

**Action:** A motion was made by Bill Laubacher and seconded by Jim Demitrus to drop the charges against Danny Kelly. The motion passed unanimously.

### **Case against Kirk Lombardi:**

Case will be discussed at a later date.

### **Case against Mark Anthony:**

Case will be discussed at a later date.

### **Commission Requests:**

Commissioners requested an update from Dave Long on the Elsea case.



## **HB 186, Buchanan Letters, OMHA, OMHC Responses:**

James Buchanan from South East Ohio Legal Services had sent his comments regarding HB 186, OMHA responded to his comments. He also requested copies of all mediation or arbitration decisions reached during 2009. Interim Executive Director, Janet Williams responded that there were no cases that were referred to mediation and arbitration. She also stated, OMHC does have a dispute resolution program, but through that program there are no “decisions” reached. OMHC works with consumers, manufacturer’s, retailers, and installers to come agreements on whose responsibility it is to complete work. The work is completed in a timely fashion and the dispute resolution case is closed.

### **Staffing Update:**

Janet Williams was happy to report that Debbie Beaty started Monday, May 15 as a Licensing Specialist. She was able to jump right in and assist Mavis with Licensing, freeing her up to help with the many tasks we have going with the BMV. She was also very good with the phones. Janet hopes to review the Fiscal applications yet this week and interview next week. She pulled a number of applications from the licensing and fiscal applications that we received that she feels could be very qualified for the administrative position that is available. Janet applied for a card that would enable OMHC to go to State Surplus and purchase furniture supplies at greatly reduced costs, desks, chairs, conference room furniture, etc.

### **License Ratification:**

Interim Executive Director, Janet Williams presented a list of four (4) applicants for inspector’s certifications that met the requirements for an inspector’s license.

**Action:** A motion was made by Ron Younkin and seconded by Bill Laubacher to approve four (4) inspector applicants listed on the ratification list. The motion passed unanimously.

Interim Executive Director, Janet Williams presented a list of two (2) applications for a Health Department that met the requirements for certification.

**Action:** A motion was made by Jim Demitrus and seconded by Bill Laubacher to approve two (1) Health Departments listed on the ratification list. The motion passed unanimously.

Interim Executive Director, Janet Williams presented a list of one (1) application for a Third Party Agency that met the requirements for certification.

**Action:** A motion was made by Bill Laubacher and seconded by Jim Demitrus to approve one (1) Third Party Agency listed on the ratification list. The motion passed unanimously.

Interim Executive Director, Janet Williams presented a list of one (1) application for an Installer that met the requirements for licensure.

**Action:** A motion was made by Ron Younkin and seconded by Jim Demitrus to approve one (1) Installer listed on the ratification list. The motion passed unanimously.

### **New Business:**

Commissioners asked that Dave Long take the issue of using ABS/PVC glues together to the Standards Committee for their review.

**Executive Session: Personnel Matters; to consider the employment, dismissal, discipline, demotion or compensation of an employee pursuant to RC 121.22(G)(1)**

**Action:** A motion was made by Ron Younkin and seconded by Bill Laubacher to go into executive session for the purpose of personnel matters; to consider the employment, dismissal, discipline, demotion or compensation of an employee pursuant to RC 121.22(G)(1). Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Chris Miller, Bill Laubacher and Jim Demitrus. The motion passed unanimously.

**Action:** A motion was made by Ron Younkin and seconded by Evan Atkinson to exit executive session for the purpose of personnel matters; to consider the employment, dismissal, discipline, demotion or compensation of an employee pursuant to RC 121.22(G)(1). Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Chris Miller, Bill Laubacher and Jim Demitrus. The motion passed unanimously.

**Adjournment:**

**Action:** A motion was made by Ron Younkin and seconded by Jim Demitrus at 3:00 pm to adjourn. The motion passed unanimously.

Minutes respectfully submitted and certified by Interim Executive Director, Janet M. Williams

---

**Janet M. Williams**  
Interim Executive Director  
Ohio Manufactured Homes Commission

---

**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**  
**May 19, 2010**  
**10:00 AM**  
**5100 Parkcenter Avenue, Suite 103**  
**Dublin, Ohio 43017**

**Members Present**

Evan J. Atkinson  
Jim Demitrus  
Emory Helmuth  
William Laubacher  
Chris Miller  
Dan Rolfes, Chair  
Ron Younkin, Vice Chair

**Commission Staff**

Janet M. Williams, Interim Executive Director  
Mavis Giska, Licensing Supervisor  
Dave Long, Inspector/Investigator

**Legal Counsel**

Walter McNamara, AAG

**Members Absent**

**Guests**

Andrea Reichman, OMHA  
Tim Williams, OMHA  
Warren Connolly, OCIB  
Bill Geniella, AMHRO  
Vic Olszewski, Union County  
Mike Rudey, Wood County  
Troy Warnock, Licking County  
LeeAnn Hoon, ODH

**Public Hearing 10:00 AM:**

A public hearing was held to hear any comments with regard to the new proposed Dealer, Broker and Salespersons Rules that will take effect on July 1, 2010. There were no comments to be heard. Public hearing ended at 10:10AM.

**Call to Order**

The meeting was called to order at 10:15 AM by Chair, Dan Rolfes.

**Roll Call:**

All current Commission members were present.

**Approval of the Minutes:**

**Action:** A motion was made by Evan Atkinson to approve the minutes from the May 17, 2010 meeting. The motion was seconded by Ron Younkin. The motion passed unanimously.

### **Public Comment:**

Bill Geniella, President of Association of Manufactured Home Residents in Ohio (AMHRO) spoke with regard to the vacancies that exist on the Board. He wanted to see that the vacant Ohio Department of Health seat as well as the Board of Building Standards seat be filled as soon as possible. He also stated that Interim Executive Director, Janet Williams was doing a great job, had the necessary experience and wanted the Board to consider her for the Executive Director position.

It was stated that if HB 186 goes through, the Board Representative could be from a local health district with a non voting member being kept on from the Ohio Department of Health for eight months.

### **Interim Executive Director's Report:**

#### **Roger Suppes Resignation Notice:**

A resignation letter was submitted by Commissioner Roger Suppes. Roger's term expired on December 31, 2009, he remained as a Commissioner until March 1, 2010. Interim Executive Janet Williams requested three times for a replacement and stated she would be making a call to Gene Phillips at the Ohio Department of Health with regard to a replacement.

#### **Exclusivity Issue:**

A recommendation was presented by Interim Executive Director, Janet Williams of how the issue of exclusivity could be handled so that it is fair for all parties involved. This is an issue that is very much impacting the OMHC daily. Also discussed were all the different scenarios of inspections currently. Assistant Attorney General Walter McNamara was asked to look over the various contracts currently in place and make sure that all jurisdictions are covered for liability going outside of their own jurisdictions to inspect. The discussion of exclusivity will be continued to the next meeting. The Commission did rule on one aspect as follows:

**Action:** A motion was made by Ron Younkin and seconded by Jim Demitrus that Building Departments do not have exclusive rights to inspect in parks. The motion passed unanimously.

#### **Update on BMV Rules:**

Finalized Rules will go to a JCARR Hearing to be held on June 1, 2010.

OMHC Staff mailed out letters to all dealers, brokers and salesperson introducing the Commission as well as important information regarding OMHC taking over authority from the BMV. Staff has been fielding many calls as a result of the memo.

There will be a final "data dump" on all data transfers from the BMV to OMHC at 5:00 PM on June 30, 2010.

There was a discussion on the VIN # inspections. It was decided that staff would meeting with the BMV attorneys to discuss the issue on how the BMV wants to proceed. It was stated that OMHC has no statutory authority to do the VIN # inspections.

