

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 5th day of
December, 2018.

The Manager of the Manufactured Homes and
Modular Units Program of the Missouri Public
Service Commission,

Complainant,

v.

Your Home Center, LLC,

Respondent.

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File No. MC-2019-0037

**ORDER GRANTING STAFF'S MOTION FOR
DEFAULT JUDGMENT AND AUTHORITY TO SEEK PENALTIES**

Issue Date: December 5, 2018

Effective Date: January 4, 2019

On August 9, 2018, the Manager of the Manufactured Homes and Modular Units Program of the Missouri Public Service Commission ("Manager"), by and through the Office of Staff Counsel of the Missouri Public Service Commission ("Staff") filed a Complaint against Your Home Center, LLC ("Your Home Center" or the "Company"). On August 14, 2018, the Commission issued a Notice of Contested Case and Order Directing Filing. Further orders were issued relating to the service of the Notice and Directing Filings.¹

¹ An Amended Notice of Contested Case and order Directing Filings was issued on August 14, 2018. EFIS Item No. 3. A Second Notice of Contested Case and Order Directing Service of Notice and Filings was issued on September 19, 2018. EFIS Item No. 7. The September 19 order directed the Data Center to serve the Complaint and Second Order directing Service of Notice and Filing on Respondent by certified mail at the "winding up address". (See Footnote 2).

On November 8, 2018, Staff filed a Motion for Default Judgment and Authority to Seek Penalties ("Motion for Default"). Staff's Motion for Default states that the records of the Missouri Secretary of State show that on August 31, 2018, the Company filed a Notice of Winding Up for Limited Liability Company in which persons with claims against the company may mail those claims to:

Your Home Center LLC
2441-Q Old Fort Pkwy #309
Murfreesboro, TN 37128-4162²

Staff's Motion for Default states that on October 3, 2018, the Commission received a certified mail receipt for the service documents which the Commission had issued to the winding up address provided with the Notice of Winding Up.³ Staff states that the receipt was signed by an agent of the Company and that the date of delivery was September 24, 2018. On November 28, 2018, Staff filed a Certificate of Service stating that on November 14, 2018, a copy of Staff's Motion for Default had been sent via U.S. Mail to the winding up address.⁴

More than 30 days have elapsed since the Company was served on September 24, 2018. The Company has filed no Answer to the Complaint. The Company has been duly notified of Staff's Motion for Default Judgment and for Authority to Seek Penalties. The Company is in default on Counts I and II of the Complaint. Per Rule 4 CSR 240-2.070(10) the allegations of the Complaint may be deemed admitted, and an Order granting default may be issued. Therefore, the Commission will grant Staff's Motion, deem all the Complaint's allegations admitted, and make further findings as follows.

² Hereinafter, this address may be referred to as the "winding up address".

³ See EFIS Item No. 10.

⁴ EFIS Item No. 13.

Findings of Fact

The Commission finds that Your Home Center is currently registered, as set forth under Section 700.090, RSMO, as a dealer of modular units under the name “Your Home Center, LLC.” The Commission issued Your Home Center its Certificate of Dealer Registration and registration number 1234502 on June 2, 2008, which is valid until January 15, 2019. Your Home Center is a manufactured home or modular unit “dealer” as defined in Section 700.010(4), RSMO, and was a dealer during the time period of the events alleged in the Complaint.

The Commission finds the Company installed modular units on or about June 22, 2017, December 21, 2017, and January 9, 2018⁵; that the units were not properly set up as stated in the Complaint⁶; that the Inspector for the Manufactured Housing and Modular Units Program gave the Company notice of the deficiencies⁷; and that the Company failed to remediate those deficiencies.⁸ The Commission finds that these actions and omissions occurred from June 22, 2017, through January 9, 2018.

