

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

JUN 14 2000

Missouri Public  
Service Commission

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

Complainant,

v.

Case No. MC-2000- 818

Manufactured Housing Services of Bonne  
Terre d/b/a Oakcreek Village of Bonne  
Terre

Respondent.

COMPLAINT

COMES NOW the Director of the Division of Manufactured Homes and Modular Units of the Public Service Commission ("Director" or "Department"), by and through the Missouri Public Service Commission's ("Commission") Office of General Counsel, pursuant to Section 700.100 RSMo (Supp. 1999)<sup>1</sup> and for his Complaint against Manufactured Housing Services of Bonne Terre d/b/a Oakcreek Village of Bonne Terre ("Oakcreek") states as follows:

1. The Commission has jurisdiction over manufactured homes and manufactured home dealers pursuant to Chapter 700 RSMo.

2. In 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 RSMo,

---

<sup>1</sup> All references to the Revised Statutes of Missouri will be to RSMo (Supp. 1999) unless otherwise stated.

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.

3. On January 14, 2000, Michael J. Havicon filed, on behalf of Oakcreek, an Application for Manufactured Homes Certificate of Dealer Registration for Discount (Appendix A). After receiving the required documentation from Oakcreek on March 10, 2000, the Director issued Certificate of Dealer Registration No. 1000501 to Oakcreek on March 13, 2000 (Appendix B). The certificate is valid until January 15, 2001.

4. Section 700.025, RSMo provides that:

No person shall alter or cause to be altered any manufactured home or modular unit to which a seal has been affixed, if such alteration or conversion causes the manufactured home or modular unit to be in violation of the code.

5. 4 CSR 240-120.100 adopts the federal standards found in 24 CFR 280 as the code that new manufactured homes must comply with.

6. Section 700.115.1, RSMo provides that "a violation of the provisions of sections 700.010 to 700.115 shall constitute a violation of the provisions of section 407.020."

7. Section 700.100.3(4), RSMo provides that "any conduct which constitutes a violation of the provisions of section 407.020" is "grounds for the suspension, revocation or placing on probation of a manufacturer's or dealer's registration."

8. Section 700.115.2, RSMo further states that anyone who violates Section 700.025:

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[.]

9. Section 700.045(4), RSMo declares that it shall be a misdemeanor "to alter a manufactured home ... in a manner prohibited by the provisions of sections 700.010 to 700.115."

10. Section 700.045(5), RSMo declares that it shall be 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."

11. 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 ...

12. On January 27, 1999, John and Brenda Gegg received delivery of a Brilliant/Carriage Homes Inc. manufactured home, bearing serial number CHAL4128A/B/C, purchased from Oakcreek ("Gegg home").

13. Oakcreek altered the Gegg home by putting a stairwell in it and by adding a four-inch wall to the end of the home so that the home met the end of the concrete foundation. Oakcreek did not file an application to alter or receive approval from the Director to alter the Gegg home prior to altering the home.

14. On October 3, 1999, Mr. Gegg filed a consumer complaint with the Director.

15. Tom Jensen, an authorized inspector of the Department, conducted an inspection of the Gegg home on November 3, 1999.

16. As a result of the inspection, Mr. Jensen prepared a Field Inspection Report citing several setup deficiencies as well as citing the two alterations that were done without an approval, from the Director, to alter the manufactured home. (Appendix C).

17. On November 5, 1999, Mr. Jensen sent a letter to Oakcreek, enclosing a copy of the Field Inspection Report dated November 3, and directed that Oakcreek correct the setup deficiencies and the unauthorized alteration within 30 days (Appendix D).

18. On January 7, 2000, Mr. Jensen sent a letter to Oakcreek, informing the dealer that Mr. Jensen had not received any signed work orders and that the homeowner had indicated that the deficiencies had not been corrected. (Appendix E).

19. On January 18, 2000, Oakcreek filed an Application for Permission to Alter a Manufactured Home with the Director. (Appendix F). The Director issued his approval on January 21, 2000, requiring all work to conform to the Federal Manufactured Home Construction and Safety Standards in effect on the date of the manufacture of the Gegg home and informing Oakcreek that the work must be inspected by the Department once the work is completed. (Appendix G).

20. On March 7, 2000, Mr. Jensen and Gene Winn, the Inspector Supervisor, re-inspected the Gegg home.

21. As a result of the inspection, Mr. Jensen prepared a Field Inspection Report stating that not all of the setup deficiencies in the Gegg home had been corrected and that the stairwell alteration had not been done in accordance with the manufacturer's specifications and said alteration did not comply with the code. (Appendix H).

