

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 9th day of
October, 2025.

The Manager of the Manufactured Homes)
and Modular Units Program of the Missouri)
Public Service Commission,)
)
Complainant,)
v.)
)
Stephen L. Johnson d/b/a Colony Cove,)
Inc. and/or Sequiota Investments, Inc.,)
)
Respondent.)

Case No. MC-2025-0108

ORDER DENYING MOTION FOR SUMMARY DETERMINATION

Issue Date: October 9, 2025

Effective Date: October 9, 2025

Background

On October 17, 2024, the Manager of the Manufactured Homes and Modular Units Program of the Missouri Public Service Commission (MHMU Manager) filed a complaint (First Amended Complaint) against Stephen L. Johnson d/b/a Colony Cove, Inc. and/or Sequiota Investments, Inc. (Respondent). On November 21, 2024, Respondent filed *Respondent's Answer to First Amended Complaint* (Answer).

On August 25, 2025, Respondent filed *Respondent's Motion for Summary Determination* (Motion). The Motion included an attached Legal Memorandum. On September 24, 2025, the MHMU Manager filed *Staff Response in Opposition to Respondent's Motion for Summary Determination* (Response). The Response included an attached Legal Memorandum. No other party responded to the Motion.

The Motion sets forth three arguments in support of summary determination. In sum, Respondent argues as follows:

- 1) Stephen L. Johnson is separate from the corporations Colony Cove, Inc. (Colony Cove) and/or Sequiota Investments, Inc. (Sequiota);
- 2) The inspections by MHMU Manager were not within the timeframe set by Commission Rule; and
- 3) That the manufactured homes at issue were not new, and thus the rules regarding new homes were not violated.

Legal Standard

The Commission may grant a motion for summary determination if “the pleadings, testimony, discovery, affidavits, and memoranda on file show that there is no genuine issue as to any material fact, that any party is entitled to relief as a matter of law as to all or any part of the case, and the commission determines that it is in the public interest.”¹

Separate Legal Entities

The Motion argues that Stephen L. Johnson is not doing business as Colony Cove, Inc. or Sequiota Investments, Inc. The MHMU Manager’s Response renews its argument that Stephen L. Johnson is doing business as Sequiota Investments, Inc., and implies he is also doing business as Colony Cove, Inc.²

The Respondent’s Motion argues that Stephen L. Johnson is separate from the two corporations and that no facts have been alleged regarding piercing the corporate veil. The Legal Memorandum attached to the MHMU Manager’s Response challenges this argument by stating that Stephen L. Johnson is the principal and representative acting on behalf of Colony Cove, Inc., and/or Sequiota Investments, Inc.

¹ 20 CSR 4240-2.117(1)(E).

² Response, p. 3, para. 3.

The underlying facts to support or rebut the legal arguments currently being made by the parties regarding corporations and liability are still at issue. Therefore, the Commission finds that the disagreement as to whether Stephen L. Johnson is or is not doing business as one or both named corporations is a triable issue of fact. The request for summary determination based on the grounds of separate legal entities is denied.

Timely Inspection

The following table displays the undisputed dates of inspection and delivery for the five homes at issue:

	Lot 26³	Lot 29⁴	Lot 30⁵	Lot 46⁶	Hollister home⁷
Delivery	4/26/23 ⁸	5/15/24 ⁹	2/21/23 ¹⁰	4/26/23 ¹¹	11/15/22 ¹²
Inspection	7/15/24 ¹³	5/28/24 ¹⁴	5/28/24 ¹⁵	7/15/24 ¹⁶	7/15/24 ¹⁷

The Commission’s rule regarding inspections states that the manager¹⁸ will have a period of no more than one year from the delivery date of the home to the consumer to conduct the initial inspection of the home setup.¹⁹ Consumer is defined as any individual who has purchased from a Missouri registered manufacturer or dealer any “home” as that

³ Lot 26 refers to HUD Label PFS1336875.

⁴ Lot 29 refers to HUD Label PFS1355210.

⁵ Lot 30 refers to HUD Label PFS1329357.

⁶ Lot 46 refers to HUD Label PFS1332765.

⁷ Hollister home refers to HUD Label PFS1329340.

⁸ Answer, para. 16; Response, p. 4, para. 8.

⁹ Answer, para. 22; Response, p. 5, para. 10.

¹⁰ Answer, para. 28; Response, p. 5, para. 13.

¹¹ Answer, para. 35; Response, p. 5, para. 16.

¹² Answer, para. 41; Response, p. 5, para. 18.

¹³ First Amended Complaint, para. 17.

¹⁴ First Amended Complaint, para. 23.

¹⁵ First Amended Complaint, para. 29.

¹⁶ First Amended Complaint, para. 36.

¹⁷ First Amended Complaint, para. 42.

¹⁸ Manager means the manager of the manufactured housing and modular units program of the Commission. See 20 CSR 4240-127.010; and 20 CSR 4240-120.011.

¹⁹ 20 CSR 4240-120.065(2)(B).

term is defined in the rule.²⁰

There is no dispute of fact as to the dates of delivery and dates of inspection of the manufactured homes at issue. The Commission's rule requires an inspection within one year of delivery *to the consumer*; however, neither party has yet addressed who is "the consumer". Without any facts as to who is the consumer for the manufactured homes at issue, it is unclear whether the delivery dates to Sequiota implicate the time period for inspection. It is further unclear how the homes being leased by Colony Cove might impact the time period for inspection (see below). Therefore, the Commission finds that there remain material questions of fact and will deny the Motion in regard to the issue of timely inspections.

New Manufactured Homes

The Motion asserts that Colony Cove leased some of the manufactured homes at issue to third parties; therefore, those homes were not new because the lessees were not the first purchaser.²¹ The Motion argues that because the homes were not new, then it follows that: there is no violation of the requirement that *new* manufactured homes be anchored and tied down (Count I); there is no violation of the prohibition against selling a *new* manufactured home that does not comply with the code and bear the proper seal (Count II); and, there is no violation of the 90-day requirement to correct code violations in a *new* manufactured home (Count IV).

The MHMU Manager's Response argues that the homes at issue were new, which is contrary to the position of the Motion. Therefore, an issue of material fact exists. As such, the Commission must deny the Motion regarding the issue of whether the homes

²⁰ 20 CSR 4240-127.010(1)(P) via 20 CSR 4240-120.011(1).

²¹ Motion, para. 26.

are, in fact, “new” within the meaning of the rule.

Conclusion

The Commission may grant a motion for summary determination where there are no issues as to any material fact and a party is entitled to relief as a matter of law. After reviewing the pleadings of the parties, the Commission concludes that the Respondent has failed to show that there are no issues as to material facts in all three of the arguments set forth in the Motion. Therefore, the Commission will deny the Motion.

THE COMMISSION ORDERS THAT:

1. *Respondent's Motion for Summary Determination* is denied.
2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell
Secretary

Hahn, Ch., Coleman, Kolkmeier,
and Mitchell CC., concur.

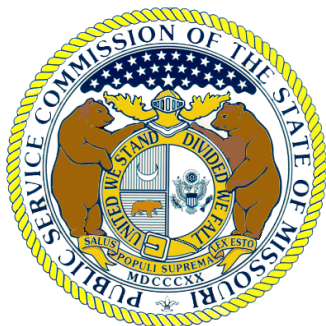
Hatcher, Senior Regulatory Law Judge

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 9th day of October 2025.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

October 9, 2025

File/Case No. MC-2025-0108

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

Sincerely,



**Nancy Dippell
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.