### **Enforcement Focus Update:**

At the March Commission meeting Mavis and Janet submitted an enforcement plan of ideas to increase enforcement efforts. Interim Executive Director, Janet Williams reported that in April a letter went out to all manufactured home parks in the state. It was a massive undertaking to get all the addresses of the parks as no such mailing list has been available in the past. Debbie Beaty of the OMHC staff spent weeks making calls and talking to park owners. We currently have correct mailing addresses for approximately 1400 of the 1888 parks in Ohio and we continue to work on getting the rest. The letter that was sent out was to make sure ALL parks were on board and getting the required inspections. Staff received some reports from inspection agencies stating that it appears they are getting calls from parks that they have never dealt with before.....so we believe the letter has been effective and will continue to be effective.

Staff also continues to work with OMHC and AMHRO to place information in their newsletters.

### **Update – Office Space:**

Interim Executive Director, Janet Williams reported, as you can see OMHC has made it to our new office. It was a collective staff effort and a monumental one at that. Working within the State system is very difficult, getting approvals for phone systems, internet, furniture, the rental space, movers, etc. She also stated conference room tables should be in the first week of June. Staff was still experiencing some issues with the phones and will continue to work them out.

### **Issue of PVC/ABS Pipes:**

Dave Long from the OMHC staff presented a memorandum on the connection of ABS to PVC piping. After reviewing the memo, the Commissioners asked that Dave send a letter to the Institute for Building Technology and Safety (IBTS) to consider the ASTM-D2564 specifications for solvents in the connection of ABS and PVC which prohibits the connection of these materials within a dwelling.

### **Update of Elsea Case:**

Dave Long presented final numbers on the Rodney Hemming/Elsea final approvals. Of the 196 homes listed on the seal report, 171 have been final approved, 8 of the 196 have been listed as abandoned. They have 8 that are open and have not gone beyond 180 days. They have 9 permits beyond 180 days for which they submitted a report to explain those 9. We are very happy with this situation.

### **Settlement Case against Kirk Lombardi:**

Interim Executive Director, Janet Williams agreed to a settlement of \$200 for Kirk Lombardi for his offense of setting a home without first securing a permit. The settlement was contingent upon him getting the necessary permit. At the time of the meeting he had secured the permit.

### **Settlement Case against Tony Callahan:**

Interim Executive Director, Janet Williams agreed to a settlement of \$300 for Tony Callahan's offense of going past 180 days. This is the second offense against him in less than a year, the first offense being setting a home without first securing a permit. Mr. Callahan had a conversation with Assistant Attorney General Walter McNamara and stated he had issues with the 180 day rule, but now understands its' purpose and has agreed to do business in a different manner going forward, including the use of written agreements with homeowners to specifically spell out the obligations and duties of both parties, which was part of the issue. Walter warned him the Commission would be unlikely to settle again on any future infraction and that he would be facing serious sanctions on future violations.

Walter and Janet felt the Commission needs to develop a policy regarding multiple infractions over a period of time. The policy need to be consistent. Walter agreed to put together a rough outline of a “discipline matrix” based on other client’s efforts.

### **Relocation Notices:**

Dave Long stated he had received relocation notices from three (3) counties, Tuscarawas, Stark and Columbiana. When he receives the notices he compares them to the OMHC seal report. If he finds no permit has been issued he sends a letter to the homeowner stating they are illegally occupying their home and they must secure the necessary permits and get inspections. Dave states there is about a 70% success rate at getting permits.

### **Staffing Update:**

Janet Williams was happy to report that OMHC has hired another employee, Julie West as an Administrative Assistant. Julie brings a wealth of experience, she also studying to become a paralegal. We should be able to send her to class to learn the JCARR system for future Rule writing. We are very happy to have her on board.

The week prior to the Board meeting, Interim Executive Director, Janet Williams asked Central Service Agency (CSA) downtown to post for the Inspector/Investigator as well as re-post for the fiscal position. The postings will start May 19 and run for 2 weeks.

### **License Ratification:**

Interim Executive Director, Janet Williams presented a list of eight (8) applicants for inspector’s certifications that met the requirements for an inspector’s license.

**Action:** A motion was made by Ron Younkin and seconded by Bill Laubacher to approve eight (8) inspector applicants listed on the ratification list. The motion passed unanimously.

Interim Executive Director, Janet Williams presented a list of three (3) applications for Health Departments that met the requirements for certification.

**Action:** A motion was made by Bill Laubacher and seconded by Jim Demitrus to approve three (3) Health Departments listed on the ratification list. The motion passed unanimously.

Interim Executive Director, Janet Williams presented a list of two (2) application for Building Departments that met the requirements for certification.

**Action:** A motion was made by Jim Demitrus and seconded Emory Helmuth by to approve two (2) Building Departments listed on the ratification list. The motion passed unanimously.

### **New Business:**

In the packets was a Mandatory Late Permit. Per Rule 4781-9-09(Q)(2) any person failing to get a permit prior to setting a home shall pay the Commission a \$50 Late Fee. Dave Long will forward this memo to all inspection agencies.

**Executive Session: Personnel Matters; to consider the employment, dismissal, discipline, demotion or compensation of an employee pursuant to RC 121.22(G)(1)**

**Action:** A motion was made by Ron Younkin and seconded by Jim Demitrus to go into executive session for the purpose of personnel matters; to consider the employment, dismissal, discipline, demotion or compensation of an employee pursuant to RC 121.22(G)(1). Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Chris Miller, Bill Laubacher, Emory Helmuth and Jim Demitrus. The motion passed unanimously.

**Action:** A motion was made by Ron Younkin and seconded by Jim Demitrus to exit executive session for the purpose of personnel matters; to consider the employment, dismissal, discipline, demotion or compensation of an employee pursuant to RC 121.22(G)(1). Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Chris Miller, Bill Laubacher, Emory Helmuth and Jim Demitrus. The motion passed unanimously.

**Adjournment:**

**Action:** A motion was made by Chris Miller and seconded by Jim Demitrus at 3:00 pm to adjourn. The motion passed unanimously.

Minutes respectfully submitted and certified by Interim Executive Director, Janet M. Williams

---

**Janet M. Williams**  
Interim Executive Director  
Ohio Manufactured Homes Commission

---

**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**  
**June 16, 2010**  
**10:00 AM**  
**5100 Parkcenter Avenue, Suite 103**  
**Dublin, Ohio 43017**

**Members Present**

Evan J. Atkinson  
Jim Demitrus  
Regina Hanshaw  
Chris Miller  
Dan Rolfes, Chair  
Ron Younkin, Vice Chair

**Commission Staff**

Janet M. Williams, Interim Executive Director  
Mavis Giska, Licensing Supervisor  
Dave Long, Inspector/Investigator

**Legal Counsel**

Walter McNamara, AAG

**Members Absent**

Emory Helmuth  
William Laubacher

**Guests**

Andrea Reichman, OMHA  
Tim Williams, OMHA  
Warren Connolly, OCIB  
Bill Geniella, AMHRO  
Rodney Hemming, Elsea

**Call to Order**

The meeting was called to order at 10:00 AM by Chair, Dan Rolfes.

**Swearing In:**

AAG, Walter McNamara performed in swearing in ceremony for new Commissioner, Regina Hanshaw. Regina is the new representative from the Board of Building Standards. We are very pleased to have Regina on the Board.

**Roll Call:**

All Commissioners were present with the exception of Emory Helmuth and Bill Laubacher.

**Approval of the Minutes:**

**Action:** A motion was made by Evan Atkinson to approve the minutes from the May 17, 2010 meeting. The motion was seconded by Ron Younkin. The motion passed with Regina Hanshaw abstaining.



### **Public Comment:**

Bill Geniella, President of Association of Manufactured Home Residents in Ohio (AMHRO) stated he had received calls on illegal sets in "The Fountains". It was referred to a committee and he will get back with us on further information.

Tim Williams, Executive Vice-President of the Ohio Manufactured Homes Association stated that his Board passed a resolution that exclusive jurisdiction should NOT be given to ANY jurisdiction. He asked that our Board consider their Boards position.

Warren Connolly from Ohio Certified Inspection Bureau, a third party agency brought up that you do not need plastic down with concrete, vented skirting or vents per 4781-6-02.2(D)(1).

### **Interim Executive Director's Report:**

#### **Report of Inspection Fees:**

Mavis from the OMHC staff gave a report on the data that was collected from the various inspections agencies with regard to their fees. She stated the data was difficult to compile with the different fees that agencies were charging. It appeared over all that the fees were lower using building departments and health departments than using a third party agency. It was also noted, Ashtabula did something very interesting. They charged a refundable deposit. The deposit was returned when the final inspection was completed. It was also brought up that some building departments were charging a 1% fee. It was determined that that fee was only to be charged on stick built homes and not on manufactured homes. That 1% fee is being returned to the Board of Building standards, and has nothing to do with manufactured homes.

#### **Exclusivity Issue:**

At last month's Commission meeting by motion the Board voted to not give exclusive rights to building departments inspecting in parks. After sending out a memo to all inspection agencies regarding the issue of who can inspection in parks, there was very little response, staff received only two calls.

Also at last months meeting the Commissioners asked AAG Walter McNamara to look at the various contracts that inspection agencies have with other inspection agencies to make sure there is liability coverage. Walter reported that contracts between agencies did not show liability coverage, but if there were any issues, consumers could go after either agency for damages.

Some questions came up regarding plumbing inspections and jurisdictions to do plumbing inspections. Walter McNamara stated him would meet with Tim Williams and Rex Littrell who wrote the SB 102 law for some clarification on who had authority. AAG Walter McNamara also stated by the next meeting he would draft Rules.

#### **Update on BMV Rules:**

Finalized Rules will be filed on June 18, 2010.

There will be a final "data dump" on all data transfers from the BMV to OMHC at 5:00 PM on June 30, 2010. It was noted that e-licensing is running behind and is missing some data, staff may have to input salespersons manually.

There was a discussion regarding the VIN # inspections. Interim Executive Director Janet Williams and Licensing Supervisor Mavis Giska met with a BMV attorney, inspector and Kathy Corrigan to discuss the issue on how the BMV wants to proceed. It was stated that both OMHC and the BVM have no statutory authority to do the VIN # inspections. It was stated by the inspector, that in 43 years the BMV has never had a issue with any fraudulent act regarding used homes being brought into the state and the inspections of those homes. The attorney with BMV stated that if they had kept authority of manufactured homes they would have no longer required the VIN# inspection. There was a recommendation from the BMV Committee to no longer require the VIN# inspection and the Commission concurred. Staff will notify the BMV so that they can in turn notify the titling agencies of the change in the requirement of the VIN# inspection.

### **Enforcement Focus Update:**

Interim Executive Director Janet Williams reported that staff is continuing to work at completing the manufactured home parks mailing list. We currently have accurate addresses for 1475 out of the 1864 parks in the state. In order for OMHC staff to be able to monitor that all persons are getting permits in parks, we will be sending out a memo requesting that all health districts notify us of all persons moving in and out of parks in their jurisdiction. This way staff can check their list against our seal report. This will be just another way to keep tabs on sets in parks.

### **ISSUE – Clearance Under a Home:**

The new Rules that became effective on January 1, 2010 , 4781-6-02.3(E)(1) states, A minimum clearance of twelve inches shall be maintained between the lowest member of the main frame (I-beam or channel beam) and the grade under all areas of the home. On the Rule the 25% part was struck, as well as (2) the minimum clearance of 8” shall be maintained between the bottom of the lowest wood framing member and the exterior grade. Installer, Tim Apel requested that maybe the Commission could modify the Rule. The issue was referred to the Standards Committee for their review.

Inspector/Investigator, Dave Long prepared a listing of Rules that nee some attention. The list was also referred to the Standards Committee for their review. Dave stated he planned to have a Committee meeting in the next month to discuss these issues.

### **Update – Office Space:**

Interim Executive Director, Janet Williams reported, as you can see OMHC has finally received our new tables. She also reported that we received 286 applications for the fiscal position. They have been narrowed down to 25. She will be weeding through those 25 and interviewing perhaps 5 persons. Also, the other position posted was the Inspector/Investigator position. Initially OMHC received 85 applications, after reviewing them and finding that most applications were from persons currently employed in the prison systems, mainly doing investigative work. Janet Williams felt OMHC really needed someone with manufactured home experience. She re-posted the position for another week and sent out notices to all inspection agencies we currently certify, the notice was also sent out through OMHA to their members. Janet received another 50 or so applications, she plans to narrow down the field of applicants and interview. With regard to the Executive Director position Janet was asked at the last meeting to re-write the position description and post the position. She rewrote the position description, emailed it to the Chair and the HR Committee Chair for their approval. The HR Chair stated it looked OK to him and Chair Dan Rolfes stated he would like to go into Executive Session. After the position is approved by the Commission it must be approved by DAS downtown. After the DAS approval , the position can then be posted. The position will be posted for 2 weeks.

### **Update on Vacant Commissioner's seat:**

Regina Hanshaw was sworn in today as a Commissioner representing the Board of Building Standards. Interim Executive Director, Janet Williams spoke with Andrew Fries from the Governor's office several times with regard to OMHC's other appointment, the Ohio Department of Health. Andrew stated that he would be contacting ODH directly to see who will fill their vacant seat.

### **Settlement Case against Kirk Lombardi:**

Interim Executive Director, Janet Williams agreed to a settlement of \$200 for Kirk Lombardi for his offense of setting a home without first securing a permit. The home has now been set, permitted and the final seal was placed. OMHC has received the \$200 settlement fee from Kirk Lombardi.

### **Settlement Case against Tony Callahan:**

Interim Executive Director, Janet Williams agreed to a settlement of \$300 for Tony Callahan's offense of going past 180 days. This is the second offense against him in less than a year, the first offense being setting a home without first securing a permit. AAG Walter McNamara stated he had recently sent out the settlement letter.

### **Misc.:**

All installers have been notified several times about their permits only being valid for 180 days. Dave Long is reviewing the seal report and OMHC will be sending out violation notices to installers and bringing them in for hearings.

### **License Ratification:**

Interim Executive Director, Janet Williams presented a list of one (1) applicant for inspector's certifications that met the requirements for an inspector's license.

**Action:** A motion was made by Evan Atkinson and seconded by Jim Demitrus to approve one (1) inspector applicant listed on the ratification list. The motion passed unanimously.

### **Approval of FY11 Commission Meeting Schedule:**

Interim Executive Director Janet Williams projected out all of the Commission meetings for fiscal year 2011. As usual the meetings are scheduled for the third Wednesday of every month. Janet stated she would love to get to the point where Commission is not meeting monthly, but with the Commission constantly taking on new authority she is afraid we will still be meeting monthly for a while.

**Action:** A motion was made by Chris Miller and seconded by Jim Demitrus to accept the dates that were presented for FY11 Commission Meetings. The motion passed unanimously.

### **New Business:**

In the packets was a Mandatory Late Permit. Per Rule 4781-9-09(Q)(2) any person failing to get a permit prior to setting a home shall pay the Commission a \$50 Late Fee. Dave Long will forward this memo to all inspection agencies.

**Executive Session: Personnel Matters; to consider the employment, dismissal, discipline, demotion or compensation of an employee pursuant to RC 121.22(G)(1)**

**Action:** A motion was made by Ron Younkin and seconded by Jim Demitrus to go into executive session for the purpose of personnel matters; to consider the employment, dismissal, discipline, demotion or compensation of an employee pursuant to RC 121.22(G)(1). Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Chris Miller, Regina Hanshaw, and Jim Demitrus. The motion passed unanimously.

**Action:** A motion was made by Ron Younkin and seconded by Jim Demitrus to exit executive session for the purpose of personnel matters; to consider the employment, dismissal, discipline, demotion or compensation of an employee pursuant to RC 121.22(G)(1). Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Chris Miller, Regina Hanshaw and Jim Demitrus. The motion passed unanimously.

