

**Ohio Manufactured Homes Commission**

**February 7, 2008**

**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

**Commission Staff**

David Zofko, Executive Director  
Janet Williams, Assistant Director  
Bradley Butter, Inspector/Investigator

**Legal Counsel**

Cheryl Hawkinson, AAG

**Members Absent**

**Guests**

Andrea Reichman, OMHA  
Warren Connally, OCIB  
Randy Ward, OCIB  
Troy Warnock, COCOA  
LeeAnn Hoon, OHD

**Call to Order**

The meeting was called to order at 10:08 AM by the Chair, Dan Rolfes.

**Roll Call:**

All members were present.

**Congratulations:**

Commissioners, Dan Rolfes and Emory Helmuth were sworn in and congratulated on their re-appointment to the Commission.

**Annual Elections:**

**Action:** A motion was made by Ron Younkin and seconded by Tom Rehrig to nominate Dan Rolfes as Chair of the Manufactured Homes Commission for the calendar year of 2008. The motion passed unanimously.

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

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

**Action:** A motion was made by Dan Rolfes and seconded by Bill Laubacher to nominate Ron Younkin as Vice-Chair of the Manufactured Homes Commission for the calendar year of 2008. The motion passed unanimously.

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

**Action:** A motion was made by Tom Rehrig and seconded by Bill Laubacher to elect Ron Younkin as Vice-Chair of the Commission. The motion passed unanimously.

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

**Action:** A motion was made by Evan Atkinson to approve the minutes from December 6, 2007. The motion was seconded by Emory Helmuth. The motion passed unanimously.

### **Public Comment:**

OMHC staff member, Bradley Butters congratulated Troy Warnock from COCOA for being selected as Building Official of the year for Licking County.

OMHC also welcomed Lee Aldridge, President of the Association of Manufactured Home Residents in Ohio to the meeting.

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

#### **License Ratification:**

The Executive Director presented a list of eleven (11) 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 Ron Younkin to approve eleven (11) installer applicants listed on the ratification list. The motion passed unanimously.

There was a discussion on Installers who had not renewed or did not supply the Commission with an updated copy of their insurance policy as is required under 4781-8-01(B)(13)(a)(b)(c).

**Action:** A motion was made by Roger Suppes and seconded by Tom Rehrig to send those Installers who had not renewed or did not supply the Commission with an updated copy of their insurance policy as is required under 4781-8-01(B)(13)(a)(b)(c), a Notice of Hearing notice. The motion passed unanimously.

The Executive Director presented a list of four (4) applicants for inspector's certification that met the qualifications to inspect manufactured homes.

**Action:** A motion was made by Roger Suppes and seconded by Bill Laubacher to approve four (4) inspector applicants listed on the ratification list. The motion passed unanimously.

The Executive Director presented a list of two (2) Building Departments for certification that met the requirements to be a Building Department for the inspection of manufactured homes.

**Action:** A motion was made by Ron Younkin and seconded by Jim Demitrus to approve two (2) Building Departments listed on the ratification list. The motion passed by unanimously.

The 2008 Committees, Sub-Committees and Working Groups list was reviewed by the Commissioners. All lists remained as they were. It was noted when Billy Phillips was on board and if he would like to serve on any of the Committees he could be added.

**Dispute Resolution:**

Bradley Butters from the OMHC staff presented his report of activity with regard to disputes since the last Commission meeting.

There was some discussion with an active dispute resolution case in which the home burnt down and was considered a total loss. Commissioners decided that procedures should be followed to close the case.

**Installers “inactive” status:**

Commissioners asked that David Zofko write up how the inactive status would work and possible re-instatement fees.

**Commission permission to legally prosecute illegal installers:**

**Action:** A motion was made by Evan Atkinson and seconded by Bill Laubacher to authorize Executive Director, David Zofko to request the Attorney General’s Office to file a motion for a temporary restraining order (TRO) against persons illegally installing manufactured homes. The motion passed unanimously.

**HUD Approval for Dispute Resolution:**

All necessary paperwork was submitted to HUD for the approval of the OMHC Dispute Resolution program for Ohio as a non-SAA state. Ohio’s program was approved by HUD on February 6, 2008.

**Installer Discussion:**

There was a discussion on a situation where an unlicensed installer said he was setting homes under the name of a licensed installer, only that licensed installer had potentially not pulled permits until after he was caught installing the homes in question.

**Action:** A motion was made by Ron Younkin and seconded by Jim Demitrus to possibly revoke or suspend the license of the licensed installer pursuant to OAC 4781-8-03(A)(3)(12)(13)(14).

A Notice of Hearing will be sent out in the case.

**Adjudication Hearings:**

None

## **Issues:**

- **Steps recommendations with a 24" x 36" top-landing:**

There was a discussion on steps. The HUD code is silent to steps so we need to refer to the residential code.

**Action:** A motion was made by Evan Atkinson and seconded by Ron Younkin, the Commission made a determination that the top landing has to be a minimum of 24" in the direction of travel and 36" wide. This is considered an industry standard.

- **Double permit costs for homes started before a permit is obtained:**

It was resolved with the discussion of doubling the permit fees to homes that started setting before a permit is obtained that a rule would have to be written before fees could be doubled.

- **Flood plain elevation requirements at existing parks:**

FEMA 85 is now under review.

## **New Business:**

Commissioners will see an increase in their travel expenses as the reimbursement fee per mile increased from .40 to .50.5.

## **Future Meetings:**

Rules Committee, which consists of Dan Rolfes, Emory Helmuth, Bill Laubacher, Tom Rehrig and Roger Suppes will meet prior to the March 19, 2008 meeting at 7:30 am. The regular Commission meeting will begin at 10:30 am.

It was discussed that the May 21, 2008 meeting would cancelled.

**Action:** A motion a made by Evan Atkinson and seconded by Roger Suppes to go into executive session for the purpose of personnel issues, RC122(G)(1). Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Tom Rehrig, Roger Suppes, Emory Helmuth, and Jim Demitrus. The motion passed unanimously. Janet Williams was invited to remain in the room.

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

**Action:** A motion was made by Roger Suppes and seconded by Tom Rehrig to look into hiring a replace for the Fiscal/Licensing Specialist position that was vacated. The motion passed unanimously.

**Action:** A motion a made by Roger Suppes and seconded by Jim Demitrus to go into executive session for the purpose of court action, RC121.22(G)(3). Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Tom Rehrig, Roger Suppes, Emory Helmuth, and Jim Demitrus. The motion passed unanimously. Janet Williams was invited to remain in the room.

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

**Adjournment:**

**Action:** A motion was made by Emory Helmuth and seconded by Bill Laubacher at 4:00 to adjourn. It was approved unanimously.

Minutes respectfully submitted and certified by 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 19, 2008**

**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

**Commission Staff**

David Zofko, Executive Director  
Janet Williams, Assistant Director  
Bradley Butter, Inspector/Investigator

**Legal Counsel**

Cheryl Hawkinson, AAG

**Members Absent**

**Guests**

Andrea Reichman, OMHA  
Warren Connally, OCIB  
Randy Ward, OCIB  
Troy Warnock, COCOA  
DeWayne Jenkins, IAEI  
Marshall Reed, AMHRO  
Vicky Cline, Park Community  
Woody & Tammy Blanton, Installer  
Ruth & Benji Williby, Installer  
Russ McPherson, AMHRO  
Rob Gordon, AMHRO  
Lee Aldrich, AMHRO  
Bill Geniella, AMHRO  
Robert Malin, Clermont County Bldg. Dept.

**Call to Order**

The meeting was called to order at 10:30 AM by the Chair, Dan Rolfes.

**Roll Call:**

All members were present.

**Approval of the Minutes:**

**Action:** A motion was made by Roger Suppes to approve the minutes from February 7, 2008. The motion was seconded by Evan Atkinson. The motion passed unanimously.

**Congratulations:**

Billy Phillips was sworn in as Commissioner by Assistant Attorney General Cheryl Hawkinson. Congratulations and we are happy to have you serving as Commissioner to the Manufactured Homes Commission. Billy Phillips is the representative from the Board of Building Standards.

