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Vice Chair

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.ecodev.state.mo.us/psc/>

March 6, 2000

BRIAN D. KINKADE
Executive Director

GORDON L. PERSINGER
Director, Research and Public Affairs

WESS A. HENDERSON
Director, Utility Operations

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Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

FILED³

MAR 06 2000

Missouri Public
Service Commission

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: Case No. MC-2000-541

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **COMPLAINT**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

David J. Stueven
by KRK

David J. Stueven
Assistant General Counsel
(573) 751-6726
(573) 751-9285 (Fax)

DS/dkf
Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

MAR 06 2000

Director of the Department of)
Manufactured Homes and Modular Units of)
the Public Service Commission,)

Missouri Public
Service Commission

Complainant,)

v.)

Case No. MC-2000-541

Rightway Homes)

Respondent.)

COMPLAINT

COMES NOW the Director of the Department of Manufactured Homes and Modular Units of the Public Service Commission ("Director" and "Department"), by and through the Missouri Public Service Commission's ("Commission") Office of General Counsel, pursuant to Section 700.100 and for his Complaint against Rightway Homes ("Complaint") states as follows:

1. The Missouri Public Service Commission has jurisdiction over manufactured homes and manufactured home dealers pursuant to Chapter 700¹ of the Missouri Revised Statutes.

2. As prescribed by Commission Rule 4 CSR 240-120.031, the Commission delegated to the Director all of its powers pertaining to new manufactured homes under Chapter 700, except the powers to revoke, deny, refuse to renew or place on probation a registration under Section 700.090, which are retained by the Commission.

¹ All references to the Revised Statutes of Missouri will be to RSMo 1994 and 1999 Supplement unless otherwise noted.

3. On December 23, 1999 and January 3, 2000, Doyle W. Murr executed Applications for Manufactured Homes Dealership Certificates of Registration for Rightway Homes ("Rightway") (Appendix A and B). Rightway is a sole proprietorship owned by Mr. Murr. The Director issued Certificate of Dealer Registration No. 725102 to Rightway on January 27, 2000 (Appendix C) and Certificate of Dealer Registration No. 725104 to Rightway on January 11, 2000. (Appendix D). The certificates are valid until January 15, 2001.

4. Section 700.100.3(6), RSMo provides that it is a ground for the Commission to suspend, revoke, or place on probation a dealer's registration if the dealer:

... fail[s] to arrange for the proper initial setup of any new or used manufactured home or modular unit sold from or in the state of Missouri, unless the dealer receives a written waiver of that service from the purchaser or his authorized agent and an amount equal to the actual cost of the setup is deducted from the total cost of the manufactured home or modular unit ...

5. Section 700.115.2, RSMo states that anyone who violates the above provisions shall:

be liable to the state of Missouri for a civil penalty in an amount which shall not exceed one thousand dollars for each such violation. Each violation of this chapter shall constitute a separate violation with respect to each manufactured home or with respect to each failure or refusal to allow or perform an act required by this chapter[.]

6. On September 19, 1995, Doug Farnsworth purchased a Fleetwood home, Serial Number MSFLS25AB36835 ("Farnsworth Home") from Rightway.

7. Rightway did not receive a valid waiver of any setup responsibilities from Mr. Farnsworth as part of the purchase agreement.

8. On September 8, 1999, Mr. Farnsworth filed a consumer complaint with the Director.

9. Tim Haden, an authorized inspector of the Department, conducted an inspection of the home on September 16, 1999.

10. As a result of the inspection, Mr. Haden prepared a Field Inspection Report citing 10 deficiencies in the setup of the Farnsworth Home (Appendix E).

11. On September 20, 1999, Mr. Haden sent a letter to Rightway, enclosing a copy of the Field Inspection Report dated September 16, 1999, and directed that Rightway correct the deficiencies within 30 days (Appendix F).

12. On October 28, 1999, Mr. Haden sent a letter to Rightway, and directed that the deficiencies be corrected and that signed work orders be forwarded to Mr. Haden or the Director within 15 days (Appendix G).

13. On January 14, 2000, Mr. Haden re-inspected the Farnsworth Home.

14. As a result of the inspection, Mr. Haden prepared another Field Inspection Report indicating that none of the of deficiencies in the setup of the Farnsworth Home had been corrected (Appendix H).

15. As of the date of this Complaint, the Director has received no work orders or other evidence indicating that the setup deficiencies had been corrected.

WHEREFORE, the Director respectfully requests that the Commission:

a. Find that the Respondent failed to properly comply with the setup procedures for a manufactured home and failed to correct the setup deficiencies within a reasonable amount of time as specified by the Director, as required by Section 700.100.3(6), RSMo.

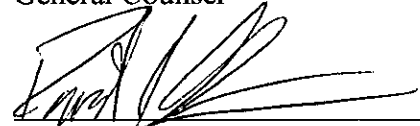
b. Under the authority provided the Commission in Section 700.100.3, RSMo, suspend the Dealer Registrations of Rightway Homes until such time as the setup deficiencies are corrected, or a period of 14 days, whichever is longer.

c. Authorize the Office of General Counsel to seek civil penalties from Rightway Homes pursuant to Section 700.115.2, RSMo.

d. Issue other findings and orders as are just and reasonable.

Respectfully submitted,

DANA K. JOYCE
General Counsel

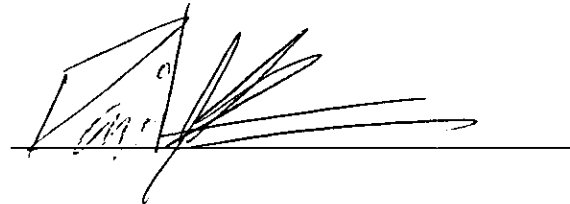


David J. Stueven
Assistant General Counsel
Missouri Bar No. 51274

Attorney for the Director of the Division of
Manufactured Homes and Modular Units of
the Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
(573) 751-8702
(573) 751-9285 (Fax)

Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to the persons listed below on this 6th day of March 2000.



Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Doyle W. Murr
c/o Rightway Homes
P.O. Box 185
Salem, MO 65560

Application for Manufactured Home or Modular Unit Certificate of Dealer Registration

(Any false statement in this application is a violation of the law and may be punished by fine or imprisonment or both)

<input type="checkbox"/> New Application <input checked="" type="checkbox"/> Renewal		If Renewal, Registration Number: 725101		<input checked="" type="checkbox"/> Manufactured Home Dealer <input type="checkbox"/> Modular Unit Dealer	
DEALERSHIP INFORMATION			CORPORATE ADDRESS		
Dealership Name Rightway Homes			Corporate Name RECEIVED		
Street Address of Bona Fide Established Place of Business (Not P.O. Box) Hwy 19 South			Address DEC 27 1999		
City Salem	State MO	Zip Code 65560	City	State	Zip Code
Phone (573) 729-5144	Fax (573) 729-2930	County DENT	Zip Code MO. PUBLIC SERVICE COMMISSION		
ADDITIONAL LOCATIONS - Please List additional locations to be registered below:					
Dealership Name	Address	City, State, Zip Code	Phone		
Rightway Homes	Hwy 28 + 63	Vichy, MO 65580	(573) 299-4949		
IMPORTANT: Pursuant to Chapter 700 RSMo, all books, records, files and other matters required and necessary to conduct the business shall be kept and available for inspection during normal daytime business hours at the bona fide established place of business listed above.					
Type of Ownership: <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation			If a Corporation, State of Incorporation		
IF A CORPORATION, YOU MUST ATTACH			• Certificate of Good Standing (Call 573-751-4153 to obtain.) • Statement of No Taxes Due (Call 573-751-9268 to obtain.)		
LIST ALL OWNERS BELOW			If a partnership, list name & address of each partner. If a corporation, list names & addresses of principal officers.		
Name (Last, First, MI)	Home Address	City	State	Zip Code	Social Security #
1. Murr, Doyle W.	RECEIVED	Salem	MO	65560	452-64-5707
2.	DEC 28 1999				
3.					
4.					
UNITS SOLD - Number of units sold in prior 12 months: MANUFACTURED HOUSING DEPARTMENT Hart, Fairmont, Clayton, Fleetwood,					
FELONY INFORMATION					
Has owner (or any partner, if partnership, or officer, if corporation) within the preceding ten (10) years been convicted in any Federal or State court of a felony relating to the acquisition or transfer of a manufactured home or any other form of property? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					
If yes, provide the following:	Date	Court	Conviction	Sentence	
MISDEMEANOR INFORMATION					
Has owner (or any partner, if partnership, or officer, if corporation) within the preceding five (5) years been convicted in any Federal or State court of a misdemeanor relating to the acquisition or transfer of a manufactured home or any other form of property? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					
If yes, provide the following:	Date	Court	Conviction	Sentence	
CERTIFICATION					
I do solemnly affirm and verify that the concern named herein is a bona fide dealer and I have the authority to make the statements contained herein and to sign this application.					
Signature of Owner, Partner or Corporation Officer Doyle W. Murr			Date 12-23-99		



