

**Ohio Manufactured Homes Commission**  
**January 18, 2012**  
**10:00 AM**  
**5100 Parkcenter Avenue, Suite 103**  
**Dublin, Ohio 43017**

**Members Present**

Evan J. Atkinson  
Tim Apel  
Emory Helmuth  
Jim Demitrus  
Ron Younkin, Vice Chair

**Commission Staff**

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

**Legal Counsel**

Walter McNamara

**Members Absent**

Wally Comer  
Regina Hanshaw  
Dan Rolfes, Chair

**Guests**

Andrea Reichman, OMHA  
Warren Connolly, OCIB  
Rodney Hemming, Elsea, Inc.  
Bill Geniella, AMHRO  
Jim Strauser, Pegasus Investment  
Rick Binder, Binder's Inspection Agency  
Joe Maskovyck, Ohio Poverty Law Center (OPLC)  
Tim Williams, OMHA

**Call to Order**

The meeting was called to order at 10:15 AM by Vice-Chair, Ron Younkin.

**Roll Call:**

All Commissioners were present with the exception of Regina Hanshaw, Wally Comer and Dan Rolfes.

**Approval of the Minutes:**

**Action:** A motion was made by Tim Apel to approve the minutes from the November 16, 2011 meeting. The motion was seconded by Emory Helmuth. The motion passed unanimously.

**Annual Election of Chair and Vice-Chair:**

**Action:** A motion was made by Ron Younkin; he spoke with Dan Rolfes who was not in attendance at the meeting with regard to his interest of staying on as Commission Chair. Dan Rolfes agreed to the Chairmanship if it was the wish of the Commission. With that in mind, Ron stated his motion; he would like to nominate Dan Rolfes as Chairman of the Commission. The motion was seconded by Jim Demitrus. The motion passed unanimously.

**Action:** A motion was made by Evan Atkinson, nominating Ron Younkin as Vice-Chair of the Commission. The motion was seconded by Tim Apel. The motion passed unanimously.

**Public Comment:**

None

**Executive Director's Report:**

**License Ratification:**

Executive Director, Janet Williams presented a list of five (5) applicants for salesperson licenses that met the requirements for a salesperson's license.

**Action:** A motion was made by Emory Helmuth and seconded by Jim Demitrus to approve the list of five (5) salesperson applicants listed on the ratification list. The motion passed unanimously.

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

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

**Louisville Show:**

Executive Director Janet Williams reported she and Mavis Giska attended the Louisville Manufactured Home Show. She stated it was an overall good show and quoted Louisville Manufactured Home Show Chairman Ron Thomas. "We have to start with a new baseline, we just can't compare today to the way things were back in the late 80's and early 90's. If we start from a new base line of just a couple of years, we are seeing growth, slow, but growth. Last year there were only 20 homes at the show and this year there were 29." So the industry is looking up. There was also some talk of some manufacturer's who had pulled out in past years, stating they would be returning to the show next year. So, overall it was a good show.

**Third Party Contracts:**

Executive Director Janet Williams announced that Third Party contracts were sent out and were asked to be returned by Dec. 28, 2011. We have received all contracts back. There are currently five (5) Third Party Agencies.

**Enforcement:**

**Status with regard to Dealer Licensing:**

Licensing Supervisor Mavis Giska reported that since we have taken over the licensing of manufactured home dealers, brokers and salespeople in July of 2010, we have added a total of 130 new dealers, brokers and salespeople. These new licensees are, in part, a reflection of staff efforts contacting the larger park owners about our new Laws and Rules and visiting these parks as well.

**List of projects staff is working on:**

Administrative Assistant Julie West is spearheading the unlawful occupancy letters; these are the letters that she sends out after she gets the information from the Auditor's relocation notices.

Licensing Specialist, Debbie Beaty is in charge of the expired permits. After the agencies send out their letters and get no response, she sends out a letter from the Commission Office, if she receives no response then she will forward the names and addresses to the Attorney General's office for them to forward their letters. If there is still no response, the Commission will then ask the inspection agency to return the seal to the Commission and we will mark the seal report abandoned, thus removing that seal from the inspection agencies list of outstanding permits. AAA, Walter McNamara has indicated this process exhausts all of our legal remedies for those people living in homes unlawfully.

Fiscal Licensing Specialist Qiana Jones is heading up the 14 day Notice of Home Placement, she is sending to the Auditor's offices the lists of home sets in the county. She is asking them to check if they have received the 14 day notice. She has been compiling a list of the installers and the number of homes that they did not sent the 14 day notice to the Auditor. In the past the Commission has sent out emails telling installers they need to be sending the 14 day notice, the Commission has provided them with a copy of the notice, the notice has been placed on the Commission website and all installers have been informed in CE classes. Back in 2008 and 2009 the Commission did fine installers for the infraction and the Commission staff will begin sending out hearing notices to the installers on the list it is compiling, offering to let them settle by paying a \$100 fine per infraction in lieu of appearing for their hearing.

Licensing Supervisor Mavis Giska is currently working with the Ohio Department of Health as well as local health districts to share information. We would receive from them copies of their placement notices and hopefully their current rent roll, in turn the Commission would provide to the local health departments the homes they have listed on the seal report in their area. She has currently only heard from three (3) health districts. She will be contacting them individually.

Mavis is also making telephone calls to the parks; she started with the larger parks and is working her way down the list to update contact information, adding email addresses, and speaking to these parks if they do not currently have a dealer's license. In addition, she is reiterating to them our Laws regarding permits required for each set (whether it be a home moving into the park but also moves moving within the park). Mavis noted that there is a lot of movement with park ownership at this time. There are many parks in receivership, foreclosure, parks that are now owned by the lender that are for sale, and new ownership.

### **Real Estate License vs. OMHC Sales License:**

AAG, Walter McNamara reported that there are three (3) different laws involved here. First, the OMHC law, O.R.C. 4781.16 which states that no person shall "engage in the business of brokering manufactured homes unless that person is licensed as a manufactured housing broker under this chapter". In addition, under O.R.C. 4781.16 (A) (2), it states that no person shall "make more than five casual sales of manufactured homes or mobile homes in a twelve-month period without obtaining a license as a manufactured housing dealer under this chapter". The next law, Real Estate law O.R.C. 4735.01 (I) (1) (f) basically states a real estate broker or real estate salesperson does not include a person who engages in the sales of manufactured homes provided the sale does not include the negotiation, sale, lease, exchange or assignment of any interest in real estate. Lastly, the Landlord Tenant law O.R.C. 4733.11 (M) indicates that notwithstanding any other provision of the Revised Code, the owner of a manufactured home may utilize the services of a manufactured dealer or a person properly licensed under the Division of Real Estate's laws.

Walter stated he had been working with the Real Estate division on this issue. He also stated that Real Estate had some legislation coming up in March and he would work on some language to potentially enter into their law to make this issue clearer. It seemed the consensus of the Commission that they would want to allow real estate persons to be able to sell in manufactured home parks. Walter will bring language to the next meeting.

### **Non-Dealer/New Home Purchase:**

The Commission talked briefly at the last meeting about a company purchasing a home directly from the factory without being a dealer with the Commission. There will always be issues transferring a title from a MSO, even if it is only one (1) if you are not licensed as a NEW dealer. When licensing was with the BMV if you sold one (1) home you did have to be licensed as a NEW dealer, it should remain the same with the Commission. It was suggested that perhaps a memo be sent out to manufacturers stating that if they are selling to anyone other than dealers, the company they are selling to may not be able to get a title transferred and the company they are selling to must be licensed with the Commission as a NEW dealer. Staff will look into inserting a one liner stating this in their law.

### **Dispute Resolution Report:**

Inspector/Investigator Dave Long reported in the first six (6) months of FY12 he has opened one (1) case, closed one (1) case and was waiting for signed forms to be returned for one (1) case.

### **Auditor's Management Letter:**

Executive Director Janet Williams was asked to provide contact information to the Auditor's office for all Commissioners, so all Commissioners should have received information regarding our audit. In the packet was a copy of the management letter the Auditor's Office provided, on the back side is a response that Janet Williams made to the Auditor regarding their letter. Janet felt that some of their comments were very unfair, examples they dinged the Commission saying that we had draft policies in place, when in fact, policies have been in place since the Commissioners approved them in September of 2006, the Auditors felt the internal policies should also be approved by Commissioners that was done on Aug 20, 2011.

The Auditor's Office felt the Executive Director's travel expenses should have been handled differently when in fact she used their state system as directed. Going forward she will also seek an approval from the Chair as well as the required state approval.

Lastly, they said our deposits were not timely, **ALL** deposits were made in the States two (2) day time period, the Treasurer of the State was not processing them timely, once we hand it over to the bank and it is in the Treasurer's hands, we should not be held accountable.

