

PLEASE NOTE: The following is a brief summary of the minutes of the North Carolina Manufactured Housing Board Hearing of July 15, 2014 (The official record is recorded and maintained digitally and on CD)

MINUTES OF THE
NORTH CAROLINA MANUFACTURED HOUSING BOARD
July 15, 2014
RALEIGH, NORTH CAROLINA

Board Member Michael Harden served as designated chairman for the July 15, 2014 meeting. Members of the North Carolina Manufactured Housing Board present at the meeting were: Tonnie Prevatte, Douglas Ramsey, Nina Walker, David Cranfield, Jeff Mooring and Hugh Webster. Designated Chairman, Senior Deputy Commissioner of Insurance, Rick McIntyre and Board Members, Michael Adcock, Brandon Goodman, Cliff DeSpain were not present: Staff present: Joe Sadler, Pat Walker, Karen Holden, Steve Smith, Staff Field Inspector and LaShawn Piquant, Staff Attorney. Others in attendance were as follows: Roger Whisenant with Roger Whisenant dba RPM's Transport Service, Terry Whisenant, brother of Respondent, James Ward, Consumer, Robert W. Ward, brother of consumer, Donnie McRae with Donnie's Mobile Home Service and Corinthian Bullard with Donnie's Mobile Home Service.

1. Board Member Michael Harden called the meeting to order.
2. Board Member Doug Ramsey brought to Board's attention, on last page of April 15, 2014 Minutes under Board's Decision NCMHB vs. MHB FB 1 2014 P & L Land and Home Investments, LLC, to change to word from "response" to "requests" in the fifth line down, beginning with the word . . **into dealer's file with stipulation to respond to all response.** . . Motion was made by Tonnie Prevatte and seconded by Doug Ramsey to accept the minutes with corrections. Motion carried.
3. Hearings:
 - A. MHB FB 2-2014 – Roger Whisenant dba R P M's Transport Service, operating as a manufactured housing dealer and salesman without being properly licensed. Consumer: James Ward, Case #2014-0021. Joe Sadler was sworn in, presented evidence to the Board and submitted the file into evidence. Mr. Sadler testified that the basis for this hearing was a complaint filed by Mr. James Ward. Mr. Ward paid Mr. Whisenant \$12,000 cash for a manufactured home that he did not receive and Mr. Whisenant failed to return the monies to Mr. Ward. Mr. Ward was sworn in and testified that he had done business with Mr. Whisenant before. He knew Mr. Whisenant had connections to find homes. Mr. Ward testified that he did give Mr. Whisenant \$12,000 without looking at the home. Mr. Ward testified that Mr. Whisenant told him about a home located in South Carolina. Mr. Whisenant used the back of his business card as a receipt. The description of the home as listed on the card was a 1998 Bellcrest double wide in "as is" condition. The home in South Carolina that Mr. Whisenant purchased for Mr. Ward was a 2000 Fleetwood. Mr. Ward testified that after seeing the 2000 Fleetwood home in South Carolina, he demanded a refund back from Mr. Whisenant. Mr. Whisenant failed to return the monies. Mr. Ward responded to questions from the Board. Mr. Ward was dismissed from the stand. Mr. Roger Whisenant was called and sworn in. Mr. Whisenant

testified that he purchased the 2000 Fleetwood manufactured home for Ward. He produced the title for the 2000 Fleetwood to be transferred to Ward. Whisenant stated that Ward had second thoughts after seeing the 2000 Fleetwood home. Whisenant admitted that he accepted \$12,000 from Ward and provided him with his business card as a receipt. He admitted that he did not provide a purchase agreement or bill of sale for the transaction with Ward. Whisenant admitted to purchasing and selling used manufactured homes and stated he was unaware of the statutory prohibition of selling more than three manufactured homes in a 12 month period for unlicensed persons. Whisenant testified and responded to questions from the Board. Whisenant was dismissed from the stand.

