

Ohio Manufactured Homes Commission
January 7, 2005
10:00 a.m.
East Room A – Riffe Center

Members Present

Evan Atkinson
Emory Helmuth
Bill Laubacher
Roger Suppes
Ron Younkin, Vice Chair
Dan Rolfes, Chair
Jim Shea

Guests

John Cunningham, DAS/CSA
Tim Williams, MHA
Carolyn Mowery, MHA
Michael Eberly

Members Absent

David Ledvinka
Shelley Green, Secretary

Legal Counsel

Megan Boiarsky, AAG
Kate Oklok, AAG

Call to Order

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

Minutes

Minutes from the December 8, 2004 meeting were amended to include the motion under the item "Administrative Rules" which was to wit: "To empower Dan Rolfes, working with John Cunningham, to enter into a personal service contract with the selected vendor, Chapin and Associates, to develop basic Part A administrative rules for the Commission, said contract not to exceed \$2,500." As amended, the December 8, 2004 minutes were accepted.

Old Business

Subcommittee Reports

HR/Budget Subcommittee

Evan Atkinson, Subcommittee Chair, reported out on the Executive Director hiring process. A total of three candidates were interviewed. The subcommittee met on December 14, 2004 at Palm Harbor Homes, 845 Washington Street, Sabina, Ohio 45169. After deliberation, the subcommittee unanimously selected Mr. Michael Eberly as the Executive Director subject to ratification by the full Commission.

Roger Suppes made a motion to ratify the selection of Mr. Eberly, Ron Younkin seconded, the Chair called for a voice vote and the motion passed without dissent.

Mr. Atkinson then introduced Mr. Eberly who was attending the meeting as a guest until his appointment is finalized with the state. Mr. Eberly is to begin his employment January 10, 2005.

Administrative Rules Subcommittee

Mr. Rolfes reported that he had done some research along with legal counsel from the Manufactured Homes Association. He distributed a spreadsheet summarizing rules in other states. Discussion ensued regarding Federal rule development. It was agreed

that the Commission should proceed with its rule development and then to amend the rules to comport with Federal guidelines if need be.

Legal Counsel, Megan Boiarsky and Kate Oklok recommended that the board take sample rules from other states, break them down into topic areas and assign rule development oversight for each area to Commission members and a subgroup.

Discussion then returned to other states' rules. It was reflected that Tennessee and Texas inspect a relatively small percentage of manufactured homes installations, but most other states inspect 100% of installations. The subject of local building codes was raised. Tim Williams from MHA indicated that they had worked with the County Commissioners Association of Ohio (CCAO) during the drafting of the statute creating the commission and their responsibilities.

Mr. Suppes pointed out that the State Board of Building Standards only deals with multi-family (3 or more family) dwellings. It was also noted that Mr. Ledvinka, who has been unable to attend Commission meetings, is the representative from that board. It was noted by Mr. Williams that the Commission needs to continue to work with CCAO as other Township and Municipal Official Associations, including the Ohio Municipal League, as rules are developed.

Chairman Rolfes also noted that the Commission needs to look at the interaction between the Commission and modular homes issues.

Discussion then ensued as to how to approach the development of administrative rules (Part B) beyond the basic board structure rules. The board did break down the rules into 5 areas and appointed subgroups accordingly as suggested by Jim Shea.

1. Foundation rules and inspection – to include fees, foundation inspection, utilities, and general site inspection. Members:
 - a. Emory Helmuth to Chair
 - b. Bill Laubacher
 - c. Lou Sherrick
 - d. Evan Atkinson
 - e. Roy Girten
2. Installation
 - a. Bill Laubacher to Chair
 - b. Emory Helmuth
 - c. Lou Sherrick
 - d. Evan Atkinson
 - e. Roy Girten
 - f. Jerry Siddle
 - g. Jim Shea
 - h. Tom Brant
3. Licensing, Testing and Training
 - a. Ron Younkin to Chair
 - b. Bill Laubacher
 - c. Roger Suppes
 - d. Dave Thalman

New Business

The Chair recognized Mr. Atkinson who suggested that the board establish priorities for the Executive Director. He suggested that the director do the following:

1. Find facilities for the Commission Office

2. Begin to familiarize himself with the industry including traveling to the industry show in Louisville, KY, traveling to COSAA meeting in Washington, D.C. to visit with HUD officials developing Federal guidelines, and to communicate with Executive Directors of similar boards in other states and maybe do a site visit to one, as well as attend a MHI meeting.
3. Work on the FY06/07 biennial budget for the Commission
4. Meet with George Porter while in Louisville to review what he offers in terms of installation training.
5. Speak with Julie Combs, one of the applicants for Executive Director who, based with her experience in North Carolina doing manufactured homes inspections, may be a good candidate for a staff role or enter a contract with.

The Chair recognized John Cunningham. Mr. Cunningham requested that the Commission send a letter to Director to Director C. Scott Johnson of DAS indicating payment for CSA services to date and requesting that CSA services continue. A draft letter was shared with the Commission. Ron Younkin made a motion to approve the request and sign the letter. Mr. Suppes seconded. The Chair called for a voice vote and the motion passed without dissent.

Assistant Attorney General Report

AAG Megan Boiarsky briefed the board on pending issues. Ms. Boiarsky affirmed the fact that both the Commission and its subcommittees are public bodies and need to adhere to open meeting requirements.

Discussion continued on the issue of whether subcommittee members can participate in subcommittee meetings via telephone, Ms. Boiarsky reiterated the AG's previous recommendation that subcommittee's not allow participation by telephone.

Tim Williams indicated he had spoken with DAS Chief Legal Counsel Deborah Archie who conferred with Martin Sussex from the AG's Office. Mr. Williams reported that Ms. Archie said if no quorum of the full commission exists then an open meeting notice requirement is optional. Mr. Williams also said Ms. Archie indicated that other commission members could call in to a meeting of less than a quorum, but not vote. Ms. Archie also said that subcommittees with less than quorum can issue recommendations, but a final vote requires public notice and a full commission meeting. Ms. Boiarsky will further research the issue and report out at the next meeting.

Ms. Boiarsky mentioned that Mr. Ledvinka's position needs to be reassessed. If Mr. Ledvinka cannot serve the Governor's Office needs to be contacted to have a replacement appointed.

OMHA Comments

The Chair recognized Mr. Williams. Mr. Williams recommended that Mr. Eberly begin setting up the office and staff for the Commission and given the many tasks ahead. Mr. Williams also recommended that the Commission contact Mr. James Rough, the other applicant for the Executive Director position, and inform him of their decision.

Mr. Williams also asked for clarification of guidance for Commission members and Mr. Eberly for their trip to Louisville and discussions that may take place at that time. Ms. Boiarsky indicated that casual conversations, as long as Commission decision-making was not discussed, are allowable.

Adjournment

Ron Younkin moved to adjourn the meeting at 2:15 p.m. Bill Laubacher seconded the motion. The motion carried. The next meeting is scheduled for Wednesday, February 9, 2005 at 10 AM.

Respectfully Submitted by John Cunningham

Dan Rolfes

Chair

Ohio Manufactured Homes Commission

Ron Younkin

Vice-chair

Ohio Manufactured Homes Commission
February 9, 2005
10:00 a.m.
Room 1914, 19th Floor
Verne Riffe Center
Columbus, Ohio

Members Present

Evan Atkinson
Jim Shea
Ron Younkin, Vice-Chair
Shelley Green, Secretary
Bill Laubacher
Emory Helmuth

Executive Director

Michael Eberly

Guests

Carolyn Mowrey, OMHA
Holly Dorr, OMHA

Members Absent

Roger Suppes
Dan Rolfes, Chair
David Ledvinka

Legal Counsel

Barry McKew, AAG

Call to Order

The meeting was called to order at 10:05 a.m. by Ron Younkin, Vice-Chair.

Review of Agenda

Ron Younkin, Vice Chair requested the commission take a few minutes to review the agenda for this meeting. Michael Eberly, Executive Director, stated that he had spoken with Dan Rolfes, Chair this morning and they needed to add some items to the agenda.

Approval of the Minutes from the January 7, 2005 Meeting & Review of this meeting agenda.

Ron Younkin, Vice Chair requested that the commission take a few minutes to review the minutes from the last meeting. **Action:** All members were in favor and the motion passed unanimously to approve the minutes.

Introduction of Barry McKew

Barry McKew, AAG introduced himself and stated he has been with the state for eighteen years. He was in attendance because AAG Megan Boiarsky wasn't able to attend the meeting. Barry will also assist the Commission on an as needed basis.

Old Business

Subcommittee Reports

Human Resources/Budget Subcommittee Report

Evan Atkinson stated that he has nothing to report. The subcommittee has not met since our last commission meeting. Michael Eberly requested that the Commission make a motion to allow him to hire an Administrative Assistant. Jim Shea motioned and it was seconded by Emory Helmuth. The motion was passed.

Administrative Rules Subcommittee Report

Michael Eberly stated to the Commission that he felt we needed to move forward with obtaining a contract with Chapin & Stein to have the rules written for under \$2,500. Michael should have something for the commission to look at before our March meeting.

Jim Shea distributed copies of the proposed rules for IN Manufactured Home Installer Licensing Board. Evan Atkinson stated that he had the opportunity to be involved in a disciplinary hearing in WV. He doesn't want OH to emulate their program.

Facilities Update

Michael Eberly handed out a cost comparison on office space and a copy of an e-mail discussing the office comparison. Michael Eberly stated that we are getting close to getting an office space. We should have office space by the end of February. The space he is referring to is located in Dublin, Ohio. He also requested a motion to approve giving him the approval to move forward in leasing space in Dublin. Evan Atkinson motioned and Shelley Green seconded the motion. The motion passed. The address of the building he is considering is 5650 Blazer Parkway, Dublin, Ohio. This office is class A office space that would be very suitable for what our Commission needs.

Assistant Attorney General Update

Barry McKew, AAG did research on the conversation about teleconferencing that was brought up at a previous Commission meeting. He handed out a packet of reference material from 2004 Edition of The Ohio Sunshine Laws Update regarding The Public Records Act and The Open Meetings Act. Barry asked the commission to take a look at pages 71 & 78. His recommendation on teleconferencing would be to refrain from doing it.