22. On March 14, 2000, the Director sent a letter to Oakcreek noting that there were several setup deficiencies and that the stairwell alteration, based on the deficiencies found in the inspection, could not be approved, and directed that Oakcreek correct the setup deficiencies and the unauthorized alteration within 15 days (Appendix I).

23. On April 19, 2000, Mr. Jensen and Mr. Winn re-inspected the Gegg home. None of the setup deficiencies had been corrected nor had the stairwell alteration been brought into code compliance.

24. As of the date of this Complaint, the Director has received no work orders or other evidence indicating that the unauthorized alteration or the setup deficiencies have been corrected.

**WHEREFORE**, the Director respectfully requests that the Commission:

- a. Find that Oakcreek has violated Section 700.025 by altering a manufactured home to which a seal has been affixed, causing that manufactured home to be in violation of the code.
- b. Find that Oakcreek has violated Section 700.045(5) by failing to correct a code violation within ninety days after being ordered to do so in writing by an authorized representative of the Commission.
- c. Find that the Oakcreek 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.
- d. Suspend the Dealer Registration of Oakcreek under the authority provided the Commission in section 700.100.3(4) until such time as the unauthorized alteration and the setup deficiencies are corrected, or a period of 30 days, whichever is longer.
- e. Authorize the Office of General Counsel to seek civil penalties from Oakcreek pursuant to section 700.115.2.
- f. Issue other findings and orders as are just and reasonable.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

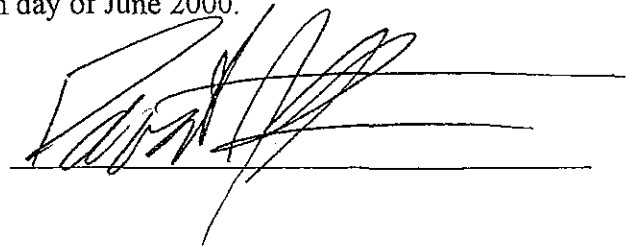


David J. Stueven  
Assistant General Counsel  
Missouri Bar No. 51274

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)  
[dstueven@mail.state.mo.us](mailto:dstueven@mail.state.mo.us) (e-mail)

### 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 attached service list this 14th day of June 2000.



Ser( : List for  
Case No. MC-2000-\_\_\_\_  
June 14, 2000

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

Michael J. Havicon  
Manufactured Housing Services of Bonne Terre  
1267 Highway 67 South  
Festus, MO 63028

**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		If Renewal, Registration Number: <u>1000567</u>		<input checked="" type="checkbox"/> Manufactured Home Dealer	
<input checked="" type="checkbox"/> Renewal		<input type="checkbox"/> Modular Unit Dealer			
<b>DEALERSHIP INFORMATION</b>			<b>CORPORATE ADDRESS</b>		
Dealership Name <u>OAKCROCK VILLAGE of BONNE TERRE</u>			Corporate Name <u>BONNE TERRE INC.</u>		
Street Address of Bona Fide Established Place of Business (Not P.O. Box) <u>6967 STORMY LN</u>			Address <u>6967 STORMY LN</u>		
City <u>BONNE TERRE</u>	State <u>MO</u>	Zip Code <u>63020</u>	City <u>BONNE TERRE</u>	State <u>MO</u>	Zip Code <u>63020</u>
Phone <u>573</u>	Fax <u>358-2287</u>	County <u>ST FRANCIS</u>	Zip Code <u>63020</u>	Phone <u>358-0703</u>	
<b>ADDITIONAL LOCATIONS</b> - Please List additional locations to be registered below:					
Dealership Name		Address		City, State, Zip Code	
<b>IMPORTANT:</b> 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:			If a Corporation, State of Incorporation		
<input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation			<u>MO</u>		
<b>IF A CORPORATION, YOU MUST ATTACH</b>			• Certificate of Good Standing (Call 573-751-4153 to obtain.) • Statement of No Taxes Due (Call 573-751-9268 to obtain.)		
<b>LIST ALL OWNERS BELOW</b>			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
1. <u>HANICOM MICHAEL J</u>	<u>1404 ALEXANDER DR</u>		<u>FESTUS</u>	<u>MO</u>	<u>63628</u>
2.					
3.					
4.					
<b>UNITS SOLD</b> - Number of units sold in prior 12 months			New	Used	List Manufacturers
<b>FELONY INFORMATION</b>					
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	
<b>MISDEMEANOR INFORMATION</b>					
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	
<b>CERTIFICATION</b>					
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 <u>Michael J Hanicom</u>			Date <u>JAN 14 2000</u>		Date <u>12-3-99</u>