Missouri Public Service Commission

TN. 4193080142

CN - 1225

Amn. \$1.50

Application for Manufactured Home or Modular Unit Certificate of Dealer Registration

(Any false statement in this application is a violation of the law and may be punished by fine or imprisonment or both)

<input type="checkbox"/> New Application <input checked="" type="checkbox"/> Renewal		If Renewal, Registration Number: 725104		<input checked="" type="checkbox"/> Manufactured Home Dealer <input type="checkbox"/> Modular Unit Dealer	
DEALERSHIP INFORMATION				CORPORATE ADDRESS	
Dealership Name Rightway Homes				Corporate Name	
Street Address of Bona Fide Established Place of Business (Not P.O. Box) 3480 N. US Hwy 63				Address	
City West Plains		State Mo.	Zip Code 65775	City	State
Phone 417-255-2640	Fax (417) 255-2739	County Howell	Zip Code	Phone	
ADDITIONAL LOCATIONS - Please List additional locations to be registered below:					
Dealership Name		Address		City, State, Zip Code	
Rightway Homes		P.O. Box 185		Salem, MO. 65560	
Rightway Homes		P.O. Box 430		Vichy, MO. 65586	
IMPORTANT: Pursuant to Chapter 700 RSMo, all books, records, files and other matters required and necessary to conduct the business shall be kept and available for inspection during normal daytime business hours at the bona fide established place of business listed above.					
Type of Ownership: <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation				If a Corporation, State of Incorporation	
IF A CORPORATION, YOU MUST ATTACH				• Certificate of Good Standing (Call 573-751-4153 to obtain.) • Statement of No Taxes Due (Call 573-751-9268 to obtain.)	
LIST ALL OWNERS BELOW				If a partnership, list name & address of each partner. If a corporation, list names & addresses of principal officers.	
Name (Last, First, MI)		Home Address		City	State
1. Murr, Doyle W		P.O. Box 185		Salem	MO
UNITS SOLD - Number of units sold in prior 12 months		New 8	Used 4	List Manufacturers Fairmont-Southern-Delta-Friendship	
FELONY INFORMATION					
Has owner (or any partner, if partnership, or officer, if corporation) within the preceding ten (10) years been convicted in any Federal or State court of a felony relating to the acquisition or transfer of a manufactured home or any other form of property? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					
If yes, provide the following:		Date	Court	Conviction	Sentence
MISDEMEANOR INFORMATION					
Has owner (or any partner, if partnership, or officer, if corporation) within the preceding five (5) years been convicted in any Federal or State court of a misdemeanor relating to the acquisition or transfer of a manufactured home or any other form of property? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes					
If yes, provide the following:		Date	Court	Conviction	Sentence
CERTIFICATION					
I do solemnly affirm and verify that the concern named herein is a bona fide dealer and I have the authority to make the statements contained herein and to sign this application.					
Signature of Owner, Partner or Corporation Officer Doyle W. Murr				Date 1-3-00	

RECEIVED

JAN 6 - 2000

Missouri Public Service Commission
MANUFACTURED HOUSING DEPARTMENT

2000

Certificate of Dealer Registration

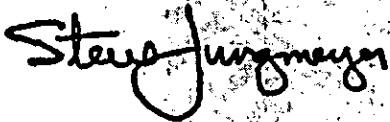
TO WHOM IT MAY CONCERN: The dealer shown below has complied with the requirements of Sections 700.090 and 700.455 RSMo, and therefore is registered in the State of Missouri as a Dealer of Manufactured Homes. This certificate is valid until January 15, 2001.

Issued To

RIGHTWAY HOMES
HWY 19 S, PO BOX 185
SALEM, MO 65560

DBA

RIGHTWAY HOMES
JCT HWY 63 & HWY 28
VICHY, MO 65580



Steve Jungmeyer, Director
Department of Manufactured Housing,
Recreational Vehicles, and Modular Units

THIS CERTIFICATION MUST BE PROMINENTLY DISPLAYED

Registration Number: 725102

Issue date: 1/27/00

Missouri Public Service Commission
MANUFACTURED HOUSING DEPARTMENT

2000

Certificate of Dealer Registration

TO WHOM IT MAY CONCERN: The dealer shown below has complied with the requirements of Sections 700.090 and 700.455 RSMo and therefore is registered in the State of Missouri as a Dealer of Manufactured Homes. This certificate is valid until January 15, 2001.

Issued To

RIGHTWAY HOMES
HWY 19 S, PO BOX 185
SALEM, MO 65560

DBA

RIGHTWAY HOMES
3480 N US HWY 63, PO BOX 228
WEST PLAINS, MO 65775

Steve Jungmeyer, Director
Department of Manufactured Housing,
Recreational Vehicles, and Modular Units

THIS CERTIFICATION MUST BE PROMINENTLY DISPLAYED

Registration Number: 725104

Issue date: 1/11/00

Consumer: Farnsworth, Doug
Address: PO Box 701, Linn, MO 65051
Telephone Number: 573-897-3827
Manufacturer: FLEETWOOD HMS OF MS 25-2, 100 FLEETWOOD CIRCLE, LEXINGTON, MS 39095 Phone #: (601) 834-1005
Dealer: RIGHTWAY HOMES, HWY 19 S, PO BOX 185, SALEM, MO 65560
Installer:
Inspector's Name: Haden, Tim
Serial Number: MSFLS25AB36835 **HUD Label Number:** RAD841883/84
Date of Manufacture: 9/13/1995 **Date of Installation:**
Date Inspected: 9/16/1999 **Size:** Single-Wide

Item:	Findings:	Location:
1	1900.00 MISCELLANEOUS / REGULATIONS/MISCELLANEOUS / REGULATIONS/ Notes: a) There is a stain on the kitchen floor vinyl which appears to be glue.	
2	0501.01 EXTERIOR WALLS/STUDS/BOWED There is a bowed area in the back side rear end wall which appears to be due to bowed wall studs. Standard: 3280.305(f)	
3	1809.06 APPLIANCES/FIREPLACE/FLUE The fireplace flu pipe is below the required height. Standard: 3280.305(f)	
4	0704.02 EXTERIOR SIDING/VINYL/INSTALLATION The exterior vinyl siding is loose and buckled out under several of the windows. Standard: 3280.307(a)	
5	0700.00 EXTERIOR SIDING/EXTERIOR SIDING/ The exterior vinyl siding is buckled and wavy along the front side of the home. It appears that the underlayment is buckled in several ares causing the vinyl to be wavy. Standard: 3280.307(a)	
6	3100.00 SETUP/SETUP/ Set up deficiencies observed. a) The manufacturers installation manual does not provide information needed to install this home on a basement foundation. The dealer is required to submit an approved method of installation for a basement set for this home. The method of installation is to be approved by the manufacturers DAPIA or a registered professional engineer. The approval is to include the size and type of footers required, the type of support post required, the size of the support beams and required spacing of the support beams. b) There are no column supports installed along the marriage line of the home as required. c) The Labeled G-2 straps have not properly anchored. d) Some of the I-beams are not shimmed tight. e) The ridge beam is uneven in some areas along the marriage line. f) The fireplace air inlet cannot terminate in the basement area of the home. g) The bolt holes in the bottom board along the mating line have not been sealed. h) The electric cable for the central air conditioner circuit must be installed in couduit outside the home and under the home. i) The floor fo the furnace compartment is not properly firestopped around the central air conditioner A-coil lines. j) The two sections are not properly fastened together along the mating line. The end walls of the two sections are to be fastened together using #8 x 4" wood screws spaced at 24" on center and staggered from side to side. The ridge beam and the rim joist are to be lagged with 3/8" x 6" minimum lag bolts spaced at 36" apart on center staggered from side to side.	

