

Ohio Manufactured Homes Commission
August 16, 2016
10:00 AM
5100 Parkcenter Avenue, Suite 103
Dublin, Ohio 43017

Members Present

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

Commission Staff

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

Legal Counsel

Christie Limbert, AAG
Trista Turley, AAG

Members Absent

Eric Zgodzinski

Guests

Warren Connolly, OCIB
James Demitrus, AMHRO / MHCC
Frank Pojman, AMHRO
BJ Lysic, AMHRO
Rick Binder, Binders Inc
Nancy Binder, Binders Inc
Elaine Gauck, Lake Terrace Park
Andrea Reichman, OMHA

Call to Order

The meeting was called to order at 10:15 AM by Ron Younkin.

Roll Call

All Commissioners were present with the exception of Eric Zgodzinski.

Approval of the Minutes

Ron Younkin asked for a motion to approve the minutes from the May 18, 2016 meeting.

Action: A motion was made by Tom Rehrig to approve the minutes from the May 18, 2016 meeting. The motion was seconded by Rodney Hemming. The motion passed unanimously.

Public Comment

Frank Pojman raised concerns over how resident's complaints were being handled when the complaint is about an issue that is a civil issue between the resident and the park operator. Mr. Pojman is requesting that the Commission offer more assistance with the civil matters by referring the complaint onto legal aid or other task forces designed to assist residents of manufactured home communities. He feels that if the complaint was sent to

other parties by the Commission it may have more bite with those agencies. Janet Williams explained to Mr. Pojman that if a complaint is made that is a civil issue between the park operator and the resident, the Commission will not be contacting legal aid or other task forces on behalf of the residents. The resident must be the one to contact legal counsel for their concern. If the resident's legal counsel contacts our office and request records or information on the issue, we would be more than happy to help.

Mr. Pojman asked if complaint logs were public record. Would he have the ability to request the complaint logs for all sewage complaints or other topics? Janet Williams explained to Mr. Pojman that our complaints are filed by licensee, not topic. We would not have a way to pull complaints by topic. If he would like to request all complaints on a specific park we will be able to accommodate that request. Mr. Pojman stated he would like to make a suggestion that we change the way we file our complaints. He stated that he wanted to see how many of the complaints were resolved by the Commission vs. how many complaints were resolved because residents resolved them themselves.

Warren Connolly stated he is still having issues with Clermont County Building Dept. conducting electrical inspections. He stated that a Clermont County Commissioner told him that the commissioner spoke to the BBS and was told what they were doing was legal. Mr. Connolly stated that what they are doing is not legal and he wants something done about it. Despite repeated attempts to explain to Mr. Connolly that Clermont County Building Dept. is acting within their jurisdiction he feels that they are not and a simple phone call from the BBS to Clermont County Building Dept. would resolve the problem. Regina Hanshaw advised the public that anyone who has any problems with this issue is invited to attend the next BBS board meeting which is Friday August 19th at 10:00am or the Co-committee meeting which is Thursday August 18th at 12pm.

Rick Binder asked to speak in regards to a recent case brought against him that has since reached a settlement agreement. Mr. Binder read a prepared statement.

Executive Director's Report

Janet Williams presented a list of twelve (12) applicants for salesperson licenses that met the requirements for a salesperson's license.

Action: A motion was made by Marlene Knopsnider and seconded by Tom Rehrig to approve the twelve (12) salesperson applicants listed on the ratification list pending the results of the fingerprinting. The motion passed unanimously.

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

Evan Atkinson inquired as to the differences in requirements for a street dealer versus a dealer located in a manufactured home community. It was explained that the only differences are related to office requirements, hours, parking and sales lot. There are no restrictions placed on a dealer that is licensed under the lesser requirements that would not allow them to sell a home that will not be placed in the community. Evan Atkinson and Ron Younkin stated that was a concern and request that language be looked at to revise the rules on dealers approved under lesser restrictions.

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

Inspectors Report

Gary Whitaker presented the update on the Community Complaints Resolved.

Budget Report

Janet Williams presented the update on the budget as of the current date. Total expense for FY17 is \$109,495 and total revenue to date is \$53,837.12. She also notified the Commissioners that the staff will be reviewing the possibility of increasing the amount paid to inspection agencies for annual park inspections for the 2017 inspection season. A report of the findings will be presented to the Commissioners at a later date.

Community Renewal Report

New count for communities in the state is 1586. The number of unlicensed parks has decreased significantly since the last meeting. We went from 31 parks who were in various stages down to 8. We were able to get 4 parks that were ready for legal action resolved. We now have 1566 parks active and complete. The previous count was 1540.