Discussion on the make-up of the standing subcommittees ensued. It was agreed that if there was one Commission member and the balance was made up of industry representatives than this would not be a public body.

Reviewed Senate Bill 102 to see where the Commission could assess fees. There are three areas: 1) Issuance and renewal of installers licenses; 2) Conducting inspections by health and local building departments; 3) Continuing education.

Discussion ensued on if the Commission could charge a placement fee on new builds or used homes physically moved. Barry stated that he believes this authority isn't clearly stated in the statutory language. Evan Atkinson asked if the Commission has the authority to sell building permits? It was also asked if OMHC can charge a transaction fee on top of the ODH inspection fee? It was agreed because of the importance of these issues raised that more research needed to be done in these areas and it would be reported back in a future Commission meeting.

Disciplinary hearing process is governed by Chapter 119 of ORC. The Attorney General's Office will be involved with this process. An administrative hearing officer may hear the case and write up their findings that would go to the Commission for final disposition. If the Commission takes punitive action the individual has the right to appeal to the Franklin County Common Pleas Court. The Legislature has set a limit of a \$500 fine. Under certain circumstances this limit can be higher.

New Business

Executive Director's Report

- 1) Gave budget & appeal overview; 2) Julie Combs was interested in doing work with the Commission on a contract basis; 3) Distributed copies of ODH inspection fees; 4) Showed a list of all local building departments.

Foundation Rules and Inspection Subgroup

Jim Shea stated that we need to make a motion to amend the subcommittees to include one Commission member and the others are outside representatives. It was decided that the Foundation Rules and Inspection would consist of Emory Hulmuth, Lou Sherrick and Roy Girten. Evan Atkinson stated that the subcommittees need to meet first and then decided who would fit best in those workgroups. Barry McKew suggested that minutes be taken at each of those meetings. Jim Shea made a motion to reduce the membership of the subcommittees to just one Commission member being the working group chair with the capacity for the chair to use outside people to use their input. Shelley Green seconded the motion. **Action:** All members were in favor and the motion passed unanimously to approve the motion.

Meeting Schedule

The next Commission meeting is scheduled for March 9, 2005 at 10:00 a.m.

OMHA Comments

Carolyn Mowrey recommended that we need to discuss with Rex Latrell, OMHA's legal counsel, the revenue plan that had already been discussed earlier in the Commission meeting.

Adjournment

Ron Yonkin, Vice Chair moved to adjourn the meeting at 12:07 p.m. The motion was unanimously carried.

Minutes Respectfully Submitted by Shelley Green.

Dan Rolfes

Chair

Ohio Manufactured Homes Commission

Ron Yonkin

Vice-Chair

Ohio Manufactured Homes Commission

Ohio Manufactured Homes Commission

March 24, 2005

10:00 a.m.

5650 Blazer Parkway

Dublin, Ohio 43017

Members Present

Evan Atkinson

Bill Laubacher

Dan Rolfes, Chair

Jim Shea

Roger Suppes

Ron Younkin, Vice-Chair

Executive Director

Michael Eberly

Legal Counsel

Barry McKew, AAG

Members Absent

Shelley McCracken

Emory Helmuth

David Ledvinka

Guests

Holly Dorr, OMHA

Jenny Hodge, American Modern Insurance

Rex Littrell, OMHA

Carolyn Mowrey, OMHA

Rick Talbot, American Modern Insurance

Call to Order

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

Approval of the Minutes from the February 9, 2005 Meeting

Dan Rolfes, Chair requested that the Commission take a few minutes to review the minutes from the last meeting. **Action:** All members were in favor and the motion passed unanimously to approve the minutes.

Human Resources and Budget Subcommittee Report

Dan Rolfes, Chair reported that Janet Williams will be joining the Commission staff as Administrative Assistant. Dan Rolfes, Chair presented the budget supplement and explained it to the Commission. There is insufficient funding for OMHC by OBM. Dispute resolution was not even mentioned in their budget. Michael Eberly spoke to OBM analyst who indicated after coming out of the House no additional monies have been provided. Michael Eberly has also spoken to several people, legislators and administration officials and this budget is the most austere in forty years. Dan Rolfes, Chair had lunch with Senate President, Bill Harris yesterday as well as Senators Schuler and Clancy. There is no question there is going to be a tight budget, but Chair, Dan Rolfes feels confident we'll get relief. Megan Bioarsky, AAG is in a hearing today and could not attend.

Administrative Rules Subcommittee Report

Administrative Rules Part A was distributed for review by the Commission. Chair, Dan Rolfes presented, "Seems pretty simple, any questions?" Roger Suppes questioned, "What is Mason's Manual and Hughes Parliamentary Guide?" Barry McKew, AAG said, "It's like Robert's Rule, another addition". Barry McKew also reviewed the Administrative Rules and added one rule, the last

rule being standard to Board's, used for another Commission. Roger Suppes questioned the order the statement was written. Robert's Rules was written third, he suggested that it be switched to say, Robert's Rules first. Barry McKew, AAG suggested amending be done before these rules are submitted to JCARR. Michael Eberly will check with the attorney that wrote to rules to see if Commission can switch the order or take it out. Jim Shea questioned the general state rules regarding dealing with the media, is it adequate? (to reference 119.03). Barry McKew said that this is pretty general. Chair, Dan Rolfes questioned reference to posting on web-site or e-mail regarding public notice to meetings and should this be added to the rules? Barry McKew, AAG said there is no reason you can't post on web. Roger Suppes questioned (B) (1) Special Meetings, formatting issue. Special Meetings should follow that paragraph, seems to be out of order. Dan Rolfes, Chair had a question regarding, majority of quorum. Attorney Rex Littrell stated, "A majority of bodies to pass something, 4781.03B, 5 members is a quorum, 5 votes for Commission to take action. Rex Littrell, Attorney also brought up, page 3, (B) (1) should be (A) (1) and (2) should say B/b & B/c, it is in error. Roger Suppes questioned why the attorneys differentiated between regular meetings and special meeting? Should section (B) be scratched out altogether? Michael Eberly suggested getting Attorney on a conference call. With Amanda Zibners on the line, she was told on Pg. 2 of Rules, Mason's Manual and Hughes Parliamentary could be replaced and just use Robert's Rule. On Pg. 3, the question was asked, "Do we need a special section for notifying news media of special meetings?" She wasn't sure, but in reviewing other Commission's rules they have that in there, Amanda will do additional research and take out if not required. With regard to the website and e-mail notification, she will put that in there. That was the end of the call with Amanda Zibners. With regard to Special Meeting, Roger Suppes said he had never seen it done that way; we should attempt of take it out. Michael Eberly will get the changes made. He will then send it to Ron Younkin for final review and approval. Roger Suppes made a motion and Bill Laubacher seconded. **Action:** The motion passed. Once it is filed, a public hearing will be scheduled. Ron Younkin asked if the public hearing could be on the same day as a Commission meeting?

Assistant Attorney General Update

AAG Barry McKew, Michael Eberly, Rex Littrell, Carolyn Mowery and Holly Dorr had a meeting March 11th with Bill Hills Executive Director of J-CARR to get his input and suggestions on funding issues. You can charge a fee for installer licensing and inspection. Commission asked about placement, but that's almost a part of application and inspection, just put it under something else within the inspection fee (make the application fee a subset of another fee). We have the authority to put it under there. Evan Atkinson stated this is typical for a building department. Barry McKew elaborated on licensing exams, etc. Barry McKew states that if someone buys a unit and the unit is not moved, then we have no authority of transfer of title fee. Chair, Dan Rolfes stated if we need to go back to the legislature for a grandfather clause, then we need to go back. Rex Littrell also threw in about installation did not include hook up of gas, etc. Questions were raised; Does the Commission have the authority to selling building permits? Answer, No. Does Commission have authority to place fee on top of ODH fee? Answer, No. Can we charge two fees for different inspections on foundations? Answer, Yes we have the authority to do this. Rex Littrell elaborated on plan review fee, be careful where you site to.

Foundation Subcommittee Meeting

Emory Helmuth met with the Subcommittee on Friday. Two people were added to the subcommittee. Emory will be having another meeting soon.

COSAA Meeting

COSAA Meeting was held in Washington D.C. week of March 14th, 2005. Michael Eberly gave a report on the meeting. Jim Shea and Holly Dorr who both attended the meeting also interjected comments. Holly Dorr passed out a summary sheet she prepared from the meeting.

Public Comments

Tim Williams to have meetings with appropriate Commission members regarding consolidation into Commerce once he returns from MHI Congress.

Adjournment

Dan Rolfes, Chair moved to adjourn the meeting at 11:45 a.m. The motion was unanimously carried.

Strategic Planning Session

The Commission then met to discuss and develop a strategic plan. The process was facilitated by Jenny Hodge and Rick Talbot with American Modern Insurance Group. The following categories were created for discussion:

- 1) Strategic Plan Concerns: This list was developed into the Strategic Plan Table.
- 2) Strategic Plan Table: This included outputs, activities, person responsible, additional resources to assist, duration of tasks, future check points, and priority order.
- 3) Developed important issues to tackle at a later date: budget & proforma based upon fees, legislative changes to S.B. 102, Administrative Part B rules, communication between subcommittees/work groups, and training for inspectors & installers, etc.
- 4) Strategic Long-term Issues: bonding, improve customer protection & satisfaction & value, state-wide independent program, and real estate owned, etc.

Minutes respectfully submitted by Janet Williams & Michael Eberly.

Dan Rolfes
Chair
Ohio Manufactured Homes Commission

Ron Younkin
Vice-Chair
Ohio Manufactured Homes Commission

Ohio Manufactured Homes Commission

May 12, 2005

10:30 a.m.

5650 Blazer Parkway

Dublin, Ohio 43017

Members Present

Evan Atkinson

John Brant

Emory Helmuth

Bill Laubacher

Dan Rolfes, Chair

Jim Shea

Ron Younkin, Vice-Chair

Commission Staff

Janet Williams

Legal Counsel

Megan Bioarsky, AG

Barry McKew, AG

Members Absent

Shelley McCracken

Roger Suppes

Guests

Julie Combs, Lakewood Point, Inc.