Conclusions of Law

Section 700.100.2, RSMO, authorizes the Commission to revoke, suspend, or place a modular dealer or manufacture’s registration on probation for any of the acts or failures to act specified in Section 700.100.3, RSMO. The Commission finds that as alleged by the Staff,⁹ the Company’s deficiencies place the Company in violation of the Commission’s Rule 4 CSR 240-123.065(1); Rule 4 CSR 240-123-065(2); and Section 700.100.3(6), RSMO. The Commission finds that the failures to correct the violations within ninety days

⁵ Complaint, paragraphs 9, 14, and 19.

⁶ Complaint, paragraphs 12a – 12h; 17a – 17q; and 20a-20h;

⁷ Complaint, paragraphs 11, 16, and 21.

⁸ Complaint, paragraphs 13, 18, and 22.

⁹ Complaint, paragraphs 24 and 27.

after the authorized representative directed correction in writing constitute an act that is a misdemeanor under Section 700.045(5), RSMO.¹⁰

The Commission finds that because of the Company's violations and its failure to remediate those deficiencies in a timely manner after notice, the Staff is entitled to the relief stated in the Complaint.¹¹ Specifically, the Commission will revoke the Company's registration as allowed by Rule 4 CSR 240-123.065(3). Section 700.115.2, RSMO, authorizes the Commission to direct its General Counsel to seek penalties in the Circuit Court for violations of Chapter 700, RSMO. The Commission will direct the General Counsel to enforce the provisions of Section 700.115, RSMO, by seeking penalties in the appropriate Circuit Court in the total amount of \$3,000. The Commission further finds that because the Company's violations constitute a misdemeanor per Section 700.045(5), RSMO, the Commission should refer the matter to the appropriate prosecutor for such action as deemed appropriate.

The Company has seven days from issue date of this order to file a motion to set aside this order of default.¹² Any application for rehearing of this order must be filed before the effective date per Section 386.500, RSMO, no later than January 3, 2019, to allow Respondent an opportunity for appeal pursuant to Section 386.510, RSMO.

THE COMMISSION ORDERS THAT:

1. The Staff's Motion for Default is granted.
2. Registration numbered 1234502 issued on June 2, 2008, and all renewals thereof and other registrations of Your Home Center, LLC, are revoked.

¹⁰ Complaint, paragraphs 32 and 33.

¹¹ Complaint, prayer of Count I.

¹² 4 CSR 240-2.070 (10)

3. The Commission's General Counsel is authorized to bring an action in the Circuit Court for penalties up to \$3,000.00 for any violation described in the body of this order.

4. The Commission's General Counsel is authorized to refer this matter to the appropriate Prosecuting Attorney for such action as that office shall deem appropriate.

5. Your Home Center, LLC, has until no later than December 12, 2018, to move to set aside this order of default.

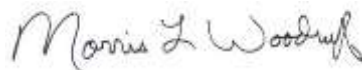
6. This order shall be effective on January 4, 2019.

7. This file may be closed on January 5, 2019.

8. In addition to all other addresses which the Commission's Data Center may have for service upon Respondent, the Commission's Data Center shall serve this Order upon Respondent by certified mail at:

Your Home Center LLC
2441-Q Old Fort Pkwy #309
Murfreesboro, TN 37128-4162

BY THE COMMISSION



Morris L. Woodruff
Secretary



Silvey, Chm., Kenney, Hall,
Rupp, and Coleman, CC., concur.

Graham, Regulatory Law Judge

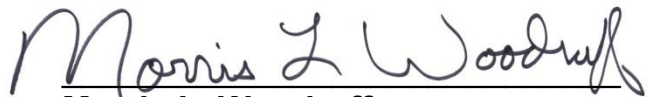
STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 5th day of December 2018.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 5, 2018

File/Case No. MC-2019-0037

**Missouri Public Service
Commission**

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staffcounselservice@psc.mo.gov

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**Missouri Public Service
Commission**

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Your Home Center L.L.C.

Legal Department
2441-Q Old Fort Pkwy #309
Murfreesboro, TN 37128-4162

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,

A handwritten signature in dark ink, reading "Morris L. Woodruff". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.