

**Ohio Manufactured Homes Commission**  
**January 21, 2009**  
**10:00 AM**  
**5650 Blazer Parkway**  
**Dublin, Ohio 43017**

**Members Present**

Evan Atkinson  
Jim Demitrus  
Emory Helmuth  
William Laubacher  
Dan Rolfes, Chair  
Roger Suppes  
Ron Younkin, Vice Chair

**Commission Staff**

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

**Legal Counsel**

Cheryl Hawkinson, AAG

**Members Absent**

Billy Phillips  
Tom Rehrig

**Guests**

Andrea Reichman, OMHA  
Warren Connally, OCIB

**Call to Order**

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

**Roll Call:**

All members, except Billy Phillips and Tom Rehrig were present.

**Approval of the Minutes:**

It was noted in the December, 2008 minutes that AAG, Cheryl Hawkinson was in attendance. She did not attend the December 2008 minutes. The minutes were amended to reflect his change.

**Action:** A motion was made by Evan Atkinson to approve the minutes as amended from December 17, 2008. The motion was seconded by Ron Younkin. The motion passed unanimously.

**Public Comment:**

None

**Executive Director's Report:**

**Policy for lapsed licenses:**

There was a discussion regarding Rule 4781-7-09(G) Expiration: A permit is only valid for one hundred and eighty days after work has commenced. The Commission re-affirmed that this was enough time to set a manufactured home, and in the event of good cause, to go beyond 180 days, the inspector has and shall maintain the right to grant an extension, if it is requested in writing.

**Update for Inspector Renewals:**

Active Inspectors		196
Compliant	83	
Non-Compliant	113	
Did not take 12 hour licensing course		1
Did not take state exam		58
Did not take course and exam		54

**Update for Installer Renewals:**

Active Installers		324
Active in Renewal		<u>45</u>
Total Active		369
Compliant	369	
Non-Compliant	136	

**Update for Building Department:**

Active		57
Compliant	30	
Non-Compliant	27	

**Update for Third Party Agencies:**

Active		10
Compliant	4	
Non-Compliant	6	

**Dispute Resolution:**

OMHC investigator, Dave Long presented the dispute resolution update.

There was one (1) new complaint case opened. There was one (1) case closed. There are currently five (5) dispute resolution cases in progress.

**Web-site Update:**

Staff is working with DAS staff to get a web-site that staff can update themselves. The conversion to that new system should be completed by February 14 or so. By converting, OMHC will save the \$110/hour OMHC currently pays DAS to maintain our website.

The on-line permit tracking should also be up and running by February or so. Inspection Agencies will be required to input permits within 24 hours of being issued. By the fifth of every month, all finalized out homes must have the final inspection date listed from the prior month.

**Auditors Update:**

Staff is working with County Auditors to get information on relocations in their Counties so they get check them against seals that were placed. We currently have information from Washington, Athens and Mercer Counties. The next priority will be Franklin County.

**Discuss Rule 4871-7-09(U)(1) Fees**

- (1) A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any has been paid. On manufactured homes, electrical, gas, mechanical and plumbing system installations permit fee shall be paid in accordance with the schedule of the commission or the authority having jurisdiction.

The above rule was discussed and the Commission re-affirmed that this rule is reasonable and must be enforced uniformly as of January 1, 2009.

**Reduce the number of inspections in parks be eliminating open-hole foundation inspections for foundation already poured, or in place:**

AAG, Cheryl Hawkinson with OMHC staff will draft a re-write of this rule.

**BBS continuing education course recommendations:**

Commission approved Executive Director Zofko’s recommendation that inspectors and installers can get CE credit for continuing education course approved BBS (Board of Building Standards) and OCILB not to exceed one half of the required CE. The remaining continuing education hours must pertain to the proper set of a manufactured home, the manufactured home industry or any OMHC approved course. Inspector/installer must pay OMHC \$10/hour for credit to be given for BBS approved and OCILB approved courses. (\$5/hour for credit of course and \$5/hour administrative fee to equal \$10/hour.)

**Financial status discussion:**

Fiscal Year 2009 Budgeted Amount	\$ 434,671.00
Expenses to date	<u>\$ 172,699.86</u>
Available Budget	\$ 261,971.14

**Revenues**

Fiscal Year 2008	\$ 155,251.50
First 6 months of Fiscal Year 2009	\$ 130,705.00

**Seals**

Fiscal Year 2008	1512
First 6 months of Fiscal Year 2009	1112

**Financial status discussion: (continued)**

Janet Williams reported, considering the downturn in the economy, OMHC revenues are up considerably for the first six (6) months of FY 09. Sale of Seals is up 47% in the first six (6) months of FY 09 compared to the first six (6) months of FY 08.

**New Business:**

**Misc.:**

Executive Director, David Zofko spoke about the Retailer who said 200 homes were set and questioned if seals were ever placed on those homes. This discussion lead to various conversations.

All permits MUST be paid for, before they are valid. It was suggested for staff to get this information out to all inspection agencies.

AAG, Cheryl Hawkinson and Executive Director, David Zofko will re-write the language for temporary occupancy permits and time frames for such permits.

All Installers must follow up and get all homes finaled out. If not, they may be brought in front of the Commission for any appropriate action. It was suggested that staff get this information out to all installers.

Homeowners who are setting their own homes must purchase the permits in the homeowners name. If an installer is hired to set the home, the installer must block, level and install ALL required tie-downs to make the set phase complete and is the installer's sole responsibility. The person who purchases the permit is solely responsible for the complete set of the home, including calling for inspections and is totally liable for the home and the home installation meeting ALL OMHC Rules through and including the final inspection and placement of the OMHC seal. If multiple licensed installers are used to perform different phases of the installation, each should be identified on the permit application, but the installer who purchases the permit shall be the person who is responsible to ensure ALL phases of the installation are performed and the final inspection is completed with the placement of the OMHC seal. If the homeowner purchases the permit and does the installation of the manufactured homes, the homeowner may only apply for dispute resolution regarding a defect in the construction of the manufactured home.

**New Language for Seals:**

Staff is in need of ordering more seals. AAG, Cheryl Hawkinson submitted a re-write of information to appear on the seals. The language is basically the same only with easier to understand.

**Action:** A motion was made by Dan Rolfes and seconded by Ron Younkin to accept the new language for the seals that are being ordered. The motion passed unanimously.

**Adjournment:**

**Action:** A motion was made by Ron Younkin and seconded by Bill Laubacher at 2:30pm to adjourn. It was approved unanimously.

Minutes respectfully submitted and certified by Executive Director, David E. Zofko, P.E.

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**David E. Zofko, P.E.**  
Executive Director  
Ohio Manufactured Homes Commission

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**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**  
**February 18, 2009**  
**10:00 AM**  
**5650 Blazer Parkway**  
**Dublin, Ohio 43017**

**Members Present**

Evan Atkinson  
Jim Demitrus  
Emory Helmuth  
William Laubacher  
Billy Phillips  
Tom Rehrig  
Dan Rolfes, Chair  
Roger Suppes  
Ron Younkin, Vice Chair

**Members Absent**

**Commission Staff**

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

**Legal Counsel**

Cheryl Hawkinson, AAG

**Guests**

Andrea Reichman, OMHA  
Warren Connally, OCIB  
Randy Ward, OCIB  
Bill Geniella, AMHRO  
Troy Warnock, COCOA  
Preston Hale, ISP  
Rodney Hemming, Elsea, Inc.  
Patrick Pickett, Attorney for Elsea, Inc.  
Larry Sanson

**Call to Order**

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

**Roll Call:**

All Commission members were present.

**Annual Elections:**

**Action:** A motion was made by Ron Younkin and seconded by Billy Phillips to nominate Dan Rolfes as Chair of the Manufactured Homes Commission for the calendar year of 2009. The motion passed unanimously.

**Action:** A motion was made by Emory Helmuth and seconded by Bill Laubacher to close the nominations for Chair of the Commission. The motion passed unanimously.

**Action:** A motion was made by Billy Phillips and seconded by Jim Demitrus to elect Dan Rolfes as Chair of the Commission. The motion passed unanimously.

**Action:** A motion was made buy Dan Rolfes and seconded by Tom Rehrig to nominate Ron Younkin as Vice-Chair of the Manufactured Homes Commission for the calendar year of 2009. The motion passed unanimously.

**Action:** A motion was made by Billy Phillips and seconded by Bill Laubacher to close the nominations for Vice-Chair of the Commission. The motion passed unanimously.

**Action:** A motion was made by Billy Phillips and seconded by Roger Suppes to elect Ron Younkin as Vice-Chair of the Commission. The motion passed unanimously.

### **Approval of the Minutes:**

**Action:** A motion was made by Ron Younkin to approve the minutes from the January 21, 2009 meeting. The motion was seconded by Roger Suppes. The motion passed. Billy Phillips abstained as he was not at the January 21, 2009 meeting.

**Action:** Ron Younkin made a motion to go into Executive Session for Pending Litigation; pursuant to RD 121.23. The motion was seconded by Jim Demitrus. The motion passed unanimously. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Tom Rehrig, Roger Suppes, Billy Phillips, Jim Demitrus, Emory Helmuth and Bill Laubacher. The motion passed unanimously. OMHC staff was invited to remain in the room.

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

**Action:** A motion was made by Roger Suppes and seconded by Billy Phillips to withdraw the charges against Roger McDaniel. The motion passed unanimously.

Executive Director, David Zofko stated he exercised his right to terminate for convenience the Third Party Agency contract of United Inspections. A letter stating the termination of the contract was sent on December 26, 2008 to Mr. McDaniel. The termination of the contract would become effective on February 28, 2009. The Commission chose not to take any further action since they agreed with Mr. Zofko's right to terminate the contract.

