

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 21st day
of July, 2005.

Director of the Manufactured Housing and
Modular Units Program of the Public Service
Commission,

Complainant,

v.

America's Home Brokers, Inc.,

Respondent.

Case No. MC-2005-0028

ORDER APPROVING STIPULATED AGREEMENT

Issue Date: July 21, 2005

Effective Date: July 31, 2005

Background

On July 22, 2004, the Director of the Manufactured Housing and Modular Units Program of the Missouri Public Service Commission filed a complaint against America's Home Brokers, Inc. The Director alleged that on several occasions America's Home did not receive a valid waiver of setup responsibilities as part of purchase agreements with customers. Upon inspection, the Director found deficiencies in four homes. Although directed to do so, the company had not corrected the deficiencies at the time the Director filed this complaint.

The Director also noted that America's Home is not registered as a manufactured home dealer. Therefore, red tags prohibiting the sale of the company's inventory were

placed on the homes on the company's lot. Upon return visits, the Director noted that many of the homes that were red tagged were missing. The company was instructed to provide proper sales invoices for the missing homes and to attempt to register as a manufactured home dealer. As of the date of the complaint, the company had done neither.

On March 2, 2005, the Commission held an evidentiary hearing in this matter. With regard to all of the violations, America's Home maintained that it is either not responsible, that it has corrected the defect or that there is no code violation. America's Home also informed the Commission that it is no longer in business. As of May of 2004, the company was winding down and the owner had sold the lot.

The Stipulated Agreement

On May 5, 2005, the parties filed an agreement as follows:

- The Director will move to dismiss the complaint if the agreement is approved.
- America's Home will pay a \$1,000 penalty.
- America's Home will correct all deficiencies noted in the complaint by June 19, 2005.
- America's Home will correct by June 19, 2005, deficiencies noted subsequent to the Director filing the complaint.

Discussion

By a pleading filed on June 30, 2005, the Director of the Manufactured Housing and Modular Units Program informed the Commission that America's Home has corrected all deficiencies noted in the Director's complaint.

The Commission has the legal authority to accept a stipulated agreement as offered by the parties as a resolution of issues raised in this case.¹ The Commission notes that every decision and order in a contested case shall be in writing and, except in default cases or cases disposed of by stipulation, consent order or agreed settlement, shall include findings of fact and conclusions of law.² Consequently, the Commission need not make findings of fact or conclusions of law in this order.

Commission rule 4 CSR 240-2.115 (2)(C) states that if no party objects to the Stipulated Agreement, the Commission may treat the agreement as unanimous. No party has objected to the agreement. The Commission will therefore treat the agreement as unanimous.

The Commission has reviewed the facts of this case and the Stipulated Agreement and finds that the Agreement is reasonable. The Commission will therefore approve the Agreement and direct that the parties to the Agreement comply with its terms.

IT IS THEREFORE ORDERED:

1. That the Stipulated Agreement between the Staff of the Commission and America's Home Brokers is approved.
2. That the parties to the agreement shall comply with its terms.
3. That the Director of the Manufactured Housing and Modular Units Program of the Missouri Public Service Commission shall notify the Commission if and when Todd Freund, once owner of America's Home Brokers, Inc., or any entity he controls, is an officer or general partner of, ever applies for registration as a dealer of Manufactured Homes. The Commission shall grant or deny such application.

¹ Section 536.060, RSMo 2000.

² Section 536.090, RSMo 2000.

4. That this order shall become effective on July 31, 2005.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton,
and Appling, CC., concur.

Jones, Regulatory Law Judge