

Exhibit No.:
Issue(s): *Installation and*
Inspection
Requirements
Witness: *David Freeman*
Sponsoring Party: *MoPSC Staff*
Type of Exhibit: *Surrebuttal Testimony*
Case No.: *MC-2020-0135*
Date Testimony Prepared: *May 1, 2020*

MISSOURI PUBLIC SERVICE COMMISSION
INDUSTRY ANALYSIS DIVISION
MANUFACTURED HOUSING DEPARTMENT

SURREBUTTAL TESTIMONY
OF
DAVID FREEMAN

CHARLES W. BRUNE and ANNA G. BRUNE
d/b/a BRUNE MOBILE SALES

CASE NO. MC-2020-0135

Jefferson City, Missouri
May 2020

1 I enforce the federal installation standards for manufactured homes and the state regulations and
2 statutes related to manufactured and modular housing. I am a member of the Missouri Association
3 of Code Administrators, and served on their board as Sergeant of Arms.

4 Q. Have you previously testified before the Commission?

5 A. No, this is my first time testifying before the Commission.

6 **EXECUTIVE SUMMARY**

7 Q. Please summarize your Surrebuttal Testimony?

8 A. The purpose of my testimony is to respond to allegations raised by Mr. Charles
9 Brune in his rebuttal testimony filed on April 17, 2020.

10 Q. Beginning on page 4, line 10, Mr. Brune states:

11 Freeman's credibility on these deficiencies is suspect at best. His work
12 throughout the process was sloppy. He came to my office twice to pull
13 documents and make copies because he had either lost the first copies or
14 failed to copy all of the correct documents. Several of the dates Freeman
15 claimed to have inspected or re-inspected homes were later determined to
16 be wrong and had to be corrected. Furthermore, he claims to have entered
17 into James Armstrong's home on July 24, 2018, September 18, 2018, and
18 January 14, 2019, to perform re-inspections. However, Mr. Armstrong, who
19 went by "Mike," died on June 23, 2018. Mr. Smith was notified of his
20 passing by a facsimile I sent on October 4, 2018. Armstrong was a widow
21 and the home was unoccupied, so it would have been impossible for
22 Freeman to enter into the home on these dates to re-inspect it. The home
23 was foreclosed upon on January 18, 2019, so his last purported re-inspection
24 would have even taken place four days before the foreclosure sale in an
25 unoccupied home!

26 How do you respond?

27 A. After his death, James Armstrong's daughter, Ashland Armstrong, gave me
28 permission to enter the property and inspect what I could.

1 Q. Beginning on page 4, line 22, Mr. Brune states:

2 I have only been able to gain access to one of the homes, the Kasten home,
3 to inspect it myself and verify the accuracy of Freeman's report. I was able
4 to get into the home on December 9, 2019 and take photographs. The floor
5 on the marriage line was not uneven as Freeman claimed, and there was a
6 dryer vent installed outside of the block foundation, when he had claimed
7 there was not. I also noted that Freeman had neglected to report that the
8 electric box installed by Ameren UE was on the exterior wall of the home,
9 when it is required to be five feet away from the home.

10 Another example of Freeman's slipshod work was that one of his initial
11 reports on the Thomas home was that it was installed on dirt! This was false,
12 as his later corrected reports reflect that it was installed on a concrete slab.

13 I would also point out that Freeman did these inspections several months
14 and in some cases years after installation. To my knowledge he did not
15 verify whether the homeowners had made any changes to the homes either
16 themselves or by third parties which could account for any alleged
17 deficiencies. Without knowing this Freeman cannot with certainty claim
18 any of the homes were improperly installed.

19 How do you respond?

20 A. Please see my discussion below of each issue Mr. Brune raised.

21 **a. Marriage Line/Dryer Vent**

22 At the time of my last inspection of the Kasten home on 1/14/19 the floor at the
23 marriage line between the two halves was not even, and the dryer vent had not been installed.
24 It may have been corrected between my last inspection and the time Mr. Brune inspected it in
25 December of 2019.

26 **b. Electric Box**

27 The 2014 National Electric Code ("NEC") and the manufacturer's installation instructions
28 both allow electric boxes to be installed on a manufactured home. The 2014 NEC was in effect
29 when these homes were installed.

Section 550.32 (A) of the NEC, titled “Mobile Homes Service Equipment” states:

(A) The mobile home service equipment shall be located adjacent to the mobile home and not mounted in or on the mobile home. The service equipment shall be located in sight from and not more than 9.0m (30ft) from the exterior wall of the mobile home it serves. The service equipment shall be permitted to be located elsewhere on the premises, provided that a disconnecting means suitable for use as service equipment is located within sight from and not more than 9.0m (30ft) from the exterior wall of the mobile home it serves and is rated not less than that required for the service equipment in accordance with 550.32(C). Grounding at the disconnecting means shall be in accordance with 250.32.

Section 550.32(B) of this section allows an electric box to be installed on a manufactured home if certain conditions are met:

(B) The manufactured home service equipment shall be permitted to be installed in or on a manufactured home, provided that all of the following conditions are met:

- (1) The manufacturer shall include in its written installation instructions information indicating that the home shall be secured in place by an anchoring system or installed on and secured to a permanent foundation.
- (2) The installation of the service shall comply with Part I through part VII of Article 230
- (3) Means shall be provided for the connection of a grounding electrode conductor to the service equipment and routing it outside the structure.
- (4) Bonding and grounding of the service shall be in accordance with Part I through Part V of Articles 250
- (5) The manufacturer shall include in its written installation instructions one method of grounding the service equipment at this installation site. The instructions shall clearly state that the other methods of grounding are found in Article 250
- (6) The minimum size grounding electrode conductor shall be specified in the instructions.
- (7) A red warning label shall be mounted on or adjacent to the service equipment. The label shall state the following:

Where the service equipment is not installed in or on the unit, the installation shall comply with the other provisions of this section.

