

**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. )

Lou Theiss, an individual, )

Respondent. )

) Case No. \_\_\_\_\_

Serve at: )

Lou Theiss )

P.O. Box 87 )

Potosi, Missouri 63664 )

and )

Lou Theiss )

12456 Gun Club Road )

Potosi, Missouri 63664 )

**COMPLAINT**

**COMES NOW** the Director of the Manufactured Homes and Modular Units Program of the Missouri Public Service Commission (Director), by and through the Missouri Public Service Commission's (Commission) Office of General Counsel, pursuant to Sections 700.674 and 700.683 RSMo 2000 and rule 4 CSR 240-125.040 and brings the following Complaint against Lou Theiss, an individual.

## **STATEMENT OF THE CONTROLLING LAW**

1. The Commission has jurisdiction over any individual who qualifies as a manufactured home “installer” pursuant to Chapter 700 RSMo 2000<sup>1</sup>.

2. Section 700.650 defines an “installer” as “an individual who is licensed by the commission to install manufactured homes, pursuant to sections 700.650 to 700.692.”

3. During all times alleged in this Complaint, Lou Theiss was a manufactured home installer as that term is defined in Section 700.650.

4. Section 700.674 provides that no installer shall commit “repeated negligence,” “gross negligence,” or violate “installation standards adopted by the commission pursuant to section 700.683.”

5. Section 700.683.1 states that “[t]he commission shall require installers to install homes in accordance with the installation instructions provided by the manufacturer of the home.

6. Commission Rule 4 CSR 240-125.040, promulgated under the authority of Section 700.692, maintains that it is the responsibility of a licensed installer to “[correct] all applicable nonconformances within thirty (30) days of receipt of a correction notice from the commission.”

## **FACTS SUPPORTING THE DIRECTOR’S ALLEGATIONS COUNT I**

### **The Mills Home**

7. The Director hereby re-alleges and incorporates herein the allegations contained in paragraphs 1-6.

---

<sup>1</sup> All references to the Revised Statutes of Missouri are to RSMo 2000 as currently supplemented, unless otherwise noted.

8. On February 15, 2007, the Director inspected a manufactured home, owned by Terry and Pamela Mills, and installed by Lou Theiss.

9. The inspection revealed that the home was not installed by Mr. Theiss according to the installation instructions provided by the manufacturer of the home.

10. On February 26, 2007, the Director notified Mr. Theiss by letter indicating that the Mills home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had thirty (30) days in which to correct the deficiencies.

11. On April 6, 2007, the Director notified Mr. Theiss by letter indicating that the Mills home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had ten (10) days in which to correct the deficiencies.

12. On August 24, 2007, the Director re-inspected the Mills home and again noted several deficiencies remaining from the initial February 15, 2007 inspection.

13. On August 31, 2007, the Director notified Mr. Theiss by letter indicating that the Mills home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had ten (10) days in which to correct the deficiencies.

14. As of the date of the filing of this Complaint Lou Theiss has yet to complete the ordered repairs.

15. In respect to the home owned by Terry and Pamela Mills, Lou Theiss has committed repeated negligence and has violated the installation standards adopted by the Commission, in violation of Section 700.674.

16. In respect to the home owned by Terry and Pamela Mills, Lou Theiss has failed to install the home according to the installation instructions provided by the manufacturer, in violation of Section 700.683.1.

17. In respect to the home owned by Terry and Pamela Mills, Lou Theiss has failed to correct applicable nonconformances within thirty (30) days of receipt of a correction notice from the Commission, in violation of Commission Rule 4 CSR 240-125.040.

## **COUNT II**

### **The Van Morelan Home**

18. The Director hereby re-alleges and incorporates herein the allegations contained in paragraphs 1-17.

19. On April 23, 2007, the Director inspected a manufactured home, owned by Van Morelan, and installed by Lou Theiss.

20. The inspection revealed that the home was not installed by Mr. Theiss according to the installation instructions provided by the manufacturer of the home.

21. On April 24, 2007, the Director notified Mr. Theiss by letter indicating that the Van Morelan home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had thirty (30) days in which to correct the deficiencies.

22. On March 21, 2008, the Director re-inspected the Van Morelan home and again noted several deficiencies remaining from the initial April 23, 2007 inspection.

23. On March 28, 2008, the Director notified Mr. Theiss by letter indicating that the Van Morelan home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had ten (10) days in which to correct the deficiencies.

24. As of the date of the filing of this Complaint Lou Theiss has yet to complete the ordered repairs.

25. In respect to the home owned by Van Morelan, Lou Theiss has committed repeated negligence and has violated the installation standards adopted by the Commission, in violation of Section 700.674.

26. In respect to the home owned by Van Morelan, Lou Theiss has failed to install the home according to the installation instructions provided by the manufacturer, in violation of Section 700.683.1.

27. In respect to the home owned by Van Morelan, Lou Theiss has failed to correct applicable nonconformances within thirty (30) days of receipt of a correction notice from the Commission, in violation of Commission Rule 4 CSR 240-125.040.

### **COUNT III**

#### **The Wolff Home**

28. The Director hereby re-alleges and incorporates herein the allegations contained in paragraphs 1-27.

29. On April 30, 2007, the Director inspected a manufactured home, owned by Judy Wolff, and installed by Lou Theiss.

30. The inspection revealed that the home was not installed by Mr. Theiss according to the installation instructions provided by the manufacturer of the home.

31. On May 2, 2007, the Director notified Mr. Theiss by letter indicating that the Wolff home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had thirty (30) days in which to correct the deficiencies.

32. On August 22, 2007, the Director notified Mr. Theiss by letter indicating that the Wolff home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had ten (10) days in which to correct the deficiencies.

33. As of the date of the filing of this Complaint Lou Theiss has yet to complete the ordered repairs.

34. In respect to the home owned by Judy Wolff, Lou Theiss has committed repeated negligence and has violated the installation standards adopted by the Commission, in violation of Section 700.674.

35. In respect to the home owned by Judy Wolff, Lou Theiss has failed to install the home according to the installation instructions provided by the manufacturer, in violation of Section 700.683.1.

36. In respect to the home owned by Judy Wolff, Lou Theiss has failed to correct applicable nonconformances within thirty (30) days of receipt of a correction notice from the Commission, in violation of Commission Rule 4 CSR 240-125.040.

#### **COUNT IV**

##### **The Albert Home**

37. The Director hereby re-alleges and incorporates herein the allegations contained in paragraphs 1-36.

38. On May 10, 2007, the Director inspected a manufactured home, owned by Winton and Edna Albert, and installed by Lou Theiss.

39. The inspection revealed that the home was not installed by Mr. Theiss according to the installation instructions provided by the manufacturer of the home.

40. On May 22, 2007, the Director notified Mr. Theiss by letter indicating that the Albert home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had thirty (30) days in which to correct the deficiencies.

41. On June 5, 2007, the Director re-inspected the Albert home and again noted several deficiencies remaining from the initial May 10, 2007 inspection.

42. On June 13, 2007, the Director notified Mr. Theiss by letter indicating that the Albert home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had thirty (30) days in which to correct the deficiencies.

43. On April 10, 2008, the Director again re-inspected the Albert home and again noted several deficiencies remaining from the initial May 10, 2007 inspection.

44. On April 28, 2008, the Director notified Mr. Theiss by letter indicating that the Albert home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had ten (10) days in which to correct the deficiencies.

45. As of the date of the filing of this Complaint Lou Theiss has yet to complete the ordered repairs.

46. In respect to the home owned by Winton and Edna Albert, Lou Theiss has committed repeated negligence and violated the installation standards adopted by the Commission, in violation of Section 700.674.

47. In respect to the home owned by Winton and Edna Albert, Lou Theiss has failed to install the home according to the installation instructions provided by the manufacturer, in violation of Section 700.683.1.

