

The Manager of the Manufactured Homes
and Modular Units Program of the
Missouri Public Service Commission,

Complainant,

V.

Your Home Center, LLC
20821 Highway 65
Lincoln, MO 65338

Respondent

Case No. MC-2019-0037

STAFF RESPONSE TO ORDER DIRECTING FILING
REGARDING RECOMMENDATIONS WITH RESPECT TO SUFFICIENT NOTICE
TO THE COMPANY

COMES NOW the Director of the Manufactured Housing and Modular Units Program (Manager) of the Missouri Public Service Commission (Commission), by and through counsel, and in response to the *Order Directing Filing* issued September 14, 2018, states:

1. On August 9, 2018, the Manager filed a *Complaint* against Your Home Center, LLC, a new manufactured homes or new modular units registered dealer, in which the Manager asserts numerous allegations related to the installation of three (3) modular units.
2. On August 14, 2018, the Commission issued its *Notice of Contested Case and Order Directing Filing*, ordering Your Home Center, LLC, to file an answer to the *Complaint* no later than September 13, 2018.
3. Also on August 14, 2018, the Commission issued its *Amended Notice of Contested Case and Order Directing Filings*, ordering Your Home Center, LLC, to file an

answer to the *Complaint* no later than September 13, 2018, and directing the Data Center of the Missouri Public Service Commission to serve the Complaint and Notice on Respondent by certified mail as follows:

Registered Agent:
Timothy L. DeVine
29886 Vixen Avenue
Warsaw, MO 65355

4. On September 14, 2018, the Commission issued an *Order Directing Filing*, in which it was stated that “[a]s of September 14, 2018, the Commission’s file did not reflect that the United States Postal Service had either delivered or had unsuccessfully endeavored to deliver the Notice as directed by Commission” and ordering “the Staff of the Missouri Public Service Commission to make recommendations to the Commission with respect to sufficient notice to the Company.”

5. On September 18, 2018, the Data Center’s mailing (Returned Mailing) was returned as undeliverable.

6. The address on the Returned Mailing is:

Your Home Center L.L.C.
Legal Department
20821 Highway 65
Lincoln, MO 65338

7. The address identified in Paragraph 6 is different from that of the address of the Registered Agent identified in Paragraph 3.

8. The address identified in Paragraph 6, pursuant to the Certificate of Dealer Registration as identified in Paragraph 3 of the *Complaint*, is the established place of business for Your Home Center, LLC, and thus should have been reasonably calculated to reach an authorized person.

9. Per Paragraph 3 of the *Complaint*, upon information and belief, the Organizer of Your Home Center, LLC passed away in 2011.

10. Per records of the Missouri Secretary of State, Your Home Center, LLC filed on August 31, 2018, a Notice of Winding Up for Limited Liability Company (Notice of Winding Up) in which persons with claims against the limited liability company should mail those claims to:

Your Home Center LLC
2441-Q Old Fort Pkwy #309
Murfreesboro, TN 37128-4162

11. In addition to serving the Registered Agent and submitting a claim against the company pursuant to its Notice of Winding Up, Section 347.033.3, RSMo., provides that where a limited liability company fails to maintain a registered agent in this state or “in the event neither the registered agent, an authorized person, nor an organizer for the limited liability company can be located in the exercise of due diligence, then the secretary,¹ as long as such default exists, shall be automatically appointed as an agent of such limited liability company upon whom any process, notice, or demand required or permitted by law to be served upon the limited liability company may be served.”

¹ Section 347.015(17), RSMo., defines “Secretary” as “the secretary of state for the State of Missouri and its delegates responsible for the administration of sections 347.010 to 347.187.”.

WHEREFORE, Staff respectfully requests the Commission direct the Data Center to serve the Complaint and Notice on Respondent to both of the following addresses:

Registered Agent:
Timothy L. DeVine
29886 Vixen Avenue
Warsaw, MO 65355

Your Home Center LLC
2441-Q Old Fort Pkwy #309
Murfreesboro, TN 37128-4162

Staff further requests the Commission consider whether the circumstances of Section 347.033.3 have been met, such that service to the Missouri Secretary of State is reasonable in this matter.

Respectfully submitted,

/s/ Alexandra L. Klaus

Alexandra L. Klaus
Legal Counsel
Missouri Bar No. 67196
Attorney for the Staff of the
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
573-751-1854 (Voice)
573-751-9285 (Fax)
lexi.klaus@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile, or electronically mailed to all parties and/or counsel of record on this 19th day of September, 2018.

/s/ Alexandra L. Klaus