### **Public Comment:**

DeWayne Jenkins with IA EI spoke in favor of only allowing ESI's, not Electrical Contractors to do the electrical inspections for Manufactured Home Inspections.

Benji Williby an OMHC Installer asked for assistance to get the Muskingum County Board of Health Department Inspectors to be better informed about the OMHC rules and for quicker response time. David Zofko informed him of the agreement between OMHC & State Plumbing Inspectors regarding the installation and inspection of Plumbing underneath a manufactured home. Local Plumbing Inspectors will allow OMHC installers to register as installers, not plumbers in the local jurisdiction in order for OMHC installers to perform all plumbing work underneath a manufactured home. Benji also thanked Bradley Butters for his assistance.

Bill Geniella from AMHRO spoke on having documented problems in a manufactured home park and the health department's inability to follow up and enforce the remedy of those problems. Roger Suppes was given copies of the documented problems to follow-up and assist in enforcing ODH laws.

Warren Connally, Third Party Inspector, voiced his agreement that Electrical Safety Inspector's (ESI's) perform inspections in lieu of Ohio Licensed Electrical Contractors.

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

#### **License Ratification:**

The Executive Director 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. Evan Atkinson excused himself from the vote. All remaining Commissioners voted yes. The motion passed.

The Executive Director presented a list of two (2) applicants for inspector's certification that met the qualifications to inspect manufactured homes.

**Action:** A motion was made by Bill Laubacher and seconded by Emory Helmuth to approve two (2) inspector applicants listed on the ratification list. The motion passed unanimously.

#### **Dispute Resolution:**

Bradley Butters from the OMHC staff presented his report of activity with regard to disputes since the last Commission meeting. Bradley also had a handout explaining how OMHC Rules were searchable on the OMHC website.

## **Year to Date Revenues:**

Staff provided the Commissioners with actual revenues from July 1, 2007 through December 31, 2007. Staff also provided what they felt the projected additional revenues would be for the rest of Fiscal Year 2008. With the projections provided it is projected the Commission will finish Fiscal Year 2008 with revenues of \$ 199,579.00. Of the Commission's yearly budget of \$ 418,122.00, at the end of the third quarter, there have been expenses of \$ 261,557.57, with encumbrances of \$ 4,814.20 that leaves a budget balance of \$ 151,750.23. From the actual number of new homes shipped to Ohio from July 1, 2007 to December 21, 2007 and estimating the number of used sets, OMHC is losing revenue from illegal home sets. An estimated \$122,100.00 has been lost to illegal sets. The Commission is operating within its 2008 approved budget.

There were some discussions with regard to the enforcement aspect of installations and ways of finding out about installations. It was suggested the Commission Staff work with OMHA to get information that they receive with regard to statistics on homes set in Ohio. Another suggestion was to work with the County Auditors to get information on installations. Bradley Butters has met with the Ohio Department of Transportation (ODOT) and is working on getting information from them on homes that are moved. This information can aid the Commission in possible illegal installations.

Commission has begun an initiative to prosecute illegal installers. OMHC will be filing injunctions in instances where a license is being misused or an unlicensed installer is installing homes. Licensed installers who allow another individual to install homes under his license without supervision will be called in for an OMHC hearing and may be assessed a fine and have their license revoked. Unlicensed installers setting homes will receive a court ordered Temporary Restraining Order (TRO) and be held in contempt of court if they choose to continue to install homes.

## **Rule 4781-8-05(A):**

This rule provides that the Installer must supervise the work of an installation and be present during installation. The Commission agreed that a licensed installer be present a minimum of 80% of the time during the set of a home. It was suggested to have OMHA send out a memo to its members regarding this rule, since the Commission intends to enforce this rule.

## **Units installed or started prior to July 1, 2007:**

Units who could show proof that they started their installation prior to July 1, 2007 have been given exemptions from the inspections rules that went into effect on July 1, 2007. It is eight months past that date and all homes should be completely set by now.

**Action:** A motion was made by Evan Atkinson and seconded by Tom Rehrig that there would be cut-off date of February 15, 2008 for all exemptions to the installations rules of persons installing or starting work prior to the July 1, 2007 date for inspections to begin. The motion passed unanimously.

## **Plumbing Inspection/OMHC Agreement:**

The Department of Commerce and OMHC have come to an agreement on plumbing installation and inspection. OMHC will continue to have jurisdiction and authority to install and inspect plumbing systems under a manufactured home. The Department of Commerce Plumbing Departments may still require permits and/or inspections for the final sewer and water connections. Local plumbing inspectors will allow OMHC installers to register in their local jurisdiction as installers, not plumbers, so they can perform said work. A letter was inserted into the Commission packets that had been forwarded to all Health Department Plumbing Inspectors from Ralph Reeb from the Plumbing Section of the Ohio Department of Commerce.

## **Continuing Education Courses:**

There was a discussion of a continuing education course being offered by the OMHC and taught by Bradley Butters. It would be a two hour informative class on, "Maintaining your OMHC Installer's License". It was decided that the course is a good idea, but at this time Bradley Butter's time would be better spent on the enforcement of persons setting homes and getting permits and seeking out persons not complying.

A continuing education course was forwarded to the Continuing Education Committee for review from Inspection Services Plus. There was a discussion that because Inspection Services Plus is also a Third Party Inspection Agency there is an ethical conflict of interest for them to be teaching a continuing education course and charging for the course. They could not charge for a course for people that they also inspect.

## **Adjudication Hearings:**

The case for the Commission was presented by AAG Cheryl Hawkinson. Applicant, James A. Stoller 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 Jim Demitrus to go into executive session for the purpose of discussing the matter of applicant, James A. Stoller. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Tom Rehrig, Roger Suppes, Emory Helmuth, Bill Laubacher and Jim Demitrus. The motion passed unanimously.

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

**Action:** A motion was made by Evan Atkinson and seconded by William Laubacher to grant James A. Stoller's application to be a licensed installer. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Tom Rehrig, Roger Suppes, Emory Helmuth, Bill Laubacher and Jim Demitrus. The motion passed unanimously.

The case for the Commission was presented by AAG Cheryl Hawkinson. AAG Cheryl Hawkinson questioned OMHC staff member Janet Williams regarding Installer applicant Samuel Skaggs. Janet Williams stated the applicant did not complete the legally required Installer Training Course by October 1, 2007 and the Ohio Examination for Installers was not completed by November 1, 2007.

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

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

**Action:** A motion was made by Roger Suppes and seconded by Tom Rehrig to revoke the license of Samuel Skaggs. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Tom Rehrig, Roger Suppes, Emory Helmuth, Bill Laubacher and Jim Demitrus. The motion passed unanimously.

**Issues:**

Rules Committee, which consists of Dan Rolfes, Emory Helmuth, Bill Laubacher, Tom Rehrig and Roger Suppes met prior to the March 19, 2008 meeting at 7:30 am. along with OMHC staff, David Zofko and Bradley Butters. They discussed the procedure and format which is to be followed to revise the existing rules and then process through JCARR. David Zofko to submit an outline of the rule changes for Committee review and approval.

**New Business:**

None

**Future Meetings:**

Dan Rolfes reminded the Commission that the May 21, 2008 meeting was cancelled.

The Rules Committee will meet from 8:30 am – 10:30 am before the next scheduled Commission Meeting of April 16th, 2008.

**Action:** A motion a made by Evan Atkinson and seconded by Tom Rehrig to add to the agenda to go into executive session for the purpose of personnel issues, RC122(G)(1). The motion passed unanimously.

**Action:** A motion a made by Evan Atkinson and seconded by Tom Rehrig to go into executive session for the purpose of personnel issues, RC122(G)(1). Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Tom Rehrig, Roger Suppes, Emory Helmuth, Bill Laubacher and Jim Demitrus. The motion passed unanimously. Janet Williams was invited to remain in the room.

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

**Action:** A motion was made by Evan Atkinson and seconded by Bill Laubacher to hire a replace for the Fiscal/Licensing Specialist position that was vacated and has been posted, keeping in the salary range of the past person who filled that position. The motion passed unanimously.

