

Ohio Manufactured Homes Commission
May 18, 2016
10:00 AM
5100 Parkcenter Avenue, Suite 103
Dublin, Ohio 43017

Members Present

Ron Younkin, Chair
Evan Atkinson, Vice Chair
Rodney Hemming
Marlene Knopsnider
Eric Zgodzinski
Regina Hanshaw
Tom Rehrig

Commission Staff

Janet M. Williams, Executive Director
Angel Legge, Program Administrator
Terry Swackhammer, Inspector/Investigator
Gary Whitaker, Inspector/Investigator

Legal Counsel

Christie Limbert, AAG

Members Absent

Guests

Warren Connolly, OCIB
Frank Pojman, AMHRO
Robert VanSchuyver, UMH Properties

Call to Order

The meeting was called to order at 10:00 AM by Ron Younkin.

Roll Call

All Commissioners were present.

Approval of the Minutes

Ron Younkin asked for a motion to approve the minutes from the April 20, 2016 meeting.

Action: A motion was made by Rodney Hemming to approve the minutes from the April 20, 2016 meeting. The motion was seconded by Marlene Knopsnider. The motion passed unanimously.

Public Comment

Frank Pojman discussed the ongoing waste water treatment plant issue at the community he resides at which is Columbia Park. He implored that the Commission must step in and take action. It was explained to him that the EPA is the state agency that is overseeing this project and they are taking all the appropriate steps to correct the situation. The EPA is the state agency that regulates and oversees waste water treatment systems throughout the State and the OMHC does not have the authority to override the EPA in regards to those systems. Mr. Pojman referred to ORC 4781.38 which states that a park operator must make all repairs and do whatever is reasonably necessary to put and keep the premises in a fit and habitable condition. He feels that it is the duty of the OMHC to step in and take care of these issues. It was explained to him that the OMHC is handling the situation appropriately by referring the issue to the EPA who is the appropriate agency to enforce the maintenance and

repairs of the system. If the owners of Columbia Park do not perform the necessary steps to correct the problems, the EPA will take the necessary steps to bring action against Columbia Park.

Mr. Pojman also discussed the leases at Applecreek Community that were brought to the attention of the Commission at the last meeting. He stated that the Commission needs to step in and force them to correct the legal issues within the lease. It was explained to Mr. Pojman that the Commission has been in contact with Mr. Yared and Mr. Yared is aware of the Commission's stance on the matter and Mr. Yared stated that he understood and the matter was resolved. Mr. Pojman stated he would contact Mr. Yared.

Executive Director's Report

Janet Williams presented a list of sixteen (16) applicants for salesperson licenses that met the requirements for a salesperson's license.

Action: A motion was made by Eric Zgodzinski and seconded by Regina Hanshaw to approve the sixteen (16) salesperson applicants listed on the ratification list pending the results of the fingerprinting. The motion passed unanimously with Evan Atkinson abstaining from the discussion and vote.

Janet Williams presented a list of nine (9) applicants for a dealer's license that met the requirements for a dealer's license.

Action: A motion was made by Regina Hanshaw and seconded by Rodney Hemming to approve the nine (9) dealer applicants listed on the ratification list pending fingerprint results. The motion passed unanimously.

Janet Williams presented one (1) applicant for an installer's license that met the requirements for an installer's license.

Action: A motion was made by Tom Rehrig and seconded by Eric Zgodzinski to approve the one (1) applicants for an installer's license listed on the ratification list. The motion passed unanimously.

Janet Williams presents an applicant for an installer's license that met the requirements for an installer's license. The applicant does have a felony conviction for possession of criminal tools. It was explained that the conviction was from 18 years ago when the applicant traded some property and the property he received was stolen. He was found guilty and spent time in prison. Upon his release, he has not been charged or convicted of any other crimes.

Action: A motion was made by Rodney Hemming and seconded by Eric Zgodzinski to approve the applicant for an installer's license pending the passing of the exam. The motion passed unanimously.

Report from Vegas Congress

Janet Williams discussed her trip to Las Vegas in April. She discussed the different breakout sessions and ways attendees were working to bring new residents to their communities. She stated that former Commissioner Wally Comer representing Adventure Homes received one of the Manufacturer of the Year awards.

Inspectors Report

Gary Whitaker presented the update on the Community Complaints Resolved.

Budget Report

Janet Williams presented the update on the budget as of the current date. Total expense for FY16 to date is \$723,789 and total revenue to date is \$1,015,341.

Community Inspections

Community Inspections have begun. 280 inspections have been completed so far. We have about 1300 more inspections yet to be conducted.

Community Renewal Report

New count for communities in the state is 1587. 47 certified letters went out the week of May 9th, 2016. As a result, we have processed 9 more applications bringing the count to 1540 active licenses, 31 communities in various stages and 16 communities that need to be investigated for legal action.

An update of the abandoned home information was presented in the packet.

Seal Report Update

An update was given to the Commissioners showing the status of permits that have been issued since the Commission began issuing seals. Out of the 19 active agencies in existence today, there have been 16134 permits issued, 14358 of those permits have been finalized which is 83%. Of the 1776 permits that remain open, 992 of them have expired. A Commissioner pointed out that one third party agency has 81% of the 992 expired permits.

Engineered Drawings

Gary Whitaker and Tom Rehrig discussed the most recent revisions to the engineered drawings. A few typos need to be corrected as well as confirmation of filler material. Tom Rehrig will look into the concerns and present another revision at the next meeting.

Email to Installers, Inspectors and Inspection Agencies

During a recent investigation into a park in regards to a possible purchase, it was discovered the park was in a flood plain. As a follow up, it was being verified that all the homes that were installed in the park were done so to flood plain standards. A memo was also sent out to all 346 installers, inspectors and inspection agencies reminding everyone that it is everyone's responsibility to verify if a home is being placed in a flood plain or not. During the conversation Warren Connolly from OCIB felt that it is not the responsibility of the inspection agency or inspector to verify if the installation is being done in a flood plain. Mr. Connolly stated that they ask all applicants if it is in a flood plain and they said yes or no. If they say no and that is in fact untrue, the burden of responsibility falls to the installer if harm comes to the homeowner due to the improper installation of the home. It was explained to Mr. Connolly that if inspectors could just take the applicants word for it then why inspect any portion of the installation at all? Just take the installer's word for it that it was set correctly. All commissioners agreed that the inspector has just as much responsibility as the installer to verify if the location is in a flood plain or not. When an applicant purchases a permit, they are buying the peace of mind that the installation of their home was done properly. When an inspector places a seal on a home that seal is stating the home was installed properly and safely for the location in which it was placed on.

Electrical Issue

Regina Hanshaw updated the Commission on possible changes to BBS laws and rules that will affect manufactured homes. The BBS is considering better defining the exemption of manufactured homes from the residential codes of Ohio which will in turn better define the line of demarcation in regards to the electrical installation portion of setting a home.

She also clarified that local building departments are not under the jurisdiction of the BBS. Local building departments are under the authority of the county commissioners and local building and zoning ordinances. The changes to the BBS laws and rules will better clarify the line of demarcation for electrical installations however local building departments can still enforce their own codes and ordinances. It will ultimately be decided by the power company as to who they recognize as the local authority having jurisdiction.

Hearing Settlements

AAG Limbert recommended to the Commission that they authorize the Executive Director to propose initial settlement terms for any pending R.C. Chapter 119 administrative action, and to discuss potential case settlements with the AAG. The Commission will retain the final say on whether the settlement will be accepted and all approved settlements must be signed by the Chair.

Action: Tom Rehrig made a motion to grant the Executive Director the discretion to propose initial settlement terms for any pending R.C. Chapter 119 administrative action, and to discuss potential case settlements with the AAG. Eric Zgodzinski seconded the motion. The motion passed unanimously.

5 cases were presented to the Commission for settlement offers in lieu of 119 hearings.

Case 2016-003 Keith Putnam

Mr. Putnam has two charges against him for approving final inspections on two installations that were performed by an unlicensed installer. Rodney Hemming requested more information on the unlicensed installer. It was explained that the installer was licensed at one time but had let his insurance lapse. On December 3, 2015 the installer was listed as inactive in our system which is available in real time to the public. The installer remained inactive until April 13, 2016 when he provided updated insurance to our agency. The final inspections were conducted and approved on March 18, 2016. The settlement offer is \$400.

Action: Rodney Hemming made a motion to approve the settlement agreement between the Commission and Keith Putnam for a \$400 fine. Eric Zgodzinski seconded the motion. The motion passed unanimously.

Case 2016-004 David Duckworth

Mr. Duckworth has one charge against him for approving a final inspection on an installation that was performed by an unlicensed installer. It was explained to the Commission the installer in this case is the same installer in Case 2016-003 and all details remain the same with the exception that the final inspection was conducted and approved on April 7, 2016. The settlement offer is \$200.

Action: Rodney Hemming made a motion to approve the settlement agreement between the Commission and David Duckworth for a \$200 fine. Eric Zgodzinski seconded the motion. The motion passed unanimously.

Case 2016-001 Jeff Kier

Mr. Kier has one charge against him for installing a home without an active license. Mr. Kier's license became inactive on December 3, 2015. On March 27th, Mr. Kier was sent a certified letter notifying him he was no longer permitted to install homes in Ohio until we received his updated insurance information. Mr. Kier signed for the letter on March 30 and also called our office that day and stated he would get insurance asap and send it to our office. We received the insurance information on April 13, 2016. Mr. Kier's license was re-instated on April 13, 2016. On April 4, 2016, Mr. Kier applied for and received a permit to install a home he did not own. Mr. Kier installed the home and completed the installation on April 7, 2016. The settlement offer is \$200.

Action: Eric Zgodzinski made a motion to approve the settlement agreement between the Commission and Jeff Kier for a \$200 fine. Evan Atkinson seconded the motion. The motion passed unanimously.

Case 2016-005 Southern Ohio Manufactured Homes Inspection

Southern Ohio Manufactured Homes Inspection has eleven charges against them for issuing permits to an unlicensed installer. Installer Jeff Kier became inactive on December 3, 2015. His status as an installer was immediately updated in the system that is available to the public in real time. Mr. Kier remained inactive as an installer until April 13, 2016. From March 3, 2016 to April 4, 2016 SOMH issued 11 permits to Mr. Kier. The settlement offer was \$2200. It was negotiated to \$1100 now, \$1100 suspended provided no further violations within the next 2 years.

Action: Evan Atkinson made a motion to approve the settlement agreement between the Commission and Southern Ohio Manufactured Home Inspections LLC for a fine of \$2200, with \$1100 due immediately and \$1100 held in abeyance. If the settlement agreement is violated, or if Southern Ohio violates 4781-7-06(B)(7) again in the next 2 years, the \$1100 held in abeyance shall be immediately imposed. Eric Zgodzinski seconded the motion. The motion passed unanimously.

Case 2015-001 Rick Binder

Mr. Binder has been charged with 301 counts of violating Chapter 4781 of the R.C., ethics violations, misrepresenting his qualifications, violations of OMHC rules and policies, acting without integrity, failing to protect the public, conducting inspections that he was not qualified to perform, failing to keep true and accurate copies of inspections and conducting electrical inspections without being a licensed ESI through the BBS. Mr. Binder conducted 301 electrical inspections during the installation of homes that he was not permitted to do as he was not an ESI. Tom Rehrig is very concerned with what Mr. Binder has done and feels this was an act of commission rather than act of omission. He is questioning whether this warrants more charges than what has already been charged. Evan Atkinson says that he is very concerned with what Mr. Binder has done but he does acknowledge that he is one of the more critical inspectors we have. Ron Younkin made mention that the Commission hadn't received many complaints but it was not an excuse for his actions. AAG Limbert presented a settlement offer of \$15,050 and he must develop and put in place a recordkeeping policy within 60 days of the signature of the agreement.

Action: Evan Atkinson made a motion to approve the settlement agreement between the Commission and Rick Binder for a fine of \$15,050 due within 90 days. Eric Zgodzinski seconded the motion.

Roll Call: Younkin: No Atkinson: No Hanshaw: Abstain Rehrig: No Hemming: No Zgodzinski: No Knopsnider: Abstain
Motion denied.

Action: Evan Atkinson made a motion to offer a settlement agreement between the Commission and Rick Binder for a fine of \$30,100, with \$15,050 due immediately and \$15,050 held in abeyance. If the settlement agreement is violated, or if Rick Binder violates 4781-7-08-I-12 again in the next 2 years, the \$15,050 held in abeyance shall be immediately imposed. Mr. Binder must also admit guilt of all charges. Eric Zgodzinski seconded the motion. Roll Call: Younkin: Yes Atkinson: Yes Hanshaw: Abstain Rehrig: Yes Hemming: Yes Zgodzinski: Yes Knopsnider: Abstain
Motion carried.

HUD Evaluations

Janet Williams informed the board of a letter she received from HUD notifying the Commission that they will be reviewing our installation program to confirm regulatory adherence and assess the effectiveness of each state's program. HUD will notify us when the evaluation will begin.

Pike County Deaths

Janet Williams shared news articles relating to the deaths in Pike County of 8 family members.

Fiscal 2017 Meeting Schedule

Janet Williams informed the Commission of the dates for the FY 17 Commission meetings.

Action: Eric Zgodzinski made a motion to accept the FY17 meeting calendar which was seconded by Rodney Hemming. Motion passed unanimously.

Reminder of June Meeting

Janet Williams reminded everyone of the cancellation of the June Commission meeting.

New Business

CE Class Change

The Commission was informed that there has been a change in the structure of CE classes. Effective immediately installers and inspectors will be separated into different classes in order to make the classes more tailored to each specialty. There will be an inspector only class in August. There will be two installer only classes in October.

Adjournment:

Action: Motion to adjourn made by Tom Rehrig and seconded by Eric Zgodzinski. The motion passed unanimously. Meeting ended at 1:53pm.

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

Janet M. Williams
Executive Director
Ohio Manufactured Homes Commission

Ron Younkin
Chair
Ohio Manufactured Homes Commission