Overall the report was good, there were no improprieties.

### **Budget Report:**

Executive Director, Janet Williams presented a budget report. She stated you can see for FY 11 on the left side, we took in 57,790 for Dealer licensing and 31,805 for salesperson licensing, both of those categories for a total of almost 90,000 we will not take in until FY 13 because we renew licenses biennially, but you can see with six month of this year complete, if you would double the current revenue of 159,299, you would have 318,598 plus the \$90,000, we would be right on target with revenues of almost 409,000. Operating expenses will be lower than last year. We are hoping with the enforcements of the 14 day notice law, our bottom line will improve.

### **Hearings:**

After hearing the cases against Denis E. Lugli and David L. Marsh, the Commission voted to go into Executive Session to discuss the cases.

**Action:** A motion was made by Evan Atkinson and seconded by Jim Demitrus to go into executive session for the purpose of discussing the matter of Denis E. Lugli and David L. Marsh. Voting Aye: Ron Younkin, Evan Atkinson, Jim Demitrus, Tim Apel and Emory Helmuth. The motion passed unanimously.

The Commission came out of executive session.

**Action:** A motion was made by Jim Demitrus and seconded by Emory Helmuth to come out of executive session for the purpose of discussing the matter of Denis E. Lugli and David L. Marsh. Voting Aye: Ron Younkin, Evan Atkinson, Jim Demitrus, Tim Apel and Emory Helmuth. The motion passed unanimously.

**Action:** A motion was made by Tim Apel and seconded by Jim Demitrus that Denis E. Lugli would be assessed a \$200 fine for setting a home without first obtaining a permit. The motion passed unanimously.

**Action:** A motion was made by Evan Atkinson and seconded by Emory Helmuth that because this was the second time that David L. Marsh has come before the Commission he would be assessed a \$400 fine for setting a home without first obtaining a permit. The motion passed with a four to one vote in favor of the motion.

### **New Business:**

Executive Director Janet Williams announced that congratulations were in order to Ron Younkin and his family especially his 91 year old mother, Irene Younkin who will be inducted into the RV/MH Hall of Fame on August 6 of this year. Mrs. Younkin is in great company joining her son and husband.

Executive Director Janet Williams stated, last year the Commission paid for Dave Long's COCOA.OBOA membership of \$60. The Commission also paid for Dave to attend their Annual Conference. This year the conference is being held in Columbus, the cost is \$250 for the two day conference. She asked that the Commission consider approving the payment of both, which would total \$310.

**Action:** A motion was made by Jim Demitrus and seconded by Evan Atkinson to pay for both the COCOA/OBOA membership and the Annual Conference, for a total expense of \$310. The motion passed unanimously.

### **Adjournment:**

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

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

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

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**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**  
**March 21, 2012**  
**10:00 AM**  
**5100 Parkcenter Avenue, Suite 103**  
**Dublin, Ohio 43017**

**Members Present**

Evan J. Atkinson  
Tim Apel  
Wally Comer  
Jim Demitrus  
Ron Younkin, Vice Chair

**Commission Staff**

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

**Legal Counsel**

Walter McNamara

**Members Absent**

Emory Helmuth  
Dan Rolfes, Chair

**Guests**

Andrea Reichman, OMHA  
Warren Connolly, OCIB  
Rodney Hemming, Elsea, Inc.  
Bill Geniella, AMHRO  
Joe Maskovyck, Ohio Poverty Law Center (OPLC)

**Call to Order**

The meeting was called to order at 10:10 AM by Vice-Chair, Ron Younkin.

**Roll Call:**

All Commissioners were present with the exception of Emory Helmuth and Dan Rolfes.

**Approval of the Minutes:**

**Action:** A motion was made by Tim Apel to approve the minutes from the November 16, 2011 meeting. The motion was seconded by Jim Demitrus. The motion passed unanimously.

**Public Comment:**

None

**Executive Director's Report:**

**License Ratification:**

Executive Director, Janet Williams presented a list of one (1) applicant for certification as an inspector that met the requirements for an inspectors certification.

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

Executive Director, Janet Williams presented a list of ten (10) 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 the list of ten (10) salesperson applicants listed on the ratification list. The motion passed with Tim Apel abstaining.

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

**Action:** A motion was made by Evan Atkinson and seconded by Tim Apel to approve one (1) dealer listed on the ratification list. The motion passed unanimously.

### **Variance for Capstone:**

**Action:** A motion was made by Jim Demitrus and seconded by Wally Comer to approve a variance for Capstone Homes with the condition that no additional businesses are added other than what they currently have.

### **Settlement Case:**

Executive Director, Janet Williams discussed a settlement that was reached with installer, John Reinhart setting two homes without first obtaining a permit, he paid a \$400 fine, which is the same fine that was imposed to others with the same offense.

**Action:** A motion was made by Evan Atkinson and seconded by Jim Demitrus to accept the \$400 settlement from John Reinhart. The motion passed unanimously.

### **Licensing of Out of State Dealers:**

Walter McNamara, AAG spoke briefly on his research of how other states license out of state dealers. He indicated, Pennsylvania requires out of state dealers to have an Ohio statutory agent for enforcement purposes. The Commission suggested Walter to proceed with drafting Rule language to license out of state dealers for discussion and approval at the next Commission meeting.

### **Additional Insured Language on Third Party Contracts:**

There was much discussion on the need for the Commission being listed as additional insured on the Third Party Agency contracts. Walter McNamara, AAG spoke to the issue stating there were some good reasons and some not so good reasons for listing the Commission as additional insured. Good reason being it may assist with paying some legal fees if the Commission were brought into a law suit. On the flip side, it may not be good that we are listed as it could drag the Commission into a law suit. Both staff and AAG Walter McNamara have consulted with experts in the field and will bring back their final recommendation, in writing, at the next Commission meeting.

### **Enforcement:**

### **Update on Procedure – Permits Beyond 180 Days:**

An email reminder was sent out to all inspection agencies reminding them of the procedure for permits beyond 180 days. It was stated at the last meeting that the last step before getting these off the books would be to have the Attorney General's office send out a letter from them. That procedure is now slightly changed.

The Attorney General's office has given us the word that they will not be sending out letters and after the letter that the Commission sends out we have then exhausted all legal remedies. We will then request for the agencies to return the seals for those jobs and staff will abandon them.

### **14 Day Notice of Installation:**

We talked about a procedure we would follow at the last meeting, staff would send out notice of hearing to installer's who have failed to submit their 14 day notice of hearing to the auditors. Executive Director, Janet Williams stated it would generate significant revenue at \$100 per notice not being sent to the Auditor's, but it is many installers, both individual private set installer's and those who work for retailers. She asked Commissioners, do you want us to give them a 30 day grace period to get them in, or just send out the notices? It was the consensus of the group that installers should be given a one-time 30 day period to get the notice in and once again notify them of the requirement. After the 30 grace period, staff will proceed with hearing notice violations to installers who violate the 14 day notice.

### **Submission of Language to the Mid Budget Review:**

#### **\*Real Estate License vs. OMHC Sales License**

The State has what is called the Mid Budget Review (MBR). This is the first year that they have ever had the MBR. It is an opportunity when agencies could get something into law. Executive Director, Janet Williams submitted through the Office of Budget and Management two (2) one liners that were oversights in our current law. The first being the discussion we had at the last meeting that we wanted real estate persons to be able to sale our manufactured homes in parks. We worked together with the Dept of Commerce, Real Estate Division and assistance with Walter to get a letter from them in favor of the added language to our law.

#### **\*Non-Dealer/New Home Purchase**

The second issue was the issue of selling one new home and having to be a dealer, otherwise there was problems getting the titles to go through.

Both were submitted and we are hopeful will go through.

### **Records Retention Schedule:**

Julie West from the OMHC staff attended a State required class to go over what must be retained and for how long. She has worked diligently with the staff to get the plan in place. Commissioners took several minutes to look over the plan. Executive Director, Janet Williams stated she would have to bring the plan back after tweaking, but that Julie would need to start entering the plan into the State system.

**Action:** A motion was made by Evan Atkinson and seconded by Jim Demitrus to accept the Retention Plan know staff will bring it back for revisions at a later date. The motion passed unanimously.

### **Budget Report:**

Executive Director, Janet Williams presented a budget report. She stated you can see at the rate we are going we are on target to have 2328 seals compared to 2387 last year. Again, because of this being an off year for renewing dealers, brokers and salespersons our revenues will be down.

### **Congratulations:**

Congratulations were in order for Jim Demitrus for being appointed to HUD's Consensus Committee.

**New Business:**

**Variance for Sandy Beach:**

**Action:** A motion was made by Tim Apel and seconded by Jim Demitrus to approve a variance for Sandy Beach with the condition that no additional businesses are added other than what they currently have and that they need to maintain separation of businesses.

The question was posed, if you are setting up a model home in a park, does it have to be set and inspected? The answer is yes if it is the intention that the home will eventually be sold and stay at that location. If the home is sold, and to be put on a different lot, it would then be set at that location.

AAG, Walter McNamara stated that staff had worked on hearing for today's meeting, but because of a change in the hearing procedure, hearing will be put off until the next meeting.

**Adjournment:**

**Action:** A motion was made by Wally Comer and seconded by at Jim Demitrus 1:00 pm to adjourn. The motion passed unanimously.

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

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

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**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**  
**June 20, 2012**  
**10:00 AM**  
**5100 Parkcenter Avenue, Suite 103**  
**Dublin, Ohio 43017**

**Members Present**

Evan J. Atkinson  
Tim Apel  
Emory Helmuth  
Jim Demitrus  
Ron Younkin, Vice Chair

**Commission Staff**

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

**Legal Counsel**

Walter McNamara

**Members Absent**

Wally Comer

**Guests**

Andrea Reichman, OMHA  
Warren Connolly, OCIB  
Rodney Hemming, Elsea, Inc.  
Bill Geniella, AMHRO  
Joe Maskovyck, Ohio Poverty Law Center (OPLC)

**Call to Order**

The meeting was called to order at 10:10 AM by Vice-Chair, Ron Younkin.

**Roll Call:**

All Commissioners were present with the exception of Wally Comer.

**Approval of the Minutes:**

**Action:** A motion was made by Tim Apel to approve the minutes from the March 21, 2012 meeting. The motion was seconded by Jim Demitrus. The motion passed unanimously.

**Swearing in of Commissioner:**

Commissioner Emory Helmuth was sworn in and congratulated on his re-appointment to the Commission.

**Public Comment:**

Bill Geniella, President of AMHRO spoke. He stressed the importance of the Commission having a full body of Commissioners. He also stated that the transfer of the parks was signed by the Governor's office, it would affect approximately 1759 communities and 230,000 residents. He stated the Commission's credibility should not be challenged. He wants to see transparency. He praised the Commission staff for putting together a mailing list for all parks in the state. He would like to see an educational process for the industry. It would be very worthwhile to community owners, felt it should be mandatory, it would relieve a lot of problems. He stated, just do it right, we will grow, we will be better and address needs when needed.

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

### **Commission Make-up:**

Excutive Director, Janet Williams explained each member serves individually to represent a different segment of the manufactured industry as a whole.

Dan Rolfes	- Represents Retailers in the industry
Ron Younkin	- Represents Park/Community Operators in the industry
Evan Atkinson	- Represents the Ohio Manufactured Homes Association
Jim Demitrus	- Represents Residents who live in manufactured homes
Regina Hanshaw	- Represents the Board of Building Standards
Emory Helmuth	- Represents Installers in the industry
Tim Apel	- Represents Installers in the industry
Wally Comer	- Represents Manufacturers in the industry
Vacant	- Represents the Department of Health

When each of these persons makes decisions it is based on the segment of the industry they individually represent and the industry as a whole.

It is a great mix of persons from the industry and apparently the legislators agree. When the Commission was formed they all agreed the make-up the Commission was fair and covered all areas of the manufactured homes industry.

### **Dealer Place of Business Variance Request:**

**Action:** A motion was made by Jim Demitrus and seconded by Emory Helmuth for a variance for High Hampton until the renewal period, at that time he must comply.

It was suggested that perhaps the Commission should have a second type of a dealers license.

### **License Ratification:**

Executive Director, Janet Williams presented a list of one (1) applicant for an installer license that met the requirements for an installers license.

**Action:** A motion was made by Tim Apel and seconded by Emory Helmuth to approve one (1) installer applicant listed on the ratification list. The motion passed unanimously.

Executive Director, Janet Williams presented a list of eleven (11) 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 the list of eleven (11) salesperson applicants listed on the ratification list. The motion passed unanimously.

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 Evan Atkinson and seconded by Jim Demitrus to approve the list of one (1) salesperson applicants listed on the ratification list. The motion passed with Tim Apel abstaining on the vote for salesperson Cherie Cooper.

Executive Director, Janet Williams presented a list of four (4) applications for a dealer's license that met the requirements for a dealer's license.

**Action:** A motion was made by Tim Apel and seconded by Emory Helmuth to approve four (4) dealers listed on the ratification list. The motion passed unanimously.

### **Foundation Inspections Discussion:**

Executive Director Janet Williams wanted to discuss foundations and inspections, she stated that we have had this conversation in the past. ODH was allowing the use of pictures in some instances and she believed it was Evan who had brought it up that if any installer had a rapport and had earned the respect and trust with an inspection agency, that on a case by case basis they may allow the use of pictures. An example was passed around of a picture that would be sent to the inspection agency. It is saving the park money by their foundations person being out there, setting everything up, getting the approval and being able to pour, thus saving time and money to the park owner and in turn the consumer. Janet stated that this is in-line with the Governor's motto of not hampering small business. The Commissioners agreed that if the inspection agency wants to take it on that was ok. It was suggested that if a picture was being used, that it should be noted in the inspector's report.

### **E-Licensing Database:**

Executive Director, Janet Williams reported that our Commission along with three others out of the 28 Boards and Commissions was selected to be a test case for the State's new E-Licensing system, it is our database where we store all of our licensing data. We were selected because of our uniqueness and our smaller size. Our database is the only one out of the 28 Boards and Commissions that has to be interactive with another State agency's database, which is the titling department, in order for titles to go through. This is a good thing, because, there will probably be a lot of bugs to work out, and we will be up and running before the other agencies.

### **Licensing of Out of State Dealers:**

Walter McNamara, AAG spoke briefly on his research of how other states license out of state dealers. He indicated, Pennsylvania requires out of state dealers to have an Ohio statutory agent for enforcement purposes. The Commission suggested Walter to proceed with drafting Rule language to license out of state dealers for discussion and approval at the next Commission meeting.

### **Additional Insured Language on Third Party Contracts:**

At the last meeting we discussed this issue, the staff went back and researched it further, there were two agencies who were complying out of five. After some conversations with experts in the field, and a recent lawsuit with another Board and Commission we determined that all agencies should comply with listing the Commission as Additional Insured on the Policy. We are happy to report that all agencies are now in compliance. In October when we start looking at the contracts for 2013 we will again review them to make sure what we are asking for is necessary.

### **Submission of Language to the Mid Budget Review:**

#### **\*Real Estate License vs. OMHC Sales License**

#### **\*Non-Dealer/New Home Purchase**

Executive Director Janet Williams stated she had made a request of the Office of Budget and Management to get two (2) one liners in, she was happy to report they made it in. The first one, is the language that states, if you are buying directly from the manufacturer, you must be licensed as a dealer. If you are not licensed you would not be able to transfer the MSO to a title. The second is the language that states real estate brokers and or salesperson licensed with the Real Estate division can sell our manufactured homes without an additional license.

### **Parks Transfer:**

#### **Outside Counsel for Rule Writing:**

Mavis and Janet met with Kevin Shoemaker from Shoemaker and Associates, they are the law firm who are assisting us in writing the Rules for the takeover of the parks. We have worked with him previously for the Rule writing when we took over licensing of dealers from the BMV. He is very through and very timely. He will work diligently to get them done in the timeframe that we have given him. We expect to get the first draft back by Monday.

#### **Review Timeline:**

The Commission reviewed a copy of the timeline that we are working off of. It is a very detailed list of what must be accomplished in the short timeframe we have. Attorney Shoemaker has also agreed to review all our forms and make sure they comply with the law. The law states that our Rules must be in place by December 1, 2012. We worked backwards from that date to come up with this timeline. The right hand column indicates the items we have completed. Janet stated as you can see coming up we will be posting for the inspector/investigator position, if any of you know of a great candidate, you make want to mention we will have a position soon. We are hoping by July 10 to forward to the Parks Working Group the draft Rules for their review. We will be scheduling a meeting hopefully for July 13 with that group to go over everything so that we can bring recommendations back to the Commission meeting on July 18. The members on the Park Working Group consist of Ron, Evan, Tim Williams, Bill Geniella, Jim, and Tim Apel as well as Mavis, Dave and Janet. At the July 18 meeting we will also be submitting a budget so that we can go to the controlling board for additional appropriations.

### **Budget Report:**

Executive Director, Janet Williams presented a budget report. She stated you can see with almost finishing the FY our revenue are not keeping pace with our expenses. Every other year our revenues will be down and this was obviously the down year. The difference in generated revenue for licensing in the off year is approximately \$125,000. Anyway next year the revenues will be up again and of course with the licensing revenues from the Parks we should finally balance our budget.

### **Biennial Budget FY14/15:**

Executive Director, Janet Williams wanted to inform the Commission that in the midst of all the parks takeover, we also have the biennial budget for FY14/15 that is usually due in September, it is a major deal and I hope to get Fiscal Specialist Qiana Jones up to speed on assisting with that.

### **Set Meeting Dates for FY 13:**

The following dates were accepted by the Commissioners;

#### **Wednesday, August 15, 2012**

Wednesday, September 19, 2012

Wednesday, October 17, 2012

Wednesday, November 21, 2012

Wednesday, December 19, 2012

Wednesday, January 16, 2013 (Election of Officers)

Wednesday, February 20, 2013

Wednesday, March 20, 2013

Wednesday, April 17, 2013

Wednesday, May 15, 2013

Wednesday, June 19, 2013

Wednesday, July 17, 2013

**Action:** A motion was made by Jim Demitrus and seconded by Emory Helmuth to accept the list of FY13 meeting dates prepared by the OMHC staff. The motion passed unanimously.

### **Hearings:**

The Vice Chair asked to accept a motion to temporarily suspend the meeting and go into private quasi-judicial deliberations to discuss the case against David Marsh.

### **Roll Call Vote:**

Ron Younkin, Evan Atkinson, Jim Demitrus, Tim Apel and Emory Helmuth.

The Vice Chair asked to accept a motion to exit quasi-judicial deliberations and return to the public meeting.

### **Roll Call Vote:**

Ron Younkin, Evan Atkinson, Jim Demitrus, Tim Apel and Emory Helmuth.

**Action:** A motion was made by Evan Atkinson and seconded by Ron Younkin to suspend the license of David Marsh for thirty (30) days, beginning August 1, 2012 for the violation of installing a manufactured home without first obtaining a permit. The motion passed unanimously.

**New Business:**

None

**Adjournment:**

**Action:** A motion was made by Jim Demitrus and seconded by at Emory Helmuth at 3:30 pm to adjourn. The motion passed unanimously.

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

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

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**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**  
**July 17, 2012**  
**10:00 AM**  
**5100 Parkcenter Avenue, Suite 103**  
**Dublin, Ohio 43017**

**Members Present**

Evan J. Atkinson  
Tim Apel  
Wally Comer  
Emory Helmuth  
Jim Demitrus  
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

**Members Absent**

**Guests**

Andrea Reichman, OMHA  
Warren Connolly, OCIB  
Rodney Hemming, Elsea, Inc.  
Bill Geniella, AMHRO  
Joe Maskovyck, Ohio Poverty Law Center (OPLC)  
Tim Williams, OMHA

**Call to Order**

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

**Roll Call:**

All Commissioners were present.

**Approval of the Minutes:**

**Action:** A motion was made by Evan Atkinson to approve the minutes from the June 20, 2012 meeting. The motion was seconded by Ron Younkin. The motion passed unanimously.

**Swearing in of Commissioner:**

Commissioner Dan Rolfes was sworn in and congratulated on his re-appointment to the Commission.

**Public Comment:**

Bill Geniella, President of AMHRO spoke. He had well wishes for good management of the responsibility being passed to Commission. He also thanked the Commission for allowing him to serve on their Park Working Group. He stressed the educational need for all parties.

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

Executive Director, Janet Williams presented a list of three (3) applicants for salesperson licenses that met the requirements for a salesperson's license.

**Action:** A motion was made by Ron Younkin and seconded by Emory Helmuth to approve the list of three (3) salesperson applicants listed on the ratification list. The motion passed unanimously.

## **Setting a Model Home and Inspection Requirements:**

The following information was sent out to all interested parties:

The Commission staff has been asked a question regarding the sale of manufactured homes in manufactured homes parks. There seems to be some confusion on the requirement by rule to obtain permits and inspections on a home that is simply for sale and may need to be relocated after the sale.

Section 4781.16 (4) (c) of the Ohio Revised Code provides that "manufactured and mobile homes being offered for sale, lease, or rental by a dealer may be located on individual lots inside the operator's manufactured home park". We interpret that to mean a home that is considered existing or has been transported onto a lot and still has the running gear assembly and transport tongue in place. A home with these conditions could be defined as a model and therefore, may be relocated within or out of the manufactured home park where it's being shown.

According to the definition of Installation in 4781-6-01.1(aaa) The leveling of the home on a foundation system defines the commencement of the installation and/or set up. Therefore a permit and inspections are required.

However, we recognize that in order to properly show a home it requires some amount of blocking, leveling, access and perhaps connection to an electrical source. This amount of work to level and energize the home for showing purposes only, would be considered temporary as the transporting mechanisms stay in place until which time the home is sold, rented, leased, or relocated, at such time then a permit for the installation of the home must occur and all inspections completed prior to occupancy.

## **Parks Transfer:**

Janet Williams and Mavis Giska attended a board meeting for the Ohio Environmental Health Association, they received feedback on information that the staff should be requesting of the local health districts.

July 3 memos went out to the local health districts requesting the information necessary for the transfer as well as a memo to park operators and the local health districts giving them the effective date of December 1, 2012 for the actual transfer date and how the Commission is striving to make the transfer as seamless as possible for all parties involved.

Executive Director, Janet Williams wanted to publicly thank Kevin Shoemaker who is assisting the staff with the Rule writing procedure. She stated that Kevin is very thorough and a pleasure to work with.

Janet Williams and staffers, Mavis Giska and Dave Long met with the Ohio Department of Health's Gene Phillips, Mary Clifton, LeeAnn Hoon and Jeff Terry to go over questions that the Commission had regarding the transfer. It was very informative and the Commission appreciates their insight that they can offer. Gene offered to allow the Commission to be part of their phone in meetings that they have every Wednesday with the local health districts. Staff will continue to work with ODH to work out all details.

The Parks Working Group met on July 10 to go over the proposed rules, fees, budgets, etc. It was a long meeting, and we appreciate all the efforts that went into making the necessary decisions.

The Staff reviewed the timeline with the Commission. The timeline will be very tight with very little wiggle room.

There was considerable discussion regarding recreational vehicles (RV's) in parks which ODH has been allowing through a directive from their office that they were relaxing their policy on this. Staff has been asked how the Commission is going to handle this going forward. Different scenarios were discussed on the number or percentage of lots that should be allowed to house RV's versus not allowing this practice. Staff has been asked to research where ODH has the authority to allow RV's in parks and will be discussed further at an upcoming Commission meeting.

Executive Director, Janet Williams mentioned again she would be looking to hire an additional inspector, if anyone knew someone who would be qualified to mention it to them.

She also mentioned that she would be going to the Controlling Board to seek their approval for the additional appropriations to run the additional duties with the parks transfer.

Staff also reported that they would be filing the proposed rules with the CSI (Common Sense Initiative) by August 1.

The staff and the Commission reviewed the proposed rules, fees, budget and etc. There was considerable discussion on having continuing education classes for park operator/park management. It was decided that it was a good idea to have continuing education, but that it would be added to a future rule change.

**Action:** There was a motion made by Jim Demitrus and seconded by Emory Helmuth to accept the proposed rules, fees and budget, with the changes that were discussed during the meeting. The motion passed unanimously.

There was discussion on one issue that was missed. It was the issue of licensing an out of state dealer. After reviewing proposed language on the issue there was a motion.

**Action:** A motion was made by Jim Demitrus and seconded by Evan Atkinson to approve the additional language as submitted with the changes that were discussed. The motion passed unanimously.

### **Budget Report:**

Executive Director, Janet Williams presented a budget report. She stated every other year our revenues will be down and this was obviously the down year. The difference in generated revenue for licensing in the off year is approximately \$125,000. Anyway next year the revenues will be up again and of course with the licensing revenues from the Parks we should finally balance our budget.

### **New Business:**

Executive Director, Janet Williams stated she had checked with a manufacturer of the black pad (ABS), who will be checking with their engineer to see if there is a genetic blocking diagram that they could provide for use with ABS sets. They will get back with her.

### **Adjournment:**

**Action:** A motion was made by Wally Comer and seconded by at Ron Younkin at 3:30 pm to adjourn. The motion passed unanimously.

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

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**Janet M. Williams**

Executive Director

Ohio Manufactured Homes Commission

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**Dan Rolfes**

Chair

Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**  
**August 15, 2012**  
**10:00 AM**  
**5100 Parkcenter Avenue, Suite 103**  
**Dublin, Ohio 43017**

**Members Present**

Evan J. Atkinson  
Tim Apel  
Wally Comer  
Emory Helmuth  
Jim Demitrus  
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

**Members Absent**

**Guests**

Warren Connolly, OCIB  
Rodney Hemming, Elsea, Inc.  
Bill Geniella, AMHRO  
Joe Maskovyck, Ohio Poverty Law Center (OPLC)  
John Grivensky, Central Inspection Bureau  
Leonard Staffrey, Jr., Central Inspection Bureau

**Call to Order**

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

**Roll Call:**

All Commissioners were present.

**Approval of the Minutes:**

**Action:** A motion was made by Evan Atkinson to approve the minutes from the July 17, 2012 meeting. The motion was seconded by Emory Helmuth. The motion passed unanimously.

**Public Comment:**

Bill Geniella, President of AMHRO spoke. He indicated that not all of O.R.C. 3733 is in the Rules as follows: 3733.10, 3733.12, 3733.121, 3733.15 and 3733.16 and he suggested that these are included in our Rules. Mr. Geniella further stated that according to 3701.26 and 3701.27, it was his belief that RV's cannot be set in manufactured home parks.

Warren Connolly, Ohio Certified Inspection Bureau, spoke about the issues he was experiencing with local building departments allowing homes to be hooked up to utilities without inspections. Mr. Connolly indicated that this is surfacing more and becoming a larger problem.

### **Commission Comments:**

The Commissioners suggested staff send out a reminder notice to the electric companies advising them that electric should not be turned on without approval from OMHC certified inspection agencies/depts.

There was further discussion regarding back flow and expansion tank requirements. Evan Atkinson indicated that some counties require them, while others do not. After further discussion, the Commission suggested staff check with MHI on whether or not they have addressed this in other states and also with HUD regarding these types of requirements and how that might affect HUD compliance.

**Action:** A motion was made by Jim Demitrus and seconded by Ron Younkin to continue the James Stoller case to the next scheduled Commission meeting. The motion passed unanimously.

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

Executive Director, Janet Williams presented a list of four (4) applicants for salesperson licenses that met the requirements for a salesperson's license.

**Action:** A motion was made by Jim Demitrus and seconded by Emory Helmuth to approve the list of four (4) salesperson applicants listed on the ratification list. The motion passed unanimously.

### **Transporter List on Website:**

Executive Director, Janet Williams presented a list of transporters that we received through the BMV. This list was also added to our website because we have received calls asking for such a list. It was indicated, however, that this list is not up-to-date and appears to include all transporters, not just manufactured home transporters. It was suggested that a disclaimer be placed on the website indicating that this is not a Commission generated list, and be not be up to date.

### **Budget Report:**

Executive Director, Janet Williams referred to the Revenue and Expenditure Overview in the Commission packets. Janet stated at the rate we have sold seals in just five weeks into the FY, we would finish the year with 3,858 seals sold.

### **Settlements:**

Executive Director, Janet Williams indicated that AAG, Walter McNamara is working on several settlement cases and will have those cases to the Commission at the next Commission meeting.

### **Parks Transfer:**

Executive Director, Janet Williams referred to the Common Sense Initiative (CSI) packet in the Commission packets. These are comments that the Commission received that were forwarded to the CSI. Director Williams indicated that the CSI process is a new step that has been added to the Rule writing process. The additional process could add 30 days to the timeline.

## **Parks Transfer (continued):**

July 3 emails went out to all local health departments (LHD) requesting information on each park in their jurisdiction. The LHD's were referred to a link where they can enter the data directly and it populates into our website. As of this date, approximately 64 of the LHD's have not responded out of 127 LHD's. To date, we have processed 950 parks into the e-licensing data base. Another email is being forwarded within the next week as a reminder to those who have not yet complied. In addition, a memo was included for the LHD's to distribute to the park operators in their jurisdiction advising them of the upcoming park licensing transfer.

Janet Williams and Mavis Giska participated in a weekly conference call with ODH and the LHD's. Executive Director, Janet Williams was asked to speak on several topics that ODH has been asked from the LHD's. It was concluded that Commission staff will periodically continue to be a part of the weekly conference calls in order to ensure consistency and understanding amongst these agencies.

Further discussion regarding RV's in manufactured home parks continued from the last Commission meeting. Mavis Giska had sent an email to ODH staff to clarify what statute would give them the authority to allow RV's in manufactured home parks and other pertinent questions. An emailed response was made a part of the Commission packets. It was noted that ODH has indicated that since the park laws/rules were silent on the issue and don't exclude RV's from parks, this practice was allowed verbally through the LHD's allowing 4 or less. There was further discussion regarding temporary housing such as man camps. Mavis Giska reported on her conversation with Mary Gaiski, Executive Vice President of the Pennsylvania Manufactured Housing Association about their involvement with temporary housing with respect to oil drilling in their state. The temporary man camp housing was apparently brought in from Texas at the direction of the oil company and those units were not HUD units. Further discussion followed with the pros and cons as it relates to the industry as a whole allowing RV's in parks. This issue was referred to the Working Group for their review and recommendations.

The Working Group scheduled to meet on September 6 at 10 am at the Commission office.

Executive Director, Janet Williams referred to the updated timeline on the lime green sheet in the Commission packets and pointed out some of the important dates pertaining to CSI process and filing of Rules into the JCARR process.

Executive Director, Janet Williams indicated that staff along with Walter McNamara are working on a Memorandum of Understanding (MOU) for the first right of refusal by the LHD's regarding the annual park licensing inspection. Once the MOU is reviewed and approved by staff and the AG's office, this document along with the inspection form and proposed inspection fees will be forwarded to all LHD's outlining their first right of refusal.

Paperwork is being completed to put OMHC on the Controlling Board agenda. Director Williams is working with CSA in order to complete this process.

Executive Director, Janet Williams referred to additional comments received regarding the proposed Rules which were included in the Commission packets and asked that the Commission consider these comments. After discussion, the Commission felt that it was not prepared to make a decision on the items addressed today. Chair Dan Rolfes requested that the Working Group review these requests along with any other sections of the Law that are not specifically addressed in the Rules and make a recommendation to the Commission at its next meeting.

### **Dispute Resolution Report:**

Staffer Dave Long reviewed the dispute resolution report that was included in the Commission packets. Mr. Long indicated that going forward he will be including a list of common complaints received from these reports.

### **HUD/SAA Conference:**

Executive Director, Janet Williams indicated that she will be attending the annual HUD/SAA conference next week in St. Louis.

### **New Business:**

Executive Director, Janet Williams requested the Commission approve an expense of \$190.00 for Dave Long to attend a Flood Plain conference.

**Action:** Jim Demitrus made a motion to approve this seminar and Wally Comer seconded the motion. The motion passed unanimously.

### **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.

### **Roll call vote to go into Executive Session:**

Dan Rolfes- Yes, Ron Younkin- Yes, Evan Atkinson- Yes, Jim Demitrus- Yes, Emory Helmuth- Yes, Tim Apel- Yes, Wally Comer- Yes.

### **Action:**

A motion was made by Jim Demitrus and seconded by Evan Atkinson to go out of Executive Session.

### **Roll call vote to go out of Executive Session:**

Dan Rolfes- Yes, Ron Younkin- Yes, Evan Atkinson- Yes, Jim Demitrus- Yes, Emory Helmuth- Yes, Tim Apel- Yes, Wally Comer- Yes.

### **Adjournment:**

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

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

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

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**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**  
**September 19, 2012**  
**10:00 AM**  
**5100 Parkcenter Avenue, Suite 103**  
**Dublin, Ohio 43017**

**Members Present**

Evan J. Atkinson  
Tim Apel  
Emory Helmuth  
Jim Demitrus  
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

**Members Absent**

Wally Comer

**Guests**

Warren Connolly, OCIB  
Rodney Hemming, Elsea, Inc.  
Bill Geniella, AMHRO  
Joe Maskovyck, Ohio Poverty Law Center (OPLC)  
Andrea Reichman, OMHA  
Elaine Gauck

**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 Wally Comer.

**Approval of the Minutes:**

**Action:** A motion was made by Evan Atkinson to approve the minutes from the August 15, 2012 meeting. The motion was seconded by Jim Demitrus. The motion passed unanimously.

**Public Comment:**

Bill Geniella, President of AMHRO spoke. He wanted to thank Executive Director, Janet Williams and Licensing Supervisor, Mavis Giska for attending and speaking at AMHRO annual meeting on Saturday, September 15 in Olmsted Falls. He stated they were greatly received and informative.

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

Executive Director, Janet Williams presented a list of five (5) applicants for salesperson licenses that met the requirements for a salesperson's license.

**Action:** A motion was made by Jim Demitrus and seconded by Emory Helmuth to approve the list of five (4) salesperson applicants listed on the ratification list. The motion passed unanimously.

Executive Director, Janet Williams presented a list of one (1) applicant who applied for a dealer's license and met the requirements for such.

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

Executive Director, Janet Williams presented a list of one (1) Building Department who met the qualifications to be a certified Building Department.

**Action:** A motion was made by Jim Demitrus and seconded by Emory Helmuth to approve the list of one (1) Building Department listed on the ratification list. The motion passed unanimously.

### **Budget Report:**

Executive Director, Janet Williams referred to the Revenue and Expenditure Overview in the Commission packets. Janet stated at the rate we have sold seals in just ten weeks into the FY, we would finish the year with 3,666 seals sold.

Janet Williams also stated that the Biennial Budget for Fiscal years 14/15 was submitted to OBM on September 17. She thanked Qiana Jones for all her diligence on the report.

### **Settlements:**

Executive Director, Janet Williams stated that the Commission received two (2) settlements, both were for setting a home without first securing a permit. Fees paid were, Chad Campbell, one (1) charge, paid \$200, and Scott Osborne, with two (2) charges, paid \$400. After discussion a motion was made.

**Action:** A motion was made by Ron Younkin and seconded by Emory Helmuth to approve both settlements, Campbell and Osborne. The motion passed 5 to 1, with Dan Rolfes voting no.

### **Out of State/Virtual Dealers:**

AAG Walter McNamara will look into this further and get back with the Commission about out-of-state and virtual dealers.

### **Parks Transfer:**

Executive Director, Janet Williams reported that the Commission is still waiting for responses from 42 Local Health Districts (LHD) for information for the database for the parks. The Commission has had some difficulties getting the information from some LHD. She sent an email to Gene Phillips at ODH asking for his assistance. She stated to him the Commission has had some issues with some LHD not wanting to enter the data, and we do not have a problem with that as long as we can get their past applications we will enter it for them. But some LDH have told us we would have to pay them for copies or we were welcome to come to their office and look through their files. The Association for Environmental Health Commissioners

suggested that we should do a public records request to those not wanting to comply. It was her feeling that this was a statutory transfer made by the state legislature and that they should be complying with the request.

Gene stated he would check with his legal department and get back to us.

Director, Williams stated that August 31 and September 7 she and staffers, Mavis Giska and Dave Long met with the Association of Ohio Health Commissioners (AOHC) and the Ohio Environmental Health Association (OEHA) and members of their organizations to review the Memorandum of Understanding (MOU) and the Nuisance in Parks document. All groups worked together to perfect the MOU and came to some agreements as to who would be responsible for what nuisance calls. Director Williams thanked staffer Julie West for her diligence on collecting information on the nuisance document. The group also discussed the vacant seat for a Sanitarian on the OMHC Board. Staff recommended the name of Matt Johnson in Cuyahoga County. Beth Bickford indicated their group had an interest in Greg Kesterman from Hamilton County.

After the meeting, Director Williams placed a call to Matt Johnson, who said he was flattered but declined to have his name submitted for the Commissioner seat. She then placed a call to Jennifer Wentzel, President of OEHA and stated she would like to see them also throw some names in the ring. Director Williams reminded them that by statute it states, “the registered sanitarian must have experience with the regulation of manufactured home and is an employee of a health district. She also stated that the Commission would like to have input on that person, so we are assure they have the proper qualifications.

### **Parks Working Group Committee Recommendations:**

**RV’s in Parks:** The Committee voted to allow up to four (4) in a park at this time.

**Language Change:** The Committee voted to accept the additional Rules that were submitted by Joe Maskovyck from Ohio Poverty Law Center, Rules, 4781-12-34, 4781-12-35 and 4781-12-36. They also agreed to 4781-12-24 with the agreed changes.

**Re-Inspection Fee:** The Committee voted for \$75 as a re-inspection fee for LHD who may be asked to re-inspect.

**LHD Outside their Jurisdiction:** The Committee recommended to allow LHD to go outside their jurisdiction to another, as long as they provide the Commission with the contract that states they are allowed.

**Park Inspections Open to all Agencies:** The Committee recommended that is the LHD do not sign on to do the annual inspection, that the inspection will be opened up to all agencies, building, health, third party, as well as Commission personnel.

**Provide NCR Paper Inspection Forms:** The Committee did not want to provide NCR paper, they stated the agencies would provide inspection reports to both the park owner and the Commission.

### **CSI Submittal Response:**

Executive Director Janet Williams spoke on the response received from the CSI for the proposed rules. Three of the four packets they had no comment, on the fourth packet, they stated, “With respect to the three supplementary rules proposed by the Ohio Poverty Law Center, the CSI Office recommends that the Commission consider the merit of those rules. Should the Commission decide to adopt them, it should place them in a new package, which would allow all stakeholders to comment on the content of those rules.” Janet stated that she would contact the director of JCARR and see how the Commission would proceed with those rules.

### **Controlling Board Submittal:**

Executive Director Janet Williams stated that all paperwork had been submitted to the Controlling Board on Sept. 4, 2012 for their meeting on Sept. 24, 2012.

### **Preliminary Rule Filing:**

Executive Director Janet Williams stated that all preliminary filings for the proposed rules were submitted into the electronic rule filing systems on Sept. 14, 2012. There will be a public hearing of those rules on October 17, 2012.

### **Statutory Language Clean-up:**

Executive Director Janet Williams stated that on September 10, 2012 she sent notification to the Office of Budget and Management (OBM) that the Commission would have some statutory language clean-up forthcoming to be submitted into the Biennial 14/15 Budget. Staff was unable to get access in to the OAKS Budget Module's Language Portal to submit the language. OBM said they would be working at getting the Commission staff access.

There was a discussion on clean-up of the statute. Attorney Kevin Shoemaker would assist the Commission with the necessary changes.

**Action:** There was a motion made by Ron Younkin and seconded by Jim Demitrus that per the Commission's instructions they would authority the Executive Director to enter into a contract for a reasonable amount for statutory changes.

### **Review of Timeline:**

The staff reviewed the parks transfer timeline with the Commissioners.

### **Bulletins, MOU and Park Operators:**

Executive Director Janet Williams announced that there would be a bulletin going out to the LDH which would include the MOU for first right of refusal for annual inspections of the parks, as well as a bulletins to the park operators with important information coming up. Both memos will go out the end of the week (Sept. 16<sup>th</sup>.)

### **HUD/SAA Conference:**

Executive Director Janet Williams announced she attended the HUD/SAA conference from August 20-23, 2012 that was held in St. Louis, Mo. It was the Mid-West region. She stated it was a good conference with lots of helpful information.

### **Speech at Tri-State Environmental Health Association:**

Executive Director Janet Williams announced that she and staffer, Dave Long attended and spoke for two hours to the Tri-State Environmental Health Association that was held in Belmont County, St. Clairsville, Ohio. The information was well received. The crowd asked a lot of good questions mainly dealing with the transfer authority of the parks.

### **Speech at AMHRO Group:**

Executive Director Janet Williams announced that she and staffer, Mavis Giska attended and spoke to the Association of Manufactured Homes Residents of Ohio. There were approximately 75 persons in attendance.

The meeting was held in the Olmstead Falls area of Ohio. The information was well received. The crowd asked a lot of good questions mainly dealing with the transfer authority of the parks.

**Recall of Certain GE Dishwashers:**

There was some information included in the packets from Champion, it gave information on some GE dishwashers that were being recalled.

**New Business:**

**Action:** A motion was made by Jim Demitrus and seconded by Ron Younkin to continue the James Stoller case to a latter scheduled Commission meeting. The motion passed unanimously.

There was a discussion on slopes and foundations. Commission members stated that there was 1000's of homes set in Ohio that are set with slope conditions. Inspector/Investigator, Dave Long stated the Rules for slabs and pier sets. He stated, level means level. Emory Helmuth spoke of using quick-crete (with sand) to level out a slope.

**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 Evan Atkinson to go into Executive Session.

**Roll call vote to go into Executive Session:**

Dan Rolfes- Yes, Ron Younkin- Yes, Evan Atkinson- Yes, Jim Demitrus- Yes, Emory Helmuth- Yes, Tim Apel- Yes.

**Action:**

A motion was made by Evan Atkinson and seconded by Tim Apel to go out of Executive Session.

**Roll call vote to go out of Executive Session:**

Dan Rolfes- Yes, Ron Younkin- Yes, Evan Atkinson- Yes, Jim Demitrus- Yes, Emory Helmuth- Yes, Tim Apel- Yes.

**Adjournment:**

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

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

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

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**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**  
**October 17, 2012**  
**10:00 AM**  
**5100 Parkcenter Avenue, Suite 103**  
**Dublin, Ohio 43017**

**Members Present**

Evan J. Atkinson  
Tim Apel  
Jim Demitrus  
Dan Rolfes, Chair  
Ron Younkin, Vice Chair

**Commission Staff**

Janet M. Williams, Executive Director  
Mavis Giska, Licensing Supervisor

**Legal Counsel**

Walter McNamara

**Members Absent**

Wally Comer  
Emory Helmuth

**Guests**

Warren Connolly, OCIB  
Rodney Hemming, Elsea, Inc.  
Bill Geniella, AMHRO  
Joe Maskovyak, Ohio Poverty Law Center (OPLC)  
Andrea Reichman, OMHA  
Elaine Gauck  
Ashley, JCARR  
Whitney, JCARR  
Richele Piper, Licking County Health Dept.  
Kevin Shoemaker, Shoemaker, Howarth

**Public Hearing 10:00 AM:**

A public hearing was held to hear any comments with regard to the new proposed Rules and revised proposed Rules that will take effect on December 1, 2012. There were two persons who presented comments. Public hearing ended at 10:30AM.

**Call to Order**

The meeting was called to order at 10:40 AM by Chair, Dan Rolfes.

**Roll Call:**

All Commissioners were present with the exception of Wally Comer and Emory Helmuth.

**Approval of the Minutes:**

**Action:** A motion was made by Tim Apel to approve the minutes from the September 19, 2012 meeting. The motion was seconded by Jim Demitrus. The motion passed unanimously.

### **Public Comment:**

Joe Maskovyak from Ohio Poverty Law reiterated that he would like to see Rules added for 4781-12-33, 4781-12-34, 4781-12-35 and 4781-12-23 changed with the amendments.

Bill Geniella, President of AMHRO spoke. He wanted assurance that the Rules that are of interest to his organization will be added. He also stated that it was AMHRO who originally brought this Rules to attention.

Warren Connally, Ohio Certified Inspection Agency stated an existing park in Harrison County, homes are being brought in on skids, Jewett, Ohio. He did not know if they were HUD homes or not. He believed that it was not a licensed park.

Rachel Piper, Licking County was asking the status of RV's in parks?

### **Discussion from the Public Hearing:**

A discussion ensued regarding 4781-12-23(B)(C) and changing some of the wording.

**Action:** A motion was made by Jim Demitrus and seconded by Evan Atkinson to accept the changes they were suggested in 4781-12-23. The motion was passed.

More discussion ensued regarding 4781-12-23(B)(C) and changing some of the wording.

**Action:** A motion was made by Jim Demitrus and seconded by Evan Atkinson to rescind the above stated motion. The motion passed unanimously.

The discussion again continued regarding 4781-12-23(B)(C) and changing some of the wording.

**Action:** A motion was made by Jim Demitrus and seconded by Evan Atkinson to use the wording per Kevin Shoemaker. The wording will be as follows; The motion passed unanimously.

4781-12-23

(B) If the park operator amends the rules, he/she shall provide a copy of any such amendment to each resident in the manufactured home park by either personally delivering a copy or by sending a copy by first class mail to each home. The rules shall also be conspicuously posted in the park. Any new rules shall be effective 30 days after they have been provided to all residents pursuant to the rule.

(C) If the park operator fail to provide a copy of the rules or any amendment to any resident as prescribed in divisions (A) or (B), such rule may not be enforces against the resident.

There was further discussion with regard to the rules. Commission agreed to look further at a later date with regard to the need for additional rules to be written as stated by Joe Maskovyak from Ohio Poverty Law Center and Bill Geniella from AMHRO.

Attorney Kevin Shoemaker submitted a list of changes that JCARR wanted to see in the rules.

**Action:** A motion was made by Jim Demitrus and seconded by Ron Younkin to accept all changes suggested by JCARR. accept all changes to the rules in their final state

**Action:** A motion was made by Ron Younkin and seconded by Evan Atkinson to have a final vote to adopt all proposed rules. accept all changes to the rules in their final state

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

Executive Director, Janet Williams wanted to publically congratulate Mavis Giska on her promotion to Assistant Director of the Commission and stated there is no harder working individual than Mavis.

Executive Director, Janet Williams presented a list of two (2) 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 Sara Hildenbrand, salesperson applicants listed on the ratification list. The motion passed unanimously.

**Action:** A motion was made by Evan Atkinson and seconded by Ron Younkin to approve Rebecca S. Cabell, salesperson applicants listed on the ratification list. The motion passed with Tim Apel abstaining

Executive Director, Janet Williams presented a list of one (1) applicant who applied for a dealer's license and met the requirements for such.

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

### **Budget Report:**

Executive Director, Janet Williams shared the FY 13 thus far. Expenses of \$165, 182 and revenues of \$111,577. She stated invoicing for parks has begun, so we will be realizing revenue for park licensing soon.

### **Settlement Received:**

**Action:** A motion was made by Evan Atkinson and seconded by Jim Demitrus to accept the settlement in the first time case against Ted Watt for setting a home without first obtaining a permit. The motion passed unanimously.

Executive Director, Janet Williams shared the language that was submitted as statutory changes in the FY14/15 Budget. See below.

### **Changes as they would be in the statute:**

4781.121(F) As used in this section, "violation" means a violation of section 4781.11, 4781.16, or 4781.27, or any rule adopted pursuant to ~~section 4781.04, of the Revised Code~~ this chapter.

4781.28 The manufactured homes commission may charge a fee for an annual license to operate a manufactured home park. The fee for a license shall be determined in accordance with section 4781.26~~27~~ of the Revised Code and shall include the cost of licensing and all inspections.

4781.29 The manufactured homes commission may refuse to grant, may suspend, or may revoke any license granted to any person for failure to comply with ~~sections 4781.26 to 4781.35 of the Revised Code~~ this chapter or with any rule adopted ~~under section 4781.26 of the Revised Code~~ thereunder.

## **Summary of Statutory Changes**

4781.121(F)

This language change is needed to ensure that 4781.121(F) is applicable to any rule adopted pursuant to Chapter 4781. The present language only references rules adopted pursuant to R.C. 4781.04.

4781.28

This change is needed to correct a typographical error, it should have read 4781.27 not 4781.26.

4781.29

This change is needed to include the entire chapter and not just limited to certain sections, again this was an oversight in the MBR.

### **Cyber Security Plan:**

Executive Director, Janet Williams reported that there was a requirement that the Commission complete a Cyber Security Plan. She recognized Julie West for completing and submitting the plan.

### **Parks Transfer:**

Executive Director, Janet Williams reported that the Commission is still waiting for responses from some Local Health Districts (LHD) for information for the database for the parks. The Commission has had some difficulties getting the information from some LHD. She sent an email to Gene Phillips at ODH asking for his assistance. She stated to him the Commission has had some issues with some LHD not wanting to enter the data, and we do not have a problem with that as long as we can get their past applications we will enter it for them.

Memorandum of Understandings (MOU's) were sent out on September 25, 2012 to all LDH. We have asked that they be returned to our office by November 30, 2012.

On September 25, 2012 a bulletin was sent out to all manufactured home park owners. We filled them in on the Commission takeover date of December 1, 2012. We also stated that they should not pay any licensing fees to the LDH, as we will be bill for 20143 licensing fees. We asked if they had emails addresses if they could get those to us, as we will be communicating by email. We also notified them of the fee structure they was set up. Lastly, we provided to them the step by step installation process brochure.

Executive Director, Janet Williams reported to the Commission that she and Mavis Giska again had a phone in conference call with ODH/LDH. They gave them an update of the transfer as well as information in the MOU. To date, we have received five yes and six no's to the MOU.

Executive Director, Janet Williams reported to the Commission that she re-submitted the Controlling Board Approval on October 2, 2012.

Executive Director, Janet Williams reported to the Commission that the rules were final filed on October 15, 2012.

Executive Director, Janet Williams reported to the Commission that the inspector position should be posted shortly.

The staff reviewed the parks transfer timeline with the Commissioners.

**Out of State Virtual Dealers:**

The conversation was tabled for future meeting by AAG, Walter McNamara.

**Dispute Resolution:**

It was reported that there had been no reported dispute resolution cases reported since the last reporting period. Currently there is no activity.

**New Business:**

Executive Director, Janet Williams asked the Commission to consider an additional amount of \$2,350 for services performed by Attorney Kevin Shoemaker. She felt Kevin went way beyond what was original agreed upon. In excess he assisted staff with RV's in parks, statutory language assistance and excessive revisions of the 48781, 6's, 7's, 8's and 11's.