MO. PUBLIC SERVICE COMMISSION

Manufactured Housing Department, P.O. Box 360, Jefferson City, MO 65102 • Phone: 800-819-3180 • Fax:

A



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*

MANUFACTURED HOUSING SERVICES OF BONNE TERRE  
1267 HIGHWAY 67 SOUTH  
FESTUS, MO 63028

*DBA*

OAK CREEK VILLAGE OF BONNE TERRE  
6967 STORMY LANE  
BONNE TERRE, MO 63628

*Steve Jungmeyer*

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

THIS CERTIFICATION MUST BE PROMINENTLY DISPLAYED

Registration Number: 1000501

Issue date: 3/13/00

Consumer: John & Brenda Gegg,  
Address: 7676 Hillsboro Road,  
City: Bonne Terre, MO 6361  
Telephone Number: 573-358-2341

**COPY**

Manufacturer: BRILLIANT/CARRIAGE HOMES,  
HIGHWAY 78, GUIN, AL 35563  
Phone #: (205) 468-3076

Dealer: OAKCREEK VILLAGE OF BONNE TERRE,  
6967 STORMY LANE,  
BONNE TERRE, MO 63628  
Phone #: (573) 358-2287

Installer:  
Inspector's Name: Thomas Jensen  
Serial Number: CHAL4128 A/B/C  
Date of Manufacture: 1/7/1999  
Date Inspected: 11/3/1999  
HUD Label Number: TRA443456-57-58  
Date of Installation: 1/27/1999  
Size: Multi-Wide

Item: Findings: Location:  
MANUFACTURER TO DO SUBPART-I ON ITEM(S) 1 - 7

1	0704.01	EXTERIOR SIDING/VINYL/DAMAGED / DEFECTIVE The exterior vinyl siding has screw holes that were not repaired in a number of locations, were shipping strips and wide load signs were attached. Standard: 3280.307(c)	Exterior Vinyl
2	1506.00	FURNACE (HEATING)/DUCT SYSTEM/ The air duct in the dinning room has no airflow. Standard: 3280.715(c)	Dining Room
3	1407.04	PLUMBING - FIXTURES/COMMODE (WC)/OPERATION/FITTINGS The commode in the utility room 1/2 bathroom will not shut off. Water runs continually. Standard: 3280.607(a)(1)	Utility Room
4	0606.04	INTERIOR WALLS/MOLDING/TRIM/ATTACHMENT There is doorway trim & wall trim though out the home, that is cut wrong and installed wrong. (Check with home owner for locations.) Standard: 3280.303(b)	Interior of Home
5	1907.00	MISCELLANEOUS / REGULATIONS/COUNTER TOP/BACKSPLASH/ The counter top between the family room and the kitchen was installed to close to the kitchen sink faucet. (The faucet will not turn on full.) This counter top should be off set, so that it allows proper operation for the water faucet. Standard: 3280.303(b)	Kitchen
6	0303.02	FLOOR COVERING/DEBRIS BELOW/UNDER VINYL/LINOLEUM There is debris/staples coming though the floor covering in the kitchen. (Number of locations found.) Standard: 3280.305(g)(2)	Kitchen
7	1006.01	INTERIOR DOORS/HARDWARE/DAMAGED / DEFECTIVE The door hinge to the master bathroom is broken and the door will not close. Standard: 3280.108(a)	Bathroom - Master

3. J.00 SETUP/SETUP/DEFICIENCIES  
DEALER TO CORRECT ITEM(S) 8 (a. - n.)

- a. The dealer altered the home by cutting in a staircase in the front door half of the home. Two (2) out riggers and six (6) floor joists were cut off. A 3' X 10' section of floor decking was also cut out. The dealer must submit an application for permission to alter for the purpose of correcting the alteration to the floor decking, floor joists & out riggers. Dealer will also need to option field method of repair (DAPIA) approval from the manufacturer to bring the home back into compliance to the code to which it was built.
- b. The dealer altered the home by adding a 4" wall to end of the home to bring the home out so it would meet the end of the concrete foundation. With this addition to the home it is no longer transportable. The dealer must submit an application for permission to alter for the purpose of correcting the alteration. Dealer will need to option field method of repair (DAPIA) approval from the manufacturer to bring the home back into compliance to the code to which it was built.
- c. No marriage line piers were installed. As per the set up manual, there needs to be blocking every 12' O.C. and at each end wall. As out-lined on pages 42 & 43.
- d. The air intake for the fire place is not vented to the exterior of the foundation, as per the fire place manufacturer.
- e. The crossover electrical ground wire on the tag unit is not installed, as per the set up manual. As out-lined on page 53.
- f. The dealer installed the home over a full foundation wall. The dryer vent is then part of set up and is to be install to the exterior of the home, as per the set up manual. As out-lined on page 62.
- g. The one sewage drain line does not have a 1/4" drop in slope per foot, as per the set up manual. This line is located inside the crossover I-beam. As out-lined on page 55.
- h. The one sewage drain line on the back wall has short turn 90's installed. As per 3280.610 (g)(2) of the Manufactured Home Construction and Safety Standards, long turn 90 sweeps are required.
- i. The crossover heat/AC ducts are not sealed and closed up properly. These ducts are leaking air into the basement. As per the set up manual, ducts are required to be closed up for proper airflow pressure. As out-lined on page 58.
- j. The marriage line bolt holes were not closed up with approved materials, as per the set up manual.
- k. The AC electrical wiring under the home is not installed inside rigid conduit and fastened up every 4' 6" and 12" from each electrical panel box or cabinet. As per 3280.808 (k) of the Manufacturer Home Construction and Safety Standards.
- L. The home is installed with a Cutter Hammer electrical panel box. The breaker installed for the AC unit was a Challenger breaker. As per the panel box manufacturer only Cutter Hammer or Westinghouse breakers can be installed in this panel box.
- m. The exterior vinyl siding was not installed on the tag unit (Top) properly and leaks air. As per the set up manual, closing up of the tag units corners and end walls are to be completed on site.
- n. There are several areas round the home that are not closed up properly with exterior trim or vinyl siding. As out-lined in the set up manual.

COPY

---

HOME NOT ANCHORED TO STATE STANDARDS:

- a. This home is not anchored. The home was set on top of a concrete foundation, and the crossover I-beams were not set in concrete. Also, the homes I-beams were not welded/anchored to the crossover I-beams.

---

Action Requested:

Manufacturer to correct item(s): 1, 2, 3, 4, 5, 6, 7

Dealer to correct item(s): 8 (a. - n.)

---

Notification:

Notification to Manufacturer: BRILLIANT/CARRIAGE HOMES, GUIN, AL

Notification to Dealer: OAKCREEK VILLAGE OF BONNE TERRE, BONNE  
TERRE, MO

Notification to Installer: N/A

---

Time Allowed:

☒ 20 days

☒ 30 days    \_\_\_ 15 days    days \_\_\_

\_\_\_ 30 days    \_\_\_ 15 days    days \_\_\_



**COPY**

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

WESS A. HENDERSON  
Director, Utility Operations

ROBERT SCHALLENBERG  
Director, Utility Services

DONNA M. KOHLIS  
Director, Administration

DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

## 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/>

Commissioners  
SHEILA LUMPE  
Chair  
HAROLD CRUMPTON  
CONNIE MURRAY  
ROBERT G. SCHEMENAUER  
M. DIANNE DRAINER  
Vice Chair

November 5, 1999

Mike Havacon  
Oakcreek Village of Bonne Terre  
6967 Stormy Lane  
Bonne Terre, MO 63628

RE: John & Brenda Gegg:

Dear Mr. Havacon:

As an authorized inspector for the Department of Manufactured Housing, and Modular Units, I inspected a Brilliant / Carriage Homes, Inc. manufactured home (serial number CHAL4128 A/B/C) owned by John & Brenda Gegg, on November 3, 1999. A copy of the inspection report is enclosed.

I want 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 636-742-2915.

Respectfully,

Thomas Jensen  
Inspector South East Region  
Department of Manufactured Housing,  
and Modular Units

Office File



**COPY**

**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

January 7, 2000

Mike Havicon  
Oak Creek Village of Bonne Terre  
6967 Stormy Lane  
Bonne Terre, MO 63628

RE: John & Brenda Gegg:

Dear Mr. Havicon:

On November 10, 1999 you were furnished with a notice of inspection of the Brilliant/Carriage Homes, Inc. manufactured home (serial number CHAL4128A/B/C) owned by John & Brenda Gegg, 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 636-742-2915.

Respectfully,

Thomas Jensen  
Inspector South East Region  
Department of Manufactured Housing,  
and Modular Units

c: John & Brenda Gegg  
Office File  
General Counsel



Missouri Public Service Commission

# Application for Permission to Alter a Manufactured Home

# COPY

## DEALER INFORMATION

Dealer Name: OAKCREEK VILLAGE of Bonne Terre

Dealer Contact Name: Mike Haucon

Dealer Address: 6967 STORMY LN

Dealer Phone: 573-358-2287

Dealer Fax: 573-358-0703

## MANUFACTURER INFORMATION

Manufacturer Name: AM HOMES-AR

Manufacturer Contact Name:

Manufacturer Address: PO BOX 69 GWIN AL 35563

Manufacturer Phone: 888-468-3076

Manufacturer Fax: 205-468-2740

## HOME INFORMATION

Model Name: SUMMER HILL

HUD Label Number: TRA 443456-57-58

Serial Number: 4128

Date of Manufacture: 1-7-99

## ALTERATION SPECIFICATIONS -

Describe the alteration you are seeking permission to make. (Attach additional sheet(s) if necessary.)

Install STAIRWELL PER CODE

Install Furred End WALL PER CODE

## REQUIREMENTS: This application will not be approved unless all of the following items are submitted.

- 1) Manufacturer's written instructions and/or approved method must be submitted.
- 2) An affidavit signed before a notary public indicating that the applicant will ensure that all alterations will comply with the required code must accompany this application. This affidavit must identify the specific make, model and serial number of the home to be altered.
- 3) If the applicant is a corporation, a written statement from a corporate officer indicating that the person filling out this application has actual authority to do so must accompany this application.

## NOTES: (Please read)

- 1) No certified new manufactured home which entered the first stage of production after November 22, 1976 on which an alteration has been made shall be offered for rent, lease or sale in this state unless such alteration has been approved in writing by the Director of the Manufactured Housing Department.
- 2) Federal law requires that the dealer maintain complete records of all alterations made on a manufactured home originally manufactured in compliance with the Federal Manufactured Home Construction and Safety Standards.

## SIGNATURE (Required)

Signed

President

Date

1-18-00



Missouri Public Service Commission

Commissioners

SHEILA LUMPE  
Chair

HAROLD CRUMPTON

CONNIE MURRAY

ROBERT G. SCHEMENAUER

M. DIANNE DRAINER  
Vice Chair

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

January 21, 2000

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

Mike Havicon  
Oakcreek Village of Bonne Terre  
6967 Stormy Ln.  
Bonne Terre, MO 63628

Re: Application for Permission to alter an American Homestar manufactured home  
(Serial No. 4128)

Dear Mr. Havicon:

Your Application for Permission to alter the above referenced manufactured home has been reviewed and approved. Permission to alter is hereby granted provided the following provisions are met:

1. All work must conform to the federal Manufactured Home Construction and Safety Standards in effect on the date of manufacture of this home, and must be completed according to the appropriate installation instructions.
2. The Department of Manufactured Housing must inspect the alteration work once it is completed. Please contact Tom Jensen, Manufactured Housing Inspector, at 636-742-2915 to schedule an inspection.

Should you have any questions regarding this matter, feel free to call me at 800-819-3180.

Respectfully,

A handwritten signature in cursive script, reading "Steve Jungmeyer".

Steve Jungmeyer  
Director, Department of Manufactured Housing and  
Modular Units

cc: Tom Jensen



# COPY

Consumer: John & Brenda Gegg	
Address: 7676 Hillsboro Road      Bonne Terre, MO 63628	
Telephone Number: 573-358-2341	Serial Number: CHAL4128 A/B/C
Manufacturer: Brilliant / Carriage Homes / HomeStar	HUD Label: TRA443456, 57, 58,
Dealer: Oak Creek Village of Bonne Terre	Size: Triple Wide
Delivery Date: 1/27/99	Date of Manufacturer: 1/7/99
Date Received Re-Inspection Request: February 4, 2000	Date Re-Inspected: March 7, 2000
Inspectors Name: Thomas Jensen	Time Inspected: 11:00 a.m.

