

2. Complainant is the Director of Manufactured Housing and Modular Units Program of the Missouri Public Service Commission (“Director”). Commission Rule 4 CSR 240-123.020 delegates to the Director all of the Commission’s powers pertaining to manufactured homes and modular units under Chapter 700, RSMo, except the powers to revoke, deny, refuse to renew, or place on probation a registration under § 700.090, which are retained by the Commission.

Respondent

3. Respondent is Burkhart Mobile Homes, Inc. ("Burkhart"), a domestic general business corporation that was administratively dissolved on August 25, 2010, and has not since been reinstated. Respondent's principal place of business is located at 8700 E. 70 Highway, Kansas City, County of Jackson, State of Missouri. Respondent's registered agent is Steve Burkhart, 8700 E. 70 Highway, Kansas City, Missouri, 64129.

Jurisdiction

4. Respondent is in the business of selling, or offering for sale, both new and used manufactured homes and modular units.

5. Respondent therefore is a manufactured home "dealer," as defined in § 700.010(4), RSMo, and is subject to the jurisdiction of the Commission under § 700.040, RSMo.

Count I

6. Respondent was duly registered with the Director as a dealer of manufactured homes and modular units until February 23, 2010, when that registration expired. Respondent's registration has not since been reinstated or renewed.

7. Section 700.045(1), RSMo, prohibits any dealer from selling any manufactured home "unless there is in effect a registration with the commission."

8. At all times herein pertinent, Respondent knew and understood that it was not authorized to sell new or used manufactured homes while its dealer registration was not in effect.

A. Sale to William and Wanda Smith:

9. On June 14, 2010, Respondent sold a new Champion I manufactured home to William and Wanda Smith of Lansing, Kansas.

10. Respondent's registration as a dealer of manufactured homes was not in effect when it made the sale to William and Wanda Smith.

11. Respondent thereby violated § 700.045(1), RSMo.

B. Sale to Milton Kutzil:

12. Sometime between May 20, 2010, and September 10, 2010, Respondent sold a new Clayton manufactured home to Milton Kutzil of Excelsior Springs, Missouri.

13. Respondent's registration as a dealer of manufactured homes was not in effect when it made the sale to Milton Kutzil.

14. Respondent thereby violated § 700.045(1), RSMo.

C. Sale to John R. Wilder:

15. Sometime between November 23, 2010, and December 30, 2010, Respondent sold a new Champion II manufactured home to John R. Wilder of Blue Springs, Missouri.

16. Respondent's registration as a dealer of manufactured homes was not in effect when it made the sale to John R. Wilder.

17. Respondent thereby violated § 700.045(1), RSMo.

D. Sale to Ron and Jacqueline Goddard:

18. Sometime in January or February 2011, Respondent sold a new or used manufactured home to Ron and Jacqueline Goddard of Blue Springs, Missouri.

19. Respondent's registration as a dealer of manufactured homes was not in effect when it made the sale to Ron and Jacqueline Goddard.

20. Respondent thereby violated § 700.045(1), RSMo.

E. Sale to Delbert Scott:

21. In September 2010, Respondent sold a used manufactured home to Delbert Scott of Overland Park, Kansas.

22. Respondent's registration as a dealer of manufactured homes was not in effect when it made the sale to Delbert Scott.

23. Respondent thereby violated § 700.045(1), RSMo.

WHEREFORE, the Director prays that the Commission, after due notice and hearing, issue its order finding that Respondent knowingly sold new or used manufactured homes while its registration was not in effect on five occasions in violation of § 700.045(1), RSMo, as set out herein; and grant such other and further relief as is just in the circumstances.

Count II

24. The Director hereby realleges Paragraphs 1 through 23 as though fully set out herein.

25. Federal rule 24 CFR § 3282.7(cc) provides:

To red tag means to affix a notice to a manufactured home which has been found to contain an imminent safety hazard or a failure to conform with any applicable standard. A red tag is the notice so affixed to the manufactured home.

26. Section 700.015.1, RSMo, prohibits any dealer from selling any new manufactured home "unless such manufactured home complies with the code and bears the proper seal."

27. At all times herein pertinent, Respondent knew and understood that it was prohibited from selling a new manufactured home that had been red-tagged.

A. Sale to William and Wanda Smith:

28. On May 20, 2010, the Director's agent red-tagged the new Champion I manufactured home later sold by Respondent to William and Wanda Smith of Lansing, Kansas.

29. Respondent's sale to William and Wanda Smith of a red-tagged new manufactured home was a prohibited sale.

30. Respondent thereby violated § 700.015.1, RSMo.

B. Sale to Milton Kutzil:

31. On May 20, 2010, the Director's agent red-tagged the new Clayton manufactured home later sold by Respondent to Milton Kutzil of Excelsior Springs, Missouri.

32. Respondent's sale to Milton Kutzil of a red-tagged new manufactured home was a prohibited sale.

33. Respondent thereby violated § 700.015.1, RSMo.

C. Sale to John R. Wilder:

31. On November 23, 2010, the Director's agent red-tagged the new Champion II manufactured home later sold by Respondent to John R. Wilder of Blue Springs, Missouri.

32. Respondent's sale to John R. Wilder of a red-tagged new manufactured home was a prohibited sale.

33. Respondent thereby violated § 700.015.1, RSMo.

WHEREFORE, the Director prays that the Commission, after due notice and hearing, issue its order finding that Respondent knowingly sold red-tagged new manufactured homes on three occasions in violation of § 700.015.1, RSMo, as set out herein; and grant such other and further relief as is just in the circumstances.

Count III

34. The Director hereby realleges Paragraphs 1 through 33 as though fully set out herein.

35. Section 700.115.2, RSMo, authorizes a penalty up to \$1,000 for each violation of §§ 700.010 through 700.115.

WHEREFORE, the Director prays that the Commission will authorize its General Counsel to seek penalties against Respondent in circuit court for the violations set out herein, and grant such other and further relief as is just in the circumstances.

Respectfully submitted,

s/ Kevin A. Thompson
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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served by electronic transmission on counsel for Respondent Burkhart Mobile Homes, Inc., this **27th day of September, 2011.**

s/ Kevin A. Thompson