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

Annual Community Inspection Report

Community Inspections have begun. 875 inspections have been completed so far. We have about 700 more inspections yet to be conducted.

Flood Plain Report

All 1586 communities throughout the state were examined to determine if the park or a portion of the park was located within a flood plain. It was determined that there are 223 parks that are located in a floodplain with 3 counties yet to be completed which totals 37 parks. The staff is currently reviewing the seal report to determine if any homes were installed on lots that are located within a flood plain and if so, verifying the flood plain installation standards were met.

Commission Liability of Homes Installed in Flood Plains

Commissioner Zgodzinski requested that the AG's office give an informal opinion on the liability of the Commission if a home is placed in a flood plain. AAG Limbert stated that after reviewing all the information and previous cases relating to this topic it is impossible to give an opinion because it will truly be a case by case matter.

Settlements

Two settlement cases were presented to the Commission as well as an update on a previously approved settlement.

Ohio Certified Inspection Bureau was charged with issuing a permit to an unlicensed installer. They plead guilty and agreed to a \$200 fine.

Action: Regina Hanshaw made a motion to approve the settlement agreement between the Commission and Ohio Certified Inspection Bureau for a \$200 fine. The motion was seconded by Evan Atkinson. The motion passed unanimously.

Brian Feister was charged with installing a home without a license. He plead guilty and agreed to a \$200 fine.

Action: Regina Hanshaw made a motion to approve the settlement agreement between the Commission and Brian Feister for a \$200 fine. Rodney Hemming seconded the motion. The motion passed unanimously.

AAG Limbert updated the Commission that the previously approved settlement offer for Binder's Inspection Agency was agreed to by Mr. Binder and his legal counsel. The settlement agreement was to pay \$15,050 within 60 days of the signing of the agreement by the Chair of the Commission. The remaining \$15,050 shall be suspended upon the following conditions; 1- Within two years of the signature of this agreement by the Chair of the Commission there shall be no violation by Respondent of OAC 4781-7-06, as found by the Commission after a hearing pursuant to RC 4781.121 or by admission of Respondent or 2- Respondent shall not otherwise fail to materially comply with the terms of this agreement. Rick Binder is also required to develop a written policy outlining how he will maintain records of all inspections he conducts and will provide a copy of this policy within 60 days from the day this agreement is signed by the Chair of the Commission. Rick Binder also agrees to implement and to follow this written policy beginning on the day he provides a copy of the policy to the Commission.

Rick Binder did present to the Commission today his outline of maintaining records and his written policy. The staff will review these procedures and follow up with Mr. Binder as needed.

Engineered Drawings

Gary Whitaker presented what is expected to be the final revision of the engineered drawings. All previous requests and modifications were completed.

Action: Tom Rehrig made a motion to accept the drawing as it exists in its final revision. Regina Hanshaw seconded the motion. The motion passed unanimously. The drawing will now be disturbed to all installers and inspection agencies to use as a reference guide.

Trees in a Community, Who has liability

Janet Williams stated that the staff receives numerous calls in regards to trees in communities from residents. There are not rules or laws in place that define the liability of the trees so the staff is unclear on how to advise the callers. After discussion it was determined that it is the right of the park operator to determine the ownership of the trees and or the maintenance of such trees. The park operator has to factor in property insurance requirements along with other business factors to determine how the park operator will handle the situation.

Memo to Inspectors; CE Classes

A memo was sent out to all inspectors and inspection agencies regarding future CE classes. CE Classes will now be separated between installers and inspectors. Inspectors will have their own class and installers will have their own class. The classes are not interchangeable and the licensee must attend the appropriate class required for their license.

Memo to Inspection Agencies; Homes Installed in MH Communities.

During a recent audit of the seal report it was discovered that some inspection agencies were issuing permits to homeowners who were installing homes in a manufactured home community. Therefore a memo was sent reminding agencies that at no time is a homeowner permitted to install a manufactured home in a community.

Memo for Phase 1 No Change rules

A memo was sent out as part of the final step for the Phase 1 No Change rules.

Memo for Phase 2 No Change rules

A memo was sent out as part of the beginning stages for the Phase 2 No Change rules.

Memo for August CE Class

A memo was sent out encouraging inspectors to attend the CE class in August as there were will several important topics covered that all inspectors need to be aware of.

New Business

None

Adjournment:

Action: Motion to adjourn made by Tom Rehrig and seconded by Regina Hanshaw. The motion passed unanimously. Meeting ended at 12:25pm.

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

Janet M. Williams
Executive Director
Ohio Manufactured Homes Commission

Ron Younkin
Chair
Ohio Manufactured Homes Commission