**Adjournment:**

**Action:** A motion was made by Chris Miller and seconded by Jim Demitrus at 3:00 pm to adjourn. The motion passed unanimously.

Minutes respectfully submitted and certified by Interim Executive Director, Janet M. Williams

---

**Janet M. Williams**  
Interim Executive Director  
Ohio Manufactured Homes Commission

---

**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**  
**July 21, 2010**  
**10:00 AM**  
**5100 Parkcenter Avenue, Suite 103**  
**Dublin, Ohio 43017**

**Members Present**

Emory Helmuth  
Jim Demitrus  
Regina Hanshaw  
Chris Miller  
Dan Rolfes, Chair  
Ron Younkin, Vice Chair

**Commission Staff**

Janet M. Williams, Interim Executive Director  
Mavis Giska, Licensing Supervisor  
Dave Long, Inspector/Investigator

**Legal Counsel**

Walter McNamara, AAG

**Members Absent**

Evan J. Atkinson  
William Laubacher

**Guests**

Bill Geniella, AMHRO  
Tim Williams, OMHA  
Warren Connolly, OCIB  
James Berry, Brown County Bldg. Dept.  
Mary Sampsel, Union County Bldg. Dept.  
Keith Putnam, Ross County Bldg. Dept.  
Mike Rudey, Wood County Bldg. Dept.  
JD Jones, City of Cambridge  
Kim Haight, City of Cambridge  
Troy Warnock, COCOA/Licking County Bldg. Dept.  
Allyn Sheldon, Pickaway County Bldg. Dept.  
Tim Wakely, Union County  
Duane Matlock, Delaware County  
Bill Johnson, Delaware County

**Call to Order**

The meeting was called to order at 10:00 AM by Chair, Dan Rolfes.

**Roll Call:**

All Commissioners were present with the exception of Evan Atkinson and Bill Laubacher.

**Approval of the Minutes:**

**Action:** A motion was made by Ron Younkin to approve the minutes from the June 16, 2010 meeting. The motion was seconded by Regina Hanshaw. The motion passed unanimously.

## **Public Comment:**

Bill Geniella, President of Association of Manufactured Home Residents in Ohio (AMHRO) stated he had received calls on illegal sets in “The Fountains” and “The Sands” in the Port Clinton area. He wanted to thank Dave Long for his efforts. He asked us to investigate and that we should site the community owners. He also stated that all authority lies with this Commission and he would hate to see it given away. He also stated all funds lay with the Commission.

Tim Williams, Executive Vice-President of the Ohio Manufactured Homes Association stated that with regard to exclusivity, everyone’s concerns can be easily addressed. He stated the Commission has all authority with installation matters and it pre-empts all others. No County Commissioners can give exclusive authority. No department has the authority to charge extra fees for plumbing, etc.

JD Jones, City of Cambridge, Guernsey County, did not understand why their Department was not being approved to inspect in Guernsey County. Staff stated that until the issue of exclusivity was determined we were on hold to go outside their own jurisdiction.

Kim Haight, City of Cambridge, Guernsey County stated they had lost three jobs because of the exclusivity issue not being resolved.

Mary Sampsel, Union County Building Department, spoke with regard to exclusivity in parks. She felt if they took the time to stop and tell someone they needed to get a permit, that they would then go to someone else to get the permit.

Mike Rudey, Wood County, OBOA spoke about exclusivity in parks and OBOA position on exclusivity.

Allyn Sheldon, Pickaway County Building Department felt that BBS would not allow third party agencies to go into building department areas. He also spoke on flood plains and felt that the flood plain jurisdiction should go to the flood plain administrators.

Troy Warnock, COCOA, Licking County Building Department stated that no one is questioning that the Commission has the authority over installations, but asked the Commissioners to take into consideration that the Counties should have their exclusive rights.

Keith Putham, Ross County Building Department also spoke on flood plain related issues and how far above grade you can set.

## **Interim Executive Director’s Report:**

### **Report of Inspection Fees:**

Mavis from the OMHC staff gave a report on the data that was collected from the various inspections agencies with regard to their fees. She stated the data was difficult to compile with the different fees that agencies were charging. Added to the report from the previous month were departments who were charging additional fees, (ex. plumbing).

### **Exclusivity Issue:**

It was reiterated that the Commission has sole jurisdiction of all installation of manufactured homes in Ohio and the Federal and State laws clearly pre-empt any others. It was stated that the Commission appreciated all the comments that were heard and would take them under advisement and would soon issue a ruling.

## **Update on BMV Rules:**

- VIN # Inspections – As of September 1, 2010 there will no longer be a requirement of a VIN# inspection. The BMV will be notifying all titling agencies of this change.
- Proposed Polices – AAG, Walter McNamara worked with staff to draft some policy changes with regard to the BMV takeover items. Commissioner, Regina Hanshaw stated that in the future, she would like to have draft policy changes in advance of the Commission meetings. The following language was asked to be accepted as policy:

### OAC 4781-11-17(D)

Upon survey of the manufactured housing dealer industry, the Commission hereby finds that the rule requiring manufactured housing dealers located in manufactured home parks to maintain a 3,500 sq. ft lot, located in OAC 4781-11-17(D), does not practically serve the needs of the dealers or industry standards. Therefore, the Commission hereby creates a waiver of OAC 4781-11-17(D) for all applicants for manufactured housing dealer licenses. Until such time as the Commission has an opportunity to effectively modify OAC 4781-11-17(D), the Commission retains the right to grant a manufactured housing dealer license to any applicant that does not strictly meet the current square footage requirement found in OAC 4781-11-17(D) for dealers in manufactured home parks. This temporary policy does not relieve applicants for a manufactured housing dealer license of any other license requirement located in the Ohio Revised Code or the Ohio Administrative Code.

### OAC 4781-11-17(H)

Pursuant to OAC 4781-11-17(H), a manufactured housing dealer must maintain an office open to the public at least thirty (30) hours per week, which shall be staffed at all posted open hours by an owner, partner, officer or licensed salesperson. The Commission hereby clarifies this rule to practically serve the industry standards for manufactured housing dealers located in manufactured home parks. During the required thirty (30) hours of posted consumer service times, an owner, partner, officer or licensed salesperson may be away from the manufactured housing dealer office if readily identifiable contact information for the owner, partner, officer or licensed salesperson is posted to the exterior of the office. This posted contact information must include a telephone number marked in a conspicuous manner allowing a consumer to contact the office staffer for assistance. The office staffer, if absent from the office, must then be able to promptly return to the office to assist the consumer. Furthermore, while a manufactured housing dealer may not use a personal residence as an office, a model home located on the manufactured housing dealer's lot or site may be used as an office provided all other requirements under the Ohio Revised Code and Ohio Administrative Code are met.

### OAC 4781-11-09

Pursuant to OAC 4781-11-09, specifically the \$25,000 bond requirement for manufactured housing dealers, new applicants for a manufactured housing dealer shall be required to post the \$25,000 bond. The Commission shall not require the \$25,000 bond for manufactured home dealers renewing their license until March 31, 2011.

**Action:** A motion was made by Jim Demitrus and seconded by Ron Younkin to accept the AGG and staff drafted policies with regard to the BMV. The motion passed unanimously.

### **Park List Report:**

Interim Executive Director, Janet Williams reported that the staff have been working at getting an accurate listing of all MH Communities in the State. She was happy to report that out of 1759 communities in the State that we have accurate mailing information for all but 25. With the anticipation of the takeover of all communities with HB 186, OMHC will be able to incorporate this contact information into their e-licensing database and will be ahead of the game. It was also reported that there are 114,976 manufactured home lots in the State according to the data collected.

### **Staff Update:**

After receiving 287 applications for the fiscal position, they were narrowed down to twenty-five, from the twenty-five Interim Executive Janet Williams will be interviewing approximately five. As of this meeting date she has already interviewed two, with more scheduled. Of the two interviewed one seems very promising with many of the qualifications we are looking for.

