

**PLEASE NOTE:** The following is a brief summary of the minutes of the North Carolina Manufactured Housing Board meeting of October 26, 2004. (The official record is recorded and maintained on tape.)

**AMENDED MINUTES OF THE**  
**NORTH CAROLINA MANUFACTURED HOUSING BOARD**  
**October 26, 2004**

**RALEIGH, NORTH CAROLINA**

Tim Bradley chaired the October 26, 2004 meeting. Members of the North Carolina Manufactured Housing Board present were: Linda Willey, Lynn Carlson, Danny Chandler, Dennis Jones, Larry Garner and Johnnie Burgess. Board Members Wesley Layton and Clark Crowther were not present. Staff present: Pat Walker, Hazel Stephenson, Karen Holden, Ellen Tyndall and LaShawn Strange, Staff Attorney. Others in attendance were as follows:

Ernest Tharrington, Sr., Set up Contractor  
John Rich, Attorney for Ernest Tharrington  
Gail Brown, NC Manufactured Housing Institute (NCMHI)  
Brad Lovin, NCMHI  
Jack Holtzman, NC Low Income Housing Coalition (LIHC)  
Alfred Ripley, NC Justice Center (NCJC)  
Chris Estes, LIHC

1. Chairman Bradley called the meeting to order.

2. **Introduction and Swearing in Of New Board Members:**

Larry Garner, new supplier representative and Johnnie Burgess, new set-up contractor representative was sworn in by Hazel Stephenson.

3. Minutes of July 20, 2004 meeting were reviewed. Motion was made and seconded to accept the minutes as written. Motion passed.

4. **Hearings**

**A. NCMHB vs. Executive Homes, LTD, License #6778,(MHB FB 3-2004) RE: Deposit Cases Class Continued.** Hazel Stephenson advised the Board that the Staff had received correspondence from Attorney Hardy Lewis advising that he will not be representing Executive Homes, LTD. Staff had also received a request to continue this case from Mr. J. D. Hurst, the new attorney representing Executive Homes. The Request for Continuation was granted and the case was continued until the January 18, 2005 Board meeting. Chairman Bradley advised this case will be held at the January Board Meeting and will not be continued again.

**B. NCMHB vs. Ernest Tharrington, Sr., Tharrington Mobile Home Services (MHB FB 5-2004) request for license.** Hazel Stephenson introduced the file into evidence. Ernest Tharrington, Sr. has submitted a complete application to be licensed as a set up contractor. Tharrington Mobile Home Movers was denied a license by the Board at the July 20, 2004 meeting. Staff received a request from Mr. Tharrington, Sr. to be

heard before the Board at this meeting. Mr. Tharrington, Sr. was represented by Attorney John Rich. Mr. Rich addressed the Board and offered clarification to Mr. Tharrington's previous testimony. Mr. Rich assured the Board that Mr. Tharrington's son would not be involved in the business. Rich requested that the Board issue a probationary license conditioned on the fact that if staff receives a valid complaint against the license it would subject automatic revocation action by the Board. Mr. Tharrington, Sr. was sworn in and responded to questions of the Board concerning his plans to operate. The Board advised they would meet in Executive Session and all parties would be notified as to their decision.

5. **Old Business:**

A. **Update of Legislative Activity**

a. **Late Licensing Fee**

Pat Walker reported the proposed changes to the General Statute was approved at the April 20, 2004 Board Meeting. These changes have been forwarded to DOI Attorney Frank Folger for his action. Legislature will return to session in January 2005. This proposed change will be presented to the legislature for action.

b. **Removal of Supplemental Dealer License Designation**

Pat Walker reported the proposed changes to the General Statute was approved at the April 20, 2004 Board Meeting. These changes have been forwarded to DOI Attorney Frank Folger for his action. Legislature will return to session in January 2005. This proposed change will be presented to the legislature for action.

B. **Update of Rules Activity**

a. **Criminal Record History Check**

The criminal history check fee has been established at \$55.00. Final version of this change was presented to the Board at the April 20, 2004 Board Meeting. Submission of rules are on hold pending completion of other rules being considered.

b. **Misc. Address Changes**

Pat Walker reported submission of these rule changes are on hold pending completion of other rules being considered.

c. **Consumer Deposit Rules**

The Chairman advised the Board is faced with 2 charges: completing a rule on time and the rule must meet legislative requirement. There is strong opinion that the rule passed by the Board does not meet the legislative requirement of the statutes. NCMHI and LIHC have both made presentations to the Board with their proposals for the rule. ~~The Chairman established a new consumer deposit committee to try to reach a resolution between all parties. A report of the committee meetings is to be presented to the Board at the January Board meeting.~~ The Chairman scheduled a full Board work Session to be held on November 5, 2004 to work on the development of the consumer deposit rules.

6. **New Business**

**Amended Minutes of October 26, 2004 Manufactured Housing Board Meeting**

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**A. Lawsuit filed by NC Justice Center against MHB**

Chairman Bradley requested LaShawn Strange, Board Attorney give the Board an update regarding the Petition for Review filed by the NCJC. Ms. Strange explained the legal procedures to be followed and explained the role of the

Board in this procedure. Questions were asked by the Board Members and Ms. Strange responded to all questions.

**B. Pre-Hearing Conference Report** – Hazel Stephenson gave report on Pre-Hearing Conferences held during the past quarter to Board. A copy of the PHC report was provided to the Board members in their package.

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

BOARD'S DECISION  
October 26, 2004

Hearings:

- A. NCMHB vs. Executive Homes, LTD, License #6778,(MHB FB 3-2004) RE: Deposit Cases Class Continued until January 18, 2005.
- B. NCMHB vs. Ernest Tharrington, Sr., Tharrington Mobile Home Services (MHB FB 4-2004) request for license.

Motion was made to issue probationary license with stipulation to return to Board immediately upon receipt of complaint.

Motion carried.