

PLEASE NOTE: The following is a brief summary of the minutes of the North Carolina Manufactured Housing Board Hearing of October 15, 2013 (The official record is recorded and maintained on CD)

MINUTES OF THE
NORTH CAROLINA MANUFACTURED HOUSING BOARD
October 15, 2013

RALEIGH, NORTH CAROLINA

Tonnie Prevatte chaired the October 15, 2013 meeting. Members of the North Carolina Manufactured Housing Board that called in were: Michael Harden, Brandon Goodman, Jeff Mooring, Hugh Webster and Douglas Ramsey. Staff present: Joe Sadler, Pat Walker, Karen Holden, Ellen Tyndall, Rick McIntyre, Senior Deputy Commissioner and LaShawn Piquant, Staff Attorney. Others in attendance were as follows:

Devin Dolberry, Respondent
Donnie McRae, Respondent
Corinthian Bullard, Friend of Respondent
Chris Walters - Respondent

1. Acting Chairman Tonnie Prevatte called the meeting to order.
2. April 16, 2013 minutes approved. Motion was made by Michael Harden and seconded by Jeff Mooring to accept the minutes. Motion carried.
3. Hearings:
 - A. MHB FB3-2013 - Devin Devon Dolberry, Application for Salesperson. Joe Sadler, representing and presenting evidence on behalf of Board as Board Staff, was sworn in and presented the applicant's file. The file contents were admitted into evidence to support the allegations and responded to questions from the Board. The allegations included that Mr. Dolberry did not disclose his conviction for misdemeanor larceny; he believed that his PJC was not a conviction. Mr. Dolberry was sworn in and testified that the alleged crime occurred when he as employed with a cell phone retailer. He stated that he did not commit the crime. The store he worked at brought charges against him and that he pled guilty due to his young age and the advice of the public defender. He checked "no" on number 14 on applications because he pleads guilty to a lesser charge and was issued a "Prayer of Judgment". Mr. Dolberry testified that misunderstood question #14 and that he thought that a just the Prayer of Judgment Continued (PJC) "meant that the charge would go away if he did not get any additional convictions. Mr. Dolberry testified and responded to questions from the Board. Ms. Piquant, Staff Attorney advised that the North Carolina Supreme Court has held that a plea of guilty may still be considered a conviction in spite of the issuance of a "Prayer of Judgment". The following documents were admitted into evidence: 1) Staff submitted Mr. Dolberry' s response to question #14 Exhibit 3A; 2) Mr. Dolberry submitted Respondent Exhibit #1, two letters of reference from Chad House of Comp Tech Wireless, Inc., Letter from Chuck Laughinghouse of Airlink Communication, and a copy of criminal history report.

- B. MHB FB 4-2013 – Christopher Martin Walters, Application for Set up Contractor. Sadler testified that Staff notified Robeson County District Attorney's office that Mr. Walters was operating as a manufactured housing set-up contractor without being properly license after receiving a complaint from Jenell Villanueva, case #2010-0018. Mr. Walters was later convicted of failing to do work after being paid by Robeson County District Attorney's Office. Sadler responded to questions from the Board. Staff entered into evidence, Exhibit 3B, copy of Judgment, 10CR51303 and copy of arrest warrant. Mr. Walter was sworn in and testified for the record, that it was \$1500.00 restitution paid back to the consumer Villanueva. Mr. Walters testified that regarding the complaint, he started the job and wanted to deduct expenses for work already completed; the consumer said "No". Mr. Walters submitted to the Board evidence of his criminal history that shows restitution of \$1500.00 was paid. The Board stipulated the correction of \$1500.00 into record.
- C. MHB FB 5-2013 –Cheek's Mobile Home Service; Request for Release of Cash Bond: Joe Sadler presented the file into evidence and responded to questions from the Board.
- D. MHB FB 6-2013 – Donnie Demetrius McRae - Application for Set-up Contractor's license – Joe Sadler presented the allegation set out in the Notice of Hearing. He is currently seeking licensure as his license has expired. Sadler stated that McRae was previously licensed as a manufactured housing set-up contractor; a claim was filed and paid against his bond. Mr. McRae has paid \$10,000 back the bonding company. McRae also indicated on his application for licensure that he has criminal conviction. Sadler also testified that Robeson County inspection department has advised that Division that 44 permits for set-up were issued to McRae while unlicensed. Sadler presented the application file for admission into evidence. Also Sadler provided the following documentary evidence; 1); Exhibit 3D-1 Copy of final disposition order for Indictment for receiving stolen goods and Assault with dangerous weapon; and 2) Exhibit 3D-2 Copy of letter from Jeffrey L. Britt, Building Codes Administrator of Robeson County Department of Building Safety and Code Enforcement advising that there have not been any further violations. Mr. Sadler responded to questions from the Board. Mr. McRae was sworn in to present testimony. Mr. McRae testified that he could not make repairs to consumer Hayes home because he was incarcerated for four months which were originally dismissed but was brought back up when he was charged with receiving stolen goods. Mr. McRae testified in regards to 44 permits issued by Robeson County, stating that he knows now that he was wrong. Karen Holden, License Administrator explained to Board that once renewals are completed, a list and letter is generated of all licensees that have not renewed their license. The letters are mailed to all licensees; a list is dealers and set up contractors is sent to all Inspection Departments and list of dealers and salesperson are sent to the Department of Motor Vehicles. Mr. McRae advised that he never received letter advising that his license expired. Mr. McRae responded to questions from the Board. Ms. Corinthian Bullard, Friend of Respondent was called and sworn in. Ms. Bullard testified that she has known Mr. McRae for a while, that he loves moving homes; takes care of customers and that he moved and lock set a home for her.

4. Old Business:

- A. Discussion of Unlicensed Activity - Continued to next meeting.

5. New Business:

- A. Discussion of §N.C.G.S. 143-143-10A – Criminal History Check of Applicant for Licensure. – Continued to next meeting.
- B. Discussion of §N.C.G.S. 93B – Occupational Licensing Boards – Continued to next meeting.

Meeting adjourned.

Joseph H. Sadler, Jr., P.E.
Secretary, N.C. Manufactured Housing Board

BOARD'S DECISION
October 15, 2013

Hearings:

NCMHB vs. MHB FB3-2013 - Devin Devon Dolberry, Application for Salesperson; Motion made by Board Members Brandon Goodman and seconded by Douglas Ramsey to grant license. Motion carries.

NCMHB vs. MHB FB 4-2013 – Christopher Martin Walters, Application for Set up Contractor; Motion made by Board Members Hugh Webster and seconded by Jeff Mooring to deny license. After much discussion, Motion made by Board Members Hugh Webster and seconded by Brandon Goodman to rescind previously motion made to deny license. Motion made by Board Members Brandon Goodman and seconded by Michael Harden to issue license with stipulations;

- **Walters must take continuing education (Law and Administration) and is fined \$1000.00. Completion of Continuing Education and fine must be received within 30 days from receipt of Board Order;**
- **Issue license under a probationary period one (1) year ending on July 30, 2014. Any violation of general statutes and administrative rules, or unresolved complaints, during this probationary period will result in the revocation of the set-up contractor license. Unresolved complaints can include any consumer complaints made to the Board based on unlicensed activity by Walters prior to the date of the hearing.**
- **Walters will meet with the Board at its July 15, 2014 meeting to review activity during the probation period. Walters will be required to provide a client list and set-up information as well as transaction documents for the Board's review. The Board will determine whether the probationary period will end or if additional administrative action should be taken against Walters's license. Walters can renew license for July 1, 2013 – June 30, 2014. Motion carries.**

NCMHB vs. MHB FB 5-2013 –Cheek's Mobile Home Service; Request for Release of Cash Bond: Motion made by Board Members Jeff Mooring and seconded by Michael Harden to return cash bond. Motion carries.

BOARD'S DECISION
October 15, 2013

Hearings: - Continued

NCMHB vs. MHB FB 6-2013 – Donnie Demetrius McRae - Application for Set-up Contractor's license; Motion made by Board Members Hugh Webster and seconded by Jeff Mooring to deny license. After much discussion, Motion made by Board Members Hugh Webster and seconded by Brandon Goodman to rescind previously motion made to deny license. Motion made by Board Members Brandon Goodman and seconded by Michael Harden to issue license with stipulations:

- **McRae must take continuing education (Law and Administration) and is fined \$1000.00. Completion of Continuing Education and fine must be received within 30 days from receipt of Board Order;**
- **Issue license under a probationary period one (1) year ending on July 30, 2014. Any violation of general statutes and administrative rules, or unresolved complaints, during this probationary period will result in the revocation of the set-up contractor license. Unresolved complaints can include any consumer complaints made to the Board based on unlicensed activity by McRae prior to the date of the hearing;**
- **McRae will meet with the Board at its July 15, 2014 meeting to review activity during the probation period. McRae will be required to provide a client list and set-up information as well as transaction documents for the Board's review. The Board will determine whether the probationary period will end or if additional administrative action should be taken against McRae's license. McRae can renew license for July 1, 2013 – June 30, 2014. Motion carries.**