After reviewing the applications for the inspector position, there are only five or six that meet the qualifications that we were looking for. Interviews have been scheduled starting next week for about three or four persons.

The Executive Director position description has been submitted to DAS. CSA is supposed to be emailing over a mock up of the posting for approval. We should receive that any time and the position can then be posted.

### **Update on Vacant Commissioner's seat:**

Interim Executive Director Janet Williams ran into Roger Suppes at an Ethics Training session a week ago. She mentioned his vacant seat and reminded him that statutorily the Health Department appointment does not have to be from the State Health Department, but could be someone from a local health district. He states he was aware of that and they were working on the appointment. I also spoke with Andrew Fries from the Governor's Office for a second time, he stated that they had contacted them regarding the appoint, but in his words, "they would call and nudge them again".

### **Dispute Resolution Report:**

Inspector/Investigation, Dave Long gave a year end report of the dispute resolution program. There were only five complaints forms received for the entire year, with all five of them closed. Currently there are no dispute cases open. The lack of cases is a great testament to how effect the inspection program is being run.

### **Report on Relocation Notices:**

Inspector/Investigation, Dave Long gave a status report of the relocation notices that have been collected and followed up on. He stated to date he has gathered 630 relocation notices and has been sending out letters and following up with folks to ensure that permits were secured for all sets. Sending out the letters brings in many calls and a lot of follow up time is needed.

### **Report From the Standards Committee:**

Interim Executive Director, Janet Williams reported that the Standards Committee met on July 14, 2010 to discuss a number of issues. Because of the length of the meeting and the number of issues a report will be



given at a later date. Dave Long stated he would email out the issues prior to the meeting in which they will be discussed.

### **Public Hearings:**

After hearing the cases against Frank Caldwell and Arnold Neale Spencer, the Commission voted to go into Executive Session to discuss the cases.

**Action:** A motion was made by Ron Younkin and seconded by Chris Miller to go into executive session for the purpose of discussing the matter of Frank Caldwell and Arnold Neale Spencer. Voting Aye: Dan Rolfes, Ron Younkin, Chris Miller, Regina Hanshaw, Jim Demitrus, and Emory Helmuth. The motion passed unanimously.

The Commission came out of executive session.

**Action:** A motion was made by Ron Younkin and seconded by Chris Miller to come out of executive session for the purpose of discussing the matter of Frank Caldwell and Arnold Neale Spencer. Voting Aye: Dan Rolfes, Ron Younkin, Chris Miller, Regina Hanshaw, Jim Demitrus, and Emory Helmuth. The motion passed unanimously.

Dan Rolfes stated to Frank Caldwell and Arnold Neale Spencer that there is enough evidence to take away your license, but that the Commission would like to give them an opportunity to straighten out these cases. He stated that it would be their responsibility to know whose jobs they are on and that the permit is posted. He also stated that is their responsibility to check the seal report and make sure what is listed is correct. He also stated that if someone pulled a permit in your name, you better be the one to spearhead the investigation. He asked that their hearings be continued and they both return on August 18<sup>th</sup>, 2010 at 1:00 PM.

### **Settlement Case against Tony Callahan:**

Interim Executive Director, Janet Williams agreed to a settlement of \$300 for Tony Callahan's offense of going past 180 days. This is the second offense against him in less than a year, the first offense being setting a home without first securing a permit. AAG Walter McNamara stated he had sent out the settlement letter and would get a copy to the Interim Executive Director.

### **License Ratification:**

Interim Executive Director, Janet Williams presented a list of one (1) applicant for salesperson license that met the requirements for a salesperson's license.

**Action:** A motion was made by Ron Younkin and seconded by Chris Miller to approve one (1) salesperson applicant listed on the ratification list. The motion passed unanimously.

### **Budget Report:**

Interim Executive Director, Janet Williams presented a budget report. Out of a total budget amount for FY10 of \$720,825, the actual to date expenses are \$428,567.24. With the estimated encumbered funds to be used it could bring the total expenses for FY10 to \$478,567.24. The reason this figure is higher is because of the cost of moving, additional furniture, computers for additional approved staff (one time expenses). Revenues for FY10 were \$237,231.46. Seals sold for FY20 were 2451 for which the revenues were \$203,314.36. Seal sales accounted for all but \$34,000 of the total revenue. Mavis ran some numbers; next year we should be receiving about \$120,000 in licensing for BMV and another \$50,000 for licensing of installer and inspectors,

so right there revenues should increase \$170,000 next year. With our increase enforcement efforts, seal sales should also increase.

### **New Business:**

In the packets provided to you is a letter that was sent to John Greenhalge, John is the Executive Director of the Engineering Board. Once again, because of the budget crisis in the State, they are talking about consolidation. John wanted to show why Boards and Commissions are unique and should not be consolidated. We were asked to provide our current number of licenses and an explanation of why our Board is unique. John was then going to compile the data and present it.

### **Executive Session: Personnel Matters; to consider the employment, dismissal, discipline, demotion or compensation of an employee pursuant to RC 121.22(G)(1)**

**Action:** A motion was made by Chris Miller and seconded by Jim Demitrus to go into executive session for the purpose of personnel matters; to consider the employment, dismissal, discipline, demotion or compensation of an employee pursuant to RC 121.22(G)(1). Roll call vote, voting yes: Dan Rolfes, Ron Younkin, Chris Miller, Regina Hanshaw, Jim Demitrus and Emory Helmuth. The motion passed unanimously.

**Action:** A motion was made by Chris Miller and seconded by Jim Demitrus to come out of executive session for the purpose of personnel matters; to consider the employment, dismissal, discipline, demotion or compensation of an employee pursuant to RC 121.22(G)(1). Roll call vote, voting yes: Dan Rolfes, Ron Younkin, Chris Miller, Regina Hanshaw, Jim Demitrus and Emory Helmuth. The motion passed unanimously.

**Action:** A motion was made by Dan Rolfes to allow exclusivity to building departments in their jurisdiction if their fees are lower than \$500, they can inspect in other counties with contracts from them, but will not have sole jurisdiction. The motion was withdrawn by Dan Rolfes.

**Action:** A motion was made by Regina Hanshaw that all currently active building departments and health departments certified by the Manufactured Homes Commission would retain their sole jurisdiction in their areas, if they were in line with industry standards. They can inspect in other counties with contracts from those counties, but will not have sole jurisdiction. Any new departments that sign on will not have sole jurisdiction. The motion was seconded by Jim Demitrus. Roll call vote, voting yes: Regina Hanshaw, Jim Demitrus and Emory Helmuth. Voting no: Dan Rolfes, Ron Younkin and Chris Miller.

**Action:** A motion was made by Ron Younkin and seconded by Dan Rolfes that all currently active building departments and health departments certified by the Manufactured Homes Commission would retain their sole jurisdiction in their areas, if they capped their fees at not greater than \$525. They can inspect in other counties with contracts from those counties, but will not have sole jurisdiction. Any new departments that sign on will not have sole jurisdiction. Roll call vote, voting yes: Dan Rolfes, Ron Younkin, Chris Miller and Jim Demitrus. Voting no: Regina Hanshaw. Abstaining from the vote was Emory Helmuth.

**Action:** A motion was made by Chris Miller and seconded by Ron Younkin that all currently active building departments and health departments certified by the Manufactured Homes Commission would retain their sole jurisdiction in their areas, if their inspection fees did not exceed 20% higher than the State average of fees for building departments and health departments. They can inspect in other counties with contracts from those counties, but will not have sole jurisdiction. Any new departments that sign on will not have sole jurisdiction. Roll call vote, voting yes: Dan Rolfes, Ron Younkin, Chris Miller, Regina Hanshaw, Jim Demitrus and Emory Helmuth. The motion passed unanimously.

**Adjournment:**

**Action:** A motion was made by Chris Miller and seconded by Jim Demitrus at 5:30 pm to adjourn. The motion passed unanimously.