1 The NEC defines service equipment as is as “[t]he necessary equipment usually consisting
2 of a circuitbreaker(s) or switch(es) and fuse(s) and their accessories, connected the load end of the
3 service conductors to a building or other structure, or an otherwise designated area, and intended
4 to constitute the main control and cutoff of the supply.” This definition includes the electric box.

5 The home was manufactured by TRU. The manufacturer states in its installation manual
6 that it is allowable for the electric box to be installed on an exterior wall:

7 **STEP 1. CONNECT ELECTRICAL SERVICE**

8 The home is designed for connection to an electrical wiring system rated at
9 120/240 volt AC. Service connection requirements depend on whether the
10 meter will be in-stalled on a post or pole or mounted on the home more than
11 6 feet from the circuit breaker panel. It is recommended that this connection
12 be performed by a licensed electrician.

13 **c. Dirt/concrete slab**

14 It is not clear where Mr. Brune gets this information. After reviewing all of the inspection
15 reports for the Thomas home there is nothing in any of the reports that says the home was installed
16 on dirt.

17 **d. Timing of inspections**

18 On the very first dealer lot inspection I entered into the computer the wrong date. I entered
19 2-6-17 when it should have read 2-6-18. I know this because the file number is 18-000081. The
20 18 means the year the report was generated and the 000081 is the dealer lot investigation. The
21 date on the generated report at the bottom shows 2-6-18. During this inspection it was determined
22 that 5 homes had been sold and installed without being properly reported. Once I was aware that
23 these homes were not installed by a licensed installer I contacted my supervisor, Mr. Justin Smith,
24 who instructed me to inspect each home. Mr. Smith is also filing surrebuttal testimony responding
25 to additional statements by Mr. Brune.

1 Q. Beginning on page 5, line 13, Mr. Brune states:

2 Finally, Freeman engaged in behavior outside the scope of his job
3 responsibilities which was very unprofessional, and questions his motives
4 and credibility in all this. For example, he advised Elizabeth Schemel to not
5 pay me the remaining balance on her home, and she did not. To date, she
6 still owes me \$2,822.34 because of Freeman's "advice." I reported this to
7 Mr. Smith, and Freeman's response was "all buyers are liars." On other
8 occasions, he falsely claimed to several of my customers that he was going
9 to take my license and put me out of business. Freeman also went so far as
10 to contact First State Community Bank, the mortgage lender foreclosing
11 on the Armstrong home, that the bank could not sell the home because of
12 the alleged deficiencies and told a potential buyer that the bank could not
13 legally sell the home. On the Kasten home, he interfered with the
14 manufacturer repairing a defect in the floor because he apparently wanted
15 to put responsibility for repairing the defect on me, when the manufacturer
16 had accepted responsibility and was going to repair it. All of this behavior
17 suggests to me that Freeman wanted to drive me out of business for
18 personal reasons, and that this undermines the credibility of the deficiencies
19 he claims.

20 How do you respond?

21 A. Following is my response to each claim.

22 **a. Schemel/Fox home**

23 I do not recall telling Elizabeth Schemel and/or Debbie Fox not to pay Mr. Brune, nor do
24 I recall saying "all buyers are liars". I did say that there is a possibility that Brune Mobile Homes
25 might lose their license and not be able to sell homes if the deficiencies were not corrected by a
26 Missouri Licensed Installer.

27 **b. First Community Bank**

28 After conferring with my Supervisor, Justin Smith, I contacted the bank (do not remember
29 who I spoke with) about the open site inspection and the deficiencies the State of Missouri found
30 on the James Armstrong home and/or Allen and Lori Kasten homes. I do not recall telling anyone

1 at First State Community Bank that they could not sell the home, nor do I recall telling a potential
2 buyer that First State Community Bank could not legally sell the home.

3 **c. Kasten Home**

4 I note that the deficiencies identified are not “my” deficiencies. Identified deficiencies are
5 based on the State of Missouri, Public Service Commission, Manufactured Housing and Modular
6 Units Program (“Program”) regulations and requirements. Part of the Program’s requirements are
7 to list all set-up deficiencies and have then corrected in a timely manner. All of the deficiencies
8 listed are based on the manufacturer’s installation instructions and the Federal Minimum
9 Installation Standards.

10 Q. Does this conclude your testimony?

11 A. Yes it does.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

The Manager of the Manufactured Homes)	
and Modular Units Program of the Missouri)	
Public Service Commission,)	Case No. MC-2020-0135
)	
Complainant)	
v.)	
)	
Charles W. Brune and Anna G. Brune)	
d/b/a Brune Mobile Sales,)	
)	
Respondents.)	

AFFIDAVIT OF DAVID FREEMAN

STATE OF MISSOURI)	
)	ss.
COUNTY OF COLE)	

COME NOW David Freeman and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing Surrebuttal testimony; and that the same is true and correct according to his best knowledge and belief, under penalty of perjury.

Further the Affiants sayeth not.

/s/ David Freeman
David Freeman