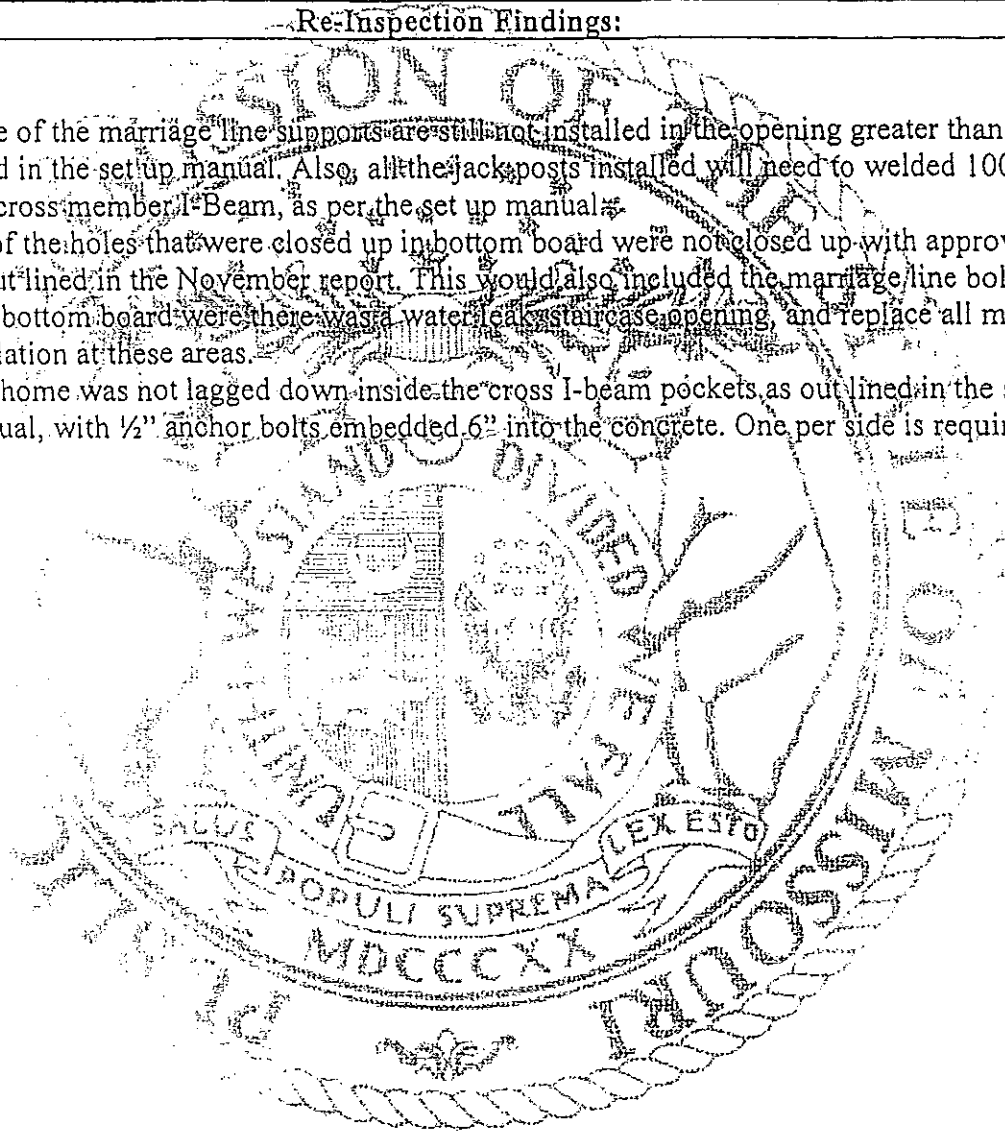
Item:	Re-Inspection Findings:
1.	The holes in the vinyl floor covering in the kitchen were not addressed by the manufacturer, as outlined in the first report dated: November 5, 1999.
2.	The counter top above the kitchen sink faucet was not set back so the homeowner could get water out of the faucet. The counter top stops the faucet handle from opening fully, as outlined in the first report dated: November 5, 1999.
3.	<p><b>Set Up Deficiencies Not Repaired or Corrected Properly:</b></p> <p>a. After receiving an application for permission to alter and the work was completed by the dealer. This home was re-inspected on March 7, 2000. The findings are that then home does not comply with the federal Safety Standards nor does it comply with the design that was submitted for alteration approval.</p> <ol style="list-style-type: none"> <li>The staircase is cut out too large. The plan calls for the staircase to be no larger than 96". This opening is greater than 9' 11" as outlined in design.</li> <li>All the floor joists were not changed out on the staircase open and re-installed from side wall to staircase wall 16" on center as outlined in design.</li> <li>No header joists at were glued as outlined in the design with no less than 80 percent coverage.</li> <li>The header joists that were installed were not nailed as per the design.</li> <li>Staircase open not supported at all corners with a jack post, as outlined.</li> </ol> <p>b. The exterior of the home was not closed up at the rack ends of the rear end. This is the wall that had been added. But the vinyl trim and metal drip rails have never been addressed, as outlined in the first report dated November 5, 1999.</p> <p>c. The crossover electrical ground wire on the tag unit has not been installed, as outlined on the November report.</p> <p>d. The sewage lines still do not have full turn 90's installed in some lines. Other sewage lines still do not have 1/4 drop per foot as report in the November report.</p> <p>e. One of the sewage line fittings now has a short turn "T" installed at a main line on its side. This will need to be changed out with a long turn 90 sweep.</p> <p>f. The vinyl siding that was installed on the tag unit to extend it down over the foundation, now has the HUD seal hanging loose at the bottom. This seal will need to be placed on the tag unit itself and not on the loose vinyl. Also it will need to be pop-riveted in place, as it was from the manufacturer.</p> <p>g. There was marriage line supports installed. However, these supports were not installed properly and have the home lifted up off the cross member I-Beams. Also, the set up manual calls for the home to be 100 percent welded to the homes I-beam.</p>