Holly Dorr, OMHA

Carolyn Mowrey, OMHA

Call to Order

The meeting was called to order at 10:40 a.m. by Ron Younkin, Vice-Chair.

Approval of the Minutes from the March 24, 2005 Meeting

Ron Younkin, Vice-Chair requested that the Commission take a few minutes to review the minutes from the last meeting. **Action:** Motion was made by Bill Laubacher to accept the minutes, it was seconded by Emory Helmuth. All members were in favor and the motion passed unanimously to approve the minutes.

New Business

We began the meeting with a comparative analysis from Julie Combs of Lakewood Point, Inc. She passed out a comparative analysis (spreadsheet) of five states, Florida, Kentucky, North Carolina, Oregon and South Carolina. She discussed the states of Florida and Kentucky and the topics of installation, foundations, training, licensing and bonding, dispute resolution and reciprocity. Julie's presentation was interrupted by an Executive Session.

11:30 am

Motion for an Executive Session for personnel matters, R.C 112.11 (G)(1) and legal matters R.C 112.22 (G)(3) was made by Evan Atkinson and seconded by John Brant. Emory Helmuth, Bill Laubacher, Dan Rolfes, Jim Shea and Ron Younkin all voted yes to the Executive Session.

12:45 pm

Motion was made to come out of the Executive Session for personnel matters, R.C 112.11 (G)(1) and legal matters R.C 112.22 (G)(3). Motion was made by Evan Atkinson and seconded by John Brant. Emory Helmuth, Bill Laubacher, Dan Rolfes, Jim Shea and Ron Younkin all voted yes to coming out of the Executive Session.

1:00 pm

Motion for an Executive Session for personnel matters, R.C 112.11 (G)(1) and legal matters R.C 112.22 (G)(3) was made by John Brant and seconded by Evan Atkinson. Emory Helmuth, Bill Laubacher, Dan Rolfes, Jim Shea and Ron Younkin all voted yes to the Executive Session.

1:20 pm

Motion was made to come out of the Executive Session for personnel matters, R.C 112.11 (G)(1) and legal matters R.C 112.22 (G)(3). Motion was made by John Brant and seconded by Jim Shea. Evan Atkinson, Emory Helmuth, Bill Laubacher, Dan Rolfes and Ron Younkin all voted yes to coming out of the Executive Session.

New Business (continued)

Julie Combs with Lakewood Point, Inc. resumed her presentation. Julie had compiled two sets of books with all the information she had gathered. One book will remain in the Ohio Manufactured Homes Commission (OMHC) office. The other copy of the books was handed out to the persons in charge of those categories. Julie finished speaking on the other three remaining states, North Carolina, Oregon and South Carolina. She covered the remaining categories on the spreadsheet. On the statistics for North Carolina, the second sentence should read 500 licensed dealers, instead of 50.

John Brant discussed surcharge for local fees and the percent of fees that come back to the Board of Building Standards. John stated that he has already been approached by locals that want to do inspections for the Commission. Chair, Dan Rolfes asked, "What is a typical fee? John Brant offered for them to see a fee schedule. Julie Combs said, "You can say what you want inspected, and how many inspections you want." Julie Combs said it did not occur to her that we might need to know what Ohio does. She mentioned many states hitch hike fees. Julie stated that North Carolina requires an inspection prior to delivery.

Bill Laubacher mentioned safety should be in training. Julie Combs said safety was in the regulations that is why she put it on the installation column.

There was a discussion on contractual issues between homeowners and installers. Commission's legal department will need to deal with this.

There was a discussion on frame MODS – being classified as manufactured homes in other states.

Julie Combs suggested that the Commission make sure to define permanent foundations. John Brant said a previous law (S.B. 142) already defined a permanent foundation.

2:15 pm

Motion for an Executive Session for personnel matters, R.C 112.11 (G)(1) and legal matters R.C 112.22 (G)(3) was made by John Brant and seconded by Jim Shea. Evan Atkinson, Emory Helmuth, Bill Laubacher and Dan Rolfes all voted yes to the Executive Session.

2:30

Motion was made to come out of the Executive Session for personnel matters, R.C 112.11 (G)(1) and legal matters R.C 112.22 (G)(3). Motion was made by John Brant and seconded by Evan Atkinson. Emory Helmuth, Bill Laubacher, Dan Rolfes and Jim Shea all voted yes to coming out of the Executive Session.

Action: A motion was made by Evan Atkinson to authorize Chairman Dan Rolfes to accept the resignation letter of Executive Director Michael Eberly, and to sign the acceptance letter on behalf of the Board. The motion was seconded by Bill Laubacher. John Brant, Emory Helmuth, Dan Rolfes and Jim Shea all voted yes to the motion.

New Business (continued)

As meeting was longer than Julie Combs expected, she had to leave. The discussions continued. Evan Atkinson said, "Oregon is going to most mirror what we're going to do in Ohio". Jim Shea brought up first column on Julie's sheet is a question – How do you deal with revenue side? Many of the states she's brought up are SAA states. So, even if we look at Oregon, and look at a cost structure, keep in mind they are an SAA state.

John Brant brought up 4781.04, numbers seven and twelve are the areas that talk about the authority to charge a fee. Dan gave an example, we charge \$150 for an inspection, subcontract to local for \$100. Jim Shea discussed 100% inspection. There was a discussion on revenue sources, for instance fees for plan review. \$600,000 brought up to operate. Evan asked if they impose fines, can the Commission keep fine. Barry McKew with the Attorney General's office read law and said we cannot keep fees. Chair, Dan Rolfes said he hopes to run the Commission for \$400,000 per year. For example, 4,000 set ups need \$100 per house. Licking County charges \$215 for inspection (footer, foundation prior to install, and final install), then electric. Question was asked, do we have jurisdiction over electric? Dan mentioned education course, if you want to hook up a sewer line & electric. John Brant had authority to set up those requirements as far as electric. John said there may be an issue with sewer because of EPA. John Brant has in their laws they won't energize a home until there is an inspection. OCILB licensed contractor. This causes problems in rural areas. Chair, Dan Rolfes said, "What if license is with local Health Department in training, could the Commission teach hook up? Dan said in Cincinnati you have to be certified to hook up plumbing. John Brant said in our case we might have to talk to PUCO about option.

There was a discussion regarding bonding. \$100,000 bond, what does insurance cover? Dan says bonding would be difficult to get. Dan discussed different kinds of bonds, performance bonds. Dan brought up perhaps Janet Williams could research bonding. Jim Shea asked, "Why do they really have a bond or require a bond?" Jim's concern on bonding is dealer bonding.

Chair, Dan Rolfes brought up HUD has not finalized standards yet. It's safe to go with what industry is accepting right now. John Brant said, "Adopt HUD standards or ANSI standards?"

Discussion continues. Chair, Dan Rolfes said it would seem reasonable to accept several classes. John Brant said, ask instructor to submit course outlines, etc. Set up licensing program. By next Board meeting, Committee could review courses. Jim Shea stated activities need to be better defined. Installer licensing and inspector licensing should be two different things. Bill Laubacher was asked if he had enough information to say that training is available. Bill attended a seminar in PA for two days. PA is an SAA. SAA is who taught the course, they may be willing to share information with the Commission, but will not teach the course here. John Brant said we need an interpretation of the law to figure out what needs done in Committees and go through each one. Identify someone to take activities and better define them. Possibly hire an engineer for foundations. John Brant said you may not need an engineer, but may want one. Emory Helmuth asked if he could bring a copy of a foundation design he has used for 20 years to the next meeting. May need plan certified by registered engineer.

Action: John Brant made a motion for the Human Resources Committee to search for an Executive Director or contract with an individual to deal with the technical issues. The motion was seconded by Emory Helmuth and all other Commission members were in favor of the motion and it passed unanimously.

The next Commission meeting will be held on June 8, 2005 at 10:00 am in the Conference Room #2 at the Commission Office, lunch will be ordered in.

Adjournment

Action: Ron Younkin, Vice Chair motioned for the meeting to adjourn, with John Brant seconding, all Commission members were in favor of the motion and it passed unanimously. The meeting was adjourned at 4:00 pm.

Minutes respectfully submitted and certified by Janet Williams.

Janet M. Williams
Executive Assistant to the Board

Dan Rolfes
Chair
Ohio Manufactured Homes Commission

Ron Younkin
Vice-Chair
Ohio Manufactured Homes Commission

Ohio Manufactured Homes Commission

June 8, 2005

10:00 a.m.

5650 Blazer Parkway

Dublin, Ohio 43017

Members Present

Evan Atkinson
John Brant
Emory Helmuth
Bill Laubacher
Dan Rolfes, Chair
Jim Shea
Roger Suppes
Ron Younkin, Vice-Chair

Commission Staff

Janet Williams

Legal Counsel

Megan Bioarsky, AG
Barry McKew, AG

Members Absent

Shelley McCracken

Guests

Julie Combs, Lakewood Point, Inc.
Holly Dorr, OMHA

Call to Order

The meeting was called to order at 10:08 a.m. by Dan Rolfes, Chair. Roll call was announced.

Approval of the Minutes from the May 12, 2005 Meeting

Dan Rolfes requested that the Commission take a few minutes to review the minutes from the last meeting.

Action: Motion was made by John Brant to accept the minutes, it was seconded by Evan Atkinson. All members were in favor and the motion passed unanimously to approve the minutes.

Human Resources Committee

The Human Resources Committee met on June 2, 2005 to discuss a continuation of the personal services contract for Julie Combs of Lakewood Point, Inc. The contract would continue until June 30, 2005, in the amount of \$5,800. The Committee also discussed that they would seek Board approval to hire Julie Combs as the new Executive Director. She would begin working for the State on July 13, 2005.

10:30 am

Action: Motion for an Executive Session for personnel matters, R.C 112.11 (G)(1) was made by John Brant and seconded by Evan Atkinson. Emory Helmuth, Bill Laubacher, Dan Rolfes, Jim Shea, Roger Suppes and Ron Younkin all voted yes to the Executive Session.

10:45 am

Action: Motion was made to come out of the Executive Session for personnel matters, R.C 112.11 (G)(1) by John Brant and seconded by Roger Suppes. Evan Atkinson, Emory Helmuth, Bill Laubacher, Dan Rolfes, Jim Shea and Ron Younkin all voted yes to coming out of the Executive Session.