Minutes respectfully submitted and certified by Interim Executive Director, Janet M. Williams

---

**Janet M. Williams**  
Interim Executive Director  
Ohio Manufactured Homes Commission

---

**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**  
**August 5, 2010**  
**10:00 AM**  
**5100 Parkcenter Avenue, Suite 103**  
**Dublin, Ohio 43017**

**Members Present**

Evan J. Atkinson  
Emory Helmuth  
Jim Demitrus  
Regina Hanshaw  
Chris Miller  
Dan Rolfes, Chair  
Ron Younkin, Vice Chair

**Commission Staff**

Janet M. Williams, Interim Executive Director  
Mavis Giska, Licensing Supervisor  
Dave Long, Inspector/Investigator

**Legal Counsel**

**Members Absent**

William Laubacher

**Guest**

Tim Williams, OMHA  
Warren Connolly, OCIB  
Mary Sampsel, Union County Bldg. Dept.  
Matt Klein, Criterium Engineers

**Call to Order**

The meeting was called to order at 10:10 AM by Chair, Dan Rolfes.

**Roll Call:**

All Commissioners were present with the exception of Bill Laubacher.

**Approval of the Minutes:**

**Action:** A motion was made by Ron Younkin to approve the minutes from the July 21, 2010 meeting. The motion was seconded by Emory Helmuth. The motion passed unanimously.

**Public Comment:**

Mary Sampsel, Union County Building Department, expressed that she did not like that the Commission meeting was posted so late. She felt because of the late notice the Commission did not want public comments.

## **Interim Executive Director's Report:**

### **Exclusivity Issue:**

Commission Chair Dan Rolfes stated the reason for the special meeting was to be clear and concise on the issue of exclusivity. He felt after the July 21, 2010 meeting that there was some confusion on what exactly the final motion was. In all fairness he felt a special meeting was in order to be clear on the issue.

Commissioner, Regina Hanshaw stated that internal staff issues can be by policy, but things that affect the public should be in Rule. She was in favor of the exclusivity issue being put into Rule.

**Action:** There was a motion by Ron Younkin to reconsider the motion that was passed on July 21, 2010 with regard to exclusivity. The motion was seconded by Jim Demitrus. There was a roll call vote, voting yes was Dan Rolfes, Ron Younkin, Evan Atkinson, Chris Miller, Jim Demitrus and Emory Helmuth. Voting no, Regina Hanshaw. After much discussion the motion passed six to one.

**Action:** There was a motion by Evan Atkinson that there will be no exclusivity under this Commission's authority as it relates to installation inspections. This motion will also be adopted into Rule. The motion was seconded by Emory Helmuth.

**Action:** There was a motion made by Evan Atkinson to amend his motion to say that, effective August 5, 2010 there will be no exclusivity under this Commission's authority as it relates to installation inspections. This motion will also be adopted into Rule. The motion was seconded by Emory Helmuth. There was a roll call vote, voting yes was Dan Rolfes, Ron Younkin, Evan Atkinson, Chris Miller and Emory Helmuth. Voting no, Regina Hanshaw and Jim Demitrus. The motion passed five to two.

### **Homeowner Responsibilities:**

There was a discussion on policies dealing with homeowner responsibilities when pulling their own permits and licensed installers pulling permits as well as making sure that final inspections are received before homeowners move in to their homes. There was talk of allowing dealers to pull permits. After much discussion it was decided that staff would bring back a recommendation.

### **Future Commission Meetings:**

It was decided that the Commission meeting scheduled for August 18, 2010 would be cancelled and the meeting scheduled for September 15 would be cancelled and rescheduled for September 22, 2010.

### **Adjournment:**

**Action:** A motion was made by Chris Miller and seconded by Emory Helmuth at 12:15 pm to adjourn. The motion passed unanimously.

Minutes respectfully submitted and certified by Interim Executive Director, Janet M. Williams

---

**Janet M. Williams**  
Interim Executive Director  
Ohio Manufactured Homes Commission

---

**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**  
**September 22, 2010**  
**10:00 AM**  
**5100 Parkcenter Avenue, Suite 103**  
**Dublin, Ohio 43017**

**Members Present**

Evan J. Atkinson  
Jim Demitrus  
Emory Helmuth  
Chris Miller  
Dan Rolfes, Chair  
Ron Younkin, Vice Chair

**Commission Staff**

Janet M. Williams, Executive Director  
Mavis Giska, Licensing Supervisor  
Dave Long, Inspector/Investigator

**Legal Counsel**

Walter McNamara, AAG

**Members Absent**

Regina Hanshaw  
William Laubacher

**Guests**

Bill Geniella, AMHRO  
Andrea Reichman, OMHA  
Tim Williams, OMHA  
Warren Connolly, OCIB  
Tim Wakely, Union County  
Matt Klein, Criterium Cincinnati Engineers

**Call to Order**

The meeting was called to order at 10:10 AM by Chair, Dan Rolfes.

**Roll Call:**

All Commissioners were present with the exception of Regina Hanshaw, Ron Younkin and Bill Laubacher. Ron Younkin arrived at 1:30 pm.

**Approval of the Minutes:**

**Action:** A motion was made by Evan Atkinson to approve the minutes from the August 5th, 2010 meeting. The motion was seconded by Chris Miller. The motion passed unanimously.

**Public Comment:**

Bill Geniella, President of Association of Manufactured Home Residents in Ohio (AMHRO) was very complimentary regarding a letter that was sent to Senator Seitz from Interim Executive Director, Janet Williams.

## **Interim Executive Director's Report:**

### **Exclusivity Issue:**

On August 5<sup>th</sup>, at the last Commission Meeting the Commissioners made a decision that there would be no exclusive territories in the state. On August 9<sup>th</sup>, 2010 there was a letter sent out to all inspection agencies as well as installers stating their decision on the exclusivity issue. As a result of that decision, Interim Executive Director, Janet Williams personally spoke to eight (8) Inspection Agencies and returned five (5) emails to agencies addressing their concerns. Also as a result of that decision, Senator Seitz received a constituent complaint that Janet Williams responded to. The Ohio Manufactured Homes Association also responded. Both responses were included in the Commission packets.

### **Memo to Park Owners and Operators:**

On August 24<sup>th</sup>, 2010 a memo was sent out to all park owners and park operators in an effort to increase enforcement in parks. Still after all these years OMHC continues to hear about parks that have no idea that OMHC exists. The memo asked that all parks remit to the OMHC the reports of homes moving in and out, or from one lot to another in their parks. From the information that is gathered by staff, they can check the information against the seal report to see if permits were issued or not. As a follow up to the information gathered, letters will be sent to persons who did not secure the required permits, stating they are occupying their home illegally and need to get the required permits and inspections.

### **Memo to Dealers, Brokers, and Salespersons:**

On September 7, 2010 letter was sent to all dealers, brokers and salespersons welcoming them officially in the Commission. The letter also stated some reminders with regard to inspections and permits. OMHC also stated that there is a wealth of information that can be found at the OMHC website, [www.omhc.ohio.gov](http://www.omhc.ohio.gov), information that can assist them through their transition.

### **Update on BMV Progress:**

There was a BMV Committee meeting scheduled for right after the Commission meeting. Mavis Giska spoke briefly on the issue having to deal with Leasing Dealers and their licensing, she stated there would be further discussion at the BMV meeting.

### **Hearing Officers Discussion:**

Assistant Attorney General, Walter McNamara spoke to the Commissioners on the future use of hearing officers instead of the Commissioners hearing all the cases. He stated for a fee the cases would be heard by an independent hearing officer, who is also an attorney. The hearing officer, would hear the cases, write up a report of their finding and their recommendations and those recommendations would be presented to the Commissioners for their sole decision of how to treat each case. Walter stated that he would return to the next scheduled Commission meeting with information on the cost involved and other details.