Action Requested: Mfr. to do a subpart-I on items 1 & 2.	Dealer to correct items 3, (a. - j.)
Notification to Manufacturer: Brilliant / Carriage Homes / HomeStar	Time Allowed: 15-Days
Notification to Dealer: Oak Creek Village of Bonne Terre	Time Allowed: 15-Days

**COPY**

Consumer: John & Brenda Gegg	
Address: 7676 Hillsboro Road      Bonne Terre, MO 63628	
Telephone Number: 573-358-2341	Serial Number: CHAL4128 A/B/C
Manufacturer: Brilliant / Carriage Homes / HomeStar	HUD Label: TRA443456, 57, 58,
Dealer: Oak Creek Village of Bonne Terre	Size: Triple Wide
Delivery Date: 1/27/99	Date of Manufacturer: 1/7/99
Date Received Re-Inspection Request: February 4, 2000	Date Re-Inspected: March 7, 2000
Inspectors Name: Thomas Jensen	Time Inspected: 11:00 a.m.

Item:	Re-Inspection Findings:
	<p>h. Some of the marriage line supports are still not installed in the opening greater than 4' as outlined in the set up manual. Also, all the jack posts installed will need to be welded 100 percent on the cross member I-Beam, as per the set up manual.</p> <p>i. All of the holes that were closed up in bottom board were not closed up with approved materials as outlined in the November report. This would also include the marriage line bolt holes, the torn bottom board where there was a water leak staircase opening, and replace all missing insulation at these areas.</p> <p>j. The home was not lagged down inside the cross I-beam pockets as outlined in the set up manual, with 1/2" anchor bolts embedded 6" into the concrete. One per side is required.</p>



Action Requested: Mfr. to do a subpart-I on items 1 & 2.		Dealer to correct items 3, (a. - j.)	
Notification to Manufacturer: Brilliant / Carriage Homes / HomeStar		Time Allowed: 15-Days	
Notification to Dealer: Oak Creek Village of Bonne Terre		Time Allowed: 15-Days	



**COPY**

**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/>

March 14, 2000

**BRIAN D. KINKADE**  
Executive Director

**GORDON L. PERSINGER**  
Director, Research and Public Affairs

**WESS A. HENDERSON**  
Director, Utility Operations

**ROBERT SCHALLENBERG**  
Director, Utility Services

**DONNA M. KOLLIS**  
Director, Administration

**DALE HARDY ROBERTS**  
Secretary/Chief Regulatory Law Judge

**DANA K. JOYCE**  
General Counsel

Mike Havicon  
Oak Creek Village of Bonne Terre  
6967 Stormy Lane  
Bonne Terre, MO 63628

Dear Mr. Havicon:

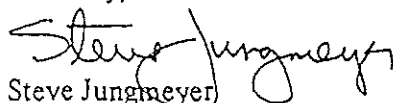
This is in regard to the inspection of the Carriage Homes, Inc. manufactured home owned by John and Brenda Gegg. This home was initially inspected by Tom Jensen from this Department and re-inspected on March 7, 2000 by Tom, Gene Winn, and myself. David Stueven from the Public Service Commission's General Counsel's office was also present during the re-inspection. The re-inspection revealed that some of the set up deficiencies listed on the original inspection report had not been corrected.

In addition, an inspection of the stairway alteration was conducted and several deficiencies and concerns relating to code compliance were noted. Based on the severity of the alteration deficiencies the alteration cannot be approved at this time. It is required that the manufacturer's in-plant inspection agency (IPIA) conduct an inspection of the alteration to determine correction methods. You will need to contact the manufacturer to setup the inspection, and notify this office once the inspection date has been set so an inspector from this office can attend. Also, these inspectors shall be present while the correction work is being performed. After the alteration has been properly completed according to the IPIA's instructions, the alteration can be officially approved by final inspection.