Human Resources Committee (continued)

Discussion continued about the hiring of Julie Combs as the new Executive Director.

Action: A motion was made by John Brant to hire Julie Combs as the new Executive Director, with a hire date of July 13, 2005. Her salary was established with benefits. The motion was seconded by Bill Laubacher. The Board unanimously voted yes to the motion.

Attorney General's Report

Barry McKew handed out an in-office policy guide. He stated these procedures had been reviewed by CSA . He suggested that perhaps the Commission would like to review the suggested office procedures and approve them for use at a future commission meeting.

Barry McKew also noted that Commission member, Shelley McCracken has not been present at the last several meetings. He reminded the Commission of the policy regarding missing meetings. He said if a Commissioner misses 40% of meetings in a two year period then that Commissioner is no longer on the Commission. Barry McKew suggested that a letter be sent to Shelley McCracken with a copy of ORC 3.17 which states the policy, as a matter of record and that we may want to notify the Governors Office since they had appointed her. Barry McKew also said that a quarterly report of attendance is to be submitted to David Payne.

Barry McKew also reminded the commission of the policy with regard to accepting gifts, etc. Basically he said, "Don't accept freebies, a Commission member cannot accept anything of value from those that they regulate." Julie Combs stated that this included Christmas gifts to staff.

New Business

The contract was reviewed for Stein Chapin & Associates. The contract will start July 1, 2005 and go thru June 30, 2006. The amount of the contract is \$4,000. Stein Chapin will format all rules, conduct public hearings and perform all legal filings.

Action: Motion was made by Ron Younkin for a \$4,000 contract with Stein Chapin & Associates to format all rules, conduct public hearings and perform all legal filings. The motion was seconded by Emory Helmuth. The Commissioners unanimously voted yes to the motion.

Dan Rolfes yielded the floor to Julie Combs to facilitate a discussion of the rules being created by the Commission. There was a discussion of an Emergency Rule for licensing based on a document suggested by Roger Suppes. John Brant said it should be put in the Budget Bill this year. He said the Governor's office must approve an Emergency Rule and that they generally do not like to do that. John Brant was not certain licensing needed to be in place by August 6th, 2005. He asserted that nothing would happen if the Commission did not have licensing up by the August deadline. Other members of the Commission were concerned that problems could arise with local sanitarians.

Ron Younkin discussed his concern that in MH Communities the license of the Community Owner could be challenged if the Park owner allowed an unlicensed home to be set up. He hoped that the Health Department might let new lot tenants move in. Roger Suppes stated, "It might not be an issue if nothing happens." Some discussion ensued as to which liability was greater, to not issue licenses and allow homes to be set up, or to license an installer before they had training, if there was damage or injury.

Julie Combs requested specific direction from the Commission. Dan Rolfes said that staff should start figuring as if the Commission should have to get the licenses by August 6, 2005. Dan Rolfes said he will call Raga's Office regarding a one year extension. Roger Suppes' recommendation is to proceed with the Emergency Rule; he suggested that the Commission could pursue other options, but should "watch what you ask for" when making hasty legislation.

Action: The motion was made and approved by voice vote to pursue three options:

1. Dan Rolfes to pursue having an extension for the deadline attached to the Budget Bill
2. Julie Combs to pursue writing the Emergency Rule
3. Julie Combs and Roger Suppes would discuss negotiating with the health districts so they would allow installers to continue to install homes until the rules are in place.

Julie Combs lead a discussion of the Commissions views on the installation standards to be enacted into rules:

The Commission decided by consensus that the standards will be drafted to reflect the following:

1. New and used homes with manuals will be installed per manufactures installation manual as approved per HUD.
2. Used homes with no manuals, adopt HUD with amendments for Ohio.
3. Professional Engineers drawings can be used for foundation.
4. HUD with amendments for Ohio can pre-empt the manuals if it is more stringent.
5. In Parks, use PHC Standards.

A discussion of possible Ohio amendments ensued. Foundation frost depth issues were commented upon. Dan Rolfes mentioned a Battelle report. and Bill Laubacher brought up an issue about vapor barriers.

Questions with regard to the JCARR rule making process were discussed, including issues with regard to changes and filing times. John Brant said you can file rules any time. We can amend after we know what the standards are. Question was asked, can we put amendments in after rules are submitted to JCARR? Roger Suppes, says if you make a change after rule is filed it extends it 30 days. Once you get standards in place you can make amendments, but you would go through the JCARR 66 day process.

Julie Combs requested that Commissioners submit suggestions for amendments to HUD before July 15th so they could be incorporated into the materials for the July 20th meeting.

Julie Combs lead discussion for direction on the rules for licensing:

The first issue to be discussed was to clarify who was to be a licensed installer.

After a prolonged discussion, Roger Suppes and John Brant directed the Commission to the statute: the conclusion of the Commission after reading the statute was that if a dealer subcontracts an installation and the subcontractor has three crews, the subcontractor and the head of all three crews do need to be licensed. If the dealer is providing the grading and foundation work, even if the dealer is subcontracting the installation, then the dealer needs to be licensed. It was emphasized that the licensed person must “be present and supervising” during the installation. More discussions continued and it was stated that according to 4781.11 (A), 1, 2, 3 the following:

- (1) Except as provided in division (B) of this section, no person shall install manufactured housing unless that person is licensed as a manufactured housing installer pursuant to this chapter or unless a licensed manufactured housing installer is present during the installation and supervises the person who is not licensed.
- (2) A licensed manufactured housing installer who supervises the work of an unlicensed person is responsible for all installation work that the unlicensed person performs under the licensed person’s supervision.
- (3) A person who is not a licensed manufactured housing installer may perform foundation or base support construction is supervised by a licensed installer. The licensed installer need not be present during the construction of the foundation or base support system but is responsible for the construction of the foundation or base support system.

An exception to being licensed is if a consumer installs themselves.

Definition of installation both in HUD and in Ohio Legislation was also discussed.

The second area of licensing discussion was the topic of the cost of the license. Julie Combs advised the Commission that the Commission must be self supporting. So the price of the licensing must cover the administrative costs. There was a discussion about charging a per home fee such as a tag or decal fee. Barry McKew stated that the Commission did not have the authority to charge a decal fee. A discussion of charging licensing fees on a sliding scale based on number of homes took place. A discussion of charging for inspections also ensued.

Dan Rolfes said “Most of the money should come out of inspections of each home vs. getting the majority of money out of licensing.”

There was discussion over the authority to charge fees. John Brant stated that you can’t charge a fee for an inspection if not providing an inspection. He doesn’t think local inspections will buy into that.

Roger Suppes said the Commission could set inspection fees associated with conducting inspections, but a portion of the fee goes to the person doing the inspection.

Julie Combs went around the table and asked for an initial licensing fee, to be charged of each installer. She requested what amount that each Commissioner had in mind. Several members thought \$750 was a good number. Others thought it should be more like \$500. Commission members were asked to keep in mind that that fee is for a two year period. Sources of other income could possibly be issuing of renewals, conducting inspections, testing fees, training fees for installers, background check fees, training fees for inspectors, and application fees.

There was some discussion on how many times a home would actually be inspected during its initial installation.

John Brant thinks the Commission has authority of electrical and plumbing because it is part of installation. Commission thought we should work towards what John was saying.

A third issue to be resolved with regard to licensing was the issue of how to bond and insure the licensee. The Commission talked about the licensee, insurance and bonding. The way it is written in SB 102 the requirement is for one or the other. Julie Combs and Janet Williams were directed to check out insurance policy related concerns, it was suggested that they contact American Modern Insurance Group as it is one of the largest insurers in manufactured homes in the nation and Greenfelder Insurance as starting points for gathering information on how policies can be written.

Under time constraints, the Commission began to wrap up the meeting. Scheduling of the upcoming Commission meetings, July 20, August 10, and September 21 (in Sugar Creek, Ohio) was covered. Julie Combs suggested that the Commission may need to have an extra meeting in September in order to expedite the rule making. This date was discussed as September 7 and to be penciled in incase it was needed.

The Commission directed Julie Combs to have Administrative Rules B set to go to Attorneys by the beginning of August.

Emory Helmuth announced he will be having a subcommittee meeting for the Foundations Committee on July 13, 1:00 pm at the Commission Office. The Commission talked about adopting HUD standards for foundations. Dan Rolfes was opposed to the adopting of the HUD Standards as he found them difficult to use and not sufficiently specific. Julie Combs reminded the Commission that it had decided to adopt HUD standards with Ohio Amendment and to allow PE designs. These amendments can be added as the Commission desires through the rules process, and any known now are to be submitted by July 15th in order to make this rule making..

The following topics were continued to the next Commission meeting:

- Review standards Part B before goes to Stein Chapin
- Review Emergency Rule if needed
- Training
- Dispute resolution
- Inspection
- Examinations

The next Commission meeting will be held on July 20, 2005 at 9:30 am in the Conference Room #2 at the Commission Office, lunch will be ordered in.

Adjournment

Action: John Brant motioned for the meeting to adjourn, with Evan Atkinson seconding, all Commission members were in favor of the motion and it passed unanimously. The meeting was adjourned at 4:18 pm.

Minutes respectfully submitted and certified by Julie N. Combs.

Julie N. Combs
Executive Director
Ohio Manufactured Homes Commission

Dan Rolfes
Chair
Ohio Manufactured Homes Commission

Ron Younkin
Vice-Chair
Ohio Manufactured Homes Commission

Ohio Manufactured Homes Commission
July 20, 2005
9:30 a.m.
5650 Blazer Parkway
Dublin, Ohio 43017

Members Present

Evan Atkinson
John Brant
Emory Helmuth
Dan Rolfes, Chair
Jim Shea
Roger Suppes
Ron Younkin, Vice-Chair

Commission Staff

Julie Combs, Executive Director
Janet Williams

Legal Counsel

Megan Boiarsky, AG

Members Absent

Shelley McCracken
Bill Laubacher

Guests

Carolyn Mowrey, OMHA

Call to Order

The meeting was called to order at 9:40 a.m. by Dan Rolfes, Chair.

Roll Call

Roll call was read with all members present with the exception of William Laubacher, Shelley McCracken and Roger Suppes

Approval of the Minutes from the June 8, 2005 Meeting

Dan Rolfes requested that the Commission take a few minutes to review the minutes from the last meeting.

Action: Motion was made by John Brant to accept the minutes, it was seconded by Jim Shea. All members were in favor and the motion passed unanimously to approve the minutes.

Human Resources/ Budget Committee

Committee Chair, Evan Atkinson remarked that he thought it would be a good idea if the Commission staff would keep the Commission members informed of expenses made at the Commission Office. Staff agreed to set up a system where a summarized statement of expenses will be emailed to Evan Atkinson and Ron Younkin. The summarized page will also include an authorization, to be signed by Evan Atkinson and faxed back to the OMHC office. It was also agreed upon that the OMHC staff would get a signature authorization for any expenses over \$500. Those authorizations over \$500 will be signed by Ron Younkin because he is located closer to the OMHC office. Dan Rolfes said he would like to see a financial statement, a break down of expenses at future meetings. Staff agreed to provide this as soon as she could learn the state accounting system.

10:10 am

Roger Suppes joined the meeting.

Attorney General's Report

Barry McKew was absent from the Commission meeting.

Megan Boiarsky was present at the meeting. She has been keeping in close contact with Julie Combs.

Staff Update

A year end report for fiscal year 2004-2005 listing the accomplishments of the past year was reviewed.

Year end budget information was discussed. Budget available for 2004-2005 was \$218,330. The amount spent was \$67,542. The amount spent did not include the monthly leasing of the OMHC office in the amount of \$6,800. The Budget amount available for 2005-2006 is \$272,500 with ability to seek another \$356,250 from the Controlling Board, for a 2005-2006 total of \$628,750.

Goals for the 2005-2006 Fiscal year were also reviewed.

An article about the Commission was placed in the Board of Building Standards Newsletter on July 5, 2005 by John Brant.

OMHC staff sent out an introduction mailing to all Local Health Districts to be shared with Sanitarians on July 8, 2005.

Since these notices were distributed, OMHC telephone volume has increased 2,000% with 28% of that call volume from inspectors, building departments and sanitarians.

Janet Williams of the OMHC staff moved offices, two doors down. For the same leasing cost, her room is now about 36 square feet larger..

OMHC staff reported that they had received a resignation letter from Commissioner, Shelley McCracken. Ms. McCracken expressed her regret that she would have to step down, but cited many changes in her life, major surgery, a divorce and more responsibility with her career. She wished the Commission much success and said she would continue to contribute any way possible. She also thanked the Board for the opportunity to serve as a Commission member. Julie Combs explained that no action was required from the Commission. A thank you note for her service will be sent out and notice to the Governor will be drafted.

New Business

There was a discussion and review of draft Administrative Rules B.

John Brant felt that we must have some standards now. We could reference proposed standards and ask to adopt them as in the Federal Register.

Dan Rolfes had some concern with over-kill on concrete for certain bearing points.

Jim Shea hopes that the proposed rules change and that maybe they should go with the manufacturer's installation.

The Commissions rule says that we have to meet the HUD standards. We could accept proposed rules as they stand and after we submit to JCARR we have 30 days for amendments.

Emergency Rules that have been submitted to the Governor's Office cannot be amended, and no extensions are granted.

The Commission went section by section for the following rules and the following decisions were made.

4781-6-01 Uniform standards for the installation of manufactured homes

Action: Motion was made by John Brant to accept section 4681-6-01, as edited. It was seconded by Evan Atkinson. All Commissioners were in favor and the motion passed unanimously to approve section 4681-6-01 as edited.

4781-7-01 Inspections

Action: Motion was made by John Brant to accept section 4681-7-01, as edited. It was seconded by Evan Atkinson. All Commissioners were in favor and the motion passed unanimously to approve section 4681-7-01 as edited.

4781-7-02 Qualified manufactured home inspectors

Action: Motion was made by John Brant to accept section 4681-7-02, as edited. It was seconded by Evan Atkinson. All Commissioners were in favor and the motion passed unanimously to approve section 4681-7-02 as edited.

Action: Motion was made by Ron Younkin and seconded by John Brant to require a certification fee of \$30.00 and a renewal of that certification fee of \$30.00. All Commissioners were in favor and the motion passed unanimously to approve a certification fee and renewal of \$30.00.

Action: Motion was made by John Brant and seconded by Jim Shea for a late fee of \$15.00. All Commissioners were in favor and the motion passed unanimously to approve a late fee of \$15.00.

4781-7-03 Inspection Requirements

Action: Motion was made by John Brant to accept section 4681-7-03, as edited. It was seconded by Evan Atkinson. With a vote of six Commissioners in favor and Commission Suppes voting no, section 4681-7-03 was approved as edited.

Action: Motion was made by John Brant and seconded by Evan Atkinson for a per seal fee of \$75.00. All Commissioners were in favor and the motion passed unanimously to approve a per seal fee of \$75.00.

4781-7-04 Building departments; requirements for certification to perform inspections of manufactured homes.

Action: Motion was made by John Brant to accept section 4681-7-04, as edited. It was seconded by Evan Atkinson. All Commissioners were in favor and the motion passed unanimously to approve section 4681-7-04 as edited.

Action: Motion was made by John Brant and seconded by Evan Atkinson that building departments would be certified every three years for a fee of \$100. All Commissioners were in favor and the motion passed unanimously to approve that building departments would be certified every three years for a fee of \$100.

Action: Motion was made by Ron Younkin and seconded by John Brant that plan review would be an hourly rate plus 1/3 of that hourly rate as an administrative overhead charge. With a vote of six Commissioners in favor and Commissioner Suppes voting no, it was approved that plan review would be an hourly rate plus 1/3 of that hourly rate as an administrative charge.

4781-8 Installer Licensing

Action: Motion was made by Evan Atkinson and seconded by Emory Helmuth to accept sections 4781-8-01, 4781-8-02, 4781-8-03, 4781-8-04, 4781-8-05, 4781-8-06, 4781-8-07 and 4781-8-08, as edited. All Commissioners were in favor and the motion passed unanimously to approve sections 4781-8-01, 4781-8-02, 4781-8-03, 4781-8-04, 4781-8-05, 4781-8-06, 4781-8-07 and 4781-8-08 as edited.

Action: Motion was made by Jim Shea and seconded by Emory Helmuth for installer license fees to be \$350.00 for a two year license. Renewal of said installer license would be \$350.00 and a late fee for not renewing on time would be \$50.00. All Commissioners were in favor and the motion passed unanimously for installer license fees to be \$350.00 for a two year license. Renewal of said installer license would be \$350.00 and a late fee for not renewing on time would be \$50.00.

Action: Motion was made by Ron Younkin and seconded by Evan Atkinson that replacement fee for a lost, stolen or destroyed identification card or certificate would be \$15.00. All Commissioners were in favor and the motion passed unanimously to approve that a replacement fee for a lost, stolen or destroyed identification card or certificate would be \$15.00.

4781-9 Continuing Education

Action: Motion was made by John Brant and seconded by Ron Younkin to accept sections 4781-9-01, 4781-9-02, 4781-9-03, 4781-9-04 and 4781-9-05, as edited. With a vote of six Commissioners in favor and Commissioner Suppes voting no, sections 4781-9-01, 4781-9-02, 4781-9-03, 4781-9-04 and 4781-9-05 were approved, as edited.

Dan Rolfes and Jim Shea will discuss features of Dispute resolution and those items to be accepted from the model standard. The foundations subcommittee meeting chaired by Emory will be Aug 3, 2005 and will discuss those items to be replaced in the proposed HUD model standard with regard to foundations. Dan Rolfes and Roger Suppes will discuss the checklists for inspections and the components of installation.

The next Commission meeting will be held on Thursday, August 4, 2005 at 9:30 am in the Conference Rooms at the Commission Office, lunch will be ordered in.

Adjournment

Action: Roger Suppes motioned for the meeting to adjourn, with Evan Atkinson seconding, all Commission members were in favor of the motion and it passed unanimously. The meeting was adjourned at 6:35 pm.

Minutes respectfully submitted and certified by Julie N. Combs.

Julie N. Combs
Executive Director
Ohio Manufactured Homes Commission

Dan Rolfes
Chair
Ohio Manufactured Homes Commission

Ron Younkin
Vice-Chair
Ohio Manufactured Homes Commission

Ohio Manufactured Homes Commission

August 4, 2005

9:30 a.m.

5650 Blazer Parkway

Dublin, Ohio 43017

Members Present

Evan Atkinson

John Brant

Emory Helmuth

William Laubacher

Dan Rolfes, Chair

Roger Suppes

Ron Younkin, Vice-Chair

Commission Staff

Julie Combs, Executive Director

Janet Williams

Legal Counsel

Megan Boiarsky, AG

Barry McKew, AG

Members Absent

Jim Shea

Commissioner- vacant seat

Guests

Carolyn Mowrey, OMHA

Call to Order

The meeting was called to order at 9:45 a.m. by Dan Rolfes, Chair.

Roll Call

Roll call was read with all members present with the exception of Jim Shea.

Approval of the Minutes from the July 20, 2005 Meeting

Dan Rolfes requested that the Commission take a few minutes to review the minutes from the last meeting.

Action: Motion was made by John Brant to accept the minutes, it was seconded by Evan Atkinson. All members were in favor and the motion passed unanimously to approve the minutes.

Human Resources/ Budget Committee

10:00 am

Motion for an Executive Session for personnel matters, R.C 112.11 (G)(1) and legal matters R.C 112.22 (G)(3) was made by Evan Atkinson and seconded by John Brant. Emory Helmuth, Bill Laubacher, Dan Rolfes, Roger Suppes and Ron Younkin all voted yes to the Executive Session.

10:05 pm

Motion was made to come out of the Executive Session for personnel matters, R.C 112.11 (G)(1) and legal matters R.C 112.22 (G)(3). Motion was made by Evan Atkinson and seconded by John Brant. Emory Helmuth, Bill Laubacher, Dan Rolfes, Roger Suppes and Ron Younkin all voted yes to coming out of the Executive Session.

Action: Motion was made by William Laubacher and seconded by John Brant to increase the salary by 4% of Executive Assistant to the Commission, Janet Williams. All members were in favor and the motion passed unanimously.

Attorney General's Report

Barry McKew read from The Act of S.B. 102, "Sec. 4781.04 (A) The manufactured homes commission shall adopt rules pursuant to Chapter 119, of the Revised Code to do all of the following:

- (1) Establish uniform standards that govern the installation of manufactured housing. The standards shall be consistent with, and not less stringent than, the model standards for the design and installation of manufactured housing adopted by the secretary of the United States department of housing and urban development or manufacturers' standards that the secretary determines are equal to or not less stringent than the model standards."

Mr. Mc Kew pointed out three important points phrases in the statute: "consistent with", "not less stringent" and "adopted by HUD". Mr. McKew stated that because HUD has not adopted a model standard, then we cannot establish any standard. Any rules for an installation standard we would write could not meet these three criteria because no standard has been adopted by HUD to be consistent with and not less stringent than. Mr. McKew also stated that in the opinion of several members of staff at the AGs office, there is a good chance if contested in court, we would not prevail and would run into legal problems. Attorney General Petro gave an opinion during the in-office discussions among the AGs. Mr. McKew also stated we would be ill advised to continue on our present course. The advice of the Attorney General's office was:

- Do not try to comply with the August 6th deadline for licensing installers.
- Go back to the State Legislature to amend this portion in such a way as to give us the authority to adopt rules for a standard even in the absence of HUD model standards..

Staff Update

It was reported by Janet Williams that a letter was sent to David Payne at the Governor's office requesting that the Governor appoint a new Commissioner to replace the vacant seat of Shelly McCracken.

Julie Combs reported that included in the packet was an updated budget. Ms. Combs is working on the State's CAS system for financial reporting and finding it difficult, she may have to look into some assistance in Excel and the State's financial reporting system. Dan Rolfes indicated that it was ok to go ahead and seek assistance.

New Business

Following the announcement by Barry McKew, discussion as to what legislative changes should be made ensued. Dan Rolfes said we should use this time to write the rules as we would like them, then go to the legislature with several items needed in our law. Mr. Rolfes also indicated there was a situation currently going on with an inspector in the City of Cincinnati. After some discussion, Julie Combs indicated she would go to Cincinnati on August 9, 2005 to meet with the interested parties.

Roger Suppes asked the question, "Has HUD adopted something on model standards prior to the 2000 law?" Comment was made that some standards are implied, and some are thru the manufacturers. Mr. McKew indicated that our statute was clear as to which standard was to have been adopted. Questions as to how other states are enforcing installation were raised, it was suggested that other states might be able to act under their SAA statutes but we cannot because of the specific language of our statute.

Roger Suppes made the suggestions that if we are not going to proceed at this time with any licensing, the Commission should probably send a letter to OBM telling them we are not up and running and we are spending money with no income at this time.

John Brant talked about legislative strategy. Mr. Brant indicated the bill would have to be introduced prior to September 11th in order to be acted on in the short session. Because of summer recess, the legislature has a very short calendar in the summer. Any legislation would have to be drafted, introduced and assigned to committees in short order. Unless it's an emergency it can take 90 days minimum.

Barry McKew said while we could clean up the whole statute, he recommends focusing in on section 4781-4(A)(1) only.

There was some conversation on the letter that is going to be sent out to the Local Building Departments. The OMHC staff was asked to add a sentence. "As of August 6th, 2004 the Commission has exclusive authority over inspections. If you have an existing problem or question, call the Commission office for clarification."

The discussion continued with a "wish list" regarding changes to the current SB 102 law. Several commission members agreed with Mr. McKew that the Commission should only focus on 4781-4(A)(1). Julie Combs read a list of items which had come up in prior discussions as points of concern regarding the statute. Items were discussed, listed or tabled for further discussion. Items tabled included clarification of the components of installation and the definition of installation.

The follow list was developed as items the Commission would like to see changed:

1. 4781-4 (A) The manufactured homes commission shall adopt rules pursuant to Chapter 119, of the Revised Code to do all of the following:

(1) Establish uniform standards that govern the installation of manufactured housing. The standards shall be consistent with, and not less stringent than, the model standards for the design and installation of manufactured housing adopted by the secretary of the United States department of housing and urban development or manufacturers' standards that the secretary determines are equal to or not less stringent than the model standards. This section of the statute to be changed to enable the establishment of standards prior to the standards developed by HUD.

2. 3781-06 (C) (6) (d) The structure was manufactured after January 1, 1995. Statute to be changed to ensure that structures manufactured prior to 1995 also fall under the installation standards to be developed.
3. To allow limited licensing of installers, and limited certificates for inspectors. However, the certification of building departments or third party agencies is not included in limited certification.
4. Certificate of Occupancy language to be included in the statute similar to language found in ODH and BBS statutes.

Action: Motion was made by John Brant and seconded by Emory Helmuth to instruct the Commission's Director, Julie Combs, to proceed with preparing legislative changes for the above stated four items. All members were in favor and the motion passed unanimously.

The discussion continued on requiring the Sanitarians to take an exam, be certified and take required continuing education. John Brant felt that, for tactical reasons (since the sanitarians would exert a powerful influence against such action), we should not make these requirements of the Sanitarians part of legislation. It would slow down the process. Roger Suppes also opposed this action, Mr. Suppes and Mr. Brant felt that one state agency should not tell another state agency how to run their own personnel requirements. Mr. Suppes repeated that this was unusual for an agency to be mandated as the Department of Health was in the original Parks statutes.

Action: Ron Younkin made a motion which was seconded by Evan Atkinson to instruct the Commission's Director, Julie Combs, to proceed with preparing legislation to require the Sanitarians to take the exam, be certified and perform continuing education classes. Five Commission members voted yes for the motion with Roger Suppes and John Brant voting no. The motion was passed.

Commission members asked the Attorney General's office to find out some answers to some questions. They wanted to know if the Commission has the authority to enforce every thing in the HUD model standards if it were in effect in our Ohio standards in rule, both in and out of parks? In other words, are there parts of the HUD model standard which we would be unable to enforce because of the way our statute is written? This was especially a concern regarding the way the definition of installation and the components of installation are written. John Brant felt we should not have any ruling, and we do not want it clarified in a new statute. We should just go ahead and if we get challenged then we deal with it.

The Foundations Sub-committee met on August 3, 2005. The Foundations Sub-committee agreed to merge with the Installation Sub-committee. Together, they have made a number of recommendations with regard to the foundations sections of the HUD proposed model standards. When appropriate, Julie Combs will bring it to the floor. The next foundations meeting will be September 14, 2005 in the conference room at the Executive Office Place. The Subcommittee intends to proceed with the installation section of the HUD proposed model standards at that meeting.

The next Commission meeting will be held on Wednesday, September 21, 2005 at 9:30 AM in Sugar Creek, Ohio at the Carlisle Inn.

Action: John Brant made a motion and it was seconded by Bill Laubacher to allow Commission members and staff to attend the meeting in Sugar Creek, Ohio with expenses being paid. All members were in favor and the motion passed unanimously.

Public Comment

No public comment was offered. Mr. McKew suggested some methods for handling public comment at future meetings.

Adjournment

Action: Roger Suppes made a motion for the meeting to adjourn, with Evan Atkinson seconding, all Commission members were in favor of the motion and it passed unanimously. The meeting was adjourned at 3:45 pm.

Minutes respectfully submitted and certified by Julie N. Combs.

Julie N. Combs
Executive Director
Ohio Manufactured Homes Commission

Dan Rolfes
Chair
Ohio Manufactured Homes Commission

Ron Younkin
Vice-Chair
Ohio Manufactured Homes Commission

Ohio Manufactured Homes Commission

September 21, 2005

9:30 a.m.

**Carlisle Inn Sugarcreek
Sugarcreek, Ohio 44681**

Members Present

Evan Atkinson
John Brant
William Laubacher
Dan Rolfes, Chair
Jim Shea
Ron Younkin, Vice-Chair

Commission Staff

Julie Combs, Executive Director

Legal Counsel

Megan Boiarsky, AG
Barry McKew, AG

Members Absent

Emory Helmuth
Roger Suppes
Commissioner- vacant seat

Guests

Don Wester

Call to Order

The meeting was called to order at 9:45 AM by Dan Rolfes, Chair

Roll Call

Roll call was read with all members present with the exception of Emory Helmuth, Roger Suppes and Ron Younkin. Ron Younkin arrived late due to a flat tire.

Approval of the Minutes

Dan Rolfes requested that the Commission take a few minutes to review the minutes from the last meeting August 4, 2005 Meeting.

Action: Motion was made by John Brant to accept the minutes; it was seconded by William Laubacher. All members were in favor and the motion passed unanimously to approve the minutes.

Old Business

Human Resources/ Budget Committee

Julie presented a new format for the OMHC Budget Expenditure Report 05-06. She requested that if this format is not what the Commissioners need, they should telephone or e-mail Evan Atkinson or her with specific items which they wish to track. John Brant suggested DAS be consulted regarding the report and what should be included on it.

Announcement was made regarding the Temporary Accounting Clerk., Leslie Garside.

A Policy Manual was handed out. The manual was modified somewhat from the one used by the Architecture Board which had been suggested as a model by Barry McKew. Julie Combs requested that the Commission review it and come to the October Commission Meeting ready to discuss, change and vote to implement the Policy Manual. Several points where the Architecture Board manual was suggested by staff to be changed were discussed. Dan Rolfes requested that he receive a copy of the Policy Manual with all changes highlighted.

One proposed change was the amount per mile for gas reimbursement when staff and Commissioners travel. Staff requests that reimbursement maximum be set to the Federal GSA/ IRS rather than the State reimbursement rates. John Brant suggested contacting state auditors office for their opinion; can the Commission do this?

Barry McKew explained that staff and new hires will need to receive, read and sign off on the policy manual so they cannot later claim they didn't know a specific policy. This is useful if disciplinary action is needed.

Another proposed change was in Bereavement Leave. While Bereavement leave will be discussed in full at the next meeting; a vote was held with regard to permitting Janet Williams to take BL for 3 days.

Action: Evan Atkinson moved that Janet Williams be permitted to take BL for 3 days for the death of her ex- mother- in- law. William Laubacher seconded. The motion carried by majority. John Brant voted nay. The Commission directed staff to contact DAS to ensure that the Ethics commission and DAS/ Ohio rules are ok with this. They have requested written notification.

A discussion regarding the Ethics of golf outings ensued. Ron Younkin requested that staff follow up with the Ethics Commission with regard to a golf outing he was awarded as an incentive for meeting sales goals. He indicated he has been awarded this prior to being on the Commission, that it is awarded based upon his relationship with a particular manufacturer and not due in any part to his being on the commission. Julie Combs stated that she would make contact with the Ethics Commission in this matter.

Administrative Rules Subcommittee

Julie Combs attended the public hearing regarding the consolidation of Bards and Commissions. She discussed what occurred at that meeting including testimony from the Cosmetology Board and others requesting that they remain independent boards and commissions. Dan Rolfes also discussed that OMHC was likely to become part of the Department of Commerce.

Facilities

Nothing to report.

Foundations

Emory Helmuth was absent. The Sept. 14, 05 Subcommittee meeting was cancelled. The next meeting will be October 5, 2005. Staff is currently writing up the changes suggested by the Sub-Committee. Next Foundations meeting is scheduled for October 26, 2005.

AG Update

Formal Opinion Letter to AG Petro, was drafted by staff and AAGs as requested from the August 4, 2005 OMHC meeting. Discussion of the draft ensued. Megan Boiarsky, AAG, agreed to draft rewrite of the letter.

Action: John Brant moved to give Executive Director authority to send request for Formal Opinion letter after corrections meet Commission Chair approval if completed prior to the next Commission meeting. Evan Atkinson seconded the motion which carried unanimously.

Staff Update

Following approval at the August meeting for Julie Combs to seek assistance with Budgeting including Accounting, CAS and Excel; a Temp worker was found. She was found through an agency with a state contract, has experience with CAS and Excel and worked previously with another state agency.

Action: John Brant moved that the Commission authorize Executive Director to employ the accounting clerk for up to \$3,000 effective retroactively to Sept. 7th, 2005. The motion was seconded by Evan Atkinson and carried unanimously.

Staff activities were discussed. Janet Williams attended two state sponsored training sessions, one in CAS and one in Printing Services. These were at no cost to the commission.

Julie Combs requested that she be allowed to use the \$1500 annual set aside by the State for Professional Development on becoming certified by ICC. This fund is separate from OMHC budget and does not add cost to the Commission. She will return for specific requests for permission to attend any course work which involves out of state travel. Some of the course work may be during office hours.

Action: Motion made by Evan Atkinson to permit the use of the \$1500 annual professional development fund for ICC certification. Jim Shea seconded. Motion carried unanimously.

John Brant suggested that course work offered by the Ohio Code Academy also be attended. Julie Combs agreed to attend when spaces in the Academy were available. Evan Atkinson suggested that Julie Combs also attend classes which the Commission may want to use as courses to satisfy licensing requirements, such as George Porter's course. Julie Combs indicated that the e-version of the course was available at the office now and that she would take it.

Julie Combs reported that the letter suggested at the August meeting by Roger Suppes had been sent to OBM regarding our financial situation was sent. It reported that OMHC did not have income from licensing, etc because of our statutory dilemma.

Julie Combs requested permission to attend the Manufactured Housing Consensus Committee meeting in Washington DC at the end of November at an approx. cost of \$1,000.00. This was previously discussed with the Chair, Dan Rolfes.

Action: John Brant made a motion to allow the Executive Director to attend consensus committee meeting from Monday Nov. 28- Dec 1, 2005. Motion was seconded by Bill Laubacher, and carried unanimously.

NEW BUSINESS

As discussed in the August meeting, 4781.04 (A) (1) requires urgent statutory change so we can begin to pass rules, license installers and collect fees thereby generating a revenue stream. Several alternative drafts for a short, uncontroversial amendment to 4781.04 (A) (1) were reviewed. The AAG's version, attached, was preferred by the Commission.

Action: Motion made by John Brant for Executive Director to go forward with statutory change of 4781.04 (A) (1) per the AAGs version ASAP. Motion was seconded by William Laubacher. Motion carried unanimously.

Julie Combs stated she would contact LSC for bills. John Brant stated the bills must be germane to the topic of our legislation, such as construction, budget, consolidation, etc. Julie Combs stated she would return to the Commission if no legislation was available for attaching on to.

Several other sections of the OMHC statute were discussed as needing amendment. A sub-committee was formed to address these changes. Members of this sub-committee include Jim Shea, Dan Rolfes and Rex Littrell. Megan Boiarsky is to also attend these meetings which may be conducted by conference call. Julie Combs asked the sub-committee to include an installer from the foundations committee if possible.

Discussion of other statutory changes continued, to include items discussed at the August 4th meeting, including the definition of permanent and temporary foundations, limited licenses or work permits, Sanitarian continuing education, and certificate of occupancy.

Action: John Brant moved to refer all these items to the sub-committee to discuss legislative changes. William Laubacher seconded the motion. The motion carried unanimously.

Adjournment.

Action: Motion to adjourn by John Brant, seconded by Evan Atkinson. The motion carried unanimously. Meeting adjourned at 2:15 PM.

Next Commission meeting October 12, 2005, 9:30 AM, Commission Office.

Minutes respectfully submitted and certified by Julie N. Combs.

Julie N. Combs
Executive Director
Ohio Manufactured Homes Commission

Dan Rolfes
Chair
Ohio Manufactured Homes Commission

Ron Younkin
Vice-Chair
Ohio Manufactured Homes Commission

Ohio Manufactured Homes Commission
September 21, 2005

Ohio Manufactured Homes Commission

November 9, 2005

1:30 p.m.

Riverview Crossing

Harrison, OH

Members Present

Evan Atkinson
Emory Helmuth
Dan Rolfes, Chair
Jim Shea
Ron Younkin, Vice-Chair

Commission Staff

Julie Combs, Executive Director
Janet Williams, Administrative Assistant

Legal Counsel

Megan Boiarsky, AG
Barry McKew, AG

Members Absent

John Brant
William Laubacher
Roger Suppes
Commissioner- vacant seat

Guests

Call to Order

The meeting was called to order at 1:50 PM by Dan Rolfes, Chair

Roll Call

Roll call was read with all members present with the exception of John Brant, William Laubacher, Roger Suppes and the vacant seat.

Approval of the Minutes

Dan Rolfes requested that the Commission take a few minutes to review the minutes from the last meeting Sept. 21, 2005 Meeting.

Action: Motion was made by Evan Atkinson to accept the minutes; it was seconded by Jim Shea. All members were in favor and the motion passed unanimously to approve the minutes.

Public Comment:

None

Old Business

Human Resources/ Budget Committee

Julie Combs presented the 1st quarter OMHC Budget Expenditure Report 05-06. She requested that she make this formal report only quarterly to the Commission as a whole giving monthly reports only to Evan Atkinson and Ron Younkin.

Action: Motion was made by Ron Younkin and seconded by Evan Atkinson to accept the budget as reported. Motion was approved unanimously.

The Policy Manual was handed out with amendments required since the Sept 21,'05 meeting. Changes were indicated as requested Sept. 21,'05. Changes were required as the Bereavement policy could not be implemented as discussed in the Sept. 21,'05. Janet Williams expressed her appreciation for the consideration even if it was not possible to enact the leave as discussed.

Action: Motion was made by Ron Younkin and seconded by Jim Shea to approve the Policy Manual.. The motion was approved unanimously.

2:35 PM

Motion for an Executive Session for personnel matter, R.C. 112.11 (G)(1) was made by Ron Younkin and seconded by Evan Atkinson. Evan Atkinson, Emory Helmuth., Dan Rolfes and Jim Shea and Ron Younkin all voted yes to the Executive Session.

2:50 PM

Motion was made to come out of the Executive Session for personnel matter, R.C. 112.11 (G)(1) by Evan Atkinson and seconded by Emory Helmuth. Evan Atkinson, Emory Helmuth, Dan Rolfes, Jim Shea and Ron Younkin all voted yes to come out of the Executive Session.

Action: A motion was made by Evan Atkinson and seconded by Emory Helmuth to approve an end of probationary period raise to Julie Combs in the amount of 3%. The motion was approved unanimously with a Nov. 13,'05 effective date.

Evan Atkinson requested that staff find out how Peggy at BMV completes the travel reports for that Board. He reports she only has them sign once a year and she process the mileage requests for them monthly. Julie Combs agreed to look into how BMV does it and report back.

Administrative Rules Subcommittee

Dan Rolfes requested Julie Combs report on the status of the Boards and Commission Consolidation Transition Team (Team). Julie reported that at the last meeting of the Team, the Team voted to place all the commissions and boards under one agency. They also voted for that agency to be Commerce. Commerce would create a Division of Professional Regulation. The Team also voted to approve Model #3 unanimously. The intent of Models 1, 2 and 3 were discussed. As outlined in Team materials:

Model #3:

Independent boards retain necessary dedicated staff, including board director
Division specific administrative support unit
Agency Cabinet Director becomes the appointing authority for board director and staff.
Board members provide input into board director selection
Board directors report directly to the deputy director of the Division of Professional regulation
Board members retain indirect line of command with board directors
Boards retain programmatic autonomy to regulate professions
Board staff will follow cabinet agency policies and procedures

Model #3 provides indirect hiring authority to the commission rather than direct authority. Direct authority would reside within Commerce. Dan Rolfes stated he preferred that OMHC not be a part of the consolidation and if it must be a part of it; he preferred Model #2 and not Model #3. He requested that staff provide him with details as to who is going to receive the Team report.

Facilities

Nothing to report. Staff indicated that they had saved the Commission at least \$30 a month in local telephone charges which had been and would have continued to be inappropriately billed by the lessor.

Foundations

Emory Helmuth discussed the Foundations Working Group meeting of October 26,'05. Staff distributed a copy of the revisions of the HUD proposed standards as discussed in the working group. The revisions covered the first part of the standards: site preparation, foundations and blocking, but not anchoring. The next Foundations meeting scheduled for January 11,'06 will begin anchoring and installation. Staff encouraged Commissioners to discuss the amendments to the proposed HUD standards with the people on the working group who are close to them.