### **Legislation Service Commission (LSC) Report:**

Interim Executive Director Janet Williams reported that State agencies are required to file these reports yearly with the LSC. This information gathered helps the legislature when it is setting budgets. Janet stated that if you flip through the report you can see that on page two (2) in FY09 OMHC had 325 installers and 118 inspectors. In FY10 there were 313 installers and 103 inspectors. Page three (3), FY09 revenues were about \$304,000 and expenses were \$380,000. For FY10 revenues were about 237,000, with expenses of about \$440,000. Page seven (7) had a lot of information, it shows a breakdown of the revenues.

## **Council of State Administrative Agencies (COSAA) Meeting Report:**

Last week Interim Executive Director, Janet Williams attended the National HUD meeting for the Council of State Administrative Agencies in Washington DC. 100% of all expenses were covered by HUD. It was very informative and spoke on a variety of topics, some of the most informative being the break out session in the afternoon when they would break off in to the individual regions of the Country. Janet met with the Midwest states. They went around the table, about fourteen (14) of us and told all about their individual programs and who they license, certify and just the inspections in general. Janet agreed to compile that information in an organized fashion and distribute it to the other Midwest states. Janet stated that here in Ohio we deal with our growing pains and have to change things that may not be working well for us, but in general Ohio is light years ahead of most states with our installation and dispute resolution programs.

### **License Ratification:**

Interim Executive Director, Janet Williams presented a list of two (2) dealers that met the requirements for a dealer's license.

**Action:** A motion was made by Jim Demitrus and seconded by Emory Helmuth to approve two (2) dealer applicants listed on the ratification list. The motion passed unanimously.

Interim Executive Director, Janet Williams presented a list of six (6) applicants for salesperson licenses that met the requirements for a salesperson's license.

**Action:** A motion was made by Evan Atkinson and seconded by Jim Demitrus to approve six (6) salesperson applicants listed on the ratification list. The motion passed unanimously.

### **Seal Report:**

**Now that OMHC finally has a year's worth of information from the seal report, they can report that in FY 10 there were 2,425 permits issued of those 2,425 permits, 856 were in parks and 1,569 were on private property, in other words, 35% in parks and 65% on private property. So, what that is telling us that we are lacking on getting all the permits in the parks. OMHC expected that there would be three homes set in parks for every one home set on private property. 853 were new homes and 1,572 were used homes, or 35% new homes and 65% used homes. These numbers were expected, two used homes set for every one new home.**

### **Report From the Standards Committee:**

Interim Executive Director, Janet Williams reported that the Standards Committee met on July 14, 2010 to discuss a number of issues. Dave Long stated he would email out the issues to all Commissioners. Matt Klein from Criterium Cincinnati Engineers also requested to get that copy of the issues.

### **H.B. 186:**

A copy of the proposed H.B. 186 legislation, along with a list of key points prepared by Mavis Giska was in all the Commissioners packets. Also provided was a timeline for items that would have to be completed in order to comply with deadlines, should H.B 186 pass through the Senate. Interim Executive Director Janet Williams stated that she would like to form a committee for H.B. 186. Tim Williams from the Ohio Manufactured Homes Association (OMHA) and Bill Genielle from the Association of Manufactured Homes Residents in Ohio (AMRHO) both agreed to serve on that committee. Commissioners, Ron Younkin, Evan Atkinson, Chris Miller and Jim Demitrus also volunteered to be on the committee. Janet Williams and Mavis



Giska will also serve on the committee. Janet Williams also suggested that a technical committee be set up for H.B. 186. We are still looking to fill that committee, but had some names suggested.

### **Public Hearings:**

After hearing the cases against Frank Caldwell and Arnold Neale Spencer, the Commission voted to go into Executive Session to discuss the cases. The Commission would also be in executive session for personnel matter; to consider the employment, dismissal, discipline, demotion or compensation of an employee pursuant to RC 121.22(G)(1)

**Action:** A motion was made by Evan Atkinson and seconded by Jim Demitrus to go into executive session.. Voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Chris Miller, Jim Demitrus, and Emory Helmuth. The motion passed unanimously.

The Commission came out of executive session.

**Action:** A motion was made by Evan Atkinson and seconded by Jim Demitrus to come out of executive session. Voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Chris Miller, Jim Demitrus, and Emory Helmuth. The motion passed unanimously.

**Action:** A motion was made by Jim Demitrus and seconded by Evan Atkinson to allow AAG, Walter McNamara to go forward with an injunction against an unnamed third party agency.

**Action:** A motion was made by Evan Atkinson and seconded by Ron Younkin to appointed Janet Williams as the Executive Director of the Manufactured Homes Commission, effective immediately and at the same pay range that she has been receiving since February 2, 2010.

### **Budget Discussion:**

OMHC staff has a major project going on with the Biennial Budget for FY23 and FY13, that budget is due November 1<sup>st</sup>, no exceptions. Revenue numbers for FY11, Fy12 and FY13 were discussed.

### **Adjournment:**

**Action:** A motion was made by Dan Rolfes and seconded by Jim Demitrus at 3:35 pm to adjourn. The motion passed unanimously.

Minutes respectfully submitted and certified by Executive Director, Janet M. Williams

---

**Janet M. Williams**  
Executive Director  
Ohio Manufactured Homes Commission

---

**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**  
**November 17, 2010**  
**10:00 AM**  
**5100 Parkcenter Avenue, Suite 103**  
**Dublin, Ohio 43017**

**Members Present**

Evan J. Atkinson  
Jim Demitrus  
Emory Helmuth  
Chris Miller  
Dan Rolfes, Chair  
Ron Younkin, Vice Chair

**Commission Staff**

Janet M. Williams, Executive Director  
Mavis Giska, Licensing Supervisor  
Dave Long, Inspector/Investigator

**Legal Counsel**

Walter McNamara, AAG

**Members Absent**

Regina Hanshaw

**Guests**

Andrea Reichman, OMHA  
Warren Connolly, OCIB

**Call to Order**

The meeting was called to order at 10:10 AM by Chair, Dan Rolfes.

**Roll Call:**

All Commissioners were present with the exception of Regina Hanshaw.

**Approval of the Minutes:**

**Action:** A motion was made by Evan Atkinson to approve the minutes from the September 22, 2010 meeting. The motion was seconded by Jim Demitrus. The motion passed unanimously.

**Public Comment:**

None

**Executive Director's Report:**

**Arnold Spencer Case – Pending:**

A motion was made by Dan Rolfes and seconded by Chris Miller to fine Arnold Spencer \$500 and to suspend the \$500 fine at this time. The Commissioners reserved the right to re-instate the \$500 fine if any further infractions occur within the next two (2) years. The motion passed unanimously with Evan Atkinson abstaining from the vote.

### **Frank Caldwell Case Pending:**

A motion was made by Dan Rolfes and seconded by Chris Miller to fine Frank Caldwell \$500 and to suspend the \$500 fine at this time. The Commissioners reserved the right to re-instate the \$500 fine if any further infractions occur within the next two (2) years. The motion passed unanimously with Evan Atkinson abstaining from the vote.

### **Resignation Letter – Bill Laubacher:**

Commissioner Bill Laubacher resigned his Commission seat effect November 16, 2010. He stated it had been his pleasure to serve on the Commission, but his schedule would not allow him to continue.

### **Memo to Dealers, Brokers:**

A memo was due to go out to all Dealers, Brokers. That memo was sent on November 18, 2010. For Dealers it stated they will be receiving renewal applications early in January of 2011, and also that there is a new requirement of a \$25,000 bond, we will include a sample of what that bond should look like. For Brokers the memo states they too would receive their renewal notice early in January of 2011, they too received a sample bond form, although this is an existing requirement for them.

### **Update on BMV Progress:**

Staff has gone back and forth with issues regarding a Leasing Dealer (LD) license. After several conference calls with the BMV, the Titling Office and the State Treasurer's Office it is determined that there is nothing in the OMHC Law or Rules or the BMV Law or Rules regarding the licensing of Leasing Dealers of manufactured homes. Basically the Leasing Dealer license will be cancelled. Titles can transfer out as they are sole off, but no new Leasing Dealer titles can transfer in.

