

EVIDENTIARY HEARING – VOLUME 2
November 9, 2010

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Evidentiary Hearing

November 9, 2010

Jefferson City, Missouri

Volume 2

Director Of The Manufactured)	
Housing And Modular Units Of)	
The Missouri Public Service)	
Commission,)	
)	
Complainant,)	
)	
v.)	Case. No. MC-2010-0311
)	
5 Star Homes And Development)	
Company, Inc. ,)	
)	
Respondent.)	

KENNARD L. JONES, Presiding
SENIOR REGULATORY LAW JUDGE
TERRY JARRETT,
COMMISSIONERS

REPORTED BY:
Lisa M. Banks, CCR No. 1081
TIGER COURT REPORTING, LLC

EVIDENTIARY HEARING – VOLUME 2
November 9, 2010

A P P E A R A N C E S

ROBERT S. BERLIN, Legal Counsel
PO Box 360
Jefferson City, Missouri 65101
573.751.4140
FOR: Staff of the Missouri Public Service Commission

(Exhibit Nos. 1 through 3, 3A, and 4 through 12 were marked for identification.)

JUDGE JONES: This is Case No. MC-2010-0311. The Director of Manufactured Housing and Modular Units Program of the Missouri Public Service Commission, complainant versus 5 Star Homes and Development Company, Incorporated is respondent.

My name is Kennard Jones. I'm the judge presiding over this matter. And the relief sought is a formal non-renewal of 5 Star's 2010 application for renewal of dealer registration and authorization from this commission to direct the general counsel to seek penalties in circuit court for certain alleged violations.

At this time we'll take entries of appearances beginning with the Staff of the Commission.

MR. BERLIN: Thank you, Judge. Appearing on behalf of the director of Manufactured Housing and Modular Units Program of the Missouri Public Service Commission, Robert S. Berlin, Post Office Box 360, Jefferson City, Missouri 65102.

JUDGE JONES: Thank you, Mr. Berlin.

I'd also -- sir, you're with 5 Star Homes. Could you please state your name?

MR. KASTEN: Jeff Kasten.

JUDGE JONES: Jeff Kasten?

MR. KASTEN: Yeah.

JUDGE JONES: With a K or with a C?

MR. KASTEN: K.

JUDGE JONES: K-a-s-t-e-n?

MR. KASTEN: Yes.

JUDGE JONES: All right. And you're not represented by an attorney?

MR. KASTEN: No.

JUDGE JONES: An attorney at one time was representing you, though?

MR. KASTEN: That is correct.

JUDGE JONES: And he was granted leave to withdraw?

MR. KASTEN: Yes.

JUDGE JONES: And that leave was by your consent?

MR. KASTEN: Yes.

JUDGE JONES: You wavered. If's it not clear --

MR. JONES: It was just a -- it was just a money issue.

JUDGE JONES: Okay. But -- so you just said I can't pay you, so I'll see you later?

MR. KASTEN: Yeah. He said he wouldn't -- yeah.

JUDGE JONES: Okay. I just wanted to get that clear. All right.

Mr. Berlin, did you want to make an opening statement or do you just want to present evidence?

MR. BERLIN: Yes, Judge. I'd like to just state for the record that I have two witnesses for today to present some evidence and that is Mr. Tim Haden and Mr. Ron Pleus.

And Judge, we are -- just to recap, the relief that we're seeking today is a formal non-renewal of 5 Star's 2010 application for renewal of dealer registration.

We believe that it is appropriate because 5 Star has failed to provide the current place of business in violation of Section 700.090, failed to pay the \$200 Grady home reinspection fee, failed to correct the code violations of the Grady home within a reasonable period of time, failed to arrange for the delivery and initial set-up of three separate consumer homes purchased by the Gordon, White and Mugler families, multiple violations of Section 700.100.3 Section 6.

And I'll also note for the record that these violations of Chapter 700 constitute violations of Section 407.020 of the Missouri Merchandizing Practices Act.

JUDGE JONES: Let me ask you a question real

quick. You said a formal declaration -- or a formal non-renewal. I'm assuming there's been an informal non-renewal?

MR. BERLIN: Well, the actual application for dealer registration renewal is sitting before the director and is not acted upon. And this is an action that the Commission needs to take in order to provide administrative finality to that application for renewal.

I would note for the record that the -- 5 Star in its answer to the Commission in Paragraph 3 stated, and I quote, "respondent was, until December 1st, 2009, registered as a licensed manufactured home and modular unit dealer; further responding, respondent is not operating as a manufactured home or modular unit dealer."

And I just quoted Paragraph 3 of respondent's answer to the complaint. And it's important that the Commission in its order formally non-renew that application as it will prohibit any manufacturers in the future from shipping any modular unit homes to 5 Star.

JUDGE JONES: And who -- does the director -- does the director deny renewals or does the Commission do that?

MR. BERLIN: The Commission must formally deny the renewal.

And Judge, I have -- as I mentioned, I'd

I like to call -- my first witness would be Tim Haden.

JUDGE JONES: Mr. Haden.

(Witness affirmed.)

JUDGE JONES: Thank you. You may be seated.

TIM HADEN testifies as follows:

DIRECT EXAMINATION BY MR. BERLIN:

Q. Good morning, Mr. Haden. Would you please state your name again, for the record?

A. Tim Haden.

Q. And how are you employed?

A. I'm an inspector for the Missouri Public Service Commission, Manufactured Housing and Modular Units Program.

Q. And how long have you been employed in that position?

A. Sixteen years.

Q. And are you the field inspector that inspected the Grady home that is the subject of the complaint today?

A. Yes.

MR. BERLIN: Judge, I have several different exhibits. I'd like permission to approach the witness.

JUDGE JONES: Yes, you may.

MR. BERLIN: Judge, I'm handing you what has been premarked a copy of Exhibit 1.

BY MR. BERLIN:

Q. Mr. Haden, I believe you said that you had inspected the Grady home; is that correct?

A. That's correct.

Q. Can you please identify what has been premarked as Exhibit 1?

A. This is a copy of my original inspection report. I conducted that inspection on November 24th, 2009. This lists the summary of my inspection as well as a letter dated December 1st, 2009, that I mailed to 5 Star Homes Development Company.

Q. And this inspection, which is Page 2 after the cover letter, was performed by you?

A. That's correct.

Q. Looking at Page 2 of Exhibit 1, can you briefly summarize the dealer items that are noted as deficiencies?

A. Yes. Item 2; I cited several problems with a -- this was a walkout basement that had a partial wood foundation wall. And I cited some issues with the construction of that wall; the way it was built and sheathed and anchored to the foundation.

Item No. 3 of that inspection report cites the column post installation not being fastened in place properly.

No. 4 was an electrical issue where NM cable was improperly installed underneath the floor of the home.

And Item No. 5 is failure to install insulation in the unconditioned crawl space area of the home.

Q. And these are all items that the dealer is responsible for correcting?

A. Yes.

Q. Mr. Haden, did you have an opportunity to conduct another inspection of that home?

A. Yes, I did.

MR. BERLIN: Judge, let the record show that I am handing Mr. Haden what has been premarked as Exhibit 2.

JUDGE JONES: You know you are saying that these are premarked, but they aren't?

MR. BERLIN: I'm sorry.

JUDGE JONES: I mean, I can just write on here what it is.

MR. BERLIN: Yeah. I actually had the first one marked.

JUDGE JONES: I see.

MR. BERLIN: I didn't get a chance to mark all the copies.

JUDGE JONES: That's fine.

BY MR. BERLIN:

Q. Mr. Haden, can you identify what has been marked as Exhibit 2?

A. Yes. Page 1 of Exhibit 2 is a letter that I mailed to 5 Star Homes Development Company on January 8th, 2010. That's a cover letter for the reinspection report, reinspection conducted on January 5th, 2010. And Page 2 is a copy of that reinspection report.

Q. And that reinspection of the Grady home was done on January 5th of 2010?

A. That's correct.

Q. And it was done by you?

A. That's correct.

Q. Would you please summarize --

A. What I --

Q. -- the dealer items?

A. What I did actually was I went through each item and reinspected it and noted at the end of each item whether that problem cited in the original report had been corrected or remained incomplete. There's a few items here that were corrected and I noted that on my reinspection report.

Q. Okay. Of the items that you noted as corrected, were they corrected by the dealer?

A. No, they weren't. They were actually

corrected by the manufacturer that was there performing other service work.

Q. But these are dealer resp-- a dealer's responsibility for correction?

A. That's correct.

Q. Can you please summarize the items that are still in violation?

A. Well, actually there was only a couple of items corrected and that was part of the sheathing and the fastening of the sheathing on that walk-out wall in the basement. All the other items remained incomplete.

Q. Okay.

A. Corrected was 2A and 2C, I believe. Actually and 2D.

Q. And it's your testimony that the manufacturer stepped in to correct those dealer items?

A. That's correct. Yes.

MR. BERLIN: Okay.

JUDGE JONES: While we're at this point in the record, let me ask you: Are you holding the manufacturer -- or not the manufacturer, but the dealer at fault for not having corrected what the manufacturer corrected?

I hear Mr. Haden saying that there are some things that the dealer should have corrected, but he

didn't. The manufacturer stepped in and corrected it.

Are you all, in your complaint, holding the dealer at fault at any point for not having corrected what was ultimately corrected?

MR. BERLIN: Well, these are items that the dealer failed to correct that the dealer was responsible for. We're bringing it out to the Commission some of the items that were corrected. Ultimately they're still items that have been un-- that have not been corrected, but the dealer never made any of those corrections.

JUDGE JONES: Okay.

MR. BERLIN: This is more for the Commission's information that some of these items were corrected, but those items were not corrected by the dealer. And the dealer is responsible for making those corrections.

JUDGE JONES: No harm no foul?

MR. BERLIN: Well, we --

JUDGE JONES: I'll let you proceed.

MR. BERLIN: Okay.

BY MR. BERLIN:

Q. Okay. Mr. Haden, in Exhibit 2, I think you just did summarize that there's still quite a few dealer items that had no been corrected based upon your January 5th reinspection?

A. That's correct. Yes.

Q. Okay. And Mr. Haden, you also made another reinspection; is that correct?

A. I did. To verify if anything had been done after this second rein-- after the first reinspection.

Q. Okay. I'm going to hand out what has been premarked as Exhibit 3A. Mr. Haden, can you identify this document?

A. This is a second reinspection that I conducted on March 19th of 2010. This was to verify if any additional items had been corrected from my original inspection report.

Q. Okay. And had some additional items been corrected?

A. We did have some additional items that were corrected by the homeowner and the manufacturer. At this point I don't think we ever had the dealer come back and do any corrections to these items.

Q. So none of these items had been corrected by the dealer?

A. No.

Q. Could you summarize the items that are still outstanding as a result of your second reinspection of the Grady home?

A. Item No. 2B; there was a header missing over

a fireplace that was never installed. I think eventually it was by the homeowner. I think he hired a carpenter to do that work.

Q. But that was not done at the time of your reinspection on March 19th?

A. That's correct.

Q. Okay.

A. And then Item No. 4 we had some electrical NM cable that was installed incorrectly underneath the floor joist in the basement and that was not corrected. The remaining items on the report were corrected either by the manufacturer or the homeowner.

Q. Okay. So there's still two significant items that had not been corrected based upon your March 19th, second reinspection of the Grady home?

A. That's correct.

Q. Okay. Mr. Haden, I'm going to hand you what has been premarked as Exhibit 3. Okay. Mr. Haden, can you identify Exhibit 3 for me?

A. Page 1 and Page 2 is a copy of a letter sent to 5 Star Homes Development Company Incorporated by the director of the Manufactured Housing and Modular Units Program. It's a final notice letter where we try to get a response and some corrections made concerning the four consumer complaints that we received against them.

Q. Okay.

A. The third page is a copy of my first reinspection of the Grady home. The next page -- the next three pages is copies of consumer complaints we received from three consumers that had purchased homes from 5 Star Homes Development Company Incorporated and had not received those homes as of that date.

Q. And you're familiar with the contents of this letter and the consumer complaints that are attached to it?

A. Yes, I am.

Q. And you participated in reviewing and preparing this letter with the director?

A. I did.

Q. Okay. Mr. Haden, I'm going to hand you what has been premarked as Staff Exhibit 4. Mr. Haden, you earlier mentioned with respect to Staff Exhibit 3, the final notice letter, that there had been a consumer complaint, the Gordon complaint. A copy attached to that final notice letter. Can you please identify Exhibit 4 for me?

A. Page 1 of Exhibit 4 is a standard form letter we send -- our office sends out to a dealer once we receive a complaint from a consumer. This letter's notifying the dealer that we received this complaint.

Page No. 2 is a copy of the actual complaint that was sent to us by the consumer. In this case it was from Timothy J. and Donna M. Gordon. And it lists the various problems that they're experiencing with this dealer.

Q. And does this letter represent the first letter to 5 Star regarding the Gordon complaint?

A. Yes. This is the first letter sent to 5 Star Homes informing them that we've received the complaint.

Q. Okay.

A. It gives them an opportunity to try to resolve it up front.

Q. Okay. And can you look at Page 2 of Exhibit 4. Just summarize very briefly what that complaint on the Gordon home was or is.

A. Actually, what they're saying is that the dealer has \$58,000 worth of their money minus 12,500 sent to the factory, which would be like a deposit on the home. As of the date of the -- when we received the complaint, they had not received their home.

Q. To the best of your knowledge, has the Gordon family received delivery and set-up of the home from 5 Star?

A. Not from 5 Star, no.

Q. Okay. And Mr. Haden, I'm going to hand you what has been premarked as Exhibit No. 5. And could you please identify this particular document?

A. This is a copy of the sales contract between the Gordons and 5 Star Homes Development Company.

Q. And again, the Gordon family -- did the Gordon family receive delivery of this home?

A. Not from 5 Star.

Q. Not from 5 Star. Okay. Okay. Mr. Haden, I'm going to hand you what's been premarked as Exhibit No. 6, Staff Exhibit 6. Can you please identify Exhibit 6 for me?

A. Page 1 is a, again, same standard form letter that we send out with a consumer complaint to the dealer, 5 Star Homes Development Company, informing them that we've received a consumer complaint.

Page 2 is a copy of the Kenneth White complaint that we received.

Q. And this letter is -- the cover letter that you're referring to on Exhibit 6 is dated November 3rd of 2009?

A. That's correct.

Q. And this is the first letter notifying 5 Star of the White complaint?

A. That's correct.

Q. Can you briefly state for me Mr. White's complaint.

A. His complaint was that he'd been under contract with 5 Star for a new home for over a year. He basically had a partial foundation dug on his property. They were having issues with the way that was being done, but 5 Star had -- supposedly had \$37,000 of his money and he couldn't hire a different contractor to complete the work with that money being out.

Q. Okay. Did Mr. White ever receive delivery and set-up of a home from 5 Star?

A. No.

Q. I hand you what has been marked as Staff Exhibit 7. Mr. Haden, can you please identify Exhibit 7?

A. This is a copy of the sales contract and agreement between 5 Star Homes and White.

Q. And again, to the best of your knowledge, Mr. White never received delivery or set-up of the home from 5 Star?

A. That's correct.

Q. Mr. Haden, I'm going to hand you what's been marked as Staff Exhibit 8. Could you please identify for the Commission Staff Exhibit 8?

A. This is a copy of the Michelle and Hans Mugler consumer complaint. Page 1 is, again, the same

letter that we send out to all dealers that we receive -- once we receive a consumer complaint. This is notifying them of that complaint that we received. This was February 1st, 2010, was the date on the letter.

The second page is a copy of the actual consumer complaint we received from the Muglers.

Q. And so this is the first notification letter and copy of the complaint sent to 5 Star?

A. That's correct.

Q. And on Page 2 is the inspection request consumer complaint form. Can you briefly summarize that?

A. The complaint is basically they entered into a contract agreement with 5 Star to purchase a new home and as of this date they had not received the home or all of the site work as agreed to.

Q. Okay. And so the Muglers have not received delivery or the set-up of the home that they purchased from 5 Star?

A. Not from 5 Star. It's my understanding there was some site work performed here and they did proceed to get a home through a different source, but not from 5 Star.

Q. Okay. I'm going to hand you now, Mr. Haden, what's been marked as Staff Exhibit No. 9. Can you please identify Staff Exhibit 9 for the Commission?

A. This is a copy of the sales contract between Stalnacker Mugler and 5 Star Home Development Company, Stalnacker being Mrs. Mugler's maiden name.

Q. Okay.

A. After they entered into this agreement, they got married and her name's now Michelle Mugler. This is a copy of their sales agreement.

Q. And again, to the best of your knowledge, they never received the delivery and set-up from the home from 5 Star?

A. That's correct.

Q. Okay. Mr. Haden, I had just reviewed with you Staff Exhibits 1, 2, 3, 3A, 4, 5, 6, 7, 8 and 9. Are the facts and information contained in those exhibits true and correct to your best information, knowledge and belief?

A. Yes, they are.

MR. BERLIN: Okay. And Judge, I'd note to the Commission that -- and for the record -- that Staff Exhibit 3, the final notice letter, includes within its enclosures a copy of the Gordon, White and Mugler inspection request consumer complaint forms as well.

BY MR. BERLIN:

Q. And Mr. Haden, did you participate in preparing the complaint that was filed by the director against 5 Star?

A. Yes, I did.

Q. And are the facts and the information contained in the director's complaint true and correct to your best information, knowledge and belief?

A. Yes, they are.

MR. BERLIN: Judge, I have no further questions for Mr. Haden at this time.

JUDGE JONES: Do you want to enter these exhibits into the record?

MR. BERLIN: Yes, Judge. I was going to -- I have some more exhibits.

JUDGE JONES: Okay.

MR. BERLIN: When I go through with Mr. Pleus.

JUDGE JONES: That's fine. I just didn't want you --

MR. BERLIN: I was going to do it at the end.

JUDGE JONES: That's fine.

Mr. Haden, you may step down.

THE WITNESS: Thank you.

MR. BERLIN: Judge, I would like to call as my next witness, Mr. Ron Pleus.

JUDGE JONES: And Mr. Pleus will you raise your right hand?

(Witness affirmed.)

JUDGE JONES: Thank you, sir. You may sit down.

RON PLEUS testifies as follows:

DIRECT EXAMINATION BY MR. BERLIN:

Q. Good morning, Mr. Pleus. Will you again, state your name for the record.

A. My name is Ronald Joseph Pleus.

Q. How are you employed?

A. I am the program director for the Missouri Public Service Commission's Manufactured Housing and Modular Units Program.

Q. And how long have you been employed in that position?

A. Eight years.

Q. And Mr. Pleus, did you cause to be prepared and filed a complaint against 5 Star Homes and Development Company Incorporated?

A. Yes.

Q. I'm going to hand to you Mr. Pleus what has been premarked as Staff Exhibit No. 10. Can you please identify Staff Exhibit No. 10?

A. Yes. It's an invoice or billing for 5 Star Homes for the assessment of a reinspection fee of \$200. It's dated January 11th, 2010.