Discussion ensued as to the relative merits and responsibilities of working groups and subcommittees. Staff presented proposed working group guidelines.

Action: Motion was made by Evan Atkinson and seconded By Ron Younkin to approve the working group guidelines as amended. The motion unanimously carried.

Discussion about Foundations Working Group recommendations continued:

The working group recommended to the Commission that the Commission hire under a personal services contract a licensed Professional Engineer (PE) to develop standard foundations drawings for reference with the standards. The four designs to be:

1. I-Beam installations for crawl spaces and basements
2. Elevated Home details for pier sets where 25% of the home is over 36" high.
3. A standard Frost protected Shallow Foundation design using pier and wall construction
4. A footing design for homes with soil conditions of 1,000psf. minimum bearing capacity.

Commissioners discussed needing additional standard reference drawings such as:

5. A basement design without beams for perimeter support
6. A health department approvable community-style design for single and double section homes

Special wall systems such as superior wall and precast wall systems on gravel were also discussed. The commission determined that insufficient time and information was available to make a decision. Staff has contacted several PEs for price quotes which have not come in yet. Staff will bring that information to the next meeting.

NEW BUSINESS

4:25 PM

Motion for an Executive Session for personnel matters, R.C. 112.11 (G)(1) was made by Ron Younkin and seconded by Evan Atkinson. Evan Atkinson, Emory Helmuth, Dan Rolfes, Jim Shea and Ron Younkin all voted yes to the Executive Session.

4:45 PM

Motion was made to come out of the Executive Session for personnel matters, R.C. 112.11 (G)(1). Motion was made by Evan Atkinson and was seconded by Ron Younkin. Evan Atkinson, Emory Helmuth, Dan Rolfes, Jim Shea and Ron Younkin all voted yes to coming out of the Executive Session.

Action: Motion to recommend to the President of the Senate that Bill Laubacher be appointed to continue as an installers representative was made by Ron Younkin with Evan Atkinson seconding. Motion passed unanimously.

Action: Motion was made to recommend to the Governor that Sanitarian Christina R. Wilson fill the seat to represent the Health Department. Motion was made by Evan Atkinson, seconded by Emory Helmuth. The motion passed unanimously.

Action: Motion was made to recommend to the Governor that AMRHO Vice President James Demitrus fill the remaining unexpired term for a Resident was made by Ron Younkin and seconded by Emory Helmuth. The motion failed due to insufficient number of votes in favor.

4:50 PM

Motion for an Executive Session for personnel matters, R.C. 112.11 (G)(1) was made by Ron Younkin and seconded by Jim Shea. Evan Atkinson, Emory Helmuth, Dan Rolfes. Jim Shea and Ron Younkin all voted yes to the Executive Session.

5:05 PM

Motion was made to come out of the Executive Session for personnel matters, R.C. 112.11 (G)(1). Motion was made by Evan Atkinson and seconded by Emory Helmuth. Evan Atkinson, Emory Helmuth, Dan Rolfes, Jim Shea and Ron Younkin all voted yes to coming out of the Executive Session.

Action: Motion was made to recommend to the Governor that James Demitrus fill the remaining unexpired term for a Resident was made by Ron Younkin and seconded by Emory Helmuth. The motion passed unanimously.

Discussion of the training class was brief. Attendees all passed the class exam and felt that the course covered worthwhile material. Additional comments to be directed to the Continuing Education working group. Staff directed the Commissioners to the Draft Training Course Sponsor Approval form in their package.

Staff also noted that the Commission packages contained Draft complaint forms; a copy of the web page and tax amnesty program information.

Adjournment:

Action: Motion to adjourn by Evan Atkinson and seconded by Jim Shea. Motion passed unanimously. Meeting Adjourned at 5:30 PM

Minutes respectfully submitted and certified by Julie N. Combs.

Julie N. Combs
Executive Director
Ohio Manufactured Homes Commission

Dan Rolfes
Chair
Ohio Manufactured Homes Commission

Ron Younkin
Vice-Chair
Ohio Manufactured Homes Commission

Ohio Manufactured Homes Commission
December 14, 2005
10:00 AM
Executive Office Place
Dublin, OH

Members Present

John Brant
Jim Demitrus
William Laubacher
Dan Rolfes, Chair
Jim Shea
Roger Suppes
Ron Younkin, Vice-Chair

Commission Staff

Julie Combs, Executive Director
Janet Williams

Legal Counsel

Megan Boiarsky, AG
Barry McKew, AG

Members Absent

Evan Atkinson
Emory Helmuth

Guests

Carolyn Mowrey, OMHA
Don Wester
Ed Krauss, Dispute Resolution & Conflict Management
Maria Mone, Dispute Resolution & Conflict Management
Cindy Crecelius, ODNR, Div. of Water
David Payne, Governor's Office

Call to Order

New Commissioner Jim Demitrus was sworn by David Payne, Governor's Office.
The meeting was called to order at 10:00 AM by Dan Rolfes, Chair

Roll Call

Roll call was read with all members present with the exception of Evan Atkinson, and Emory Helmuth.

Approval of the Minutes

Dan Rolfes requested that the Commission take a few minutes to review the minutes from the last meeting November 9, 2005 Meeting.

Action: Motion was made by John Brant to accept the minutes; it was seconded by Ron Younkin. All members were in favor and the motion passed unanimously to approve the minutes.

Public Comment:

Cindy Crecelius from Ohio Department of Natural Resources, Division of Water invited the Commission to use her department as a resource in the development of OMHC policy with regard to installations in flood hazard areas to ensure that FEMA's insurance program remains available throughout the state.

10:30 Guest speaker

Ed Krauss and Maria Mone from the Ohio Commission on Dispute Resolution and Conflict Management spoke briefly and entertained questions regarding how their mediation program may be of use to the Commission. They suggested that a pilot program with a few cases could be arranged. They would work these first few cases for mileage expenses only. They estimated non-pilot project mediation services might range from \$100 to \$150 per hour with a typical session lasting 2 hours.

11:00

Agenda was altered to allow discussion of the Dispute Resolution draft 4781-10-02 while guests Ed Krauss and Maria Mone were present so they could comment as the draft rule was discussed. Dan Rolfes, chair of the Dispute Resolution Working group led the discussion. A line by line reading of the draft followed. Several sections were discussed. The draft was sent back to the Dispute Resolution Working Group for completion.

Ron Younkin, Chair of the Installer Licensing Working Group, led a discussion of the Installer licensing draft rules 4781-8, 1 through -5 were discussed. Staff was requested to report back regarding the use of back ground checks.

12:30 Working Lunch

Inspections Working Group draft rules 4781-7 were reviewed briefly. As the chair of that working group, Evan Atkinson was absent the discussion was postponed to January.

The Continuing Education draft was also tabled pending re-distribution of the draft.

The Commission discussed the results of the request for bids for Professional Engineering (PE) services. Staff agreed to research if the drawings, after Commission approval, can be distributed without the seal. The concern involved advertising for the PE firm by distributing their name. Staff will confirm with the PE board if there is a requirement for a PE to affix his seal.

ACTION:

Motion by Ron Younkin and seconded by Bill Laubacher to accept Evor Johns of Progressive Engineering Inc design 6 foundation plans for general use through out the state for an amount to be negotiated but not to exceed \$6,000. Dan Rolfes, Ron Younkin, Jim Demitris, John Brant, Roger Suppes, Jim Shea, and Bill Laubacher all voted yes.

AG Update

Megan Boiarsky reviewed a memo regarding the requirements of the dispute resolution program. Barry Mc Kew stated that the Formal Requests for Opinions were being completed in roughly 90 days. So the Commission may expect to receive their Formal Opinion back sometime in January. Megan Boiarsky and Barry McKew both emphasized the need for the Commission to adopt an Ethics Policy. Staff indicated they had missed the email with the Ethics Policy and would bring it to the January meeting for a vote. Megan Boiarsky states she would forward again to staff a copy of model ethical standards for Boards and Commissions for consideration in January.

Staff Update

Forms for use in the office for Dispute Resolution: Complaints by Consumers, Complaints among Professionals were distributed. The Working Group on Dispute Resolution will review these forms.

A form for complaint against an Inspector was distributed. The Inspections working group will review the form.

Forms to apply for an Installers license and verify work experience were distributed. The Installers working group will review the form.

Forms to apply for an Inspectors Certification and verify work experience were distributed. The Inspections working group will review the forms.

A Notice of Home Installation was distributed. The rule that notice must be given to County Auditors and Treasurers is in effect now.

Action:

John Brant made a motion to accept the form as amended and distribute it to Installers and Auditors. Roger Suppes seconded the motion. The motion passed unanimously.

A discussion of the hiring of special council ensued. Barry Mc Kew and staff affirmed that while the AG's office received the bills from special counsel the bills were passed on to the agency receiving the services. Special Counsel can cost up toward \$300/hr in some cases. Concern about the expense was raised. A resume of an attorney interested in special counsel work was discussed. John Brant raised concerns regarding conflict of interest as the attorney had current clients who may have business before the commission. While no motion was made, Commissioners generally decided not to pursue special counsel.

2:45 PM

ACTION: Motion for an Executive Session for attorney-client privilege, R.C. 112.22 (G)(5) was made Roger Suppes and seconded by John Brant. Dan Rolfes, Ron Younkin, Jim Demitrus, Roger Suppes, John Brant, Jim Shea, Bill Laubacher all voted yes to go into executive session. The room was cleared of visitors.

3:00PM

ACTION: Motion was made to come out of executive session by Ron Younkin and seconded by John Brant. Dan Rolfes, Ron Younkin, Jim Demitrus, John Brant, Jim Shea, Bill Laubacher all agreed to come out of executive session. Roger Suppes abstained. Guests were readmitted to the room.

Commission travel forms were discussed to be completed after the meeting.

Adjournment:

Action: Motion to adjourn by Jim Shea and seconded by Ron Younkin. Motion passed unanimously.
Meeting Adjourned at 3:15 PM

Minutes respectfully submitted and certified by Julie N. Combs.

Julie N. Combs
Executive Director
Ohio Manufactured Homes Commission

Dan Rolfes
Chair
Ohio Manufactured Homes Commission

Ron Younkin
Vice-Chair
Ohio Manufactured Homes Commission