### **Public Comment:**

None

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

#### **License Ratification:**

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

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

**Update for Inspector Renewals:**

<b>Active Inspectors</b>		157
Compliant	103	
Non-Compliant	54	
<b>Non-Active Inspectors</b>		74
Compliant with no employer (inactive)	30	
Requested to abandon (abandoned)	38	
Pending	6	
<b>Total Inspectors</b>		231

**Update for Building Department:**

<b>Active</b>		51
Compliant	38	
Non-Compliant (with extensions)	27	
<b>Non-Active (asked to abandon)</b>		6
<b>Total</b>		57

Commissioner, Roger Suppes suggested OMHC staff do an assessment of what the impact would be on inspections with loosing several building departments. He also suggested staff should update the counties map.

**Update for Third Party Agencies:**

Active		10
Compliant	9	
Non-Compliant (with extensions)		1

Assistant Director, Janet Williams reported that of the 14 local health districts that have MOU's with the State Health Department to perform manufactured home inspections, 6 are non-compliant since they have not listed back-up inspectors as required.

**Dispute Resolution:**

OMHC investigator, Dave Long presented the dispute resolution update.

There was one (1) new complaint case opened. There were two (2) case closed. There are currently four (4) dispute resolution cases in progress.

**Web-site Update:**

Staff continues to work with DAS staff to get a web-site that staff can update themselves. The conversion to that new system should be completed by March 9 or so. By converting, OMHC will save the \$110/hour OMHC currently pay DAS to maintain our website. OMHC website will have a new, professional look to its' updated website.

The on-line permit tracking should also be up and running by March 9 or so. Inspection Agencies will be required to input permits within 24 hours of being issued. By the fifth of every month, all finaled out homes must have the final inspection date listed from the prior month.

**Auditors Update:**

Staff is working with County Auditors to get information on relocations in their Counties so they get check them against seals that were placed. From the information gathered from Washington County, letters were send out to parties who had relocated homes asking them to show proof of pulling an inspection permits.

**WASHINGTON COUNTY AUDITORS REPORT**

Deadline for resolution: February 27, 2009

Number of letters that were sent:	35
Number of owners that have contacted Dave Long:	10
Number of letters that have "return to sender"	3
Number of owners that have applied for permits:	10
Number of cases that have not contacted us or the County	12

**Information from FY 10-11 Budget Meetings:**

Executive Director, David Zofko and Assistant Director, Janet Williams attended two budget meetings. The first being with DAS Director, Hugh Quill, OBM Director, Pari Sabety, CSA, John Cunningham and the Chief of Legal Counsel for Governor Strickland's Office. At the meeting they spoke of a consolidation of services for the 29 Boards and Commissions. This consolidation of services would save money across the board for Boards and Commissions. An example, would be all Boards and Commissions purchasing copy paper in bulk to money. It was stated that the consolidation of services could possible affect staff positions. It probably would not affect OMHC, as we are not located downtown. This consolidation of services is listed in the FY 01/11 Budget Bill.

The second meeting was with Nick Thomas, a legislative analysis with the Legislative Service Commission. Mr. Thomas will be submitting the OMHC FY 2010/2011 budget request to the House and Senate. Staff met with Mr. Thomas to go over questions regarding that submission.

### **Adjudication Hearings:**

Senior Assistant Attorney Cheryl Hawkinson presented settlement terms with a global settlement of all cases. The respondent would admit to the facts and to all violations of the 22 counts. The agreed upon fine would be \$2,700 and all work for those counts would be completed in 90 days. Respondent will keep a log of how long he is on site, respondent will give all homeowners inspection information and will send them to inspectors for any questions. Respondent's company will set forth into contracts with who is to do what parts of the set. Respondent will provide to the Commission at its March 18, 2009 meeting a status report of all 165 sets in question.

Commissioner, Roger Suppes asked that the complaints be prioritized based on the seriousness of the charges.

Commissioner, Tom Rehrig stated that life safety issues must be taken seriously and addressed first.

Patrick Pickett, Attorney for the respondent stated that they will not be waiting to get a list, they take the charges seriously and will act quickly to address all issues.

Commissioner, Ron Younkin stated that he felt all intensions are proper, but it was very important that OMHC doesn't see these situations in the future. He questioned how many people might be living in homes that did not have temporary permits. He hoped that this situation would result in a complete change of policy for the defendants company.

**Action:** A motion was by Ron Younkin and seconded by Tom Rehrig to continue the hearing until the March 19, 2009 meeting, the motion also stated that the homes in this case would be brought into compliance within 90 days and a status report of all 165 would be provided by the next Commission Meeting on March 18, 2009. The motion passed unanimously.

Cheryl Hawkinson asked if we could get the status report a couple days prior to the meeting, they could be distributed for review.

The case for the Commission was presented by AAG Cheryl Hawkinson. Installer, Larry Sanson appeared, presented his case pro se and was asked to step out side the room to await the decision.

**Action:** A motion was made by Ron Younkin and seconded by Roger Suppes to go into executive session for the purpose of discussing the matter of installer, Larry Sanson. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Tom Rehrig, Roger Suppes, Billy Phillips, Emory Helmuth, Bill Laubacher and Jim Demitrus. The motion passed unanimously.

**Action:** A motion was made by Ron Younkin and seconded by Billy Phillips to exit executive session. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Tom Rehrig, Roger Suppes, Billy Phillips, Emory Helmuth, Bill Laubacher and Jim Demitrus. The motion passed unanimously.

**Action:** A motion was made by Evan Atkinson and seconded by Jim Demitrus that no action would be taken against Larry Sanson. The motion passed unanimously. It was suggested that in the future, Mr. Sanson should ask for a copy of the application that is filed with the inspector, so he can see exactly what responsible is assigned to him.

Commissioner, Evan Atkinson suggested that a check list accompany the installation permit showing exactly who is doing what part of the set.

**New Business:**

- P.E. taking the initial training course and state examination:

It was ruled that it is in the law, SB 102 and the OMHC Rule, that any person wishing to become an OMHC certified inspector must complete the initial 12 hour training course and the state examination and any person wishing to be certified to inspection for OMHC must comply.

**Adjournment:**

**Action:** A motion was made by Tom Rehrig and seconded by Ron Younkin at 3:00 pm to adjourn. It was approved unanimously.

Minutes respectfully submitted and certified by Executive Director, David E. Zofko, P.E.

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**David E. Zofko, P.E.**  
Executive Director  
Ohio Manufactured Homes Commission

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**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**

**March 18, 2009**

**10:00 AM**

**5650 Blazer Parkway**

**Dublin, Ohio 43017**

**Members Present**

Evan Atkinson  
Jim Demitrus  
Emory Helmuth  
William Laubacher

Tom Rehrig  
Dan Rolfes, Chair  
Roger Suppes  
Ron Younkin, Vice Chair

**Members Absent**

Billy Phillips

**Commission Staff**

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

**Legal Counsel**

Cheryl Hawkinson, AAG

**Guests**

Andrea Reichman, OMHA  
Warren Connally, OCIB  
Bill Geniella, AMHRO  
Russ McPherson, AMHRO  
Rodney Hemming, Elsea, Inc.  
Patrick Pickett, Attorney for Elsea, Inc.

**Call to Order**

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

**Roll Call:**

All Commission members were present with the exception of Billy Phillips.

**Approval of the Minutes:**

**Action:** A motion was made by Roger Suppes to approve the minutes from the February 18, 2009 meeting. The motion was seconded by Tom Rehrig. The motion passed unanimously.

**Public Comment:**

Russ McPherson from AMHRO spoke on his dealings with a media person. The media person would only refer to the manufactured home as a trailer. He said, "It has wheels, it's a trailer". Mr. McPherson tried to set him straight, but he was unwilling to listen. Apparently, someone eventually got through to him, and he understood the difference. Mr. McPherson wanted to pass along that we as an industry have to take every opportunity to get persons to understand the difference as it will improve the overall opinion of the industry. Mr. McPherson directed the Commission to a website for more information, OHOAA.org. The Commission applauded his efforts.

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

### **License Ratification:**

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

**Action:** A motion was made by Roger Suppes and seconded by Tom Rehrig to approve two (2) installer applicants listed on the ratification list. The motion passed unanimously.

### **Update for Inspector Renewals:**

<b>Active Inspectors</b>		144
Compliant	104	
Non-Compliant	40	
<b>Non-Active Inspectors</b>		88
Compliant with no employer (inactive)	3	
Non-compliant w/no employer	25	
Requested to abandon (abandoned)	53	
Pending	7	
<b>Total Inspectors</b>		232

### **Update for Building Department:**

<b>Active</b>		51
Compliant	38	
Non-Compliant (with extensions)	13	
<b>Non-Active (asked to abandon)</b>		6
<b>Total</b>		57

Commissioner, Evan Atkinson suggested staff should update the counties map.

There was a discussion on inspector licenses and their status if they do not have an entity to inspect for. Executive Director, David Zofko and AAG, Cheryl Hawkinson will work on a rule for escrowing licenses.

### **Dispute Resolution:**

OMHC investigator, Dave Long presented the dispute resolution update.

There was one (1) new complaint case opened. There was one (1) case closed. There are currently four (4) dispute resolution cases in progress.

### **Web-site Update:**

Staff continues to work with DAS staff to get a web-site that staff can update themselves. The conversion to that new system should be completed by the end of March. By converting, OMHC will save the \$110/hour OMHC currently pay DAS to maintain our website. OMHC website will have a new, professional look to its updated website.

