

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Director of the Manufactured Housing and)
Modular Units Program of the Missouri)
Public Service Commission,)
)
Complainant,)
)
v.)
)
Brookside Homes, Inc.,)
)
and)
)
Steven D. Warren, an individual,)
)
Respondents.)

Case No. MC-2009-0127

**NOTICE OF DISMISSAL OF COUNTS II AND III,
AND OF RESPONDENT STEVEN D. WARREN**

COMES NOW the Director of the Manufactured Housing and Modular Units Program of Missouri Public Service Commission (Director), by and through counsel, and for his Notice of Dismissal of Counts II and III, and of Respondent Steven D. Warren (Notice) states as follows:

Background

On October 7, 2008, the Director filed with the Missouri Public Service Commission (the Commission) a Complaint against Brookside Homes, Inc. (Brookside) and the individual Steven D. Warren¹ (Warren). On January 20, 2009, the Director filed his Second Amended Complaint, again naming both Brookside and Warren as respondents.

The Director's Second Amended Complaint contains three (3) counts. Count I alleges that Brookside and Warren failed to allow inspection of certain dealer records and facilities, in

¹ The Director's Complaint incorrectly named Steven "G." Warren as a respondent to this action. This error was the subject of, and corrected by, an Amended Complaint, filed on October 27, 2008.

violation of Section 700.040, RSMo (2000) and Commission Rule 4 CSR 240-120.060. Count II alleges that Brookside and Warren have sold and offered for sale new manufactured homes without a registration from this Commission. Count III alleges that the actions of Warren constitute criminal behavior, subject to referral for prosecution.

Applicable Law

Commission Rule 4 CSR 240-2.116 provides in relevant part as follows:

(1) An applicant or complainant may voluntarily dismiss an application or complaint without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered, by filing a notice of dismissal with the commission and serving a copy on all parties. Once evidence has been offered or prepared testimony filed, an applicant or complainant may dismiss an action only by leave of the commission, or by written consent of the adverse parties.

Conclusion

No testimony has been filed and no oral evidence has been offered in this matter. Therefore, pursuant to Commission Rule 4 CSR 240-2.116 the Director voluntarily dismisses Count II and Count III of the Director's Second Amended Complaint. In addition, the Director voluntarily dismisses the Respondent Steven D. Warren, and only Steven D. Warren, from Count I. To be absolutely clear, the Director does not at this time wish to dismiss Brookside Homes, Inc. from the allegations contained Count I of the Director's Second Amended Complaint.

WHEREFORE, the Director submits this Notice for the Commission's information and for the purpose of voluntarily dismissing the Respondent Brookside Homes, Inc. from Count II and Count III of the Director's Second Amended Complaint, and for the purpose of voluntarily dismissing Steven D. Warren from this action in its entirety.

Respectfully submitted,

/s/ Eric Dearmont

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 5th day of October, 2009.

/s/ Eric Dearmont