I have enclosed the re-inspection report and letter from Tom Jensen for your information. The set up deficiencies listed in the report and the alteration deficiencies cited by the IPIA must be corrected within fifteen (15) days from receipt of this letter, otherwise, this complaint file will be forwarded to the General Counsel's office for formal complaint preparation. If for any reason you cannot comply with the 15-day period, please contact me immediately.

If you have any questions or comments, feel free to call me at 573-751-7119.

Sincerely,



Steve Jungmeyer  
Director, Department of Manufactured Housing and  
Modular Units

cc: Tom Jensen  
Gene Winn



**Commissioners**

**SHEILA LUMPE**  
Chair

**M. DIANNE DRAINER**  
Vice Chair

**CONNIE MURRAY**

**ROBERT G. SCHEMENAUER**

**KELVIN L. SIMMONS**

**Missouri Public Service Commission**

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

**BRIAN D. KINKADE**  
Executive Director

**GORDON L. PERSINGER**  
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

**Information Sheet Regarding Mediation of Commission Formal Complaint Cases**

Mediation is process whereby the parties themselves work to resolve their dispute with the aid of a neutral third-party mediator. This process is sometimes referred to as "facilitated negotiation." The mediator's role is advisory and although the mediator may offer suggestions, the mediator has no authority to impose a solution nor will the mediator determine who "wins." Instead, the mediator simply works with both parties to facilitate communications and to attempt to enable the parties to reach an agreement which is mutually agreeable to both the complainant and the respondent.

The mediation process is explicitly a problem-solving one in which neither the parties nor the mediator are bound by the usual constraints such as the rules of evidence or the other formal procedures required in hearings before the Missouri Public Service Commission. Although many private mediators charge as much as \$250 per hour, the University of Missouri-Columbia School of Law has agreed to provide this service to parties who have formal complaints pending before the Public Service Commission at no charge. Not only is the service provided free of charge, but mediation is also less expensive than the formal complaint process because the assistance of an attorney is not necessary for mediation. In fact, the parties are encouraged not to bring an attorney to the mediation meeting.

The formal complaint process before the Commission invariably results in a determination by which there is a "winner" and a "loser" although the value of winning may well be offset by the cost of attorneys fees and the delays of protracted litigation. Mediation is not only a much quicker process but it also offers the unique opportunity for informal, direct communication between the two parties to the complaint and mediation is far more likely to result in a settlement which, because it was mutually agreed to, pleases both parties. This is traditionally referred to as "win-win" agreement.

The traditional mediator's role is to (1) help the participants understand the mediation process, (2) facilitate their ability to speak directly to each other, (3) maintain order, (4) clarify misunderstandings, (5) assist in identifying issues, (6) diffuse unrealistic expectations, (7) assist in translating one participant's perspective or proposal into a form that is more understandable and acceptable to the other participant, (8) assist the participants with the actual negotiation process, (9) occasionally a mediator may propose a possible solution, and (10) on rare occasions a mediator may encourage a participant to accept a particular solution. The mediator will not possess any specialized knowledge of the utility industry or of utility law.

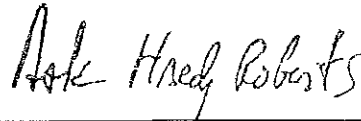
In order for the Commission to refer a complaint case to mediation, the parties must both agree to mediate their conflict in good faith. The party filing the complaint must agree to appear and to make a good faith effort to mediate and the utility company against which the complaint has been filed must send a representative who has full authority to settle the complaint case. The essence of mediation stems from the fact that the participants are both genuinely interested in resolving the complaint.

Because mediation thrives in an atmosphere of free and open discussion, all settlement offers and other information which is revealed during mediation is shielded against subsequent disclosure in front of the Missouri Public Service Commission and is considered to be privileged information. The only information which must be disclosed to the Public Service Commission is (a) whether the case has been settled and (b) whether, irrespective of the outcome, the mediation effort was considered to be a worthwhile endeavor. The Commission will not ask what took place during the mediation.

If the dispute is settled at the mediation, the Commission will require a signed release from the complainant in order for the Commission to dismiss the formal complaint case.

If the dispute is not resolved through the mediation process, neither party will be prejudiced for having taken part in the mediation and, at that point, the formal complaint case will simply resume its normal course.

Date: January 25, 1999

  
\_\_\_\_\_  
Dale Hardy Roberts  
Secretary of the Commission