The on-line permit tracking should also be up and running by the end of March. Inspection Agencies will be required to input permits within 24 hours of being issued. By the fifth of every month, all finalized homes must have the final inspection date listed from the prior month.

### **Foundation Committee Recommendations:**

After discussion, the Commissioners agreed with the following recommendations:

- a). No wood will be accepted in foundations.
- b). 4" precast pads shall be a minimum of 3000 psi.
- c). ABS pads will be accepted as engineered products and can be used if in accordance to the manufacturer's instructions (according to it's listing). ABS Pads will be excepted on single wide sets only. These are more stringent than HUD's Final Rule, which became effective January 1, 2009.

Commissioner, Tom Rehrig stated that FHA announced for Title 2 loans, they will accept the standards of 3285 for permanent foundations.

Commissioner, Evan Atkinson stated that he felt that the Commission should come up with a standard set of drawings for a single side set with ABS pads.

There was a discussion on the approval of a Pennsylvania continuing education course that was attended by several Ohio installers. It was stated that Pennsylvania would have to submit the class curriculum and the \$150 sponsor fee in order for the continuing education class to be approved. The discussion continued regarding reciprocity agreements with surrounding states for the initial training course as well as the continuing education courses. Executive Director, David Zofko and AAG, Cheryl Hawkinson to look at writing rules.

### **Adjudication Hearings:**

Senior Assistant Attorney Cheryl Hawkinson moved forward with the case continued from last month. Settlement terms were agreed to by the Commissioners. The respondent would admit to the facts and to all violations of the 22 counts. The agreed upon fine would be \$2,700 and all work for those counts would be completed in 90 days. Respondent presented a log they he will use moving forward of how long he is on site. Respondent presented an inspection agreement form he will give all homeowners who purchase a home. This agreement spells out who's responsible for what aspects of the set. It was noted to the respondent that this agreement can only be used on private property sets. All manufactured home park sets must be set by a licensed installer. Respondent will provide to the Commission by April 15, 2009 a status report of all 165 sets in question.

**Action:** A motion was made by Roger Suppes and seconded by Tom Rehrig to approve the settlement agreement. The motion passed unanimously.

### **Budget Report:**

Executive Director, David Zofko stated he had testified in front of House Finance and Appropriations Committee in February on the OMHC Biennial Budget for Fiscal Years 2010 and 2011.

Assistant Director, Janet Williams presented information on OMHC's Finances as follows:

#### **OMHC Financial Information**

Fiscal Year 2009 Budgeted Amount	\$ 434,671.00
Expenses to date	<u>\$ 240,429.26</u>
Available Budget	\$ 194,241.74

#### **Revenues**

Fiscal Year 2008	\$ 155,251.50
First 8 months of Fiscal Year 2009	\$ 173,335.00

#### **Seals**

Fiscal Year 2008	1512
First 8 months of Fiscal Year 2009	1662

#### **Homeowners requirements for self-installation:**

In accordance with recommendations made by the foundation sub-committee, if a homeowner wishes to set his own home and obtains the permit in his name, he must perform ALL of the work himself and he is solely responsible for obtaining ALL inspections. This may eliminate him from being eligible for dispute resolution, except for proven manufacturer's defects that are NOT cosmetic nature.

#### **New Business:**

#### **Draft Rules Discussion:**

It was announced that David Zofko and Cheryl Hawkinson were meeting on April 9<sup>th</sup>, 2009 to complete the Rules revisions. Roger Suppes and Tom Rehrig supplied the Commission with their written notes/corrections.

#### **Future Meetings:**

The April 15, 2009 meeting was cancelled. A May 6, 2009 meeting was added.

**Adjournment:**

**Action:** A motion was made by Tom Rehrig and seconded by Ron Younkin at 3:00 pm to adjourn. It was approved unanimously.

Minutes respectfully submitted and certified by Executive Director, David E. Zofko, P.E.

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**David E. Zofko, P.E.**

Executive Director

Ohio Manufactured Homes Commission

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**Dan Rolfes**

Chair

Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**

**May 6, 2009**

**10:00 AM**

**5650 Blazer Parkway**

**Dublin, Ohio 43017**

**Members Present**

Jim Demitrus  
Emory Helmuth  
Tom Rehrig  
Dan Rolfes, Chair  
Ron Younkin, Vice Chair

**Commission Staff**

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

**Legal Counsel**

Cheryl Hawkinson, AAG

**Members Absent**

Evan Atkinson  
William Laubacher  
Billy Phillips  
Roger Suppes

**Guests**

Andrea Reichman, OMHA  
Warren Connally, OCIB  
Bill Geniella, AMHRO  
Russ McPherson, AMHRO

**Call to Order**

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

**Roll Call:**

All Commission members were present with the exception of Evan Atkinson, William Laubacher, Roger Suppes and Billy Phillips.

**Approval of the Minutes:**

**Action:** A motion was made by Tom Rehrig to approve the minutes from the March 18, 2009 meeting. The motion was seconded by Emory Helmuth. The motion passed unanimously.

**FEMA Units Policy:**

There was a discussion with regard to FEMA units coming into the State of Ohio. It was decided that we still need to comply with HUD and their decisions on what is allowed and what is not. Tom Rehrig stated we should hold off and see just what HUD is going to say about the whole situation. It was stated, if there is a HUD label we should be inspecting.

Andrea, from OMHA stated that if there is no HUD label, it should be considered a modular unit, and should go to the BBS, who will not approve and that it should then not be allowed in the state. She suggested that if we know of these homes being set, that we should notify BBS.

David Zofko asked about notifying the BMV or ODH? ODH should be notified and BMV should be asked about transferring titles.

Dan Rolfes said we should notify HUD if we know of the units, because HUD asked us to notify them.

### **Public Comment:**

Bill Genielle from AMHRO spoke about Marysville Estates in Union County. He wanted to thank the Commission for a job well done and working towards a goal. He also stated that AMHRO is working with OMHA to get authority away from ODH and give it to OMHC.

OMHA told AMHRO to keep up the good work.

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

#### **License Ratification:**

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

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

Executive Director, David Zofko presented a list of three (3) applicants for inspector's certifications that met the requirements for an installer's license.

**Action:** A motion was made by Tom Rehrig and seconded by Jim Demitrus to approve three (3) inspector applicants listed on the ratification list and waive the application fee for OMHC inspector Dave Long. The motion passed unanimously.

Executive Director, David Zofko presented a list of one (1) application for a Building Department that met the requirements for certification.

**Action:** A motion was made by Ron Younkin and seconded by Tom Rehrig to approve one (1) Building Department listed on the ratification list. The motion passed unanimously.

#### **Dispute Resolution:**

OMHC investigator, Dave Long presented the dispute resolution update.

There was one (1) new complaint case opened. There was two (2) case closed. There are currently two (2) dispute resolution cases in progress.

#### **Web-site Update:**

The conversion to the new system is now up and running. The on-line permit tracking (seal reporting system) is also up and running. Third Party Inspection Agencies are now required to input permits within 24 hours of being issued. By the fifth of every month, all finalized out homes must have the final inspection date listed from the prior month. For the time being, Building Departments and Health Departments will continue to forward their information for the seal report to the OMHC staff and they will do the inputting. OMHC will eventually branch out and ALL inspection agencies will do ALL of their own inputting.

Mavis Giska from the OMHC staff presented an overview of the new website. She also gave a demonstration of just how the new seal reporting system works. We would like to thank Mavis for the countless hours she spent getting the seal reporting system and new web-site up.

### **Seal Update Report:**

To date, the first ten (10) months of this fiscal year (2009), 2, 282 seals have been sold, as compared to 1,512 sold in fiscal year 2008. It is estimated that we will finish the fiscal year having sold 2,741 seals.

### **Budget Report:**

Assistant Director, Janet Williams presented information on OMHC's Finances as follows:

#### **OMHC Financial Information**

Fiscal Year 2009 Budgeted Amount	\$ 434,671.00
Expenses to date	<u>\$ 296,931.50</u>
Available Budget	\$ 137,739.95

#### **Revenues**

Fiscal Year 2008	\$ 155,251.50
First 10 months of Fiscal Year 2009	\$ 235,240.00

#### **Seals**

Fiscal Year 2008	1512
First 10 months of Fiscal Year 2009	2282

### **New Business:**

#### **Inspector/Investigator expense reimbursement:**

**Action:** A motion was made by Jim Demitrus and seconded by Emory Helmuth to reimburse Dave Long for \$175 for the initial training course and \$ 78.39 for the study guide. The motion passed unanimously.

#### **Employee Compensation:**

Staff explained the Commission the implementation plan the state has for cost savings. The state is requiring that all employees take ten (10) days off with no pay. Employees pay will be reduced. For working eighty hours in a two week period they will only get pay for 76.92. Also the yearly 32 hours of personal days has been taken away.

#### **Discussion on skirting requirements, Jim Demitrus presentation for mandatory skirting:**

Commissioner, Jim Demitrus made a presentation, stating he felt skirting should be mandatory and his reasons why. I was stated that skirting is not required in the HUD Final Rule. It was suggested to put this topic on the agenda to be discussed at the Foundations/Installations Meeting.

**Draft Rules Discussion & JCARR system:**

**Action:** A motion was made by Jim Demitrus and seconded by Emory Helmuth to give the Executive Director, David Zofko to pursue finding someone to put rules into JCARR. The motion passed unanimously. Commission members present were told they should read over the Revised Rules they were given and make any comments back to the OMHC office by May 22, 2009. Commission meeting packets and a note also stating they needed to read over the Revised Rules and make any comments by May 22, 2009 was mailed out to all Commissioners who were not present.

**Affordable, Shallow frost-free foundation; Does OMHC want to participate financially?**

It was stated that the State cannot make contribution. Tom Rehrig felt contributions should be from retailers, communities, manufacturer's. He stated it will ultimately end up in set-up manuals, and then OMHC can use it.

**Building Department Maps:**

Most current maps of the building departments having jurisdiction to inspect were handed out and discussed.

**Misc.:**

Chair, Dan Rolfes asked Inspector, Dave Long to get on the list of 165 home sets and get them inspected. It was noted that the situation is improving.

**Future Meetings:**

The next scheduled meeting is on June 17, 2009.

**Adjournment:**

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

Minutes respectfully submitted and certified by Executive Director, David E. Zofko, P.E.

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**David E. Zofko, P.E.**  
Executive Director  
Ohio Manufactured Homes Commission

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**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**

**July 15, 2009**

**10:00 AM**

**5650 Blazer Parkway**

**Dublin, Ohio 43017**

**Members Present**

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

**Commission Staff**

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

**Legal Counsel**

Cheryl Hawkinson, AAG

**Members Absent**

Billy Phillips  
Roger Suppes

**Guests**

Andrea Reichman, OMHA  
Warren Connally, OCIB  
Russ McPherson, AMHRO

**Call to Order**

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

**Roll Call:**

All Commission members were present with the exception of Roger Suppes and Billy Phillips.

**Approval of the Minutes:**

**Action:** A motion was made by Ron Younkin to approve the minutes from the May 6, 2009 meeting. The motion was seconded by Evan Atkinson. The motion passed unanimously.

**FEMA Units Policy:**

There was a discussion with regard to FEMA units coming into the State of Ohio. It was decided that we still need to comply with HUD and their decisions on what is allowed and what is not. It was stated, if there is a HUD label we should be inspecting. It was also stated that HUD has asked FEMA to no longer write scrap on the units. The Commissioners agreed that since they were considered used units, Thermal Zone 2 units were acceptable for use in the state of Ohio. Currently, these Thermal Zone 2 units are a much better quality unit than the units that they are replacing.

Tom Rehrig suggested that inspectors should be looking for the HUD labels when inspecting. Tom also stated that he would get David Zofko the requirements for thermal zones and that David would report next month to the Commission.

## **Public Comment:**

None

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

### **License Ratification:**

Executive Director, David Zofko presented a list of three (3) applicants for installer's licenses that met the requirements for an installer's license.

**Action:** A motion was made by Tom Rehrig and seconded by Bill Laubacher to approve three (3) installer applicants listed on the ratification list. The motion passed unanimously.

Executive Director, David Zofko presented a list of one (1) applicant for inspector's certification that met the requirements for an inspector's certification.

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

Executive Director, David Zofko presented a list of two (2) certified installers that have failed to complete the 12 hour training course and/ or the OMHC State exam for revocation of their license.

**Action:** A motion was made by Ron Younkin and seconded by Jim Demitrus to Revoke the licenses of the listed installers who failed to take the 12 hour training course and/ or the OMHC State exam.. The motion passed unanimously.

Executive Director David Zofko presented a list of seventeen (17) inspectors who failed to complete the 12 hour training course and/or the OMHC State examination for decertification.

**Action:** A motion was made by Ron Younkin and seconded by Tom Rehrig to Decertify all of the listed inspectors who did not complete the 12 hour training course and/ or the OMHC State exam. The motion passed unanimously.

### **Report on Commission Directed Inspections:**

Dave Long reported that the previous meeting scheduled with Rodney Hemming and Elsea Homes was cancelled by them. The Commissioner directed Dave Long to have a report completed for review at the September 23, 2009 meeting regarding the outstanding permits for Elsea Homes.

### **Report on SE Counties regarding the "Unlawful Occupancy Letters" that were sent out by OMHC:**

Executive Director Zofko reported that this Commission and staff has exhausted their administrative remedy to inform and stimulate homeowner to obtain an installation permit and bring their unlawfully installed home into State law compliance. The staff was seeking assistance and legal advice from AAG Cheryl Hawkinson, but no "next step" was offered to the staff or Commission. OMHC and the staff felt that, at least, a letter from the AG's office, notifying these homeowners of their continuing violation of State law, would help to bring them into compliance and to notify the homeowner that their unlawful occupation of this home will now be turn over to the AG's office for further legal action if the home is not made to comply with State law. AAG Cheryl Hawkinson said she had given the OMHC what it needs to be done for a TRO and explained that a TRO is a long and cumbersome process. Executive Director David Zofko stated that the TRO process was an ineffective and impractical way to deal with unlawful installations.

### **Dispute Resolution:**

OMHC investigator, Dave Long presented the dispute resolution update. There were no new complaint cases opened. There were three (3) cases closed. There are currently no dispute resolution cases in progress.

### **Website Update:**

The conversion to the new system is now up and running. The on-line permit tracking (seal reporting system) is also up and running. Third Party Inspection Agencies are now required to input permits within 24 hours of being issued. By the fifth of every month, all finalized homes must have the final inspection date listed from the prior month. The Commission agreed with staff that giving Building Departments, Health Departments and Third Party Inspection Agencies twenty-four (24) hours to input the necessary data to the website and to the Seal Report was reasonable and appropriate in order to maintain transparency to the general public and to keep the website records as current as possible. OMHC has branched out and ALL inspection agencies will do ALL of their own inputting within the prescribed 24 hour policy. This is the intent and if an agency falls behind on occasion due to illness, computer problems, power outage, etc., commission staff will monitor and assist the agency during the unique occasion. If a Building Department, Health Department or Third Party Inspection Agency becomes a repeating problem, staff will notify the Commission for suggested remedial action. The Commission expects the staff to keep the "pressure" on the Building Departments, Health Departments and Third Party Agencies to maintain compliance without Commission intervention, unless repeated abuse occurs. This Commission realized how powerful of an enforcement tool the OMHC Seal Report is and will begin to generate evidence of irregular activity and may even lead to administrative action against some Building Departments, Health Departments and Third Party Agencies.

Mavis Giska from the OMHC staff reported that almost all building departments and health departments are now inputting their own seal reporting data directly into the seal report.

### **Seal Update Report:**

In fiscal year 2009, there have been 2,922 seals sold and placed, as compared to 1,512 sold in fiscal year 2008 with only 867 seals placed. The 2,922 seals sold are 181 seals more than we estimated to finish the fiscal year. We estimated 2,741 seals would have been sold. The FY 2008 OMHC Compliance Rate is (867 Seals placed divided by 5100 homes installed equals) 17%. The FY 2009 OMHC Compliance Rate is (2,922 Seals placed divided by 5,100 homes installed equals) 58%. There has been significant progress made in compliance from FY 2008 to FY 2009 due to many factors.

### **Electrical Inspectors Clarification:**

Executive Director, David Zofko clarified that our policy is that electrical inspectors must sign and place their ESI number and OMHC number on inspections.

### **Homeowner Installation Clarification:**

Executive Director, David Zofko clarified in the State of Ohio, a homeowner is entitled to perform any work on his/her home which is his/her primary residence and is constructed on land the he /she have direct ownership. This causes a problem for this Commission in the enforcement of illegal installers. If a homeowner obtains an installation permit in his/her name, they act as the “general contractor” and waive their rights to Dispute Resolution for work that her/she performed and any elements of the home that his/her work may have affected. If in the process, he/she hires a licensed installer, he/she only have Dispute Resolution rights to that portion of work that the licensed installer performed. If the licensed installer obtains the permit in his/her name without defining the scope of work that the installer is responsible, then the licensed installer is considered the “general contractor” and assume liability for the total installation of the home, no matter who performs the work. Contracts must be specific to the scope of work to define liability.

### **Tyson Course Approval Question:**

Joe Tyson taught a course in Indiana and two students wanted to satisfy their Ohio requirements by having Mr. Tyson extend the class for four (4) more hours to teach them the “Ohio-isms” and he did. The Commissioners were asked if this met the Ohio training course requirements even though it was taught out of state. The Commissioner unanimously agreed that the students met the intent of the law by being instructed by an Ohio approved instructor and completing 12 hours of class with 4 hours devoted to “Ohio-isms”

### **Action:**

A motion was made by Ron Younkin and seconded by Bill Laubacher to grant acceptance of this course credit to the two installers. The motion passed unanimously.

### **Hearings:**

#### **Danny Kelly:**

There was a request made by Danny Kelly to extend his hearing until the next scheduled meeting.

### **Action:**

A motion was made by Ron Younkin and seconded by Tom Rehrig to grant the extension until the September 23, 2009 meeting. The motion passed unanimously.

#### **Roger McDaniel:**

A 119 hearing was held regarding charges against Mr. Roger McDaniel, an OMHC certified inspector. Mr. McDaniel was not present for the hearing or was represented by legal counsel, nor did he present any materials or statements in his behalf for this hearing. The first charge was for not supplying the Commission with the inspection records of United Inspections, his inspection company, upon termination of the contract and upon OMHC ‘s numerous requests. The second charge was the results of a home set in a manufactured home park located at 14385 Petersburg-Unity Road, Petersburg, Ohio 44454-9721, in which Mr. McDaniel issued a permit to an unlicensed installer and allowed an unlicensed installer to perform the work. Cheryl Hawkinson presented the OMHC case against Mr. McDaniel with no rebuttal.

**Action:**

A motion was made by Ron Younkin and seconded by Evan Atkinson to go into Executive Session.

