

PLEASE NOTE: The following is a brief summary of the minutes of the North Carolina Manufactured Housing Board Hearing of July 31, 2012 (The official record is recorded and maintained on CD)

MINUTES OF THE
NORTH CAROLINA MANUFACTURED HOUSING BOARD
July 31, 2012

RALEIGH, NORTH CAROLINA

Tim Bradley chaired the July 31, 2012 meeting. Members of the North Carolina Manufactured Housing Board present: Wayne Carpenter, Michael Harden, Brandon Goodman, David Canfield, Dell Everett, Michael Perkins, Tonnie Prevatte and Jeff Mooring. Board Member Cliff DeSpain was not present. Staff present: Chairman Tim Bradley, Joe Sadler, Pat Walker, Karen Holden, Ellen Tyndall, Steve Smith and LaShawn Piquant, Staff Attorney. Others in attendance were as follows:

S. J. Hightower, NC Department Of Justice
Deborah Ahlman, NC Department Of Justice
Emma Smiley, NC Department Of Justice
Bradley McMillian, Dealer
Bob Crawford, Attorney for Respondent
Sherry McMillian, Wife of Bradley McMillan
Frederick Metze
Pierre Davis, Husband of Consumer
Belinda Freeman, Consumer
James Freeman, Witness for Consumer
Jamie Lynn Clark
Reginald Franklin for Consumer Elizabeth Pinch

- 1 Chairman Tim Bradley called the meeting to order.
2. Hearing:
 - A. MHB FB 1-2012 – McMillian Properties, LLC, License #45079 – Continued from July 17, 2012 Meeting at the request of Mr. Bob Crawford, Mr. McMillian's Attorney, due to the accident of Mr. McMillian's father. Mr. Crawford addressed the Board in order to save the Board time to present Board with Motion of Proposed Consent Agreement. Dealer is prepared to offer to resolve this matter by entering into agreement for suspension of his license retroactive to June 14, 2012 from the date of the Attorney General's office Temporary Restraining Order. The suspension will be indefinite and be conditioned upon completing whatever necessary educational training etc. that the Board might feel appropriate and upon satisfactory resolution, dismissal or settlement or finalization of the pending Consumer Protection Action brought by the Attorney General's Office and condition upon his satisfactory completing whatever other normal application requirements there are for licensure. Mr. Crawford also added that the civil penalty would not help the consumer because the penalties go to the Fund and not to the Board. Chairman Bradley suggested that Board go into closed session to discuss proposed consent agreement. Board Member Brandon Goodman motioned to go into closed session and Board Member David Cranfield seconded, motion carried. Mr. Crawford advised that his client feels that Board Member Prevatte is a Robeson County

dealer in the area and feels that he could be a potential conflict of interest of Mr. Prevatte's participation in this case.

Board adjourned into closed session.

Board reconvened. Chairman Bradley advised that the Board heard the Consent Agreement in closed session and the two attorneys worked out the variations of what the Board thought was appropriate and what the defendant thought was appropriate and has reached a conclusion. Chairman Bradley asked LaShawn to read the consent for the record as follows:

1. The Parties agree stipulate to the allegations as set out in the Notice of Hearing is true with the exception of Paragraphs 7 & 8.
2. As to Paragraphs 7 & 8, the Board staff contends that it has sufficient evidence to substantiate allegations of unfair and deceptive trade practices pursuant to applicable NCGS 143-143.21A.
3. The Parties agree to continue the suspension of McMillian's dealer license until such time as all consumer complaints set out in the Amended Notice of Hearing have been resolved to the satisfaction of the consumers or as mediated by Board Staff.
4. The Parties agree that resolution of all complaints will occur on or before October 12, 2012.
5. The Parties agree that McMillian shall provide the Board with notice of any settlements to the Board with substantiating documentation.
6. The Parties agree that McMillian cannot reapply for licensure until such time as consumer complaints referenced in Amended Notice of Hearing have been resolved or mediated by Board Staff.

7. Board agrees to an exemption to licensure for the set up of manufactured homes for McMillian as to the following consumers:

Beathea, Phillip
Pinch, Elizabeth
Hammonds, Winford
Jones, Timothy Lee
King, Tasha
Robinson, Lavern
Caudler, James
Andrade-Govea, Ricardo
Borca, Baltezar
Castro, Lorena
McNiell, Monica

8. All current employees of Licensee's dealership must appear before the Board prior to any future licenses being issued.
9. Parties agree that a civil penalty in the amount of \$500.00 per violation per consumer will be assessed in the event that Licensee fails to resolve all outstanding referenced complaints by October 12, 2012 not to exceed \$9000.00.
10. Board reserves the right to take any such action as to any future outstanding complaints not referenced in the Amended Notice of Hearing as provided by applicable rules and statutes.

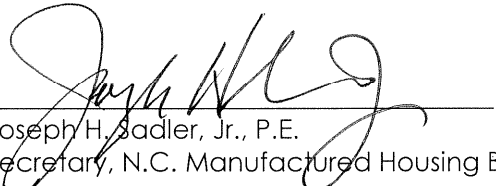
Chairman Bradley advised that a draft in the form of "Memorandum of Understanding" for all parties signature will be done today, then the formal Consent Agreement to be signed within the next day or soon thereafter.

Motion made to approve Consent Agreement by Board Members David Cranfield and seconded by Board Member Jeff Mooring. Motion carries.

Chairman Bradley open floor for any questions and/or comments from consumers. The Board responded and answered questions from the consumers.

Motion to adjourned by Board Member Tonnie Prevatte and seconded by Board Member David Cranfield. Motion carries.

Meeting adjourned.



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

BOARD'S DECISION
July 31, 2012

Hearings:

NCMHB vs. McMillian Properties, LLC, License #45079, MHB FB 2-2012:

The Parties agree that resolution of all complaints will occur on or before October 12, 2012 as outlined the Consent Agreement. Motion made to approve Consent Agreement between the Board and Respondent by Board Members David Cranfield and seconded by Board Member Jeff Mooring.

Motion carries.