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FEMA contractor fined, four others reprimanded for illegal flood work

CHARLESTON -- A federal contractor was fined and four subcontractors were reprimanded Thursday for illegally working on emergency manufactured homes in West Virginia.

The contractor, CH2M Hill Constructors, Inc., of Englewood, CO., denied the allegations by the West Virginia Manufactured Housing Construction and Safety Standards Board that led to fines of \$400 on Federal Emergency Management Agency housing projects in the Mountain State.

The State Board cited the companies for installing FEMA manufactured housing in Mingo County following flooding and mudslides during a declared emergency on May 15 and before they had obtained state licenses to work on the homes.

Each of the companies is now licensed with the state. The board Thursday was reviewing cease and desist orders that were levied before the licenses were obtained.

Manufactured housing section chief Mitch Woodrum said CH2M Hill acted as the general contractor at two locations and was fined because it had been warned earlier it needed to obtain the proper licensing and did not do so.

But attorney Carl Fletcher, representing the company, said the fines should be nullified because his company was not a contractor. "We act in FEMA's stead" in a number of different states in dealing with emergencies, he argued. "We carry out task orders for FEMA," he said. "If you read the statute, we are not a contractor."

"We were under the impression no licensing was necessary" because the company was involved in the installation of temporary, emergency housing units, Fletcher said.

He said the company faced similar attempts to force it to obtain licensing in California, Minnesota and Arkansas and was not required to.

He also said the company did not seek a license because it was told by a State Board representative by telephone it did not need a license. Furthermore, he said the board had cited the wrong company. He said it cited CH2M Hill EC, Inc.

Labor Commissioner David Mullins said CH2M was given sufficient notice to come into compliance before it was fined. When that did not happen, a second cease and desist order was issued by the state. He said the company was "kind of like ignoring the board's wishes."

Board member Jack Albert said the situation was "kind of unique" since the case involved a federal agency and an emergency situation.

As a result, board member Sam Bonasso of Fairmont suggested the original fine of \$1,200 be reduced to \$400. The board adopted his motion.

Reprimands also were issued on cease and desist orders given to subcontractors Timberland Homes; Robinson & Sons Plumbing HTG, Inc.; D&E General Contracting LLC; and H&L Construction of Lexington, TN. Addresses for the others were not given.

In other action, the board issued a dealer's license to Double T Homes Inc. of Berkeley Springs, doing business as Canyon River Log Cabins. It issued contractor licenses to Young Enterprises of Lovely, KY; TNT Mobile Home Sets of West Hamlin; and Southern Ohio Mobile Home Setup of Waverly, OH.

Cease and desist orders were upheld against Double T and five others for selling without a license manufactured houses in West Virginia.

Twelve other firms were fined for various violations and 14 more were cited for failing to file proper quarterly reports.