48. In respect to the home owned by Winton and Edna Albert, Lou Theiss has failed to correct applicable nonconformances within thirty (30) days of receipt of a correction notice from the Commission, in violation of Commission Rule 4 CSR 240-125.040.

## **COUNT V**

### **The Cook Home**

49. The Director hereby re-alleges and incorporates herein the allegations contained in paragraphs 1-48.

50. On June 29, 2007, the Director inspected a manufactured home, owned by Bill Cook, and installed by Lou Theiss.

51. The inspection revealed that the home was not installed by Mr. Theiss according to the installation instructions provided by the manufacturer of the home.

52. On July 6, 2007, the Director notified Mr. Theiss by letter indicating that the Cook home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had thirty (30) days in which to correct the deficiencies.

53. On December 18, 2007, the Director notified Mr. Theiss by letter indicating that the Cook home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had ten (10) days in which to correct the deficiencies.

54. On February 20, 2008, the Director re-inspected the Cook home and again noted several deficiencies remaining from the initial June 29, 2007 inspection.

55. On February 22, 2008, the Director notified Mr. Theiss by letter indicating that the Cook home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had ten (10) days in which to correct the deficiencies.

56. On March 28, 2008, the Director notified Mr. Theiss by letter indicating that the Cook home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss he had ten (10) days in which to correct the deficiencies.



57. As of the date of the filing of this Complaint Lou Theiss has yet to complete the ordered repairs.

58. In respect to the home owned by Bill Cook, Lou Theiss has committed repeated negligence and violated the installation standards adopted by the Commission, in violation of Section 700.674.

59. In respect to the home owned by Bill Cook, Lou Theiss has failed to install the home according to the installation instructions provided by the manufacturer, in violation of Section 700.683.1.

60. In respect to the home owned by Bill Cook, Lou Theiss has failed to correct applicable nonconformances within thirty (30) days of receipt of a correction notice from the Commission, in violation of Commission Rule 4 CSR 240-125.040.

## **COUNT VI**

### **The Hampton Home**

61. The Director hereby re-alleges and incorporates herein the allegations contained in paragraphs 1-60.

62. On July 11, 2007, the Director inspected a manufactured home, owned by Charles and Darlene Hampton, and installed by Lou Theiss.

63. The inspection revealed that the home was not installed by Mr. Theiss according to the installation instructions provided by the manufacturer of the home.

64. On July 23, 2007, the Director notified Mr. Theiss by letter indicating that the Hampton home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had thirty (30) days in which to correct the deficiencies.

65. On March 21, 2008, the Director re-inspected the Hampton home and again noted several deficiencies remaining from the initial July 11, 2007 inspection.

66. On March 28, 2008, the Director notified Mr. Theiss by letter indicating that the Hampton home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had ten (10) days in which to correct the deficiencies.

67. As of the date of the filing of this Complaint Lou Theiss has yet to complete the ordered repairs.

68. In respect to the home owned by Charles and Darlene Hampton, Lou Theiss has committed repeated negligence and violated the installation standards adopted by the Commission, in violation of Section 700.674.

69. In respect to the home owned by Charles and Darlene Hampton, Lou Theiss has failed to install the home according to the installation instructions provided by the manufacturer, in violation of Section 700.683.1.

70. In respect to the home owned by Charles and Darlene Hampton, Lou Theiss has failed to correct applicable nonconformances within thirty (30) days of receipt of a correction notice from the Commission, in violation of Commission Rule 4 CSR 240-125.040.

## **COUNT VII**

### **The Dement Home**

71. The Director hereby re-alleges and incorporates herein the allegations contained in paragraphs 1-70.

72. On July 26, 2007, the Director inspected a manufactured home, owned by Jeremy and Casey Dement, and installed by Lou Theiss.

73. The inspection revealed that the home was not installed by Mr. Theiss according to the installation instructions provided by the manufacturer of the home.

74. On August 13, 2007, the Director notified Mr. Theiss by letter indicating that the Dement home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had thirty (30) days in which to correct the deficiencies.

75. On September 25, 2007, the Director re-inspected the Dement home and again noted several deficiencies remaining from the initial July 26, 2007 inspection.

76. On October 2, 2007, the Director notified Mr. Theiss by letter indicating that the Dement home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had thirty (30) days in which to correct the deficiencies.

77. On December 18, 2007, the Director notified Mr. Theiss by letter indicating that the Dement home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had ten (10) days in which to correct the deficiencies.

78. On March 25, 2008, the Director again re-inspected the Dement home and again noted several deficiencies remaining from the initial July 26, 2007 inspection.

79. On March 28, 2008, the Director notified Mr. Theiss by letter indicating that the Dement home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had ten (10) days in which to correct the deficiencies.

80. On April 9, 2008, the Director again re-inspected the Dement home and again noted several deficiencies remaining from the initial July 26, 2007 inspection.

81. On April 28, 2008, the Director notified Mr. Theiss by letter indicating that the Dement home had not been installed according the manufacturer's instructions and further notifying Mr. Theiss that he had ten (10) days in which to correct the deficiencies.

82. As of the date of the filing of this Complaint Lou Theiss has yet to complete the ordered repairs.

83. In respect to the home owned by Jeremy and Casey Dement, Lou Theiss has committed repeated negligence and violated the installation standards adopted by the Commission, in violation of Section 700.674.

84. In respect to the home owned by Jeremy and Casey Dement, Lou Theiss has failed to install the home according to the installation instructions provided by the manufacturer, in violation of Section 700.683.1.

85. In respect to the home owned by Jeremy and Casey Dement, Lou Theiss has failed to correct applicable nonconformances within thirty (30) days of receipt of a correction notice from the Commission, in violation of Commission Rule 4 CSR 240-125.040.

#### **RELIEF SOUGHT PENALTIES**

86. Petitioner hereby re-alleges and incorporates herein the allegations contained in paragraphs 1-85.

87. Section 386.570.1 provides that any person who is subject to the jurisdiction of the Commission and who violates or fails to comply with any provision of any law of this state, or who fails to observe or comply with any order, rule, or demand of the Commission shall be subject to a penalty of not less than one hundred dollars nor more than two thousand dollars for each offense.

88. Section 386.570.2 further provides that any such violation shall be a “separate and distinct offense, and in case of a continuing violation each day’s continuance thereof shall be and be deemed to be a separate and distinct offense.”

**WHEREFORE**, the Director prays that the Commission find that Lou Theiss violated Section 700.683.1 by failing to install the following homes in accordance with the manufacturer's installation instructions:

- a. The Mills Home (Count I)
- b. The Van Morelan Home (Count II)
- c. The Wolff Home (Count III)
- d. The Albert Home (Count IV)
- e. The Cook Home (Count V)
- f. The Hampton Home (Count VI)
- g. The Dement Home (Count VII)

The Director further prays that the Commission find that the actions and or omission of Mr. Theiss in relation to the installation of the aforementioned homes constitutes "repeated" and/or "gross negligence" in violation of Section 700.674.

The Director further prays that the Commission find that Lou Theiss failed to "[correct] all applicable nonconformances within thirty (30) days of receipt of a correction notice from the commission," in violation of Commission Rule 4 CSR 240-125.040.

The Director further prays that the Commission authorize the General Counsel to proceed to circuit court to seek penalties against Lou Theiss for violations of Chapter 700 and the Commission's rules.

Respectfully submitted,

/s/ Eric Dearmont

Eric Dearmont

Missouri Bar No. 60892

Attorney for the Director of the  
Manufactured Housing and Modular Units  
Program of the Missouri Public Service  
Commission

P. O. Box 360

Jefferson City, MO 65102

(573) 751-3015

(573) 751-9285 (Fax)

### **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 this 13th day of March, 2009.

/s/ Eric Dearmont

Lou Theiss  
P.O. Box 87  
Potosi, Missouri 63664

Lou Theiss  
12456 Gun Club Road  
Potosi, Missouri 63664