



Commissioners

SHEILA LUMPE
Chair

HAROLD CRUMPTON

CONNIE MURRAY

ROBERT G. SCHEMENAUER

M. DIANNE DRAINER
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/>

December 29, 1999

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

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

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-2000-397

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
Assistant General Counsel
(573) 751-6726
(573) 751-9285 (Fax)

DJS/mm
Enclosure
cc: Counsel of Record

FILED²

DEC 29 1999

Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

DEC 29 1999

Missouri Public
Service Commission

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

Complainant,

v.

Rock Road Trailer Parts and Sales, Inc.,

Respondent.

Case No. MC-2000- 397

COMPLAINT

COMES NOW the Director of the Department of Manufactured Homes and Modular Units of the Missouri 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 ("Complaint") states as follows:

1. The 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 all of its powers pertaining to new manufactured homes under Chapter 700 to the Director, except for the powers to revoke, deny, refuse to renew or place on probation a registration under Section 700.090, which are retained by the Commission.

3. On December 23, 1998, Loyd Biggs executed an Application for Manufactured Homes Dealership Certificate of Registration on behalf of Rock Road Trailer Parts and Sales,

Inc. (Rock Road). The Director issued Certificate of Dealer Registration No. 157102 to Rock Road on January 14, 1999. The certificate states that it was valid until January 15, 2000.

4. Section 700.015.1, RSMo states that “[n]o person shall rent, lease, sell, or offer for sale any manufactured home...within the state, unless such manufactured home...complies with the code[.]” The applicable code is the code “which was in effect when [the manufactured home] entered the first stage of production”.²

5. Section 700.045(5), RSMO makes it a misdemeanor to “fail to correct a code violation in a manufactured home...within a reasonable time not to exceed ninety days after being ordered to do so in writing by an authorized representative of the commission[.]”

6. 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[.]

7. Section 700.100.3(9), RSMo provides that it is a ground for the Commission to suspend, revoke, or place on probation a dealer’s registration if the dealer engages in conduct in violation of Section 700.045, RSMo.

8. Section 700.115.2, RSMo states that anyone who violates the above provisions (in paragraphs 4 through 7) 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

¹ All references to the Revised Statutes of Missouri will be to RSMo 1994 and 1998 Supplement unless otherwise noted.

² 4 CSR 240-121.030(2)(I)

home or with respect to each failure or refusal to allow or perform an act required by this chapter[.]

9. On December 9, 1998, Susann Piccininno purchased a Redman Home, Serial Number 10603221 ("Piccininno Home") from Rock Road.

10. Rock Road received no valid waiver of any setup responsibilities from Ms. Piccininno as part of the purchase agreement.

11. On October 27, 1999, Ms. Piccininno filed a consumer complaint with the Director.

12. Silas Eugene Winn, the Inspector Supervisor of the Department, and an authorized inspector for the Commission, conducted an inspection of the Piccininno Home on October 27, 1999.

13. As a result of the inspection, Mr. Winn prepared a Field Inspection Report citing 32 deficiencies in the home that either did not comply with the applicable codes or constituted a set up violation (Appendix A). Mr. Winn also took photographs of the various deficiencies (Appendix B).

14. On October 31, 1999, Mr. Winn sent a letter to Mr. Biggs, enclosing a copy of the Field Inspection Report dated October 27, 1999, and directing that the deficiencies be corrected within 30 days (Appendix C).

15. On December 3, 1999, Mr. Winn sent a letter to Mr. Biggs directing him to forward work orders, signed by the consumer, which indicated that the deficiencies noted in the inspection report had been corrected. Said work orders were to be forwarded within 15 days from the receipt of the letter (Appendix D).

16. As of the date of this Complaint, the Director has received no work orders indicating that the deficiencies have 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. Find that the Respondent sold a manufactured home that did not comply with the code in violation of Section 700.015.1;
- c. Under the authority provided the Commission in Section 700.100.3, RSMo, revoke the Dealer Registration of Rock Road Trailer Parts and Sales, Inc.;
- d. Authorize the Office of General Counsel to seek civil penalties from Rock Road Trailer Parts and Sales Inc. pursuant to Section 700.115.2, RSMo; and
- e. Issue other findings and orders as are just and reasonable.

Respectfully submitted,

DANA K. JOYCE
General Counsel

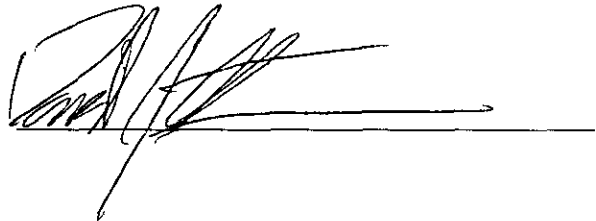


David J. Stueven
Assistant General Counsel
Missouri Bar No. 51274

Attorney for the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-6726 (Telephone)
(573) 751-9285 (Fax)

Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the below service list this 29th day of December 1999.

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right, positioned above a thin horizontal line.

Complainant: Susann Piccininno	
Address: 419 Fair Oaks St.Clair, Missouri 63077	
Telephone Number: 636/629/8256 636/629/8257	
Make of Home: Redman Homes, Inc.	Serial Number: 10603221
HUD Label Number: RAD-004642&43	Size: 26X58
Date Received: 10/26/99	Date Inspected: 10/27/99
Inspectors Name: Gene Winn & Tom Jensen	Date of Mfr.: 1977

Item	Findings
1	The electrical panel box is not properly wired. Also, the wall panel is off under the box and the electrical wires are exposed and some of the wires are cut into. 3280.808
2	The back bedroom closet ceiling has one piece of ceiling tile missing.3280.505(a)
3	The main bathroom lights, outlet and ceiling fan do not work. 3280.807
4	There is a hole in the main bathroom wall approximately 16"X24" and there are electrical wires exposed.
5	The outlet in the main bathroom is to be on the GFCI breaker. 3280.806(b)
6	The hall light fixture is not fastened up properly. 3280.807(a)
7	The smoke detector for the back bedroom does not work. 3280.807(a)
8	The wall between the bedroom and the utilityroom has wall panels and studs missing. Also, there are electrical wires exposed and damaged that will need repaired or replaced.
9	There is not a heat duct crossover installed.
10	The livingroom outlets do not work.
11	The home has been altered by adding a dishwasher and the dealer will be required to apply for an application to alter. The dishwasher is not installed in compliance to the code. The dealer will need to send a copy of the installation instructions for the dishwasher. The electric will need to be installed to the NEC and not through the counter top to an outlet.
12	The firestopping at the ceiling for the furnace will need to be replaced. 3280.206(c)
13	The furnace wiring is missing and the furnace appears to have been on fire out side of the firebox will need to be checked by a certified furnace representative and if it is not safe will need to be replaced with a furnace approved for a manufactured home.
14	The are outlets throughout the home with covers missing.
15	The dishwasher drain is hooked into the kitchen sink vent pipe. The auto-vent has been removed. The auto-vent must be installed and the dishwasher drain line properly installed.
16	The floor decking is soft in several areas of the home and there are holes in the decking in the master bathroom.
17	The master bedroom light and outlets are not working.
18	The master bathroom exhaust fan does not work.
19	The smoke detector located in the hall for the front bedroom does not work. 3280.807(a)
20	The front storm door has been removed and will need to be replaced.
21	The backdoor outside light is not sealed and will let water into the wall. 3280.807(a)
22	The back door is coming apart at the bottom and will not seal properly. 3280.405(d)
23	There are electrical wiring exposed under the home. Some wires have been spliced on the underside of the home and do not have wire nuts and the wires are not in a junction box.
24	The bottom board material is down in several locations and some of the insulation is missing. All the bottom board will need to be repaired and the insulation replaced.
	Page one of two.

Action Requested: Dealer to correct all items on page one and two.	
Notification to Mfg. N/A	Time Allowed:
Notification to Dealer: Rock Road Trailer Parts & Sales, Inc.	Time Allowed: 30 days

Complainant: Susann Piccininno	
Address: 419 Fair Oaks St.Clair, Missouri 63077	
Telephone Number: 636/629/8256 636/629/8257	
Make of Home: Redman Homes, Inc.	Serial Number: 10603221
HUD Label Number: RAD-004642&43	Size: 26X58
Date Received: 10/26/99	Date Inspected: 10/27/99
Inspectors Name: Gene Winn & Tom Jensen	Date of Mfr.: 1977
Item	Findings
25	The drain line for the main sewer drop under the home has a short turn elbow where a long turn fitting is required. 3280.610(g)(3)
26	The patio door is not blocked.
27	The water heater has been changed from gas to electric. The electrical to the water heater has not been installed in an approved manor. Also, the water heater is not secured in place as required.
28	There are gas lines under the home that are not capped off as required and the gas line in the water heater compartment is not capped.
29	There has been aluminum siding added to this home over the top of hardboard siding that has rotted. This siding does not appear to be properly installed. There is gaps around the windows that will allow water into the outside wall cavity. The dealer will be required to get an approved method for the installation of this siding. The siding will then need to be installed to prevent the infiltration of the elements.
30	There is not a ground wire connecting the two frames of this home together as required.
31	The HUD labels for this home are under the aluminum siding and are to be attached to the outside of the siding on the home.
32	The dealer will be required to apply for an application to alter for the installation of the water heater, dishwasher and the furnace if it is changed. The dealer will also have to have the electrical repaired an checked by a licensed electrician and then conduct a continuity, operational, polarity and a dielectric strength test conducted on the entire electric system.
Action Requested: Dealer to correct all items on page one and two.	
Notification to Mfg. N/A	Time Allowed:
Notification to Dealer: Rock Road Trailer Parts & Sales, Inc.	Time Allowed: 30 days



Commissioners

SHEILA LUMPE
Chair

HAROLD CRUMPTON

CONNIE MURRAY

ROBERT G. SCHEMENAUER

M. DIANNE DRAINER

Vice Chair

Loyd Biggs

Rock Road Trailer Parts & Sales, Inc.
12725 St. Charles Rock Road
Bridgeton, Missouri 63044

RE: Susann Piccininno

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/>
10/31/99

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

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

Dear Mr. Biggs:

As an authorized inspector for the Department of Manufactured Housing, Recreational Vehicles and Modular Units, I inspected a Redman Homes, Inc. manufactured home (serial number 10603221) owned by Susann Piccininno, on 10/27/99. 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.

Further, according to Section 700.015-1 RSMo, no person shall rent lease sell or offer for sale any manufactured home manufactured after January 1, 1974 or any new recreational vehicle within this state, unless such manufactured home or new recreational vehicle complies with the code and bears the proper seal.

The inspection conducted by this department indicated that the referenced manufactured home is not properly setup and is not in compliance to the code.

Also, it is the finding of this Department that this home has been altered in violation of state law. Section 700.025 RSMo 1994, states that no person shall alter or cause to be altered any manufactured home, recreational vehicle, or modular unit to which a seal has been affixed, if such alteration or conversion causes the manufactured home, recreational vehicle or modular unit to be in violation to the code. Please refer to the specific items of the inspection report for specific details. According to Section 700.045(5) RSMo 1994, you are required to correct the noted setup and the alteration deficiencies and non-conformances within 30 days from receipt of this notification. In addition, please submit the enclosed work order signed by the homeowner indicating that the noted deficiencies have been corrected.

Please note that failure to correct the deficiencies 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 575/526/2833.

Respectfully,

Gene Winn
Inspector Supervisor
Department of Manufactured Housing
and Modular Units

c: FILE
Tom Jensen



Commissioners

SHEILA LUMPE
Chair

HAROLD CRUMPTON

CONNIE MURRAY

ROBERT G. SCHEMENAUER

M. DIANNE DRAINER
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/>

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

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

December 3, 1999

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

RE: Susann Piccininno

Dear Mr. Biggs:

On 10/31/99 you were furnished with a notice of inspection of the Redman Homes, Inc. manufactured home (serial number 10603221) owned by Susann Piccininno and directed to correct specified deficiencies in the setup of the manufactured home. I am unable to determine that the listed deficiencies have been corrected. I have not received the signed work orders as requested, or the homeowner has indicated that the deficiencies have not been corrected, or I have re-inspected the home and found 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 573/696/3152.

Respectfully,

Gene Winn
Inspector Supervisor
Department of Manufactured Housing
and Modular Units

cc: Office File
General Counsel