Q. And what caused you to -- did you generate this invoice, Mr. Pleus?

A. The system -- or the staff generates the invoice and then I approve it. And it applies to reinspections that we conduct where we find the original report and corrections noted in the original have not been made at the time we do the reinspection.

Q. So is this the invoice for the Grady home reinspection?

A. Yes.

Q. And that date of reinspection was January 5th, 2010?

A. January 11th, 2010.

Q. Well, the date is -- the date of the invoice January 11th?

A. Yes.

Q. But the actual reinspection done by Mr. Haden was?

A. January 5th, 2010. You're correct.

Q. Okay. Mr. Pleus, did you listen to the testimony of Mr. Haden today?

A. Yes.

Q. You may have heard Mr. Haden say that he conducted a reinspection, a second reinspection of the Grady home in March?

A. Yes.

Q. Did you generate another invoice for reinspection based on the March reinspection?

A. I don't think so.

Q. So this is the only invoice for reinspection?

A. Yes.

Q. For the Grady home?

A. Yes.

Q. And to your best information has 5 Star paid this invoice?

A. No. They have not.

Q. Okay. Mr. Pleus, I'm going to hand you what has been marked as Staff Exhibit 11. Mr. Pleus, can you please identify this particular Exhibit No. 11?

A. This is an application for manufactured home or modular unit certificate of dealer registration. Basically it's the application used to renew the license for dealers each year, which is due January 15th.

Q. And this is an application submitted by 5 Star?

A. This is an application submitted by 5 Star Homes and Development Company, Inc. I think our office received it January 25th of 2010.

Q. And you did not process it for renewal of

the registration, did you?

A. No. We did not.

Q. Okay. Can you summarize for the Commission what the problems were that you saw?

A. Because of the outstanding complaints that we had against 5 Star, multiple outstanding complaints and also the failure for us to be able to contact him and verify that he was actually operating out of the office location that he was giving on the application, those things led to our -- or my decision not to renew the license.

Q. But you don't have the ultimate authority in --

A. That's correct.

Q. -- renewing licenses?

A. We didn't process the application.

Q. Okay. And did you -- I think you stated that you had difficulty in contacting 5 Star?

A. Yes. I had difficulty contacting 5 Star at this location and the phone numbers that he had given us and so had the staff on repeated occasions.

Q. And it's important that a dealer be able to be contacted by you or your field inspectors?

A. Yes. And these consumers also had told us that they had repeatedly cont-- tried to contact 5 Star and

had failed to be able to do that.

Q. And the consumers that you're referring to are --

A. Mr. -- the Grady complaint, Mugler, White and Jordan [sic].

Q. Okay. Mr. Pleus, I have marked here as Staff Exhibit 12 -- I'm not -- which is a copy of the complaint that was filed by Staff counsel on behalf of the director. And I have it marked as Staff Exhibit 12. I did not bring copies because this is the complaint that was filed into the case file.

JUDGE JONES: That's fine.

BY MR. BERLIN:

Q. Mr. Pleus, you're familiar with the complaint --

A. Yes.

Q. -- that you filed against 5 Star?

A. Yes.

Q. And is the information, the facts and exhibits contained in the complaint filed against 5 Star true and correct to your best information, knowledge and belief?

A. That's correct.

Q. And Mr. Pleus, are you familiar with all of the exhibits that I handed out today, Exhibits 1 through 12

including Exhibit 3A?

A. Yes.

Q. And are all of those exhibits true and correct to you best information, knowledge and belief?

A. Yes.

MR. BERLIN: With that Judge, I would like to move the Commission admit into evidence Staff Exhibits 1, 2, 3, 3A, 4, 5, 6, 7, 8, 9, 10, 11 and 12.

JUDGE JONES: Exhibits 1 through 12 and 3A are admitted into the record.

(Staff Exhibits 1 through 12 and 3A were received into evidence.)

MR. BERLIN: Judge I have no further questions of Mr. Pleus at this time.

JUDGE JONES: Mr. Pleus, you may step down.
Any other evidence Mr. Berlin?

MR. BERLIN: I have no further evidence at this time or any further witnesses at this time, Judge.

JUDGE JONES: Okay. Mr. Kasten, can you step up to the witness box please?

Will you raise your right hand?

(Witness affirmed.)

JUDGE JONES: Thank you, sir. You may sit down.

JOHN JEFFREY KASTEN testifies as follows:

QUESTIONS BY JUDGE JONES:

Q. Will you please state your name for the record?

A. John Jeffrey Kasten.

Q. And your relationship to 5 Star Homes?

A. President.

JUDGE JONES: Commissioner, do you have any questions for Mr. Kasten?

COMMISSIONER JARRETT: I don't know. Does he have any statement he wants to say or -- on your behalf?

THE WITNESS: That I'm no longer seeking a license to do modular homes and that's about it.

JUDGE JONES: So the request that the Commission issue a formal non-renewal is moot? Do you agree, Mr. Berlin?

MR. BERLIN: Well, Mr. Kasten is representing himself. He's not representing 5 Star.

JUDGE JONES: I understand. I understand.

MR. BERLIN: And so --

JUDGE JONES: Okay.

MR. BERLIN: -- I'm seeking a formal order from the Commission for a -- that formally non-renews that application.

JUDGE JONES: Okay.

MR. BERLIN: It provides administrative

finality to that application.

JUDGE JONES: All right.

COMMISSIONER JARRETT: Are you disputing the evidence that was put on here today?

THE WITNESS: Without an attorney I probably shouldn't answer that question.

JUDGE JONES: Okay.

COMMISSIONER JARRETT: All right. I don't have anything further, then.

JUDGE JONES: I don't either. Thank you.

THE WITNESS: Thank you.

JUDGE JONES: Do you have a closing statement, Mr. Berlin? I'm not saying that you must, I'm asking if you had. I don't want you to put work into something in vain.

MR. BERLIN: I have no formal statement prepared, Judge. I'd just reiterate the relief that we're seeking as spelled out in the complaint and that the Commission direct its general counsel to seek penalties in circuit court against 5 Star.

JUDGE JONES: Okay. Well, I have nothing further. With that we'll go off the record. Thank you all.

(Hearing adjourned.)

CERTIFICATE OF REPORTER

I, LISA M. BANKS, a Certified Court Reporter, within and for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing hearing was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Lisa M. Banks, CCR

EVIDENTIARY HEARING – VOLUME 2
November 9, 2010

I N D E X

STAFF' S EVIDENCE

PAGE

TIM HADEN

Direct Examination by Mr. Berlin

12

TIM PLEUS

Direct Examination by Mr. Berlin

27

5 STAR HOMES AND DEVELOPMENT COMPANY' S EVIDENCE

JOHN JEFFREY KASTEN

Questions by Judge Jones

28

EVIDENTIARY HEARING – VOLUME 2
November 9, 2010

E X H I B I T I N D E X

	Marked	Received
Exhibit No. 1 Grady home inspection	8	32
Exhibit No. 2 Grady home reinspection	8	32
Exhibit No. 3 Final notice and copy of complaints	8	32
Exhibit No. 3A Grady home second reinspection	8	32
Exhibit No. 4 Gordon complaint notice to dealer	8	32
Exhibit No. 5 Sales agreement of 5 Star and Gordon	8	32
Exhibit No. 6 White complaint notice to dealer	8	32
Exhibit No. 7 Sales agreement of 5 Star and White	8	32
Exhibit No. 8 Mugler complaint notice to dealer	8	32
Exhibit No. 9 Sales agreement of 5 Star and Mugler	8	32
Exhibit No. 10 Invoice for reinspection of Grady home	8	32
Exhibit No. 11 Dealer renewal application	8	32
Exhibit No. 12 Staff counsel complaint filed	8	32