### **Hearing Officers Discussion:**

Assistant Attorney General, Walter McNamara spoke to the Commissioners in the future on the use of hearing officers instead of the Commissioners hearing all the cases. He stated for a fee the cases would be heard by an independent hearing officer, who is also an attorney. The hearing officer, would hear the cases, write up a report of their finding and their recommendations and those recommendations would be presented to the Commissioners for their sole decision of how to treat each case.

**Action:** A motion was made by Ron Younkin and seconded by Jim Demitrus for the staff to interview and enter into a contract to have a hearing officer hear future cases. The motion passed unanimously.

### **Building Department/Installer Letters:**

Memos were sent out to all installers and inspection agencies explaining that we are tracking all outstanding permits beyond six (6) months. We provided inspection agencies with a "sample" letter they could send to homeowners past the six (6) months as well as a "sample" letter that could be sent to homeowners/installers letting them know that their permits are due to expire soon. We also provided all agencies with a list of the status of their outstanding permits.

### **License Ratification:**

Executive Director, Janet Williams presented a list of two (2) dealers that met the requirements for a dealer's license.

**Action:** A motion was made by Jim Demitrus and seconded by Chris Miller to approve two (2) dealer applicants listed on the ratification list. The motion passed unanimously.

Executive Director, Janet Williams presented a list of six (6) applicants for salesperson licenses that met the requirements for a salesperson's license.

**Action:** A motion was made by Ron Younkin and seconded by Evan Atkinson to approve six (6) salesperson applicants listed on the ratification list. The motion passed unanimously.

Executive Director, Janet Williams presented one (1) application for certification as a Health Department that met the requirements to be certified.

**Action:** A motion was made by Evan Atkinson and seconded by Jim Demitrus to approve one (1) application for certification as a Health Department. The motion passed unanimously.

### **Auditor Data:**

Executive Director Janet Williams talked about the Auditors Data that was compiled. Six (6) counties have now received the illegal set letters. She explained the columns, number of letters sent, number of letters returned by mail, number who obtained a permit as a result of the letter, number that were not actually illegal for a variety of reasons, and the number of no responses we have received. As a result of sending to six (6) counties, OMHC obtained 20 permits.

### **Report From the Standards Committee:**

Executive Director, Janet Williams referred the report to Inspector/Investigator, Dave Long. Dave stated he hoped there would be a Standards Committee in December. The Committee continues to work on a list of possible revisions to the Rules.

### **Dispute Resolution Report:**

Executive Director, Janet Williams referred the report to Inspector/Investigator, Dave Long. Dave was happy to report that there are currently no dispute resolution cases.

### **H.B. 186:**

Executive Director, Janet Williams reported that on November 10<sup>th</sup>, 2010, she and Mavis Giska attended a hearing for HB186, there were several who testified in favor of the bill. Tim Williams from OMHA and Bill Geniella for AMHRO, both did a great job. We are being told that perhaps the Senate will not be meeting for the remainder of the year. If that were the case the bill would die. There has been some talk that Ohio Department of Health put something in their FY 2012-2013 budget, so something may be in HB1, the Budget Bill. So, I guess we will wait to see.

### **Budget Discussion:**

Executive Director, Janet Williams provided some information on what was submitted for the FY2012-2013 budget that was due on November 1. The top sheet showed what the OMHC actual budget amount spent for FY2008 thru FY2010. Then it shows the estimated budget expenses for FY2011, and the requested budget for FY2012 and 13. Fiscal years 11, 12 and 13 have all remained the same amount of \$742,100. The next sets of sheets showed the projected revenue of \$586,710 for FY12 and \$806,870 for FY13. Both years spell out exactly now we arrived at those numbers. She again stated, the budgets were due on November 1, and when it was completed, including the required IT plan was 63 pages long. So needless to say it has consumed the vast majority of Mavis and Janet's in the past couple of months.

### **Local Health Dept & Plumbing Inspections:**

It has been brought to our attention after a continuing education class that there are many Counties that are charging for plumbing inspections and certifying installers in their county to do plumbing work. Staff realized that the exclusivity letter that was sent out in August was only sent to health departments certified with OMHC to inspect. OMHC will be sending out a memo to ALL health departments stating they cannot be charging additional fees.

### **Outside Counsel for Rules Revisions:**

Executive Director Janet Williams reported staff would like to explore through the Attorney General's office securing outside counsel for Rule Revisions.

**Action:** A motion was made by Evan Atkinson and seconded by Jim Demitrus to secure outside counsel for Rules not to exceed \$15,000 for HB186 and \$5,000 for current Rule revisions. The motion passed unanimously.

### **"Sample" – Installation Permit Card:**

Included in the packet was a "sample" of an Installation Permit Card that was prepared by Dave Long. This is a card that could be used by inspection departments.

### **Settlement Cases:**

- Tony Callahan agreed to a \$300 fine for going past 180 days setting a home. His fine has been paid.
- George Pugsley agreed to a \$200 fine for setting a home without first obtaining a permit. His fine has been paid.
- Two settlements were for Paul Young, the first was based on 18 different counts, Mr. Young agreed to voluntarily give up his inspectors license and his Third party agency, in turn there were no fines or pecuniary sanctions against him. The second settlement was agreed to in September. There were 8 charges and he agreed to a \$500 settlement. After the settlement is signed by Dan Rolfes, he will have 30 days to pay his fine.

**Action:** A motion was made by Ron Younkin and seconded by Jim Demitrus to accept the above four (4) stated settlements. The motion passed unanimously.

### **Fiscal Position:**

After close to 300 applicants, Executive Director, Janet Williams reached a decision on an applicant for the fiscal position. The Commissioners approved the position months ago, which was in turn was then approved by the Office of Budget and Management. The Commissioners approved a salary range of between \$38,188.80 and \$49,649.60. Qiana Jones has accepted the position. She is a current employee of the Mental

Health Division for the State of Ohio. She was interviewed several times and I feel will be a long over-due asset to the Commission.

**Step By Step Brochure:**

The step by step brochure has been updated and will be sent out to all segments that OMHC licenses as well as the Auditors offices in the state.

**New Business:**

There was a discussion on homeowners doing their own work as well as homeowners hiring installers to do portions of their sets.

**Action:** A motion was made by Emory Helmuth and seconded by Evan Atkinson to institute the following as a policy, effective today. The policy will be put into Rule. Staff will send out notices to all parties.

A homeowner may install their own manufactured home if:

- The home is located on the property that the person owns and,
- The home is for their own occupancy and,
- The home cannot be located in a manufactured home park and,
- The home will not be eligible for the dispute resolution process for used homes. OMHC reserves the right to investigate a complaint against a licensed installer for specific work performed if the scope of work is outlined as the installer's responsibility in writing and,
- New homes will always be eligible for dispute resolution for manufacturer's defects and,
- Homeowners must first obtain a permit for the three required inspections (foundation, electrical service and final) prior to installation commencement and,
- The homeowner must be responsible for all the work themselves, however they may contract out portions of the work to an OMHC licensed installer who is currently active and all contracted work must be identified and agreed upon in writing on a form prescribed by OMHC and,
- All permits are valid for 180 days from issuance unless an extension is granted by the inspection agency and,
- The homeowner shall not occupy the home until the final inspection has been approved and the OMHC seal has been placed on the home. Failure to obtain an approved final inspection would result in a home being occupied illegally and may void any manufacturer warranties and/or homeowner's insurance.

It was decided that the December Board Meeting would be cancelled.

**Adjournment:**

**Action:** A motion was made by Chris Miller and seconded by Jim Demitrus at 4:00 pm to adjourn. The motion passed unanimously.

Minutes respectfully submitted and certified by Executive Director, Janet M. Williams

---

**Janet M. Williams**  
Executive Director  
Ohio Manufactured Homes Commission

---

**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission