

PLEASE NOTE: The following is a brief summary of the minutes of the North Carolina Manufactured Housing Board meeting of January 21, 2003. (The official record is recorded and maintained on tape.)

MINUTES OF THE
NORTH CAROLINA MANUFACTURED HOUSING BOARD
JANUARY 21, 2003

RALEIGH, NORTH CAROLINA

Tim Bradley chaired the January 21, 2003 meeting. Members of the North Carolina Manufactured Housing Board present were: Linda Willey, Johnnie Robbins, Clark Crowther, J. P. Cauley, Wesley Layton and Troy Brickey. B. J. Williams was not present. Others in attendance were as follows:

Len Montgomery, Salesman
Jeanie Hudman, Consumer
Clayton & Bettie Allen, Consumers
Daniel Allen, Brother of Clayton Allen
Hilda Garrett, DOI
Lane Pethel, DOI
Jonathan Williams for Consumer, Larry Richardson
Linda Williams for Consumer, Larry Richardson
Steve Zamiara, NC Manufactured Housing Institute
Steven D. Smith, DOI
Ernest B. Tharrington, Jr., of Tharrington Mobile Home Service

1. Chairman Bradley called the meeting to order.

2. **Minutes:**

Minutes of October 15, 2002 meeting were reviewed. Motion was made and seconded to accept the minutes with no corrections.

3. **Old Business:**

A. **Update from January 21, 2003 Board Hearings:**

NCMHB vs. Better Value Homes (MHB FB18-2001) Hazel Stephenson reported that work orders had not been received from Better Value Homes. Based upon this information, Inspector Lane Pethel revisited the sites. Inspector Pethel reported to the Board that he visited the sites on January 6 and 13, 2003. Inspector Pethel advised the Board that on January 6th, repairs had not been done. On January 13th, Inspector Pethel noticed some dirt had been delivered but not placed on the sites. Hazel Stephenson advised faxed correspondence had been received from Better Value Home's Engineer on January 20, 2003. The Board advised this matter would be continued in Executive Session.

NCMHB vs Pamilco Housing, License # 6598 – (MHB FB 18-2001) Failure to Refund Money (Mary Swain) All funds were returned by Pamilco Housing. Leader Homes had also returned the money received at their sales location.

NCMHB vs American Mobile Home Movers (#3112)(MHB FB 16-2002) Request for Renewal of License with Claim paid by bond company. License was issued. Diane Miller reported that she was unable to serve the Order on Mr. Minnish. She , has tried several times to perfect delivery of the Order. It is returned by the Post Office indicating American Mobile Home Movers would not pick up this mail.

NCMHB vs Timothy Lane Parker – Application for Sales License. (MHB FB 17-2002) Hazel Stephenson advised Board that she had received a message from Mr. Parker that his car broke down. This message was left while the Board meeting was in session.. Ms. Miller advised the Board that Mr. Parker was not picking up his mail. Per Chairman Bradley, if Mr. Parker returns, we are to request a copy of towing bill.

4. **New Business:**

A. Update on Progress of Continuing Education

Pat Walker presented the Board members with updated information regarding the continuing education courses. As of January 16, 2003, six (6) salesman continuing education courses have been held, with seven (7) additional courses currently scheduled for future dates. Mr. Walker also reported that out of 2,461 licensees, 274 licensees have completed a course.

As of January 16, 2003, two (2) courses for licensed set-up contractors have been given, with three (3) additional courses currently scheduled for future dates. Mr. Walker also reported out the 533 licensed set-up contractors, 60 have completed a course. Mr. Walker provided a printout of the continuing education courses as listed on website.

5. **Hearings:**

A. NCMHB vs Arthur J. Long, Jr., License #17380 – Failure to Disclose Criminal Convictions. (MHB FB 1-2003). The purpose of this hearing was to determine if the Board would grant the issuance of a sales license to the Respondent Arthur J. Long. Jr. after failing to disclose criminal convictions. The Staff presented the case, responded to questions of the Board and introduced the file into evidence. Long was not present for the hearing. No other party was present to testify. The Board advised they would meet in Executive Session and all parties would be notified as to their decision.

- B. **NCMHB vs Frederick L. Montgomery, License #15990 – Failure to Disclose Criminal Convictions. (MHB FB 2-2003).** The purpose of this hearing was to determine if the Board would grant the issuance of a sales license to the Respondent. The Staff presented the case, responded to questions of the Board and introduced the file into evidence. Mr. Montgomery testified that information is correct. Mr. Montgomery testified that he made a mistake by not disclosing criminal conviction information and this information was omitted out of fear and embarrassment. Montgomery presented a copy of criminal record and character reference letter from his Pastor. Montgomery advised that he is not currently on probation and has not been for 12 years. The Division records indicate no complaints filed which list Montgomery as the salesperson. The Board advised they would meet in Executive Session and all parties would be notified as to their decision.

NCMHB vs. Tharrington Mobile Home Service, License #2782 (MHB FB 3-2003) - (Class) Jeanie Hudman, Case#02-0417; Bettie Allen, Case #02-527 and Larry Richardson, Case#02-0442. The purpose of this hearing was to determine if Respondent failed to comply with warranty service obligations. Staff presented the case, responded to questions of the Board and introduced the license file and case files into evidence. Hazel T. Stephenson held a Pre-Hearing Conference on November 26, 2002. Respondent was not present for the conference. In each of the cases, Tharrington Mobile Home Service received money for services to take down, move and set up manufactured homes of the complainants. Tharrington Mobile Home Services received payment for the services and yet failed to complete the services and did not refund any money to the complainants. Ms. Hudman, Mr. and Mrs. Allen and Linda and Jonathan Williams (representing Larry Richardson) all stated they had made numerous attempts to contact Tharrington and make arrangements for the repairs to be completed. These attempts failed and the repairs were not made. Mr. Richardson filed a small claims court and was awarded a judgement in the matter. The Board advised they would meet in Executive Session and all parties would be notified as to their decision.

C. Patrick Walker, P. E.
Secretary, N.C. Manufactured Housing Board

BOARD'S DECISION
JANUARY 21, 2003

Old Business:

- A. **NCMHB vs. Better Value Homes (MHB FB18-2001)** Better Value Homes has failed to comply with the Board's previous order.

Motion was made to revoke license, levy a fine of \$5000.00 and file claims against dealer's bond.

Motion carried.

Hearings:

- A. **NCMHB vs Arthur J. Long, Jr., License #17380 – Failure to Disclose Criminal Convictions. (MHB FB 1-2003).**

Motion was made and seconded revoke sales license.

Motion carried.

- B. **NCMHB vs Frederick L. Montgomer, License #15990 – Failure to Disclosed Criminal Convictions. (MHB FB 2-2003)**

Motion was made and seconded that Montgomery's license be placed on a one-year probationary status from the date of the Order.

Motion carried.

- C. **NCMHB vs. Tharrington Mobile Home Service, License #2782 (MHB FB 3-2003) - (Class) Jeanie Hudman, Case#02-0417; Bettie Allen, Case #02-527 and Larry Richardson, Case#02-0442.**

Motion was made and seconded to permanently revoke set up contractor license and file claims against the bond for actual expenses for the three cases and pursue criminal prosecution if we receive information that Tharrington continues to engage in the business as a set up contractor.

Motion carried.