Action Requested:

Manufacturer to correct item(s): 1, 2, 3, 4, 5

Dealer to correct item(s): 6

Notification:

Notification to Manufacturer: FLEETWOOD HMS OF MS 25-2, LEXINGTON, MS

Notification to Dealer: RIGHTWAY HOMES, SALEM, MO

Notification to Installer: N/A

Time Allowed:

20 days

☒ 30 days ☐ 15 days ☐ — days

☐ 30 days ☐ 15 days ☐ — days



Commissioners

SHEILA LUMPE
Chair

HAROLD CRUMPTON

CONNIE MURRAY

ROBERT G. SCHEMENAUER

M. DIANNE DRAINER
Vice Chair

September 20, 1999

Rightway Homes, Inc.
Highway 19 South
Salem, MO 65560

RE: Doug Farnsworth

Dear Sir or Madam:

As an authorized inspector for the Department of Manufactured Housing, Recreational Vehicles and Modular Units, on September 16, 1999, I inspected a Fleetwood Homes of MS, Inc. manufactured home (serial number MSFLS25A/B36835) owned by Doug Farnsworth. A copy of the inspection report is enclosed.

Pursuant to Section 700.100.3(6) RSMo 1994, manufactured home dealers are responsible to arrange for the proper initial setup of any manufactured home or modular unit purchased from their dealership, unless the dealer receives a written waiver of that service from the purchaser or his authorized agent and an amount equal to the actual cost of the setup is deducted from the total cost of the manufactured home or modular unit.

The inspection conducted by this Department indicated that the referenced manufactured home is not properly setup. Please refer to those items of the inspection report for specific details. According to Section 700.045(5) RSMo 1994, you are required to correct the noted setup deficiencies within 30 days from receipt of this notification. In addition, please submit a work order signed by the homeowner indicating that the setup deficiencies have been corrected.

Please note that failure to correct these items within the specified time period could result in a formal complaint being brought before the Public Service Commission for enforcement measures.

Thank you for your prompt attention to this matter. Should you have any questions, please feel free to contact me at 573-642-0001.

Respectfully,

Tim Haden
Manufactured Housing Inspector
Department of Manufactured Housing,
Recreational Vehicles and Modular Units

c: File

GORDON L. PERSINGER
Acting Executive Director
Director, Research and Public Affairs

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. KOILIS
Director, Administration

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General Counsel



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Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

October 28, 1999

Rightway Homes
South Highway 19, PO Box 185
Salem, MO 65560

RE: Doug Farnsworth

Dear SIR/MADAM:

On September 20, 1999, you were furnished with a notice of inspection of the Fleetwood Homes manufactured home (serial number MSFLS25AB36835) owned by Doug Farnsworth and directed to correct specified deficiencies in the setup of the manufactured home. I have not received the signed work orders as requested, and the homeowner has indicated that the deficiencies have not been corrected.

Unless the setup deficiencies noted in the previous letter are corrected within fifteen (15) days from the receipt of this letter, and a work order signed by the homeowner indicating that the setup deficiencies have been corrected is received, this complaint file will be forwarded to the Public Service Commission General Counsel for the preparation of a formal complaint. In the event a complaint is filed, requested remedies may include revocation, suspension, or probation of your dealer's registration, pursuant to Section 700.100.3(6)RSMo 1994, and/or monetary penalties.

If there is any reason that you cannot comply within the 15-day period, you should contact me immediately at 573-642-0001.

Respectfully,

Tim Haden
Manufactured Housing inspector
Department of Manufactured Housing
and Modular Units

c: File

General Counsel

Doug Farnsworth
PO Box 701
Linn, MO 65051

Missouri Public Service Commission Site Investigation Report

Consumer: Farnsworth, Doug
Address: PO Box 701
City, State, Zip: Linn, MO 65051
Phone Number: 573-897-3827

Manufacturer: FLEETWOOD HMS OF MS 25-2
Address: 100 FLEETWOOD CIRCLE
City, State, Zip: LEXINGTON, MS 39095
Phone Number: (601) 834-1005

Dealer: RIGHTWAY HOMES
Address: HWY 19 S, PO BOX 185
City, State, Zip: SALEM, MO 65560
Phone Number: (573) 729-5144

Installer:
Address:
City, State, Zip:
Phone Number:

Inspector's Name: Haden, Tim
Serial Number: MSFLS25AB36835
Date of Manufacture: 9/13/1995
Date Inspected: 1/14/2000

HUD Label Number: RAD841883/84
Date of Installation: 9/19/1995
Size: Multi-Wide

Item:	Findings:	Location:
1	3100.00 SETUP/SETUP/ Set up deficiencies. a) The manufacturers installation instruction manual does not provide information needed to properly install this home on a basement foundation. The dealer is required to submit an approved method of installation for a basement set for this home. The method of installation must be approved by the manufacturers DAPIA or a registered professional engineer. b) There are no marriage line column supports installed. There are 5 locations marked along the marriage line c) The labeled G-2 straps have not been connected. There is 1 set on the marriage line. d) The ridge beam and rim joist are un-even in the living room area. e) Some of the support beams are not shimmed tight. f) The electric cable installed for the central air conditioner circuit is required to be protected from moisture and damage in conduit. g) The floor of the furnace compartment has not been fire stopped around the central air conditioner A-coil lines. h) The ITE brand breaker installed in the Siemens brand electrical panel box for the central air conditioner circuit is not approved for use in this panel box and voids the panel box manufacturers warranty. i) The crossover water and electric lines have not been properly installed according to the manufacturers installation manual and are exposed under the home. j) The crossover frame ground wire has not been connected. k) The exterior vinyl siding installed on the ends of the home is not properly fastened. The fasteners are overspaced or are not located in the middle of the pre-punched slots of the vinyl. This will allow the siding to buckle.	
2	0704.02 EXTERIOR SIDING/VINYL/INSTALLATION The vinyl siding on the front side wall of the home is not properly fastened. The fasteners are over-spaced and some are too loose. Standard: 3280.307(a)	
3	0201.01 FLOORS/BOTTOM BOARD/TORN/CUT / HOLE The bottom board is damaged along the front side wall area near the middle of the home. Standard: 3280.307(d)	

Action Requested:

Manufacturer to conduct a Subpart I on item(s): 2, 3

Dealer to correct item(s): 1

Notification:

Notification to Manufacturer: FLEETWOOD HMS OF MS 25-2, LEXINGTON, MS

Notification to Dealer: RIGHTWAY HOMES, SALEM, MO

Notification to Installer: N/A

Time Allowed:

20 days

☐ 30 days ☐ 15 days ☐ — days
☐ 30 days ☐ 15 days ☐ — days

Service List for
Case No. MC-2000-__
March 6, 2000

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Loyd Biggs
Rock Road Trailer Parts & Sales
12725 St. Charles Rock Road
Bridgeton, MO 63044