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

Evan Atkinson- Yes, Jim Demitrus- Yes, Emory Helmuth- Yes, William Laubacher- Yes Tom Rehrig- Yes, Dan Rolfes- Yes, Ron Younkin- Yes, Billy Phillips and Roger Suppes- Absent

**Action:**

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

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

Evan Atkinson- Yes, Jim Demitrus- Yes, Emory Helmuth- Yes, William Laubacher- Yes Tom Rehrig- Yes, Dan Rolfes- Yes, Ron Younkin- Yes, Billy Phillips and Roger Suppes- Absent

**Action:**

A motion was made by Evan Atkinson and seconded by Ron Younkin to fine Roger McDaniel \$500.00 for each infraction with a total fine of \$1000.00 at this time. The motion was passed unanimously with William Laubacher abstaining from voting.

**Budget Report: - FY 2009 Revenue**

Assistant Director, Janet Williams presented information on OMHC’s Finances as follows:

**OMHC Financial Information**

Fiscal Year 2009 Budgeted Amount	\$ 434,671.00
Expenses to date	<u>\$ 359,312.46</u>
Available Budget	\$ 75,358.54

**Revenues**

Fiscal Year 2008	\$ 155,251.50
Fiscal Year 2009	\$ 303,004.09

**Seals**

Fiscal Year 2008	1512
Fiscal Year 2009	2922

**Note:** If OMHC seal costs would have been \$100.00 per seal in lieu \$75.00 per seal, this Commission would have been self-sufficient financially in the worst economy in the last 20 years.

## **New Business:**

### **Draft Rules Discussion:**

The new revised Rules are in final form. We are currently waiting to see if House Bill #1 gets signed that will affect OMHC Rules due to ODH jurisdictional elimination in parks and relinquished to OMHC effective January 1, 2010 and BMV regulation of Manufactured Homes Brokers, Retailers and Salespeople to be under the OMHC effective July 1, 2010.

### **House Bill #1 (HB #1) Discussion:**

Once House Bill #1 has been signed by Governor Strickland, the Commission must decide on how to determine if OMHC and ODH certified local Health Departments and OMHC Certified local Building Departments will retain the OMHC certification. Executive Director David Zofko recommended to the Commissioners to retain ALL of these local agencies because they have become involved on a voluntary basis and because the agencies and departments care about enforcing the OMHC Rules in their local communities that they maintain jurisdiction. The Executive Director views these departments as “boots on the ground” and one of the reasons for our increase in enforcement. This gives local people an “in-community” department and contact to get their OMHC permits. There are some uniformity of standards issues which exist, but these issues can be overcome by continuing education and direct meetings in any specific “trouble” areas. The Commission will take this recommendation under advisement and will make a final decision prior to January 1, 2009 and give the Executive Director an enforcement directive.

### **Future Meetings:**

Next meeting will be **September 23, 2009**.

Future Commission Meeting dates will be discussed at the September 23, 2009 Commission meeting.

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

#### **Action:**

A motion was made by Tom Rehrig and seconded by Ron Younkin to go into Executive Session.

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

Evan Atkinson- Yes, Jim Demitrus- Yes, Emory Helmuth- Yes, William Laubacher- Yes Tom Rehrig- Yes, Dan Rolfes- Yes, Ron Younkin- Yes, Billy Phillips and Roger Suppes- Absent

#### **Action:**

A motion was made by Ron Younkin and seconded by Tom Rehrig to go out of Executive Session.

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

Evan Atkinson- Yes, Jim Demitrus- Yes, Emory Helmuth- Yes, William Laubacher- Yes Tom Rehrig- Yes, Dan Rolfes- Yes, Ron Younkin- Yes, Billy Phillips and Roger Suppes- Absent

**Adjournment:**

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

Minutes respectfully submitted and certified by Executive Director, David E. Zofko, P.E.

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**David E. Zofko, P.E.**  
Executive Director  
Ohio Manufactured Homes Commission

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**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**  
**September 23, 2009**  
**10:00 AM**  
**5650 Blazer Parkway**  
**Dublin, Ohio 43017**

**Members Present**

Evan J. Atkinson  
Billy Phillips  
Jim Demitrus  
Emory Helmuth  
William Laubacher  
Roger Suppes  
Dan Rolfes, Chair

**Commission Staff**

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

**Legal Counsel**

Walter McNamara, AAG

**Members Absent**

Tom Rehrig  
Ron Younkin, Vice Chair

**Guests**

Andrea Reichman, OMHA  
Randy Ward, OCIB  
Warren Connolly, OCIB  
Bill Geniella, AMHRO  
Lance Himes, ODH – arrived later in meeting  
Mary Clifton, ODH – arrived later in meeting

**Call to Order**

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

**Roll Call:**

All Commission members were present with the exception of Tom Rehrig and Ron Younkin, Vice Chair.

**Approval of the Minutes:**

**Action:** A motion was made by Evan Atkinson to approve the minutes from the July 15, 2009 meeting. The motion was seconded by Bill Laubacher. The motion passed unanimously.

**Public Comment:**

None

**Executive Director's Report:**

**Introduce New AAG – Walter McNamara**

Executive Director David Zofko introduced Walter McNamara and indicated Walter had just come on board with our Commission and would be getting up to speed over the next few weeks on the changes and challenges the Commission is facing. AAG, Walter McNamara indicated he is looking forward to working with this Commission and provided his contact information to the Commission members.

## **Outside Counsel Needs:**

Executive Director David Zofko presented the future need of outside counsel indicating that we have a number of critical issues that have not been addressed with the turnover in the AAG's office. AAG, Walter McNamara suggested meeting with Executive Director, David Zofko to go over the timely issues and be able to make an assessment and recommendation at the next Commission meeting. This topic was tabled until the next Commission meeting.

Further discussion continued about the need for outside assistance in order to file the new OMHC rules. Executive Director, David Zofko asked the Commission if these Rules to be filed should reflect the HB1 changes with respect to changes in jurisdiction of the installation of manufactured homes in parks from ODH to OMHC. Executive Director, David Zofko also indicated that in order for the Rules to become effective in early January, the Rules would need to be preliminary filed by October 19 and a public hearing on the Rule filing would be scheduled for November 19. With the current staff reduction and the other upcoming additions to OMHC's responsibilities, Executive Director, David Zofko requested approval to seek outside assistance with respect to the Rule filing.

**Action:** A motion was made by Evan Atkinson to reflect the changes from HB1 in the Rules to be filed with respect to ODH and OMHC. The motion was seconded by Roger Suppes. The motion passed unanimously.

**Action:** A motion was made by Jim Demitrus to hire outside assistance, if needed, to file the new Rules in the JCARR system, with an expense not to exceed \$5,000. The motion was seconded by Emory Helmuth. The motion passed unanimously.

Further discussion continued regarding the HB1 jurisdiction changes from Bureau of Motor Vehicle (BMV) to the Commission effective July 1, 2010. Executive Director David Zofko suggested the Commission form a committee to assist in this change in jurisdiction and to assist with the writing of the Rules. Evan Atkinson suggested the Ohio Manufactured Homes Association might be able to assist in this matter. It was agreed that time is of the essence with respect to formulating this committee. Chair Dan Rolfes suggested we should have at least one representative from BMV and OMHA along with 2-3 from our Commission and a retailer representative. Executive Director David Zofko suggested Brian Younkin would be a good committee candidate with his affiliation with the BMV. Chair Dan Rolfes asked if Evan Atkinson would be willing to head up the committee. Evan indicated he would be willing to chair this committee. Jim Demitrus was asked if he would also be willing to be a part of this committee. Jim indicated he would be available to available as well.

**Action:** A motion was made by Jim Demitrus for the Commission to form a BMV committee to assist with the transition and the Rule writing to be chaired by Evan Atkinson. The motion was seconded by Bill Laubacher. The motion passed unanimously.

## **License Ratification:**

Executive Director David Zofko presented a list of one (1) applicant for installer's license that met the requirements for an installer's license.

**Action:** A motion was made by Billy Phillips and seconded by Jim Demitrus to approve the installer applicant listed on the ratification list. The motion passed unanimously.

Executive Director David Zofko presented a list of one (1) Third Party Inspection Agency application for certification that met the requirements for a Third Party Inspection Agency. It was indicated that the application was complete with the exception of a missing contract between the Agency and its ESI. The contract was expected to be forwarded to us by the end of the week.

**Action:** A motion was made by Emory Helmuth and seconded by Jim Demitrus to approve one (1) Third Party Inspection Agency application listed on the ratification list pending receipt of the ESI contract. The motion passed unanimously.

Executive Director David Zofko presented a list of seven (7) inspectors who failed to complete the 12 hour training course and/or the OMHC State examination for decertification.

**Action:** A motion was made by Jim Demitrus and seconded by Emory Helmuth to decertify the seven (7) listed inspectors who did not complete the 12 hour training course and/ or the OMHC state exam. The motion passed unanimously.

### **Report on Commission Directed Inspections:**

Dave Long from the OMHC staff stated that he investigated and compared the lists provided by Elsea Inc., Patrick Pickett, and Inspection Services Plus. He submitted the written report indicating how many addresses were still outstanding.

Mr. Long further indicated that a meeting with Mr. Elsea and Mr. Hemming on July 22, 2009 was very productive and was followed up with a request for additional information on August 04, 2009. We received a response to that request yesterday and Dave Long will continue to look at the latest list for compliance. Dan Rolfes asked that of the 160, are there only 70 that have seals placed? Dave Long indicated that 90 homes have not had a final inspection. Mr. Zofko stated that we are putting pressure on the inspection agencies to follow up on permits beyond 180 days. Dave Long said that the seal report has given us the ability to see more than we imagined we would. Mavis Giska explained that the state IT department is working to add more columns in the seal report for further tracking purposes. There was discussion of agencies submitting a "management report". Warren Connolly stated that approximately 20% of the homes owners install do not get finals. Bill Laubacher stated that it has been his experience that homeowners want to move in even before the home is finished. Open discussion continued on the subject of not allowing the home to be occupied until the final is completed.

