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CHARLES H. GREEN, III

CHAS. H. GREEN, JR.  
RETIRED

February 3, 2000

AREA CODE ~~816~~ 660  
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**FILED**<sup>3</sup>

FEB 07 2000

Missouri Public  
Service Commission

Honorable Judge Dale Hardy Roberts  
Secretary-Chief Regulator Law Judge  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, MO 65102

Re: William L. Pitts DBA Pitts Mobile Homes  
Case #MC-2000-181

Dear Judge Roberts:

Enclosed please find the original and fourteen copies of the Respondent's recommendation for Reconsideration and Reduction of Penalty.

As the attorney for William L. Pitts DBA Pitts Mobile Homes, I have enlightened Mr. Pitts on the necessity of not only complying with the repairs which are outlined by the Director, but also on prompt reply to the Director pursuant to the time limits and statute of limitations provided for in the rules.

Unfortunately, although six out of the seven complaints have been repaired and rectified, and the seventh count belonging to Miss Bacon cannot be taken care of for the reasons outlined in the request, Mr. Pitts cannot be out of business for a total of 98 days. In other words, this will actually put him "out of business" if he has to endure the extreme hardship and punishment of being able to conduct business for the full 98 days duration.

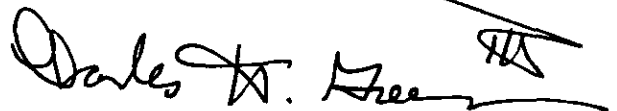
As attorney for William L. Pitts DBA Pitts Mobile Homes, I can assure you that prompt attention and compliance with the time limits and the rules will be complied with in the future.

Thank you, Judge Roberts, for your consideration in this matter.

Respectfully,

GREEN AND GREEN

By



CHG,III:tl  
Enclosures  
EXPRESS MAIL

THE DIRECTOR OF THE DEPARTMENT)  
OF MANUFACTURED HOMES AND )  
MODULAR UNITS OF THE PUBLIC )  
SERVICE COMMISSION, )  
Post Office Box 360, )  
Jefferson City, MO 65102, )

Director, )

vs. )

WILLIAM L. PITTS DBA )  
PITTS MOBILE HOMES, )  
426 NW 1021, )  
Centerview, MO 64012, )

Respondent.)

FILED<sup>3</sup>

FEB 07 2000

Missouri Public  
Service Commission

Case #MC-2000-181

#### REQUEST FOR RECONSIDERATION AND REDUCTION OF PENALTY

COMES NOW CHARLES H. GREEN, III, an attorney representing WILLIAM L. PITTS DBA PITTS MOBILE HOMES, in response to the Order Of Default entered by the Public Service Commission to become effective on December 17, 1999, hereby request the Director to reconsider and reduce the penalty for the following reasons:

1. William L. Pitts DBA Pitts Mobile Homes has been in business in the State of Missouri for a number of years.
2. That the Seven (7) counts filed in a formal complaint on or about August 24, 1999, where minor deficiencies which did **NOT** render any of the mobile homes inhabitable or untenable. It is the understanding of the Respondent's counsel that the said units involved were actually being lived in by the purchasers or were able to be lived in and none of the alleged counts prevented them from occupying the unit.
3. That Three (3) of the complaint deficiencies were completed and satisfied by September, 1999.

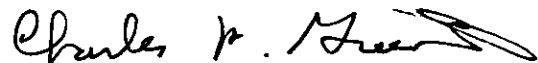
4. That of the Four (4) remaining, Three (3) have now been completed and satisfied and the only one left incomplete is the unit which has been sold to Judith E. Bacon, Holden, Missouri. Respondent has attempted to enter the property of Miss Bacon for the purpose of correcting the deficiency but has been denied access on the property presumably based upon advice of her legal counsel. Miss Judith Bacon is represented by the law firm of Bailey, Riddle and Morgan, 303 North Holden, Warrensburg, Missouri, 64093. This is in a civil contractual dispute which will result in litigation being filed in the Associate Circuit Court of Johnson County, Missouri, at Warrensburg.

5. Your Respondent further states that the penalty of Fourteen (14) days on each one of the Seven (7) counts to run consecutively results in punishment which exceeds and is far greater than the crime it is intended to correct.

6. Further, to be out of business for Ninety-Eight (98) days consecutively running will result in an undue hardship on the Respondent.

WHEREFORE, Respondent requests the Director to reconsider the punishment of Fourteen (14) days on each one of the Seven (7) counts to run concurrently and modify its Order Of Default to either a lesser term or that each one of the penalties on the Seven (7) counts run consecutively.

Respectfully Submitted,



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CHARLES H. GREEN, III  
Attorney on behalf of Respondent

THE DIRECTOR OF THE DEPARTMENT)  
OF MANUFACTURED HOMES AND )  
MODULAR UNITS OF THE PUBLIC )  
SERVICE COMMISSION, )  
Post Office Box 360, )  
Jefferson City, MO 65102, )

Director,)

vs. )

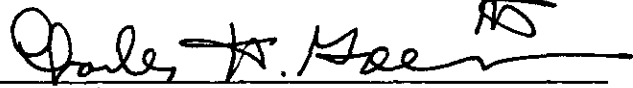
Case #MC-2000-181

WILLIAM L. PITTS DBA )  
PITTS MOBILE HOMES, )  
426 NW 1021, )  
Centerview, MO 64012, )

Respondent.)

#### RESPONDENT'S CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing instrument was sent regular United States Mail, postage prepaid, this 3rd day of February, 2000, to Office of the Public Counsel, Post Office Box 7800, Jefferson City, MO 65102.

  
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CHARLES H. GREEN, III

THE DIRECTOR OF THE DEPARTMENT)  
OF MANUFACTURED HOMES AND )  
MODULAR UNITS OF THE PUBLIC )  
SERVICE COMMISSION, )  
Post Office Box 360, )  
Jefferson City, MO 65102, )

Director, )

vs. )

Case #MC-2000-181

WILLIAM L. PITTS DBA )  
PITTS MOBILE HOMES, )  
426 NW 1021, )  
Centerview, MO 64012, )

Respondent.)

#### RESPONDENT'S CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing instrument was sent regular United States Mail, postage prepaid, this 3rd day of February, 2000, to David Stueven, Legal Counsel for the Director of the Department of Manufactured Homes and Modular Units of the Public Service Commission, Post Office Box 360, Jefferson City, MO 65102.

  
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CHARLES H. GREEN, III