**Adjournment:**

**Action:** A motion was made by Emory Helmuth and seconded by Bill Laubacher at 3:00 to adjourn. It was approved unanimously.

Minutes respectfully submitted and certified by 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**

**April 16, 2008**

**10:30 AM**

**5650 Blazer Parkway**

**Dublin, Ohio 43017**

**Members Present**

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

**Members Absent**

William Laubacher

**Commission Staff**

David Zofko, Executive Director  
Janet Williams, Assistant Director  
Bradley Butter, Inspector/Investigator

**Legal Counsel**

Cheryl Hawkinson, AAG

**Guests**

Andrea Reichman, OMHA  
Tim Williams, OMHA  
Warren Connally, OCIB  
Troy Warnock, COCOA  
Russ McPherson, AMHRO  
Lee Aldrich, AMHRO  
Bill Geniella, AMHRO

**Call to Order**

The meeting was called to order at 11:00 AM by the Chair, Dan Rolfes.

**Roll Call:**

All members, except William Laubacher were present.

**Approval of the Minutes:**

**Action:** A motion was made by Roger Suppes to approve the minutes from March 19, 2008. The motion was seconded by Evan Atkinson. The motion passed unanimously.

**Public Comment:**

Bill Geniella from AMHRO thanked David Zofko and the inspectors for help on issues that he was having. He stated that he was still having problems with the Health Department and rules compliance. He stated that he felt that compliance should be taken away from the State Health Department and given to the OMHC.

Warren Connally, Third Party Inspector, stated that he is having problems getting plan approval and paperwork done in parks. Therefore, he feels homes are being set without permits. Roger Suppes stated that he believes that plans are being turned around in about two days. He stated that people are taking advantage of faxing their photos of the lots. Roger Suppes stated that the Health Department is trying to make sure that the park operators are involved; he stated they are responsible for the sets in their parks.

Cheryl Hawkinson, AAG stated that she and the Executive Director were working on scheduling a meeting with in-house counsel, Roger Suppes and Gene Phillips to discuss how OMHC and ODH can cooperate together and what procedure the staff should follow when they receive complaints regarding ODH.

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

### **License Ratification:**

The Executive Director 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 Jim Demitrus to approve two (2) installer applicants listed on the ratification list. Evan Atkinson excused himself from the vote. All remaining Commissioners voted yes. The motion passed.

The Executive Director presented a list of three (3) applicants for inspector's certification that met the qualifications to inspect manufactured homes.

**Action:** A motion was made by Roger Suppes and seconded by Jim Demitrus to approve three (3) inspector applicants listed on the ratification list. The motion passed unanimously.

The Executive Director presented a list of three (3) Building Departments for certification that met the requirements to be a Building Department for the inspection of manufactured homes.

**Action:** A motion was made by Ron Younkin and seconded by Jim Demitrus to approve three (3) Building Departments listed on the ratification list. The motion passed by unanimously.

### **Dispute Resolution:**

Bradley Butters from the OMHC staff presented his report of activity with regard to disputes since the last Commission meeting. There have been 54 worked cases since Sept. 15, 2006, they consist of the following:

- 18 – cases that did not meet the program
- 20 – complaint forms were not returned
- 8 - cases that are currently being worked
- 8 - cases that have been closed
- 54 - total cases

Of the 16 cases that were worked, 10 of them have been inspected.

### **ODH Enforcement of Illegal Sets in Parks:**

Cheryl Hawkinson, AAG stated that Ohio Department of Health (ODH) has to issue a stop work order under the enforcement of OMHC Standards. OMHC does not have the authority to put a stop work order in a park. Roger Suppes said, "When ODH is notified, they will deal with it, they should be contacted first."

### **John McClaren Letter w/ response:**

We received a response from John McClaren for a letter that was sent to him from OMHC. John responded that he believes he has been and will continue to be in full compliance with the Commission Rules. He only works with licensed installers.

### **List of Violators for OMHC Directive:**

A list of violators and their violations was submitted to the Commissioners for their review.

**Action:** A motion was made by Evan Atkinson and seconded by Tom Rehrig to authorize the Executive Director, David Zofko to issue a Notice of Hearing against licensees for violations of RC 4781 and the rules under RC 4781-8-03. The motion passed unanimously.

### **Issues:**

#### **Continuing Education Courses:**

Alchemy Service and the Ohio Manufactured Homes Association have submitted applications to be continuing education course sponsors. There was some discussion on what the course curriculum should consist of. Evan Atkinson felt it should be a broad base of information and not just a repeat of the initial licensing course.

**Action:** A motion was made by Roger Suppes and seconded by Tom Rehrig to approval both Alchemy Services and Ohio Manufactured Homes Association as Continuing Education Course Sponsors with a review made by David Zofko of the actual course content. The motion passed unanimously.

#### **New Business:**

Warren Connally asked if it was possible for the International Code Council (ICC) to let persons who take the test know what questions that they have gotten wrong. That way they can learn from what they got wrong, and would not repeat those wrongs in the set of a home. Wrong questions could be used as a learning tool. Staff will check with ICC.

#### **Future Meetings:**

The Rules Committee will meet on May 21, 2008 at 10:30 AM to discuss rule revisions.

#### **Adjournment:**

**Action:** A motion was made by Emory Helmuth and seconded by Jim Demitrus at 2:00 to adjourn. It was approved unanimously.

Minutes respectfully submitted and certified by 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**

**June 18, 2008**

**10:00 AM**

**5650 Blazer Parkway**

**Dublin, Ohio 43017**

**Members Present**

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

**Members Absent**

Emory Helmuth

**Commission Staff**

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

**Legal Counsel**

Cheryl Hawkinson, AAG

**Guests**

Andrea Reichman, OMHA  
Tim Williams, OMHA  
Warren Connally, OCIB  
Troy Warnock, COCOA  
Russ McPherson, AMHRO  
Bill Geniella, AMHRO  
LeeAnn Hoon, ODH

**Call to Order**

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

**Roll Call:**

All members, except Emory Helmuth were present.

**Approval of the Minutes:**

**Action:** A motion was made by Evan Atkinson to approve the minutes from March 19, 2008. The motion was seconded by Billy Phillips. The motion passed unanimously.

There was an introduction of Mavis Giska. Mavis joins the OMHC staff as their Fiscal/Licensing Specialist. As of the Commission meeting she had been with OMHC for a month, staff reported that she is doing an excellent job. Chair, Dan Rolfes welcomed her aboard.

**Public Comment:**

Bill Geniella from AMHRO asked Commissioner Suppes from the State Health Department to pass along a compliment to Ross County, "They are doing a great job in their parks".

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

### **License Ratification:**

The Executive Director presented a list of six (6) 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 Roger Suppes to approve six (6) installer applicants listed on the ratification list. The motion passed unanimously.

The Executive Director presented a list of two (2) applicants for inspector's certification that met the qualifications to inspect manufactured homes.

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

### **Adjudication – Final Orders:**

A list of five (5) installer names was presented to the Commissioners. All installers failed to complete the 12 hours training course and/or the state examination. They all received a final hearing letter and did not respond back to that letter. Both received a personal call and were left a message to call the OMHC office, both did not call back.

**Action:** A motion was made by Tom Rehrig and seconded by Jim Demitris to revoke all five (5) of their licenses. The motion passed unanimously.

### **Dispute Resolution:**

Bradley Butters from the OMHC staff presented his report of activity with regard to disputes since the last Commission meeting.

### **Dispute Resolution – Qualification Clarification:**

With the HUD approved program, we must have a dispute resolution program for all complaints; permit is not a pre-requisite in order to participate in the dispute resolution program. But a permit must be purchased upon proceeding with the program.

### **Existing Park Slope Requirements:**

Inspectors should have some latitude and use some common sense. Roger Suppes suggested a memorandum be sent out to parks. AAG, Cheryl Hawkinson suggested this issue should go to the Rules Committee. This was referred to the Rules Committee.

### **Limited Licenses:**

OMHC would have to open up the statute to get different types of installer licenses. Tom Rehrig suggested tabling the topic until HUD's 3286 Final Rule is in place.

## **Budget Report:**

Janet Williams with the OMHC staff reported total revenues to date of \$ 153,676.50. With a FY 08 budget of \$418,122.00, that leaves us with a (\$264,445.50) shortfall of revenue. On the expenses side, with a budgeted amount of \$418,122, there has been \$336,286.92 expended, with another \$52,192 encumbered. Janet projected OMHC would finish the year approximately \$40,000 to \$50,000 under our budgeted amount.

Janet projected for FY 09, if 4,500 new and used homes were set, with our current fee structure, we have the potential to break even. If seals fees would be raised from \$75 to \$ 100 and Installer renewals went from \$150 to \$200, OMHC had the potential to make a profit of approximately \$130,000. Janet reminded the Commissioners that OMHC is in debt to the State's 4K9 Fund for the past three (3) years.

## **Licensee, took test and passed, did not take course:**

Per OMHC Rules, licensee must take the 12 hour Training Course and pass State Examination.

## **Abandoned License Recertification Criteria (re-test, re-school?):**

If it is within 2 years of abandoning, licensee must pay all fees, have insurance, and get all required CE credits to get license back.

## **Issues:**

### **July 16, 2008 Commission Meeting:**

Because of the amount of hearing that are set for July 16, this meeting will begin at 8:00 am.

## **Rules Committee:**

Rules Committee will meet Tuesday, July 15 at 2:00 pm at the Commission Office. Members of the Rules Committee are, Dan Rolfes, Tom Rehrig, Roger Suppes, Emory Helmuth and Bill Laubacher.

## **Third Party Inspector Territories:**

The Commission asked AAG, Cheryl Hawkinson to check and see if the Third Party Agencies can also contract with the Commission to be an investigator for the Commission and be paid.

## **New Business:**

There was a discussion regarding the notice that is supposed to be given to the county treasurer and auditor within fourteen (14) day of a home placement. It was suggested that we delete the county treasurer from that requirement as they do not require receiving it. It would take a statutory and rule change to delete county treasurer, but the way the rule is written it states, county treasurer **or** auditor. The rule, 4781-8-03(A)(1), states, Failing to provide written notification of installation to a county treasurer or auditor in violation of division (D) of section 4871.11 of the revised code. With the use of the word or, you really don't need to give the notice to the county treasurer anyway.

It was suggested by Ron Younkin that perhaps there should be an Enforcement Committee to try to resolve some of the enforcement issues. When asked, Ron Younkin agreed to be the Chair of that Committee, Evan Atkinson and Warren Connally will also join that Committee. It was also suggested that someone from ODH be on that Committee, possibly LeeAnn Hoon, Troy Warnock from Licking County was also suggested, as well as getting an Auditor representative.

### **Future Meetings:**

The following meetings have been set the Fiscal Year 2009:

Weds., August 20, 2008	Weds., February 18, 2009
Weds., September 24, 2008	Weds., March 18, 2009
Weds., October 15, 2008	Weds., April 15, 2009
Weds., November 19, 2008	Weds., May 20, 2009
Weds., December 17, 2008	Weds., June 17, 2009
Weds., January 21, 2009	Weds., July 15, 2009

### **Personnel Matters:**

**Action:** Billy Phillips made a motion to go into Executive Session for Personnel Matters; to consider the employment, dismissal, discipline, demotion or compensation for an employee pursuant to RD 121.22(G)(1). 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, and Bill Laubacher. The motion passed unanimously. Janet Williams was invited to remain in the room.

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

**Action:** A motion was made by Jim Demitrus and seconded by Tom Rehrig to allow Bradley Butters to resign by Friday, June 20, 2008 at 5:00 pm, if not Mr. Butters is dismissed as of Friday, June 20, 2008 at 5:00pm. The motion passed unanimously.

**Action:** Ron Younkin made a motion to go into Executive Session for Personnel Matters; to consider the employment, dismissal, discipline, demotion or compensation for an employee pursuant to RD 121.22(G)(1). The motion was seconded by Bill Laubacher. The motion passed unanimously. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Tom Rehrig, Roger Suppes, Billy Phillips, Jim Demitrus, and Bill Laubacher. The motion passed unanimously.

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

**Action:** A motion was made by Evan Atkinson and seconded by Jim Demitrus to promote Janet Williams to the job classification of Assistant Director with an hourly rate of \$25.04. The motion passed unanimously.

### **Adjournment:**

**Action:** A motion was made by Tom Rehrig and seconded by Bill Laubacher at 3:30 to adjourn. It was approved unanimously.

Minutes respectfully submitted and certified by 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 16, 2008**

**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

**Commission Staff**

David Zofko, Executive Director  
Janet Williams, Assistant Director  
Mavis Giska, Fiscal/Licensing Specialist

**Legal Counsel**

Cheryl Hawkinson, AAG -Absent

**Members Absent**

Billy Phillips

**Guests**

Andrea Reichman, OMHA  
Tim Williams, OMHA  
Warren Connally, OCIB  
Randy Ward, OCIB  
Troy Warnock, COCOA  
Russ McPherson, AMHRO  
Bill Geniella, AMHRO  
LeeAnn Hoon, ODH  
John Grivensky

**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 were present.

**Approval of the Minutes:**

Janet Williams asked that the minutes be amended to reflect that the July 16, 2008 meeting will begin at 10:00 am, not the 8:00 am as was stated in the minutes.

**Action:** A motion was made by Ron Younkin to approve the minutes as amended from June 18, 2008. The motion was seconded by Jim Demitris. The motion passed unanimously.

**Public Comment:**

Randy Ward from OCIB asked if all past Commission decisions regarding interpretation of the rules were approved for all sets. The answer is yes. He asked if there had been any changes in a homeowner setting their own home. There has been no change, it is in the law and rules that a homeowner can set their own home only if they are going to live in it and it is on private property.

## **Public Comments (continued):**

John Grivensky from the Third Inspection Agency, Central Inspection Bureau made a presentation on Third Party Agency Territories. He passed out a paper he had typed up with and without territories and his feeling on how it would work out with and without territories.

Bill Geniella from AMHRO made a presentation. He demonstrated that drinking water that he collected from a park could be ignited. He asked they question, "What can we do to enhance the industry?" This is not an issue for the Commission, but was referred to either ODH or EPA.

Russ McPherson from AMHRO inquired about the procedure when a complaint is filed, would there be a communication back? He spoke specifically about Twin Oaks Manufactured Home Park – Cook Rd #71 in Cuyahoga County. David Zofko said, "We will respond back." This is an ODH compliance issue and was forwarded to ODH.

Several different topics came up and were discussed. It was suggested that there be a tracking database of permits issued. The question was asked, "Would the computers of the Third Party Agencies have to be encrypted if the Third Party Agencies were tying into a State Database?" Another suggestion was perhaps there could be some sort of tracking database that could be somehow placed on our website, for Third Party Agencies to check status of permits? There would have to be some sort of User ID's and Passwords for the Third Party Agencies to enter the data and have access to only certain sections.

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

### **License Ratification:**

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

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

The Executive Director presented a list of one (1) Building Department for certification that met the qualifications to inspect manufactured homes.

**Action:** A motion was made by Jim Demitris and seconded by Bill Laubacher to approve one (1) Building Department for certification listed on the ratification list. The motion passed unanimously.

### **Adjudication – Final Orders:**

A list of two (2) installers, Robert A. Evans and Frank S. Maynard were presented to the Commissioners. Both installers failed to complete the 12 hours training course and/or the state examination. They both received a final hearing letter and did not request a hearing. Both received a personal call and were left a message to call the OMHC office, both did not call back.

**Action:** A motion was made by Tom Rehrig and seconded by Jim Demitris to revoke both of their licenses. The motion passed unanimously.

### **Dispute Resolution:**

David Zofko from the OMHC staff presented a report of activity with regard to disputes since the last Commission meeting.

### **Existing Park Slope Requirements:**

Roger Suppes handed out a draft memo from ODH with regard to existing park slope requirements. Basically it stated that new or substantially altered lots would be held to all standards of Chapter 4781-9 of the Administrative Code. Until the Commission revises its' rules for existing park slopes, the Ohio Department of Health recommended that they will do the following:

1. Review the lot and determine if the slope of lot has deteriorated such that the lot does not comply with rule 3701-27-07 of the Administrative Code.
2. Review the lot and determine if more than 25% of the lot (See Rule 4781-6-01(A)(1)(g) is not well drained as required by Rule 3701-27-07.
3. If less than 25% of the slope of the lot is affected, and unless drainage problems are substantial and frequently recur during the year, authorize the installation to proceed. If the problem continues, require the park operator to make modifications to the lot to mitigate any recurring drainage problems.
4. If the slope of more than 25% of the lot has deteriorated such that surface water will unnecessarily accumulate under the home, require the installer to make the minimum modifications necessary to assure that the lot is well drained and authorize the installation to proceed. Do not apply the standard found at 4781-6-02.2(C).

### **25% or 50% Rule for Foundation Changes:**

Roger Suppes felt that the language of the Rule needs some work, but the 25% should stay since it is consistent with ODH. David Zofko concurred.

### **OMHC Seal Report:**

It was noted that there is unrealized income because of the lack of the amount of seals that have been placed.

Roger Suppes felt that fines and penalties fees collected should not be included in budget figures.

### **Salvage Permits for Pre-HUD Homes:**

There was a discussion on whether OMHC should issue some sort of salvage permit. The Commissioners agreed that a salvage permit is not required and no further action is necessary. Any HUD home used for any other purpose than a residence takes the home out of HUD compliance and therefore is not under OMHC jurisdiction.

### **Discussion Regarding Hiring Personal Service Proposals:**

David Zofko presented a proposal from Tim Decker Architects. The proposal was to have Mr. Decker's firm provide a slab on grade foundation designed drawing.

**Action:** A motion was made by Evan Atkinson and seconded by Tom Rehrig for a \$2,000 personal services contract for Tim Decker Architects to provide a slab on grade foundation designed drawing. The motion passed unanimously.

David Zofko presented a proposal for legal services with the law firm of McNees Wallace & Nurick. Roger Suppes stated that he felt the Commission did not have the legal right to hire legal counsel and we should check with the Attorney General's office on the matter. The Commission felt that they were not ready for hired counsel at this time.

**Issues:**

**Third Part Inspector Renewals:**

All thirteen (13) Third Party Agencies received a letter from OMHC to renew their current contract by August 1, 2008. To date (July 16, 2008), eight (8) of the thirteen (13) Agencies have renewed.

**Rules Committee:**

Rules Committee met Tuesday, July 15 at 2:00 pm at the Commission Office. Members of the Rules Committee are, Dan Rolfes, Tom Rehrig, Roger Suppes, Emory Helmuth and Bill Laubacher. No further action was taken and the Commission is falling further behind in the JCARR process.

**Third Party Inspector Territories:**

Dan Rolfes stated that he would like to see a map of the territories for Third Party Agencies.

The Commission again asked if AAG, Cheryl Hawkinson could check and see if the Third Party Agencies can also contract with the Commission to be an investigator for the Commission and be paid. The Commission would also like Cheryl to find out if we can put the Third Party Agencies into territories?

**New Business:**

None

**Future Meetings:**

The following meetings have been set the Fiscal Year 2009:

Weds., September 24, 2008	Weds., March 18, 2009
Weds., October 15, 2008	Weds., April 15, 2009
Weds., November 19, 2008	Weds., May 20, 2009
Weds., December 17, 2008	Weds., June 17, 2009
Weds., January 21, 2009	Weds., July 15, 2009
Weds., February 18, 2009	

**Adjournment:**

**Action:** A motion was made by Tom Rehrig and seconded by Bill Laubacher at 3:30 to adjourn. It was approved unanimously.

Minutes respectfully submitted and certified by 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**

**August 20, 2008**

**10:00 AM**

**5650 Blazer Parkway**

**Dublin, Ohio 43017**

**Members Present**

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

**Commission Staff**

David Zofko, Executive Director  
Janet Williams, Assistant Director  
Mavis Giska, Fiscal/Licensing Specialist

**Legal Counsel**

Cheryl Hawkinson, AAG

**Members Absent**

**Guests**

Andrea Reichman, OMHA  
Warren Connally, OCIB  
Randy Ward, OCIB  
Carol Foster  
Bill Geniella, AMHRO  
LeeAnn Hoon, ODH  
Mary Clifton, ODH  
John Grivensky, Central Inspection Bureau  
Roger McDaniels, United Inspections  
Sally McDaniels, United Inspections

**Call to Order**

The meeting was called to order at 10:15 AM by the Chair, Dan Rolfes.

**Roll Call:**

All members, except Emory Helmuth were present. Emory arrived at the meeting by 11:30 am.

**Approval of the Minutes:**

**Action:** A motion was made by Evan Atkinson to approve the minutes from July 16, 2008. The motion was seconded by Ron Younkin. The motion passed unanimously.

**Public Comment:**

Commissioner, Roger Suppes introduced Mary Clifton from the Ohio Department of Health (ODH) as the contact person when working with issues related to ODH.

Bill Geniella, President of AMHRO stated that they were working together with OMHA on a proposal for self certification of installers. He said a formal proposal would be submitted in October. Bill also asked, "What is the time frame it takes to make an investigation?" That time varies based on the amount of time needed for the investigation.

## **Public Comments (continued)**

Carol Foster of Modern Solutions Management asked the question “Who has the authority and boundaries of inspectors?” AAG, Cheryl Hawkinson stated inspectors are certified by the Commission, the Commission will investigate complaints. Complaints need to be referred to Executive Director, David Zofko for an investigation. David Zofko will report back to the Commission. Carol also felt that Park Owners should receive some paperwork saying the home was set, not just the seal on the home. Evan Atkinson suggested that Carol work it out with her inspector to get copies of the paperwork.

Randy Ward from Ohio Certified Inspection Bureau said they are having problems with the homeowner getting the permit, they get the foundation and electrical inspections and never call for the final and the seal is not placed, the homeowner is occupying the home. Executive Director, David Zofko stated he is working on how the Commission is going to deal with this issue.

## **Executive Director’s Report:**

### **License Ratification:**

The Executive Director presented a list of four (4) 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 Billy Phillips to approve four (4) installer applicants listed on the ratification list. The motion passed with Ron Younkin recusing himself.

The Executive Director presented a list of one (1) Inspector for certification that met the qualifications to inspect manufactured homes.

**Action:** A motion was made by Roger Suppes and seconded by Tom Rehrig to approve one (1) Inspector for certification listed on the ratification list. The motion passed unanimously.

### **Adjudication – Final Orders:**

A list of three (3) installers, Richard M. Goldsmith, Ralph E. Kieffer and Charles R. Prather were presented to the Commissioners. All three installers failed to complete the 12 hours training course and/or the state examination. They all received a final hearing letter and did not request a hearing. All three received a personal call and were left a message to call the OMHC office, all three did not call back.

**Action:** A motion was made by Ron Younkin and seconded by Billy Phillips to revoke both of their licenses. The motion passed unanimously.

### **Discussion – Settlement Agreements:**

There was a discussion regarding settlement agreements.

**Action:** A motion was made by Ron Younkin and seconded by Billy Phillips to allow the Executive Director who will consult with the AAG to settle a violation with a settlement agreement with any administrative action deemed necessary. The motion passed unanimously.

### **Clarification of Prosecution Process for Illegal Sets in MH Parks:**

Roger Suppes, Commissioner and from the Ohio Department of Health (ODH) clarified the procedure that ODH will investigate illegal sets in parks. If there is a licensed installer involved, ODH will forward that information to the Executive Director for any action.

### **Dispute Resolution:**

Mavis Giska from the OMHC staff presented a report of activity with regard to disputes since the last Commission meeting. David Zofko had made some inspections of some case and has closed five (5) cases this month.

Per Elizabeth Cocke of HUD, there should be no dispute resolution cases on homes set prior to February 7, 2007.

There is a discussion of charging fees for dispute resolution cases and the authority to charge those fees, 4781-10(H). The Commissioners decided to keep it the same as it is for now. If a case goes to mediation, OMHC may charge fees for the investigation work by the OMHC staff.

### **Code of Ethics for Inspectors, 4781-7-06:**

A revised copy of section, 4781-7-06, which was revised by David Zofko and AAG, Cheryl Hawkinson was passed out for Commissioners review.

### **OMHC Seal Report:**

There were 1,457 new homes shipped into the state of Ohio in 2007. It was estimated by the OMHC staff that 867 seals were placed on home sets. This information was based on the seal report received through 7/15/08. It was estimated that there were 126 seals placed on new homes in parks and 133 used homes in parks. It was estimated that 416 seals were placed on new homes on private property and 192 seals placed on used homes on private property.

The OMHC staff estimated lost revenues due to illegal sets to be:

2,822 illegal sets in ODH Parks x \$75 = \$211,650  
1,411 illegal sets on private property x \$75 = \$105,825  
Total lost revenue for 2007 estimated at \$317,475.

### **Requesting permission for the AG to be assigned independent counsel for revising our rule and submit to the JCARR process:**

AAG, Cheryl Hawkinson will continue to assist OMHC staff with the revised rules and the public hearings. OMHC will need to employ someone to input those finished rules into the RAZ format. Staff will check with other Boards and Commissions to see who inputs the information into RAZ for their agencies.

### **New Business:**

None

**Adjournment:**

**Action:** A motion was made by Tom Rehrig and seconded by Ron Younkin at 2:00pm to adjourn. It was approved unanimously.

Minutes respectfully submitted and certified by 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 8, 2008**

**10:00 AM**

**5650 Blazer Parkway**

**Dublin, Ohio 43017**

**Members Present**

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

**Members Absent**

Jim Demitrus

**Commission Staff**

David Zofko, Executive Director  
Janet Williams, Assistant Director  
Mavis Giska, Fiscal/Licensing Specialist

**Legal Counsel**

Cheryl Hawkinson, AAG

**Guests**

Andrea Reichman, OMHA  
Warren Connally, OCIB  
Randy Ward, OCIB  
Jack Pryor, Newark/Licking County  
Troy Warnock, Newark/Licking County  
Dewayne Jenkins, Ohio Chapter of IAEE  
Mike Parks, Inspection Services Plus  
Roger McDaniels, United Inspections  
Mike Reffitt, Logan County Bldg. Dept.  
Mary Sampsel, Union County Bldg. Dept.  
Tim Wakeley, Union County Engineers  
Keith Putnam, Ross County Building  
Dave Long

**Call to Order**

The meeting was called to order at 10:15 AM by the Chair, Dan Rolfes.

**Roll Call:**

All members, except Jim Demetrius were present.

**Approval of the Minutes:**

**Action:** A motion was made by Billy Phillips to approve the minutes from August 20, 2008. The motion was seconded by Tom Rehrig. The motion passed unanimously.

## **Public Comment:**

Tim Williams from the Ohio Manufactured Homes Association (OMHA) was to have presented a proposal for self certification of licensed installers. Due to illness the presentation was made by OMHA staffer, Andrea Reichman. OMHA submitted a “draft” proposal for revamping the Ohio Manufactured Homes Commission’s (OMHC) installation inspection and fees program. The OMHA proposed the plan for consideration based upon filed experience and considerable feedback from OMHA members. The proposal included the following:

- 1) Eliminating 100% mandatory inspections.
- 2) Reducing inspection fees to only \$150.00.
- 3) Bringing uniformity of the installation process
- 4) Strengthening enforcement and fee authority for the OMHC.
- 5) Self certification by licensed installers
- 6) Removal of Health Dept. authority in manufactured home communities.

OMHA also submitted a rough outline of a self sustaining income/expenditure statement proposal to OMHC. With the OMHA proposed budget, the OMHC would end the year with a \$123,700 surplus. The OMHA proposal prompted a lengthy discussion on the topic of self certification.

Duane Jenkins, Electrical Inspector with the City of Kettering asked if the current electrical inspection would remain? The Commission answered that the electrical inspection would remain. That inspection will still be performed by a certified inspector, the electrical inspection will not be self certified.

Troy Warnock from the Newark/Licking County Bldg. Dept. said that the proposal concerned their department. Their department felt that they are seeing a lot of problems when they inspection, if installers are self certifying the problems would be overlooked. There was also a discussion on if a building department had signed on to do the inspections would they retain their jurisdiction to still do them? It was stated that building departments will retain their jurisdiction.

Warren Connally from Ohio Certified Inspection Bureau stated that 35-40% of individuals are setting their own homes.

Randy Ward from Ohio Certified Inspection Bureau suggested that the OMHC needed to go to the County Auditors Offices and compare who was getting relocation permits with who is setting homes. David Zofko stated that he and Mavis Giska from the OMHC staff have been working with the County Auditors too get that information.

Commissioner, Evan Atkinson also felt talking to the County Auditors was a way of tracking permits. He said Molly over at Muskingum County tracks every relocation and OMHC could compare notes.

Commissioner, Tom Rehrig stated that most states inspect between 10-17% of home sets. He felt that the OMHC bit off more than it could chew by requiring 100% inspections. He felt OMHC should start smaller and work their way up to a higher amount of inspections.

Commissioner, Emory Helmuth felt that the public perception if OMHC goes to self certification would be like the fox guarding the hen house.

A suggestion was made that a letter with our laws could be sent out to the Farm Bureau and they could forward the information to their members, perhaps through their newsletter.

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

### **License Ratification:**

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

**Action:** A motion was made by Ron Younkin and seconded by Billy Phillips to approve four (4) installer applicants listed on the ratification list. The motion passed unanimously.

The Executive Director presented a list of one (1) Building Department for certification that met the qualifications to inspect manufactured homes.

**Action:** A motion was made by Billy Phillips and seconded by Bill Laubacher to approve one (1) Building Department for certification listed on the ratification list. The motion passed unanimously.

### **Adjudication – Final Orders:**

A list of eight (8) installers, Ricky A. Cottrill, William D. Day,, John C. Dean, Matthew C. Duvall, Keith A. Raypole, Richard K. Sisson, Bruce A. Svoboda and Scot A. Williamson were presented to the Commissioners. All eight installers failed to complete the 12 hours training course and/or the state examination. They all received a final hearing letter and did not request a hearing. All eight received a personal call and were left a message to call the OMHC office, all eight did not call back.

**Action:** A motion was made by Bill Laubacher and seconded by Roger Suppes to revoke both of their licenses. The motion passed unanimously.

### **Discussion – Settlement Agreements:**

The OMHC with assistance from AAG, Cheryl Hawkinson came to the following settlements:

Darren Rockhold, installer – settlement \$200

Randy Dalton, installer – settlement \$1,500

Theodore Schmittauer, installer – settlement \$100

### **Do we have jurisdiction on one half of a double wide unit?**

One half of a double wide HUD home was destroyed. This takes the total home out of compliance so we have no jurisdiction. To use the “good” half with a “stick-built” second half would cause both sections to have to meet the Residential Code of Ohio not HUD standards.

### **Dispute Resolution:**

OMHC staff presented a report of activity with regard to disputes since the last Commission meeting.

There were three (3) complaints that did not meet the criteria for our program. There were three (3) cases closed. There are currently six (6) dispute resolution cases in progress.

**New Business:**

**Personnel Matters:**

**Action:** Billy Phillips made a motion to go into Executive Session for Personnel Matters; to consider the employment, dismissal, discipline, demotion or compensation for an employee pursuant to R.C. 121.22(G)(1). The motion was seconded by Roger Suppes. The motion passed unanimously. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Tom Rehrig, Roger Suppes, Billy Phillips and Bill Laubacher. Jim Demitrus, absent.

**Action:** A motion was made by Ron Younkin to come out of Executive Session for personnel matters, R.C. 112.11(G)(1). The motion was seconded by Tom Rehrig. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Tom Rehrig, Roger Suppes, Billy Phillips and Bill Laubacher. Jim Demitrus, absent.

**Action:** A motion was made by Roger Suppes and seconded by Tom Rehrig, “Mavis Giska, fiscal and licensing specialist, has successfully completed her probationary period of one hundred and twenty (120) days and the Commission hereby approves to increase her hourly salary from \$19.88 to \$20.81 effective this date”. The motion passed unanimously.

**Action:** Roger Suppes made a motion to go into Executive Session for Personnel Matters; to consider the employment, dismissal, discipline, demotion or compensation for an employee pursuant to R.C. 121.22(G)(1). The motion was seconded by Evan Atkinson. The motion passed unanimously. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Tom Rehrig, Roger Suppes, Billy Phillips and Bill Laubacher. Jim Demitrus, absent.

**Action:** A motion was made by Tom Rehrig to come out of Executive Session for personnel matters, R.C. 112.11(G)(1). The motion was seconded by Roger Suppes. Roll call vote, voting Aye: Dan Rolfes, Ron Younkin, Evan Atkinson, Tom Rehrig, Roger Suppes, Billy Phillips and Bill Laubacher. Jim Demitrus, absent.

**Action:** A motion was made by Ron Younkin and seconded by Billy Phillips to hire David Long for the Inspector/Investigator position. David Long will be hired in at a salary of \$27.55 per hour. The motion passed unanimously.

**Adjournment:**

**Action:** A motion was made by Tom Rehrig and seconded by Roger Suppes at 2:30pm to adjourn. It was approved unanimously.

Minutes respectfully submitted and certified by 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, 2008**

**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

**Legal Counsel**

Cheryl Hawkinson, AAG

**Guests**

Andrea Reichman, OMHA  
Tim Williams, OMHA  
Warren Connally, OCIB  
Randy Ward, OCIB  
LeeAnn Hoon, ODH  
Russ McPherson, AMHRO  
Bill Geniella, AMHRO  
Dave Long  
Ken Remy Jr, Remy Homes  
Ken Remy Sr., Remy Homes  
Ron Eitel, Elsea Homes  
Asa Elsea, Elsea Homes  
Asa Jay Elsea, Elsea Homes  
Rodney Hemming, Elsea Homes  
Bill Miller, D & W Homes  
Tim Apel, AAA Homes

**Call to Order**

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

**Roll Call:**

All members, except Billy Phillips were present.

**Approval of the Minutes:**

**Action:** A motion was made by Evan Atkinson to approve the minutes from October 8, 2008. The motion was seconded by Tom Rehrig. The motion passed unanimously.

## **Public Comment:**

**Asa Elsea from Elsea Homes** spoke on fees and Inspections. Asa stated that he felt there was some confusion with the inspectors. He was in favor of a self certification program for both new and used homes with the electrical inspection continuing. He also stated that we need to keep the manufactured homes industry affordable. Currently, he feels there is a wide range of fees. He feels the Commission should perform random inspections.

**Jay Elsea from Elsea Homes** spoke on Inspection fees. He stated he has watched the number of sales drop. Feels we need to see consistency of fees and wants to simplify the fee process.

**Rodney Hemming from Elsea Homes** felt we should have an exception contract for sub-contractors, an example being persons only doing foundations. Rodney would also like to see some type of form or a letter that the inspector signs off on stating who did what work on the set. Example, was it the installer or the homeowner themselves. The Commissioners felt this would be achieved through a contract between the parties.

There was some discussion, Commissioners felt permits should be posted on the job-site. Inspectors have the right to issue stop work order if not posted.

**Bill Geniella from AMHRO** wanted to clarify that skirting is not a requirement. It was noted that some Communities may require skirting. Tom Rehrig stated that 3285, HUD Rule says that skirting is not a requirement, but there are rules if skirting is installed.

There was some discussion on the ability to fine installers. Cheryl Hawkinson from the Attorney General's Office stated, the Commission has the ability to fine licensed installers, but does not have the authority to bring an unlicensed installer in front of the Commission and fine them. For unlicensed installers the Commission must go through the Attorney Generals office for an injunction.

Bill Geniella stated that he had knowledge that someone in Marion County was moving a used home from one park to another and they told him that they did not need a permit until the home is being occupied.

**Tim Apel from AAA Homes and President of OMHA** stated the industry is down 90%, we are in trouble, communities are vacating and home sales are down. The cost just keeps getting higher, why do we have to have 100% inspections? We really need to consider that this industry is in trouble and we have to level the playing field. Maybe we need a limited license or a step down license for foundations only, not the full blown license. The industry needs some relief. Seal cost should be \$125 and an electrical inspection.

Tom Rehrig stated that the average cost of seals throughout the US is \$150.00.

**Tim Williams, Executive Vice President from OMHA**, the goal of the Commission is safe, effective installations. Fees should be \$200 or less, the electrical could be in or not, but could be discussed. Sales are down 90% and these are desperate times. Homes need to be affordable and safe.

**Ron Eitel from Elsea Homes** spoke on finances and accountability. He stated Elsea has purchased 200 permits this last year and yet is to see a seal placed. David Zofko asked that Ron supply the Commission with a list of their home sets so that we can investigate if seals were set on those homes

There was more conversation and Ron Younkin suggested getting copies of all temporary permits from all inspection agencies.

**Action:** There was a motion made by Ron Younkin and seconded by Tom Rehrig to move self certification up on the agenda. The motion passed unanimously.

David Zofko presented the self-certification recommendations:

- All new homes installed after January 1, 2009 would be inspected.
- Every home installed by a homeowner would be inspected
- Every used home installed after January 1, 2009 under the jurisdiction of ODH or local Building Dept. must be inspected by the authority having jurisdiction.
- Every used home not set by the homeowner or in an area that ODH or the local Building Dept. has authority must be set by a licensed installer. That installer will self-certify that the home is set properly.
- Every licensed installer will have a performance bond in the amount of \$25,000
- OMHC will create of Recovery Fund
- Self-certification in parks does not preclude or exempt ODH from performing ODH mandatory inspections at ODH's convenience.
- OMHC inspections in parks of self-certified units will be performed on to inspect the quality of workmanship of the licensed installer.
- OMHC will set the cost for inspections.

Per 3285, Tom Rehrig stated that electrical, plumbing, drainage and fuel system testing is all done by the installer.

Conversation on bonding was that HUD does not have a required dollar amount for bonding. Performance bonds are very difficult to get, many installers may not qualify. It was suggested that we have a recovery fund or a bond, one or the other.

Dan Rolfes gave a recap of, 100% new homes inspected, 100% of homeowner sets inspected and 10-20% of used homes inspected. Need to try to have consistency and keep the cost down.

**Misc.:**

Cheryl Hawkinson will check with legal council from the BMV regarding getting stats on retailers, monthly report on homes sold, type, customer name, address, county, etc. Being a state agency, the BMV may give us the information.

Evan Atkinson suggested seeing if Richard Hozelphal from Data Appraisals would be willing to give us a 1 month, new and used homes and see if it is information that would be useful to us.

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

### **License Ratification:**

The Fiscal/Licensing Specialist 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 Roger Suppes and seconded by Tom Rehrig to approve three (3) installer applicants listed on the ratification list. The motion passed unanimously.

### **Adjudication – Final Orders:**

A list of six (6) installers, Patrick J Burkhart, Jeffery E. Miller, Randy Richmond, David L. Roberts, Terrance L. Stephens and Richard A. Sunderlin were presented to the Commissioners. All six installers failed to complete the 12 hours training course and/or the state examination. They all received a final hearing letter and did not request a hearing. All eight received a personal call and were left a message to call the OMHC office, all eight did not call back.

**Action:** A motion was made by Roger Suppes and seconded by Tom Rehrig to revoke both of their licenses. The motion passed unanimously.

### **Discussion – Settlement Agreements:**

The OMHC with assistance from AAG, Cheryl Hawkinson came to the following settlements:

Chris Celaschi, installer – settlement \$100

Tim Adkins, installer – settlement \$200

Roger McDaniels, inspector – settlement \$500

### **Dispute Resolution:**

OMHC staff presented a report of activity with regard to disputes since the last Commission meeting.

There were two (2) complaints that we are waiting for forms to be returned. There was one (1) new case opened. There was one (1) case closed. There are currently six (6) dispute resolution cases in progress.

### **Update of Installer Renewals:**

There are 429 active installers with a breakdown of 186 renewed, 116 outstanding and 127 due to renew after January 2009.

Roger Suppes felt there should be a rule on reinstating an inactive license.

## **Seal Report:**

### **First Quarter FY 2009**

	<u>2008</u>	<u>2009</u>
Seals Sold (First Quarter)	300	311
Seals Placed (First Quarter)	89	419

### **Annualized**

Annual Seals Sold	1,512	2,016*(estimate)
Annual Seals Placed	867	1,680**(estimate)

\*756 Seals Sold Fiscal Year to Date (7/1/08 – 11/15/08)

Average 168/month x 12 months = 2,016 if we continue at a rate of 168/month

This estimate equates to 33% increase from last year

\*\*419 Seals Placed (1 st. quarter)

Average 140/month x 12 months = 1,680 if we continue at a rate of 148/month

This estimate equates to 194% increase from last year

## **Web-site Update:**

Staff has updated most of the web-site. Staff will be working with DAS staff to get a web-site that we will be able to do all updates ourselves.

Staff will be meet with DAS to see about getting an on-line permit tracking system in place.

## **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.

## **ODH Enforcement Improvements:**

David Zofko commended the ODH on improvements to their enforcement.

## **HUD approval letter of OMHC's program:**

The OMHC has been approved by HUD for the Inspection Program.

## **New Business:**

Discussed when electrical companies tell consumers they have to have an inspection before they will hook them up. The Commission can only require an inspection if a home has been set. If it is a service upgrade or reconnect on an existing it goes back to the electrical company as to whether or not it is inspected.

Cheryl Hawkinson will not be at the December Board Meeting.

Look possibly at establishing a fee schedule and cut down the number of inspections. Get cost and consistency under control.

Question was asked, can we dictate fees to building department and health departments. Roger Suppes says no, you cannot to the health department.

Janet Williams asked if there was going to be some decision made on the self-certification issue, she was told, and they are still investigating.

**Adjournment:**

**Action:** A motion was made by Tom Rehrig and seconded by Bill Laubacher at 2:45pm to adjourn. It was approved unanimously.

Minutes respectfully submitted and certified by 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 17, 2008**  
**10:00 AM**  
**5650 Blazer Parkway**  
**Dublin, Ohio 43017**

**Members Present**

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

**Commission Staff**

David Zofko, Executive Director  
Janet Williams, Assistant Director  
Mavis Giska, Fiscal/Licensing Specialist

**Legal Counsel**

Cheryl Hawkinson, AAG

**Members Absent**

Emory Helmuth  
Roger Suppes

**Guests**

Andrea Reichman, OMHA  
Warren Connally, OCIB

**Call to Order**

The meeting was called to order at 10:25 AM by the Chair, Dan Rolfes.

**Roll Call:**

All members, except Emory Helmuth and Roger Suppes were present.

**Approval of the Minutes:**

Tom Rehrig asked that on page three of the minutes the number 3286 be added to the sentence, "Per 3285 and 3286", Tom Rehrig stated that electrical, plumbing, drainage and fuel system testing is all done by the installer. The minutes were amended to reflect his change.

**Action:** A motion was made by Tom Rehrig to approve the minutes as amended from November 19, 2008. The motion was seconded by Bill Laubacher. The motion passed unanimously.

**Public Comment:**

None

**Executive Director's Report:**

**License Ratification:**

The Fiscal/Licensing Specialist presented a list of one (1) applicant 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 one (1) installer applicants listed on the ratification list. The motion passed unanimously.

### **Discussion – Settlement Agreements:**

The OMHC with assistance from AAG, Cheryl Hawkinson came to the following settlements:

Tim Adkins, installer – settlement \$200

There was some discussion to contact auditors, zoning officials, etc., to get the word out that inspections are required and what the process is to comply.

### **Dispute Resolution:**

OMHC staffer, Dave Long presented a report of activity with regard to disputes since the last Commission meeting.

There was one (1) complaint that we are waiting for forms to be returned. There was one (1) new case opened. There were two (2) case closed. There are currently six (6) dispute resolution cases in progress.

### **Update of Installer Renewals:**

There is currently 318 active installers, 60 are in an active in renewal status and 127 that are currently non-compliant.

There is currently 196 Inspectors, 65 are compliant and 131 are non-compliant. With those is the non-compliant category the break down is as follows:

- 2 have not taken the course
- 74 have not taken the state examination
- 55 have not taken the course and examination

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

Staff will be working with DAS staff to get a web-site that we will be able to do all updates ourselves. The conversion to that new system should be completed by January 15 or so. By converting, OMHC will save the \$110/hour we currently pay DAS to maintain our website.

The on-line permit tracking should also be up and running by January 15 or so. 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 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.

### **Enforcement of Unlicensed Installers:**

There was a discussion for a law to be able to increase enforcement of illegal (unlicensed) installers. Similar to O.C.I.L.B. newly passed Law H.B. 444 which allows the O.C.I.L.B. to bring unlicensed contractors in front of the O.C.I.L.B. Commission for fines of \$1,000.00 per day per offense. OMHC needs similar rights by law.

**Action:** There was a motion made by Bill Laubacher and seconded by Jim Demitrus to have staff pursue litigation to be able to go after unlicensed installers. The motion passed unanimously.

### **OMHC Permit Fee Regulations:**

There was discussion on the cost of seal and fees for inspections. There was some discussion on raising the seal fee to \$150

Ron Younkin commented on self certification. Mentioned random inspections (25%) done by Third Party Agencies hired by the Commission. He also felt every individual who sets a home should be inspected at least one time.

There also was a suggestion to have an installer sign a paper saying that they installed the home in accordance with the OMHC Rules.

A discussion ensued regarding the number of inspections that should be performed. This discussion was left that Executive Director, David Zofko would get input from the Foundations sub-committee on the number of inspections they felt were appropriate, two or three. The current foundation, electric and final inspections or just an electrical and a final.

### **New Business:**

#### **Condemned Homes:**

David Zofko will check it out and report back. David Zofko should check with Roger Suppes.

#### **Installer Extensions:**

Staff discussed that some installers have been asking for extension. Commissioners gave David Zofko a directive to handle to extension how he sees fit.

#### **Dave Long Proposal:**

Dave presented a proposal for a Standards Consistency Committee as follows:

#### **Standards Consistency Committee**

Purpose:

- To work together on issues pertaining to conflicts and unclear standards within the HUD and OMHC Standards
- Answer questions from the field to allow the homes to be installed to meet all requirements.
- Provide updates and results to the Inspectors, installers, and manufacturers.
- Communicate clarifications and changes to the field for correct installations.
- Receive input from all representatives to assist OMHC staff to better provide administrative services.
- Provide standard engineering practices for the field.

Members:

- Ohio Manufactured Homes Commission
- Ohio Manufactured Homes Association
- Ohio Department of Health / County Health Department
- Installer
- Manufacturer / Retailer
- Third Party Inspection agency
- Building Department Inspection agency
- Association of Manufactured Home Residents of Ohio
- Housing and Urban Development

Name:

Dave Long

Warren Connally

Troy Warnock

Russ McPherson

Goals:

- Meet monthly (prior to Commission meeting)
- Provide monthly report to Commission
- Recommend changes to the Commission to better communication and standards consistency
- Communicate with all involve parties as to the results and/or changes
- Allow all representatives to give input and provide feedback from their perspective agencies.
- Provide fee comparisons across the state.
- Assist in streamlining procedures and recommend policies.
- Provide topics for education.
- Work on assignments as directed from the Commission

**Adjournment:**

**Action:** A motion was made by Tom Rehrig and seconded by Ron Younkin at 2:00pm to adjourn. It was approved unanimously.

Minutes respectfully submitted and certified by 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