### **Renewal of Inspector Zofko Recertification: Waive fee and Continuing Education:**

Mavis Giska indicated Executive Director David Zofko's inspector certification will be coming up for renewal next year and requested the Commission waive his renewal application fee along with the continuing education requirement. Jim Demitrus suggested we make a motion to include all current Commission staff members have their application fees and continuing education requirements waived for OMHC certifications.

### **Action:**

A motion was made by Billy Phillips that all current Commission staff members have their application fees, renewal fees, and continuing education requirements for licenses and certifications waived during their employment at the OMHC. Bill Laubacher seconded that motion. The motion carried unanimously.

### **Illegally Occupied Homes:**

Executive Director David Zofko indicated that we have a problem with homeowners occupying homes that are not final approved and suggested we consider new Rules addressing these illegal occupancies. There was further discussion on how we can prevent these situations in the future. Specific discussion continued on homeowners not being allowed to pull their own permit which might deter these illegal occupied homes.

**Action:** Billy Phillips made a motion to amend our Rules and file in the JCARR system that homeowners can no longer pull their own permit unless the following circumstances are in place:

1. Own their own property and,
2. Own the manufactured home and,
3. It will be his/her primary residence and,
4. Will be responsible for the total installation and,
5. Will not be eligible for the dispute resolution process for a used home. New homes will always be eligible for dispute resolution for manufacturer's defects.

Jim Demitrus seconded the motion. The motion carried unanimously.

### **Dispute Resolution Cases:**

No discussion

### **OMHC Seal Report – Outstanding Permits/Inspections Update:**

Mavis Giska from the OMHC staff presented the two seal reports dated July 21, 2009 and September 11, 2009 along with a memo to the Third Party Agencies, Building Departments and Health Departments regarding these outstanding permits. Discussion continued regarding the volume of outstanding permits that have not been finalized. Further concern over homeowners illegally occupying homes was discussed. It was the consensus of the Commission that we need to continue to monitor these outstanding permits, particularly those that are over six months old. Chair Dan Rolfes suggested the staff provide monthly updates at the Commission meetings and include under each department/agency the installers who are also in violation.

### **OMHC Seal Refund Policy:**

Executive Director David Zofko indicated that our Commission was being challenged on our decision to not refund seals after a permit has been obtained and the inspections and seal were purchased. He indicated that as discussed in previous Commission meetings, that a permit is valid when the fees are all paid. If a permit is pulled for a specific location and it is abandoned or is no longer being moved to that location, that the seal is not refunded. In the event a home was going to be moved to one location and they changed the location after the permit was issued, the Commission can transfer that seal for that particular home to another location. If, however, the home is no longer going to be placed, for whatever reason, then the seal is returned to the Commission and labeled "abandoned" and the seal fee will not be refunded. Executive Director David Zofko asked the Commission to re-affirm that our policy is that the Commission does not refund or transfer seals to a different home.

**Action:** Billy Phillips made a motion that the Commission agrees with the policy that we do not refund or transfer seals to a different home once a seal has been assigned. Emory Helmuth seconded the motion. The motion carried unanimously.

Executive Director David Zofko asked that we discuss HBI results under new business at this time as Ohio Department of Health employees joined the meeting to get an update on this issue.

### **HBI Results:**

Executive Director David Zofko asked if the Commission wants to consider the Memorandum of Understanding (MOU) proposed by the Ohio Department of Health (ODH) allowing the Commission to take over jurisdiction of the installation of manufactured homes in parks prior to January 1, 2010.

Lance Himes, Attorney for ODH, addressed the Commission as to their desire to turn over jurisdiction of the installation of manufactured homes in parks as soon as possible. Chair Dan Rolfes indicated that the Commission has an interest in doing so, but there were some outstanding issues that had not been addressed in the MOU and the Commission was waiting for those issues to be ironed out by the attorneys. Executive Director David Zofko indicated that ODH's counsel had voiced concerns over the method by which ODH and the Commission were doing business in relation to Third Party Agencies in a previous meeting and the Commission did not want to take on more liability with respect to outstanding permits to date in parks.

**Action:** Billy Phillips made a motion that upon a mutually accepted agreement between OMHC and ODH, that David Zofko or Dan Rolfes are authorized to sign the MOU on behalf of the Commission. Bill Laubacher seconded that motion. The motion carried unanimously.

### **New State Travel and Expense Process:**

Executive Director David Zofko indicated that the state is requiring pre-authorization prior to travel for state employees. There are additional steps that must be taken in order to process travel expenses and wanted the Commission to be aware of this. This new procedure does not affect the Commissioner's travel reimbursement to and from the meetings, however.

### **Payment & Performance Bond Requirements for TPA's:**

Executive Director David Zofko presented a list of three scenarios of proposed future methods of doing business with Third Party Agencies. Further discussion continued regarding the scenarios. Due to the concerns over the volume of outstanding permits, Executive Director David Zofko asked the Commission if we should be requiring a payment and performance bond for Third Party Agencies going forward. After further discussion, this issue was tabled until a future Commission meeting.

### **Executive Director's Authority to Enter into Contract with Third Party Agencies:**

Executive Director David Zofko reported that the existing Third Party Agency (TPA) contracts were expiring September 30, 2009. Assistant Attorney General Walter McNamara has received a draft of a new TPA contract and is in the process of reviewing this document. Executive Director David Zofko presented a list of TPA's he recommended to the Commission that we extend the contracts through the end of the year.

**Action:** Jim Demitrus made a motion to approve these Third Party Agency contracts through December 31, 2009. Emory Helmuth seconded the motion. The motion carried unanimously.

### **Inspection Agency (Inspectors) Penalties Placed in the Rules:**

There was discussion on placing penalties on inspectors and inspection agencies. The Commission asked Assistant Attorney General Walter McNamara whether or not the law would allow us to impose penalties on inspectors and inspection departments and agencies. Assistant Attorney General Walter McNamara would research this and report back at the next Commission meeting.

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

Executive Director David Zofko indicated that in anticipation of taking over the installation of manufactured homes in parks, there is a need for additional staff members. The workload has been increasing and with the additional responsibilities the Commission is taking on in July 2010 with respect to the licensing of retailers, brokers, and salespeople, we will need additional staff for those added duties as well. Mavis Giska from the OMHC staff indicated that even with Janet Williams returning to work after an extended illness, with the added responsibilities of HB1 on the Commission and coupled with the fact that the workload has increased

due to the information we now have available through the seal report and the additional enforcement that must take place because of this information, we are in need of additional staff as soon as possible.

After additional discussion, the staff was asked to formulate a business plan with respect to taking over the additional responsibilities along with a budget and a list of personnel needed with job descriptions.

**Draft Rules Discussion:**

This was discussed earlier in the meeting.

**HB1 Results – Exclusivity in Counties (Bldg. Depts. and Health Depts.)  
Consider ODH MOU or Uphold January 1, 2010 Effective Date:**

This was discussed earlier in the meeting.

**Future Audits:**

Executive Director David Zofko reported that we will now be audited yearly rather than every 2 years and, in addition, we will now be required to pay for the audits which the cost used to be absorbed internally in the state system. This change will take away staff members from their daily duties during these annual audits and with our recent budget cuts, will present a challenge as to where we will cover these additional expenses.

**Proposed Meeting Dates:**

A handout of proposed future Commission meetings was provided for acceptance by the Commission. It was pointed out that the November meeting listed was on a Thursday to accommodate the requirements for a public hearing to file the new Rules in the JCAAR system. The November Commission meeting would be combined with the public hearing for those Rules.

**Action:** Jim Demitrus made a motion to approve the proposed meeting dates listed on the handout. Billy Phillips seconded the motion. The motion carried unanimously.

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

This was tabled until a future Commission meeting.

**Adjournment:**

**Action:** A motion was made by Jim Demitrus and seconded by Emory Helmuth at 3:45 to adjourn. The motion passed unanimously.

Minutes respectfully submitted and certified by Executive Director, David E. Zofko, P.E.

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**David E. Zofko, P.E.**  
Executive Director  
Ohio Manufactured Homes Commission

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**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**

**October 21, 2009**

**10:00 AM**

**5650 Blazer Parkway**

**Dublin, Ohio 43017**

**Members Present**

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

**Members Absent**

Tom Rehrig  
Roger Suppes

**Commission Staff**

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

**Legal Counsel**

Walter McNamara, AAG

**Guests**

Andrea Reichman, OMHA  
Randy Ward, OCIB  
Warren Connolly, OCIB  
Bill Geniella, AMHRO  
Russ McPherson, AMHRO  
Preston Hale, ISP  
Mitch Banchefsky, Schottenstein, Zox & Dunn  
Kevin Jester, Clermont County

**Call to Order**

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

**Roll Call:**

All Commission members were present with the exception of Tom Rehrig and Roger Suppes. Evan Atkinson arrived at 10:25 am.

**Approval of the Minutes:**

**Action:** A motion was made by Billy Phillips to approve the minutes from the September 23, 2009 meeting. The motion was seconded by Emory Helmuth. The motion passed unanimously.

**Public Comment:**

Mitchell H. Banchefsky, Attorney for Third Party Agency, ISP, Preston Hale was present to discuss renewing the Third Party Agency contract for ISP, Preston Hale that expired on September 30, 2009. He spoke about a September, 2009 meeting that they had with Executive Director, David Zofko. He spoke of the inconsistencies and lack of clarity of the OMHC rules, he also stated that the 180 day rule for inspections is unclear and open to different interpretations, he asked if the party does some work, does that 180 days start over?

## **Public Comments (continued)**

Bill Geniella from AMHRO appealed to the Commissioners, with all the additional responsibilities being put on the OMHC staff with the added work load taking on ODH and the BMV he asked for the Commission to consider the need for additional personnel.

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

OMHC Chair, Dan Rolfes gave a warm welcome back to Assistant Director, Janet Williams after an extended illness.

## **Discussion for the Need for Outside Counsel:**

Executive Director David Zofko presented the future need for outside counsel indicating that we have a number of critical issues that will be coming up. The Commission felt it would be in their best interest to have an "expert" in the field of manufactured homes assist with these critical issues. The name, Rex Littrell was brought up as just such an expert, as he was instrumental in the writing of HB1. AAG, Walter McNamara stated you must have a specific need, must know the dollar amount, and the Attorney General's office will match you up with someone who fits your need. You must also fill out the required form from the AG's office.

**Action:** A motion was made by Ron Younkin made a motion to go forward in seeking outside counsel in anticipation of the BMV Rules. The motion was seconded by Jim Demitrus. The motion passed unanimously.

## **License Ratification:**

Executive Director David Zofko presented a list of one (1) applicant for installer's license that met the requirements for an installer's license.

**Action:** A motion was made by Billy Phillips and seconded by Bill Laubacher to approve the installer applicant listed on the ratification list. The motion passed unanimously.

Executive Director David Zofko presented a list of one (1) Third Party Inspection Agency application for certification that met the requirements for a Third Party Inspection Agency.

**Action:** A motion was made by Bill Laubacher and seconded by Emory Helmuth to approve one (1) Third Party Inspection Agency application listed on the ratification list pending receipt of the ESI contract. The motion passed unanimously.

## **Report of Status of Preliminary Rule Filings:**

Mavis Giska from the OMHC staff reported that the Preliminary Rules have been filed. Filing the Rules was a monumental task and Mavis worked many overtime hours during the process of getting them filed. The Commission thanked her for all her hard work. Commissioner, Billy Phillips congratulated her for a job well done and commended her for all the hard work.

## **Financial Report:**

Assistant Executive Director, Janet Williams presented the following financial report:

### **OMHC Financial Information** **October 2009**

<u>Fiscal Year 2009 Budgeted Amount</u>	\$ 434,671.00
Expenses to date	<u>\$ 358,063.85</u>
Un-used Budget Amount	\$ 76,607.15
<u>Fiscal Year 2010 Budgeted Amount</u>	\$ 400,000.00
Expenses- 1 <sup>st</sup> Quarter 2010	<u>\$ 96,940.17</u>
Un-used Budget Amount	\$ 303,059.83

### **Revenues**

Fiscal Year 2008	\$ 155,251.50
Fiscal Year 2009	\$ 303,004.89
Revenues- 1 <sup>st</sup> Quarter 2010	\$ 74,965.00

### **Seals**

Fiscal Year 2008	1512 = \$ 113,400
Fiscal Year 2009	2282 = \$ 219,150
1 <sup>st</sup> Quarter 2010	924 = \$ 69,300

### **Report on Commission Directed Inspections:**

Dave Long from the OMHC staff reported he is working on getting the report finalized. Some are pending cases and he is awaiting legal counsel's approval.

### **Dispute Resolution Cases:**

Dave Long from the OMHC staff reported there are currently two open dispute cases.

Commissioner, Evan Atkinson felt the Commission should bring dispute resolution to the fore-front with the new BMV Rules. Consumers purchasing a home should sign something in the "deal folder" that they are aware of the dispute program.

## **Discussion of Existing Local Health Departments (now & after Jan. 1, 2010):**

A Memorandum of Understanding (MOU) was signed with the Ohio Department of Health. As of October 6, 2009 all installation authority lies with OMHC.

The discussion continued, the following local health departments will continue to inspect as they have in the past until Jan 1, 2010. At that time, those local departments will be required to have their departments apply, their inspectors must apply and those inspectors must pass the state examination to continue inspecting the installation of manufactured homes.

Girard City Health Department  
Licking County Health Department  
Erie County (also serves Huron, Lorain City, and Lorain County Health jurisdictions)  
Logan County Health Department  
Trumbull County Health Department  
Carroll County Health Department  
Mansfield Ontario Richland County Health Department  
Brown County Health Department  
Clermont County Health Department  
Dayton/Montgomery County Public Health  
Ashtabula County Commissioners  
Miami County Commissioners (also serves, Darke & Mercer)  
Lucas County Commissioners  
Elyria City Health Department  
Zanesville/Muskingum Health Department

Kevin Jester, Plumbing Inspector in Clermont County stated that Clermont County would like to continue inspecting.

Commissioner, Ron Younkin wanted to be specific on the floodplain and working with the floodplain administrators to get approval in parks.

It was suggested that Mike Mahallus may be a good person to get information on floodplains.

**Action:** A motion was made by Evan Atkinson and seconded by Billy Phillips to continue to allow the above listed departments to inspect the installation of manufactured homes through December 31, 2009. Beginning January 1, 2010 in order to continue to inspect the installation of manufactured homes their departments must make application, their inspectors must make application and their inspectors must take and pass the state examination to be a manufactured homes inspector.

## **OMHC Seal Report – Outstanding Permits/Inspections Update:**

Mavis Giska, from the OMHC staff presented information on outstanding permits and inspections. Assistant Attorney General, Walter McNamara was asked to write a letter to United Inspections requesting the information that we are missing from the seal report. It was also stated that OMHC needs to go after installers who haven't gotten final inspections. The conversation led to a discussion with regard to consumer's pulling permits.

## **Standards & Installation Committee Report:**

Dave Long from the OMHC staff presented a report from the Standards and Installation Committee meeting.

- 1). Rules require landing – exit door not more than 1 ½” below threshold. Porch not to frost line, might not be able to open door. Step height is 8 ¼”.

- 2). Vented skirting/solid skirting, will clarify with all installers.
- 3). All inspection agencies need to be verifying ALL licensed installers, before issuing permits.
- 4). Exclusivity rights to inspect should be allowed. Do not regulate fees. Perhaps there should be a survey of all inspection fees.
- 5). A revised application to be used by inspectors was passed out. Need to get comments from inspection agencies.

AAG, Walter McNamara will get a legal opinion on if a County or Municipality can give exclusive rights to a third party agency. Is there a distinction from County to County versus County to Third Party Agency?

#### **Bureau of Motor Vehicle Committee Report:**

Commissioner, Evan Atkinson and Executive Director, David Zofko presented a report from the BMV Committee Meeting. They stated the next step would be to get Brian Younkin, who is on the BMV Board to get additional information regarding the number of licensees, etc. Also, they would like to have a representative from the BMV at the next committee meeting. The actual BMV rules need to be looked over as they relate to OMHC.

#### **Basement Wall/Foundation Design Proposal:**

**Action:** A motion was made by Evan Atkinson and seconded by Billy Phillips to get both designs and not to exceed \$1,500. The motion passed unanimously.

#### **Third Party Agency Back-up Personnel Requirements:**

**Action:** A motion was made by Billy Phillips and seconded by Ron Younkin that all inspection agencies should have a back-up. The motion passed unanimously.

#### **Approval for Continuing Education Provider:**

**Action:** A motion was made by Billy Phillips and seconded by Ron Younkin to approval a continuing education course for American Ground Water Trust. Their course on Ground Source Heat Pumps will be worth 4 hours of credit. The motion passed unanimously.

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

**Action:** A motion was made by Billy Phillips and seconded by Jim Demitrus to give Executive Director, David Zofko the authority to investigate office space and the hiring of employees. The motion passed unanimously.

#### **Hearings:**

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

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

**Action:** A motion was made by Ron Younkin and seconded by Billy Phillips, pending further investigation, we are continuing this case and anticipate the possibility that fraudulent activity occurred.. Since Mr. Goodall was not present today, we are going to make every effort to get him here. The motion passed unanimously.

**New Business:**

Mitch Banchefsky, Attorney for Third Party Agency, Inspection Services Plus spoke again about renewing his clients Third Party Agency certification. Chair, Dan Rolfes said the Commission was waiting for a report, and no decision was rendered.

**Adjournment:**

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

Minutes respectfully submitted and certified by Executive Director, David E. Zofko, P.E.

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**David E. Zofko, P.E.**  
Executive Director  
Ohio Manufactured Homes Commission

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**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**

**November 19, 2009**

**10:00 AM**

**5650 Blazer Parkway**

**Dublin, Ohio 43017**

**Members Present**

Evan J. Atkinson  
Billy Phillips  
Jim Demitrus  
William Laubacher  
Roger Suppes  
Ron Younkin, Vice Chair

**Commission Staff**

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

**Legal Counsel**

**Members Absent**

Emory Helmuth  
Tom Rehrig  
Dan Rolfes, Chair

**Guests**

Andrea Reichman, OMHA  
Warren Connolly, OCIB  
Bill Geniella, AMHRO  
Russ McPherson, AMHRO  
Mike Kirsch, Zanesville-Muskingum H.D.  
Jason Tilton, Zanesville-Muskingum H.D.  
Matt Klein, Criterium Engineers  
Jenelle Donovan Lyle, Ohio House, Rep. Sears  
Vic Olszewski, Union County Bldg. Dept.

**Call to Order**

The meeting was called to order at 10:05 AM by Vice-Chair, Ron Younkin for the purpose of holding a public hearing. The guests in attendance for the public hearing are attached. (The record of the public hearing is available on transcript if requested. The requesting party must pay for the cost of transcription.) The public hearing was adjourned at 10:40 am.

The regular scheduled Commission meeting was called to order at 10:50 AM by the Vice-Chair, Ron Younkin.

**Roll Call:**

All Commission members were present with the exception of Emory Helmuth, Tom Rehrig, Dan Rolfes.

**Approval of the Minutes:**

**Action:** A motion was made by Billy Phillips to approve the minutes from the October 21, 2009 meeting. The motion was seconded by Bill Laubacher. The motion passed unanimously.

**Public Comment:**

None

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

### **Rule Revisions from Public Hearing:**

The Commissioners reviewed all the comments that were made during the public hearing.

**Action:** A motion was made by Bill Laubacher and seconded by Billy Phillips to accept the revisions to 4781-7-01(E)(3). The motion passed unanimously.

**Action:** A motion was made by Billy Phillips and seconded by Jim Demitrus to accept the changes to 4781-7-02. The motion passed unanimously.

**Action:** A motion was made by Billy Phillips and seconded by Jim Demitrus to accept the changes to 4781-7-09(Q)(2). The motion passed unanimously.

**Action:** A motion was made by Billy Phillips and seconded by Evan Atkinson to accept the changes that were made to 4781-6-02.3(L)(2)(C)(i), regarding ABS pads. The motion also included to add language not to exceed 30 months to section 5781-7-01(C). The motion passed unanimously.

**Action:** A motion was made by Roger Suppes and seconded by Jim Demitrus to delete the underlined section of 4781—8-06(G)(2). The motion passed unanimously.

**Action:** A motion was made by Billy Phillips and seconded by Jim Demitrus to delete the underlined section of 4781-8-06(O)(2)(e). The motion passed unanimously.

**Action:** A motion was made by Jim Demitrus and seconded by Bill Laubacher to add language to section 4781-9-01(B)(4), regarding continuing education credits and the \$5.00 administrative fee. The motion passed unanimously.

**Action:** A motion was made by Billy Phillips and seconded by Bill Laubacher to delete A, and add new language for H, I, J, K and L in section 4781-7-02. The motion passed unanimously.

### **Bureau of Motor Vehicle Committee Report:**

Committee Chair, Evan Atkinson presented a report from the committee meeting. The committee met with two very informative employees from the BMV. They will continue to be very supportive through the transitioning period. Executive Director will be getting a proposal from Rex Littrell to assist with the Rule writing.

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

It was discussed that staff would be preparing documents to go to the controlling board for additional funds and staffing needs. After much thought and discussion, the current staff felt the need for two additional positions. One position would be someone with some IT abilities and could possibly assist with industry education. The second position would be administrative. Billy Phillips and Roger Suppes stated perhaps those positions would fit in the category AA3 or AA4.

**Action:** A motion was made by Billy Phillips and seconded by Bill Laubacher to hire an additional two more persons. The motion passed unanimously.

**ISP Report and Recommendations:**

This topic was tabled for another meeting as there was no representative from ISP present.

**License Ratification:**

Executive Director David Zofko presented a list of four (4) applicants for installer's license that met the requirements for an installer's license.

**Action:** A motion was made by Billy Phillips and seconded by Bill Laubacher to approve the installer applicants listed on the ratification list. The motion passed unanimously.

**New Business:**

None

**Adjournment:**

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

Minutes respectfully submitted and certified by Executive Director, David E. Zofko, P.E.

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**David E. Zofko, P.E.**  
Executive Director  
Ohio Manufactured Homes Commission

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**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission

**Ohio Manufactured Homes Commission**  
**December 16, 2009**  
**10:00 AM**  
**5650 Blazer Parkway**  
**Dublin, Ohio 43017**

**Members Present**

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

**Commission Staff**

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

**Legal Counsel**

Walter McNamara, AAG

**Members Absent**

**Guests**

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

**Call to Order**

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

**Roll Call:**

All Commission members were present with the exception of Evan Atkinson who arrived at 10:15am.

**Approval of the Minutes:**

**Action:** A motion was made by Billy Phillips to approve the minutes from the November 19, 2009 meeting. The motion was seconded by Bill Laubacher. The motion passed unanimously.

**Public Comment:**

None

**Executive Director's Report:**

**JCARR Approval of New Rules:**

OMHC staff reported that they have made it through the hearing for revising the rules. The hearing for the un-changed rules will be held on December 28, 2009. All Rules will go into effect on January 1, 2010.

### **Purchasing Seals:**

**Action:** A motion was made by Jim Demitrus and seconded by Billy Phillips to sell what in the past has been the normal amount of seals purchased. Anything over that amount must be approved by the Commission. The motion passed unanimously.

### **Bureau of Motor Vehicle Committee Report:**

Committee Chair, Evan Atkinson presented a report from the committee meeting. The Commission was presented with a timeline of events for the BMV take-over. They discussed an email OMHC received from Rachel Eaton from the BMV regarding special plates. Committee member, Brian Younkin met with the BMV, it was discussed that if you are a toter, you must use an in-transit plate, if a dealership was moving a home, it would use special plates.

### **Outside Counsel:**

There was a discussion on the need for outside counsel to write the necessary BMV Rules.

**Action:** A motion was made by Billy Phillips and seconded by Emory Helmuth to accept the proposal with potential additional services deemed necessary by the Commission for up to \$30,000 for Mr. Littrell to draft Rules and attend meetings pending approval with Attorney General's office. The motion passed unanimously.

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

Tim Williams, Executive Vice President of the Ohio Manufactured Homes Association stated that he had met with Representation Foley and well as Gene Phillips, Mary Clifton and other ODH staff to discuss H.B 186. Rep. Foley does not want to de-regulate manufactured homes. ODH is not trying to keep the regulation of manufactured home parks. Tim Williams stated that OMHC would have the authority to set their own fees. Executive Director, David Zofko stated, he would like to see a revenue statement from the State Auditor.

### **Employment Law Alert:**

AAG, Walter McNamara will be looking over the OMHC Laws and Rules to see if there is any conflict.

### **License Ratification:**

Executive Director David Zofko presented a list of one (1) applicant for an inspector's license, there was a discussion on whether or not the applicant was qualified for an inspector's license. It was determined by the Commissioners that the candidate did not meet the qualifications and should acquire more experience before being approved.

**Action:** A motion was made by Roger Suppes and seconded by Billy Phillips to deny the inspector applicant listed on the ratification list. The motion passed unanimously.

Executive Director, David Zofko presented a list of one (1) application for a Building Department that met the requirements for certification.

**Action:** A motion was made by Bill Laubacher and seconded by Billy Phillips to approve one (1) Building Department listed on the ratification list. The motion passed with Commissioners, Younkin and Atkinson abstaining.

### **Performance Bonds for Third Party Agencies:**

**Action:** A motion was made by Evan Atkinson and seconded by Billy Phillips to add language to the Third Party Agency contacts to require a performance bond in the amount of \$25,000. The motion passed unanimously.

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

There was a discussion that the OMHC staff has been pursuing options for increased office space. OMHC staff was informed by the Director of State Real Estate that if office space was available in State owned buildings, that space should be utilized.

**Action:** A motion was made by Ron Younkin and seconded by Tom Rehrig to have the OMHC offices remain in Dublin as stated in the OMHC Rules. The Commissioners do not want to change the Administrative Rules A, with regard to headquarters. The motion passed with Commissioner Suppes abstaining from the vote.

**Action:** A motion was made by Ron Younkin and seconded by Jim Demitrus for the approval of the OMHC's budgeted items for the Controlling Board. The motion passed unanimously.

Evan Atkinson suggested that Tim Williams would help navigate the process because of his experience.

Roger Suppes stated he would be available to help with the controlling board paperwork.

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

**Action:** A motion was made by Ron Younkin and seconded by Tom Rehrig to go into Executive Session.

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

Dan Rolfes- Yes, Ron Younkin- Yes, Evan Atkinson- Yes, Tom Rehrig- Yes, Roger Suppes – Yes, Billy Phillips – Yes, Jim Demitrus- Yes, Emory Helmuth- Yes, William Laubacher- Yes

### **Action:**

A motion was made by Roger Suppes and seconded by Tom Rehrig to go out of Executive Session.

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

Dan Rolfes- Yes, Ron Younkin- Yes, Evan Atkinson- Yes, Tom Rehrig- Yes, Roger Suppes – Yes, Billy Phillips – Yes, Jim Demitrus- Yes, Emory Helmuth- Yes, William Laubacher- Yes

**Action:** A motion was made by Roger Suppes and seconded by Jim Demitrus to re-classify the current Fiscal/Licensing Specialist position to Licensing Supervisor, the current Assistant Executive Director 1 to Assistant Executive Director 2 and the current Executive Director 2 to Executive Director 3, with the pay ranges listed, subject to Controlling Board approval.

**New Business:**

Commissioner, Bill Laubacher inquired as to what had been done with the United Inspections situation and the accounting for their outstanding seals? AAG, Walter McNamara stated he had forwarded a letter to United Inspections, and has received no response from them.

**Adjournment:**

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

Minutes respectfully submitted and certified by Executive Director, David E. Zofko, P.E.

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**David E. Zofko, P.E.**  
Executive Director  
Ohio Manufactured Homes Commission

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**Dan Rolfes**  
Chair  
Ohio Manufactured Homes Commission