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

NOTICE OF VIOLATION

Date: February 11, 2009
Complainants: Kim Jimenez
[REDACTED]
Respondent: Squilchuck Mobile Home Park, LLC
Attn: Scott Foss
[REDACTED]
RE: Complaint # 319713 – Kim Jimenez

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 Violations

- (1) *RCW 59.20.130(9) – Failure to Finish Driveway*
- (2) *RCW 59.20.060 – Failure to Provide Copy of Park Rules*
- (3) *RCW 59.20.130(1) – Failure to Complete Set Up of Manufactured Home according to City and County Codes/Ordinances*

Introduction

The Complainant, Ms. Kim Jimenez, complained that Squilchuck Mobile Home Park had failed to comply with several sections of the Manufactured/Mobile Home Landlord-Tenant Act. Complainant and Squilchuck entered into the attached Settlement Agreement, dated November 25, 2008 in an attempt to resolve the dispute. Squilchuck has failed to comply with the terms of the Settlement Agreements. Accordingly, the MHDRP has now concluded its investigation and provides the following Summary of Investigation and Explanation of Violations.

Summary of Investigation

1. Parties
 - a. Complainant Kim Jimenez is a tenant in Squilchuck Mobile Home Park located in Wenatchee, Washington.
 - b. Jimenez owns her manufactured home and has rented lot [REDACTED] during all times relevant to this Notice.
 - c. Mr. Scott Foss is the manager of Squilchuck Mobile Home Park.
 - d. Jimenez filed her complaint with the AGO Manufactured Housing Dispute Resolution Program on June 15, 2008.
 - e. Complainant discussed the substance of their complaints with Mr. Foss prior to filing a complaint with the MHDRP.
2. Driveway
 - a. Squilchuck delivered one load of gravel and left it for Jimenez to spread out into a driveway. This action is a first step in the process but does not constitute completion of a driveway.
3. Park Rules
 - a. Kim Jimenez was not provided with a copy of the Park Rules and Regulations.
4. Mobile Home Site Set Up
 - a. Squilchuck did not comply with the required county or city codes in setting up Complainant's lot and home.
 - b. Jimenez's rented lot has not been approved by Chelan County with respect to the deck and railing.
 - c. Chelan County has not issued a Certificate of Occupancy for Jimenez's rented lot.
 - d. Squilchuck had a duty to set up the lot and deck in compliance with Chelan County Code.
5. Settlement Agreement
 - a. Squilchuck and Jimenez signed a Settlement Agreement, which was signed by the Program Manager on November 11, 2008.
 - b. Squilchuck has failed to comply with the terms of the Settlement Agreement.

Explanation of Violation

The Attorney General hereby finds as follows:

1. **Violation 1**
 - a. RCW 59.20.130(9) requires landlords to maintain roads in manufactured housing communities.
 - b. Squilchuck has failed to complete a driveway leading to Jimenez's rented lot.
 - c. Squilchuck is therefore in violation of both RCW 59.20.130(9) and the terms of the Settlement Agreement.
2. **Violation 2**
 - a. RCW 59.20.060 requires a copy of the Park Rules and Regulations to be included with any lease for a mobile home lot.
 - b. Squilchuck has failed to provide Park Rules and Regulations to Jimenez.
 - c. Squilchuck is therefore in violation of both RCW 59.20.060 and the terms of the Settlement Agreement.
3. **Violation 3**

- a. RCW 59.30.130(1) requires landlords to comply with applicable city codes and county ordinances.
- b. Squilchuck has failed to comply with applicable Chelan County Codes regarding the set up of the deck and railings of Jimenez's mobile home.
- c. Therefore, Squilchuck has violated RCW 59.20.130(1) and the terms of the Settlement.

Corrective Action Required

Pursuant to RCW 59.30.040(5)(a), the Park shall (1) complete the driveway leading to Jimenez's rented lot; (2) provide Jimenez with a copy of the Park Rules and Regulations; (3) complete set up of Jimenez's mobile home in a manner that complies with applicable local law by making the necessary repairs or modifications to Jimenez's deck and railing; and (4) remove the tree waste from behind Jimenez's rented lot. These actions shall be done within **15 business days** after receipt this Notice of Violation unless a Request for Hearing letter is received by this office as described below.

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 **\$50 per day** for the first 15 days, **\$150 per day** for the next 30 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. 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 Administrative Law Judge (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 February, 2009

Manufactured Housing Dispute Resolution Program

ROBERT M. MCKENNA

Attorney General



Cathie Caldwell

Program Manager

206-389-2016