



Rob McKenna  
**ATTORNEY GENERAL OF WASHINGTON**  
800 Fifth Avenue #2000 • Seattle, WA 98104-3188

**Manufactured Housing Dispute Resolution Program**  
•Consumer Protection Division•  
1-866-924-6458

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## NOTICE OF VIOLATION

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**Date:** March 11, 2009

**Complainant:** Dorothy Daniels  
[REDACTED]

**Respondent:** Ardena Gale Estates Mobile Home Park  
Attn: Ryan O'Neil  
[REDACTED]

**RE:** Complaint # 321364 – Lew & Dorothy Daniels

Pursuant to RCW 59.30.040, the Manufactured Housing Dispute Resolution Program has found there to be a **VIOLATION** of the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA) with regard to the above referenced complaint. This notice is based upon the results of an investigation pursuant to RCW 59.30.040(3) and the information gathered to date.

### Explanation of Violation

(1) *RCW 59.20.135 – Maintenance of Permanent Structures*

#### Introduction

The Complainant, Mrs. Dorothy Daniels, complained that Ardena Gale Estates Mobile Home Park (“Ardena Gale”) unlawfully attempted to transfer responsibility for maintenance of a carport/shed combination structure to the Complainant. Mrs. Daniels complained that the carport/shed roof was leaking and requested that Ardena Gale make the necessary repairs. Though Ardena Gale agreed to repair the shed in principle, the work has not been completed to date. The Complainant filed a request for dispute resolution with the Manufactured Housing

Dispute Resolution Program (MHDRP) on July 21, 2008. The MHDRP has now conducted an investigation and provides the following Summary of Investigation and Explanation of Violation.

Summary of Investigation

1. Parties

- a. The Complainants are tenants in the Ardena Gale Estates Mobile Home Park located in Fife, Washington.
- b. The Complainants own their manufactured home and have rented lot [REDACTED] during all times relevant to this Notice.
- c. Mr. Ryan O'Neill is the registered agent of Ardena Gale.

2. Lease Agreement

- a. The Daniels purchased a mobile home on July 7, 2006.
- b. On August 1, 2006, the Daniels signed a Rental Agreement with Ardena Gale and moved into Ardena Gale Estates Mobile Home Park.
- c. The Daniels were provided with a copy of the Park Rules and Regulations upon moving in.
- d. The Rental Agreement references the carport/shed in Paragraph 4.
- e. The Rules and Regulations reference the carport/shed in Rule 3.

3. Carport/Shed

- a. The Daniels' rented lot contains a carport/shed combination structure ("carport/shed").
- b. The carport/shed roof leaks.
- c. When the Daniels purchased the mobile home, the carport/shed existed on the lot in its present condition and the Daniels have not made any significant modifications to the shed.
- d. The Daniels have not assumed, nor do they want, the responsibility of maintenance for this permanent structure.
- e. Investigator Rich LaMonica ("LaMonica") visually inspected the premises and observed that the same style of carport/shed predominates in Ardena Gale.
- f. LaMonica visually inspected the carport/shed located on the Daniels' rented lot. He observed the presence of a blue tarp held down by randomly distributed pieces of timber. The underside of the roof in the carport appears to have suffered water damage.
  - i. LaMonica observed white water stains.
  - ii. LaMonica observed water stains on the roof insulation.
  - iii. LaMonica observed that the insulation around the stains was hanging down from the roof, indicating water saturation.

4. Landlord Response

- a. LaMonica discussed the carport/shed maintenance issue with Mr. O'Neil on or about March 6, 2009.
- b. Mr. O'Neill confirmed the following:
  - i. He was working with the tenant on this matter.
  - ii. He had caused the blue tarp to be placed on the roof as a temporary measure.
  - iii. He planned to finalize the repairs with a "Torch Down Roof," which requires dry weather of approximately 50 degree Fahrenheit.

- c. Mr. O'Neil was originally notified of this problem on January 31, 2008 when Mrs. Daniels wrote him a letter concerning the shed.
- d. Mr. O'Neil was further reminded of this maintenance on March 28, 2008, when Mr. Fred Jones, President of the State MHOA organization, contacted him via letter.
- e. As of March 6, 2009, Mr. O'Neil had not completed the repairs.

#### Explanation of Violation

The Attorney General hereby finds as follows:

1. Violation (1)

- a. RCW 59.20.135 prevents landlords of manufactured housing communities from transferring the responsibility to maintain "permanent structures" to the tenants. A carport/storage shed is a permanent structure as defined in RCW 59.20.135(3).
- b. The storage shed Mrs. Daniels is requesting repairs for was not built or affixed by the tenant, nor has Mr. or Mrs. Daniels agreed to maintain it themselves.
- c. Therefore, the landlord's failure to perform timely repairs on the carport/shed violates RCW 59.20.135.

#### Corrective Action Required

Pursuant to RCW 59.30.040(5)(a), Ardena Gale shall make all necessary repairs and perform required maintenance to both the interior and exterior of Mr. and Mrs. Daniels' carport/shed. This will include the completion of a "torch down roof" that will effectively prevent water leakage into the shed. The Park shall additionally maintain the shed in the future to a reasonable degree. The initial repairs shall be made within **30 calendar days** of receipt of this Notice of Violation, weather permitting, unless a Request for Hearing letter is received by this office as described below. If weather does not permit repairs to be made within this timeframe, Ardena Gale must notify this office in writing of its intention to make the repairs at the first possible instance. Regardless, this corrective action must be completed by May 15, 2009.

#### Failure to Take Corrective Action

Pursuant to RCW 59.30.040(6), if corrective action is not taken in accordance with the above paragraph, the Park shall be subject to a fine of **\$100 per day** for the first 15 days, and **\$250 per day** thereafter. Additionally, the attorney general will issue an order requiring the park to take the necessary steps to ensure compliance with this Notice of Violation.

#### Appeal of this Notice

You may appeal this Notice, and any fines or orders resulting from it, by requesting a hearing before an Administrative Law Judge (ALJ). Such a request ***must*** be made ***in writing*** to this office within ***15 business days*** of your receipt of this notice; otherwise this decision is final. This request must be mailed to: Attorney General of Washington, Manufactured Housing Dispute Resolution Program, 800 Fifth Avenue Suite 2000, Seattle, WA 98104-3188. Upon receipt of your request, this office will coordinate with the Office of Administrative Hearings to schedule a hearing. The ALJ is authorized by statute to hear and receive pertinent evidence and


testimony, and decide, by a preponderance of the evidence, whether a violation of the MHTLA has occurred. The ALJ's decision will constitute the final order of the Attorney General and may be appealed to Superior Court in accordance with instructions to be included in the ALJ's decision.

Signed this 11 day of March, 2009

**Manufactured Housing Dispute Resolution Program**

**ROBERT M. MCKENNA**

Attorney General

  
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**CATHIE CALDWELL**

Program Manager

206 389-2106