**Action:** A motion was made by Evan Atkinson and seconded by Ron Younkin to add an additional amount of \$2,350 to the contract for Kevin Shoemaker.

**Adjournment:**

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

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

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

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**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**  
**December 19, 2012**  
**10:00 AM**  
**5100 Parkcenter Avenue, Suite 103**  
**Dublin, Ohio 43017**

**Members Present**

Evan J. Atkinson  
Tim Apel  
Wally Commer  
Jim Demitrus  
Emory Helmuth  
Ron Younkin, Vice Chair

**Commission Staff**

Janet M. Williams, Executive Director  
Mavis Giska, Licensing Supervisor

**Legal Counsel**

Walter McNamara

**Members Absent**

Dan Rolfes, Chair

**Guests**

Warren Connolly, OCIB  
Rodney Hemming, Elsea, Inc.  
Bill Geniella, AMHRO  
Joe Maskovyak, Ohio Poverty Law Center (OPLC)  
Andrea Reichman, OMHA  
Elaine Gauck  
Paul Pryor, Public  
Jarrod Hittle, ODNR, Floodplains

**Call to Order**

The meeting was called to order at 10:10 AM by Vice-Chair, Ron Younkin.

**Roll Call:**

All Commissioners were present with the exception of Dan Rolfes.

**Approval of the Minutes:**

**Action:** A motion was made by Evan Atkinson to approve the minutes from the October 17, 2012 meeting. The motion was seconded by Emory Helmuth. The motion passed unanimously.

**Public Comment:**

Warren Connolly, Ohio Certified Inspection Agency stated at the October meeting that there was an existing park in Harrison County; homes were being brought in on skids, Jewett, Ohio. He did not know if they were HUD homes or not at the time, he stated that they are not HUD homes. He believed that it was not a licensed park.

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

Executive Director, Janet Williams presented a resignation letter from Inspector/Investigator, Dave Long.

Executive Director, Janet Williams announced that she had a temporary employee, Heidi Carter helping the staff get through this licensing period.

Executive Director, Janet Williams included in the packets an email that talked about HUD furnaces and their proposed rule. The email states that there is the possibility that heating equipment suppliers will be only producing furnaces, including those certified for use in manufactured homes, in the future, with 90% or greater efficiency in accordance with 10 CFR 430.

Executive Director, Janet Williams included in the packet a reprint of the MHARR News that talked about production decline slows in October although production is still up 10% from 2011 figures.

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

**Action:** A motion was made by Emory Helmuth and seconded by Jim Demitrus to approve Keith Knox as an installer, listed on the ratification list. The motion passed with Evan Atkinson abstaining.

**Action:** A motion was made by Evan Atkinson and seconded by Emory Helmuth to approve Harley Sheppard as an installer, listed on the ratification list. The motion passed unanimously.

Executive Director, Janet Williams presented a list of five (5) applicants who met the requirements to be a salesperson.

**Action:** A motion was made by Jim Demitrus and seconded by Emory Helmuth to approve the list of five (5) salesperson applicants listed on the ratification list. The motion passed unanimously.

### **Budget Report:**

Executive Director, Janet Williams shared the FY 13 thus far. She explained that now the Commission will have two funds, the existing 4K9 Funds, as well as the newly founded, 5MC Fund. She further explained that the Commission owns the 5MC Funds, and the 4K9 Fund is shared with approximately 29 Boards and Commissions. All revenues collected for licensing of the parks, fines and excess funds will go into the 5MC funds. She stated invoicing for parks has begun, and the park licensing fees are rolling in. 75% of applications coming in have problems that staff is having to work out.

### **Settlement Received:**

**Action:** A motion was made by Tim Apel and seconded by Emory Helmuth to accept the settlement in the first time case against Marlene Knopsnider for setting a home without first obtaining a permit. The motion passed unanimously.

### **Set-back Clarification in Parks:**

Set-backs are structure to structure and do not include steps. Steps issue is up to the park owner and their rules. Ramps are not an encroachment issue per 4781-12-08(K) as they are open on two or more sides

## **Parks Transfer:**

Executive Director, Janet Williams first talked about parks that held a license at one time and the Local Health District (LHD) stopped licensing them, some because they did not meet the requirements of a road. They should have been grandfathered on what the law was when they became a park. Mainly down in Adams County. Staff will have to investigate to see if they can bring those parks operating without a license into compliance.

Emails were sent out to the LDH's informing them of the law and any excess funds they may have in excess of \$2,000 on December 1, 2012. They are to forward the excess fund to the Commission for deposit into the 4K9 fund by December 31, 2012. They were also asked to sign a statement and send it back stating the status of their excess funds. It is not just funds from 2012 licensing, but all manufactured home funds in their accounts.

An email was sent to Gene Phillips of the ODH on November 26, 2012 asking if the Commission could receive copies of their procedures for new or re-development. We also asked for the three year approvals with any two year extensions they may have. We also inquired on flood plain maps that they may have.

Executive Director, Janet Williams reported that she and Assistant Director, Mavis Giska participated in a telephone conference with ODH and the LDH talking about the MOU's and the excess funds.

To date approximately 70 LDH's have signed on to do the inspections in the parks and 40 have not. Staff will contact the areas who have signed on to see if they would be interested in doing inspections in their surrounding areas, if they are not, they will be offered to inspection agencies certified with the Commission.

Executive Director, Janet Williams and Assistant Director, Mavis Giska spoke to the SE area of the state, sanitarians on December 13, 2012. They went over what will be covered in the inspections for the park licensing as well as other pertinent information. The information was very well received and an informative meeting for the Commission as well as the sanitarians.

It was stated that the sanitarian seat is still vacant and in the hands of the Governor's office. Several persons have applied for the vacant seat.

Executive Director, Janet Williams stated obviously the final rules were filed and the transfer of the park licensing began on December 1, 2012.

Executive Director, Janet Williams stated approximately 78 persons applied for the two inspector/investigator positions that are available. Janet whittled down to only seven persons who somewhat met the qualifications and interviewed five persons. Two candidates have been offered positions and have accepted. She is working through the state system to get them hired and on board as quickly as possible.

There was a discussion on parks with water being turned off.

## **Discussion from the Parks Working Group Meeting on 12/11/2012:**

**Base Support Systems in Parks (3-year review):** It was discussed and decided that the certified inspection agencies will inspect the base support systems just like they currently do on private property. Agencies will need to make sure the spacing in the parks is correct.

**McMann Case:** This was a case that was discussed to length. Mr. McMann owns to park in Montgomery County. He was changing over from a propane heating system to gas. He was working with Vectron for the switch over. Apparently there were homes that ran out of the propane and the gas had not been turned on. Mr. McMann was working with the attorney from the state association of which he is a member. The

Commission was called to weigh in on authority issues by the County. Staff was told by the Attorney General's office that the Ohio Public Utilities Commission had the jurisdiction, not the Commission. The county building department was charging \$123.00 per home to inspect the lines before the gas could be turned on. It became an issue if they could inspect. The Board of Building Standards, Regina Hanshaw weighed in and said yes they could inspect. The next issue then became, who would pay for those inspections. We were told at one point 1/3 of the 330 homes had no heat. The Commission at no time received a complaint from a consumer on this issue. At the time of the meeting the issue remained unresolved.

**Existing RV's in Parks:** The Commissions laws and rules are silent on this issue. Therefore the Commission will not approve or disapprove. If five (5) homes enter a park they must be licensed with the Ohio Department of Health.

**Flood Plain Permits:** After much discussion on the issue a motion was made.

**Action:** A motion was made by Evan Atkinson and seconded by Emory Helmuth to designate authority to the certified inspection agencies to receive and approve applications for flood plain permits and perform inspections. There continued to be much discussion on the issue. Staff made a recommendation that there should be further examination of just how this would all work and what if any impact it would have. The motion was rescinded by Evan Atkinson as well as the second rescinded by Emory Helmuth. There was a gentleman by the name of Jarrod Hittle from the Ohio Department of Natural Resources at the meeting who explained about the FEMA website and a map service center where with could get assistance. His office kindly said they would assist the staff especially during this transition period.

**Out of State Virtual Dealers:**

There was some conversation with regard to applications and will they be held to the same standards as other dealers. Would there be an MOU? The conversation was tabled for future meeting by AAG, Walter McNamara who was going to be checking with West Virginia and Pennsylvania.

**Report from Consensus Committee:** Commissioner, Jim Demitrus, also member of the Consensus Committee, gave a informative report of the three day conference that was held in October. He stated there are 21 members from three different groups that make up the Committee. The Committee is chaired by Henry S. Czauski from HUD.

**New Business:**

None

**Adjournment:**

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

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

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

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**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission