

MINUTES
South Carolina Manufactured Housing Board
Board Meeting
December 10, 2019 at 10:00 a.m.
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 108, Columbia, South Carolina

Meeting Called to Order

Randall A. Altman, Chairman called the meeting to order at 10:00 a.m. Other members attending the meeting included: Richard L. Bagwell, Dorothy W. Edwards, Wayne E. Iseman, W. Marion Moore, Arthur M. Newton, David A. Randall, Adam Reese.

Staff members present included: Molly Price, Administrator; Crystal Varn, Program Assistant; Hardwick Stuart, Office of Advice Counsel; Todd Bond, Chief Investigator; Kyle Tennis, Office of Disciplinary Counsel and Gwyn Morris, Investigator.

Members of the public attending the meeting included: Con Eargle, South Carolina Manufactured Housing Academy; Bruce Kelly, South Carolina Manufactured Housing Academy; Michael Lee, Manufactured Housing Institute of South Carolina; Michael N. Levy; BeBe Levy; Alan Scruggs and Donald L. Whiteley, Jr., Huseby Court Reporting Agency.

Statement of Pubic Notice

Mr. Randall announced that public notice of this meeting was properly posted at the South Carolina Manufactured Housing Board's office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Introduction of Board Members and Others

Molly Price, new administrator, and board members introduced themselves.

Approval of Agenda

MOTION

A motion was made and seconded to approve the December 10, 2019 Agenda.
Randall/Moore/approved.

Approval of Excused Absence

MOTION

A motion was made and seconded to excuse the absence of Patrick Smith.
Newton/Randall/approved.

Approval of Meeting Minutes – June 11, 2019

MOTION

A motion was made and seconded to approve the June 11, 2019 minutes as published.
Randall/Edwards/approved.

Board Chairman's Remarks

Mr. Altman presented Mr. Michael N. Levy with a plaque for his dedication and service as a Board member. Mr. Levy has been a member since August 1, 1999. His last meeting on the Board was June 11, 2019.

Staff Reports

a. Administrator's Report – Molly Price

Ms. Price announced that there is now a vacancy on the Board since Mr. Levy is no longer with us. She asked the members to refer individuals that meet statute requirements to be a full-time member of Fire Service, submit their name(s) to the Governor's Office. Ms. Price attended HUD training in September 2019 in Mobile, Alabama. Our HUD audit is scheduled for January 14, 2020. Ms. Price presented the members with the Cash Balance Report, Number of Active Licensee Report and the Number of Applicants and Completed Inspections Report. She also reminded the members that the Statement of Economic Interest is due March 30, 2020. The 2020-2022 license renewals will open the first week of April. Ms. Price also informed the Board that Bruce Kelly and Con Eargle will retire the beginning of 2020. Ms. Price is working with Mark Dillard, Manufactured Housing Institute of South Carolina to help transition where the school will go. We hope to have new course approval for new instructors by the next meeting. The next Board meeting is scheduled for Tuesday, March 3, 2020.

b. Office of Investigations and Enforcement – Todd Bond

Mr. Bond announced that there was a total of 84 complaints this year. 31 active investigations and 76 closed cases.

Investigative Review Committee (IRC) Report – Todd Bond

Mr. Bond announced that the IRC met November 6, 2019. 33 cases are recommended for dismissal, 4 for formal complaints, two for citation, three for Letter of Caution and 1 to be forwarded to the LC for violation of previous order.

MOTION

A motion was made and seconded to accept the IRC Report as presented.
Moore/Randall/approved.

c. Office of Disciplinary Counsel Report – Kyle Tennis

Mr. Tennis reported that there are 7 open cases, 1 pending review, 1 to come down from IRC Report and 2 ALC cases.

Disciplinary Hearings

Case Nos. 2018-5 and 2018-35

The purpose of this Hearing was to present the Memorandum of Agreement (MOA) that Legacy Housing, LTD and the State have entered into. Mr. Tomany is representing Legacy Housing, LTD, the Respondent, by telephone. Legacy Housing, LTD has admitted to the facts and violations presented in the MOA.

MOTION

A motion was made and seconded to go into executive session for legal advice.
Randall/Moore/approved.

MOTION

A motion was made and seconded to come out of executive session.
Newton/Bagwell/approved.

MOTION

A motion was made and seconded that Respondent be fined of \$2,500 for two violations in Case 1 and \$2,500 for two violations in Case 2. The fine is to be paid within 60 days of the receipt of the

notice. Also, Mr. Tomany has to work with Mr. Tennis and the South Carolina Manufactured Housing Board to get signed-off customer satisfaction of these complaints and State inspection be done and reported back to the Board at the next meeting.

Randall/Iseman/approved.

Case No. 2018-95

The purpose of this Compliance Hearing is to determine whether the Respondent should have a disciplinary action take against his or her or its license. Respondent Ami Tilva, King's Mobile Homes, LLC was present and willingly without counsel. Testimony was presented to the Board.

MOTION

A motion was made and seconded to go into executive session for legal advice.

Randall/Moore/approved.

MOTION

A motion was made and seconded to come out of executive session.

Randall/Moore/approved.

MOTION

A motion was made that King's Mobile Homes was duly notified and that the fines are due and that King's Mobile Homes' license be suspended unless the fines are paid by certified check by close of business, Thursday, December 12, 2019.

Iseman/Moore/approved.

New Business

a. Purchase Agreement/Form 500

Discussion was led by Molly Price who is seeking clarity on the Form 500. Nothing was found where the Board had discussed the Form 500 since 2001. At that time there is nothing in writing that says this was delegated. Statute 40-29-320 says, "Purchase agreements used by retail dealers for the sale of new or used manufactured homes must be standard in auto form prescribe by the Board." Molly would like to know if the Board was okay with the Form 500 to be a standard form that comes from the Board. Further discussion is needed in this matter.

MOTION

A motion was made and not voted on that the Chair appoint a committee to work together.

Not approved.

MOTION

A motion was amended and not voted on that a task force be formed, chaired by Richard Bagwell with at least three more members of the board and at least three members from the industry to serve on the task force in conjunction with Molly and Wick.

Not approved.

MOTION

A motion was amended and approved that Mr. Bagwell serve as the chairman of the Committee and Mr. Moore serve as the members from this Board on the task force and appoint three members from the Association, with Wick, Molly and Mr. Dillard being advisers and consultants to the task force and the task force would report back to the entire Board.

Randall/Iseman/approved.

Public Comments

NONE

Executive Session

Included in Motions

Return to Public Session

Adjournment

MOTION

A motion was made and approved to adjourn today's meeting at 12:41 p.m.

Iseman/Newton/approved