

**PLEASE NOTE:** The following is a brief summary of the minutes of the North Carolina Manufactured Housing Board Hearing of October 14, 2014 (The official record is recorded and maintained digitally and on CD)

**CORRECTED AMENDED MINUTES OF THE**  
**NORTH CAROLINA MANUFACTURED HOUSING BOARD**  
**October 14, 2014**

**RALEIGH, NORTH CAROLINA**

Board Member Douglas Ramsey chaired the October 14, 2014 meeting. Members of the North Carolina Manufactured Housing Board present at the meeting were: Michael Adcock, Cliff DeSpain, Brandon Goodman, Michael Harden, Tonnie Prevatte and Douglas Ramsey. Designated Chairman, Senior Deputy Commissioner of Insurance, Rick McIntyre and Board Members David Cranfield, Jeff Mooring, Nina Walker and Hugh Webster were not present. Board Staff present: Joe Sadler, Pat Walker, Karen Holden, Avis Alston, LaShawn Piquant, Staff Attorney, and Hazel Stephenson.

1. Board Member Douglas Ramsey called the meeting to order.
2. July 15, 2014 Minutes approved as written. Motion was made by Tonnie Prevatte and seconded by Michael Harden to accept the minutes. Motion carries.
3. **Hearings:**
  - A. **MHB FB 3-2014** – Ashely Lynn Stull, Application for Salesperson License. –Joe Sadler was sworn in and testified that Ms. Stull has withdrawn her application for salesperson because another salesperson has transferred to that dealership. Sadler further advised that the Staff will send a letter to YES Home Sales, LLC indicating that Ms. Stull cannot act in the capacity of salesperson and staff will be checking location for compliance. Sadler presented evidence from the Board Staff and submitted the file into evidence. Sadler was dismissed from the stand. No action was taken.
  - B. **MHB FB 4 2014** – Derek Glenn Vicks, Application for Salesperson License. Sadler advised that proper notice had not been issued to Mr. Vicks. Sadler suggested holding a conference call meeting at a later date but before November 23, 2014 due to the fact that Mr. Vicks' temporary license would expire on November 23, 2014. Board agreed with this suggestion. (?) The Board staff was directed to set up alternate hearing date for Applicant Vicks.
  - C. Contract with Hazel Stephenson --Sadler introduced Hazel Stephenson to the Board Members. He advised that she has been hired on contract with the Manufactured Building Division staff to assist with Board cases.
4. **Old Business:**
  - A. **Update of Hearing:**
    1. **MHB FB 2-2014** – Roger Whisenant dba R P M's Transport Service—Consumer James Ward (Case Number 2014-0021), filed a complaint alleging that licensee Whisenant failed to refund monies paid for the purchase of a used manufactured home. It is was determined that Whisenant is operating as a manufactured housing dealer and salesmen without being properly licensed. The Board determined that Whisenant could sell the one home purchased for Consumer

Ward in so that Mr. Ward's deposit could be refunded. Sadler advised that Whisenant has complied with the Board Order issued on August 4, 2014. Staff mailed consumer James Ward the refund of \$12,000 via certified mail on September 12, 2014. Staff received returned receipt signed by Mr. Ward on September 19, 2014 and case was closed.

2. **Discussion of §N.C.G.S. 143-143-10A** – Criminal History Check of Applicant for Licensure. Sadler advised the Board that the statute requires criminal history checks on all licensees. He further advised that criminal history checks are only being completed on salesmen and we are not fulfilling the Statute. Sadler recommended that the criminal history checks start during the next renewal period (at or around June 30, 2015) start requiring any new applicants to have criminal record check and could go back retroactive applicants for old licensees and is in limbo on how to bring into compliance. Joe defers to the Board's attorney LaShawn Piquant. Attorney Piquant advised that she has already advised Board staff that compliance could be done at renewal for all licensees. Sadler asked the Board to take into consideration whether Board staff should proceed with commencing the criminal history checks of all applicants and renewal applications at the time of renewal or commence only with new applicants Sadler expressed his concern with the criminal history checks of manufacturers, who are likely corporations per the statute would require criminal history checks for all owners, shareholders, and officers. Karen Holden, Board staff, advised that we currently receive a Biographical Affidavit for the officers listed on the application of the corporation which is usually the president, vice-president, treasurer and secretary. If there are more listed i.e. CEO, etc., we do not use them. Board Member Brandon Goodman inquired whether the determination was made that the criminal history checks would only apply to salespersons. Hazel Stephenson, former Deputy Director and Board Secretary to the Board Members provided history and context on the statute requiring criminal history checks. Attorney Piquant advised that the Board it needs to come into compliance with statutory requirements. After ongoing discussion a Motion made by Board Member Michael Harden to follow the Statute as it is currently written with the exception of the manufacturers, starting immediately for new applicants and at renewals seconded by Michael Adcock. After voting, there was not a majority and the Motion was denied. Motion made by Board Member Doug Ramsey to move forward with all new applications being checked as per the Statute and address renewals upon recommendations of the sub-committee. Motion seconded by Board Member Tonnie Prevatte. Motion carries on split vote. Board Member Tonnie Prevatte indicated that he had spoken with Brad Lovin at NCMHA and he advised that the organization would be taking this issue to the legislature seeking a change to the statutory language.
3. Discussion of §N.C.G.S. 93B – Occupational Licensing Boards – LaShawn Piquant and Joe Sadler to address the Board. – Joe advised that will move to last part of meeting.

## 5. **New Business:**

- A. **Mitchell Hunt**- Received request to address the Board – continued from July 15, 2014. Sadler advised the Board that he called Mr. Hunt and was advised by Mr. Hunt that he was working in New York and could not be at meeting. Mr. Hunt requested to address the Board at a future meeting. [Hunt was previously licensed by the Board].

- B. Floyd Burrell – Request to address the Board – No one present for Mr. Burrell.
  - C. Request and Discussion to move Board Meeting Dates. Sadler advised Board members that Chairman Rick McIntyre has a conflict with Board Hearing dates as scheduled. Motion made to move Board Hearing dates to February, May, August and November for the quarterly meeting schedule going forward. Motion by Cliff DeSpain and seconded by Board Member Michael Harden to approve the new schedule. Motion carried.
  - D. Board Training NCGS 93B- Joe Sadler and LaShawn Piquant conducted training for the Board Members per the requirements of NCGS § 93B.
6. Regular Board meeting adjournment - Motion made by Board Member Brandon Goodman to adjourn the meeting, Board member Cliff DeSpain seconded. Motion carries.

Public Portion of Meeting adjourned.

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