- B. MHB FB 3-2014 – Ashely Lynn Stull, Application for Salesperson License – Ms. Stull did not appear for hearing after receiving proper notice of hearing. Joe Sadler, presented evidence from the Board Staff and submitted the file into evidence. Mr. Sadler was dismissed from the stand. Motion was made by Board Member Tonnie Prevatte and seconded by Board Member David Cranfield that no be action taken and this matter be continued to the next Board meeting. Motion carries.

4. Old Business:

- A. Discussion of Unlicensed Activity – Sadler advised that we normally receive notification of unlicensed activities from affected consumers, other dealers, inspection departments and from our field inspectors. Upon receipt of the notification, contact is made with the unlicensed person or company and an investigation is initiated.

Manufactured Building is utilizing the assistance of the CID Division within the Department of Insurance with some of these investigations. We have also received assistance from CID with a case to insure a safe environment to proceed with our inspection and investigation.

The Manufactured Housing Board does not have By-Laws governing the operation of the Board. Sadler has prepared a By-Laws draft for the Board members to review and offer their input. The Board will meet on the afternoons of the meeting dates or hold discussions via phone conferences.

B. Update of Hearing:

1. MHB FB 01-2012 – McMillian Properties, LLC – Update – Sadler handed out list provided by Attorney General's office of claims paid from the licensee bond monies by the Attorney General's office. Sadler advised that Mr. McMillian is out on bond and trial is scheduled for July 29, 2014.
2. MHB FB 6-2013 – Donnie Demetrius McRae – Sadler advised the Board that Mr. McRae has complied with the Order issued on November 12, 2013. Mr. McRae was sworn in and entered into evidence the list requested by the Board. Mr. McRae was commended on his attitude in complying with Order issued. Mr. McRae was dismissed from stand.
3. Discussion of §N.C.G.S. 143-143-10A – Criminal History Check of Applicant for Licensure. – LaShawn Piquant to report information from Division of Motor Vehicles on

their licensing criminal history of corporations. Piquant advised Division of Motor Vehicles does not have any statutory requirement for criminal history check.

4. Discussion of §N.C.G.S. 93B – Occupational Licensing Boards – LaShawn Piquant to address the Board. – Continue to October, 2014 Board meeting, working lunch meeting.
5. New Business:
 - A. Update of 2014-2015 Renewals – Sadler advised that renewals were completed and gave report of number of licenses renewed and number of licenses that have failed to renew. Karen Holden reported that all licensees that have failed to renew licenses will be inactivated and they will receive letters advising their licenses have expired. List of all expired licensees will be sent to all inspection departments and Division of Motor Vehicles.
 - B. Mitchell Hunt's request to address the Board – Staff received email from Mr. Hunt on morning of today's Hearing advising unable to come to meeting due to death in the family and requested to appear at the October, 2014 meeting.

Motion made by Board Member Michael Harden to close session and second 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 15, 2014

Hearings:

NCMHB vs. MHB FB 2-2014 - Roger Whisenant dba R P M's Transport Service; Motion made by Board Member Tonnie Prevatte and seconded by Board Member Michael Harden that Mr. Whisenant shall return the \$12,000 received from Consumer Ward for the purchase of a manufactured home within 60 days from the date of the receipt of this Order. Mr. Whisenant shall submit the refund by certified bank check to the Board's office. Mr. Whisenant shall have limited permission from this Board to sell the 2000 Fleetwood manufactured home for the purpose of refunding monies to Consumer Ward. Mr. Whisenant should be prepared to provide documentation of this sale to the Board upon request. Failure to return the monies received from Consumer Ward will result in the Board's revocation of Whisenant's set-up contractor's license and to appear in October, 2014 meeting. Motion carries.

NCMHB vs. MHB FB 3-2014 – Ashely Lynn Stull, Application for Salesperson License – Continued to October, 2014. Motion made by Board Member Tonnie Prevatte and seconded by Board Member David Cranfield. Motion carries.

NCMHB vs. MHB FB 6-2013 – Donnie Demetrius McRae – Motion made by Board Member Jeff Mooring and seconded by Board Member Doug Ramsey to remove the probation stipulation currently on Mr. McRae's license. Motion carries.

Motion made to adjourn meeting by Board Member Michael Harden and seconded by Tonnie Prevatte. Motion carries.