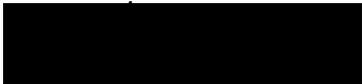




Rob McKenna
ATTORNEY GENERAL OF WASHINGTON
800 Fifth Avenue #2000 • Seattle WA 98104-3188

June 15, 2009

Leonard Cook


RE: NOTICE OF NONVIOLATION
Complaint No. 309559 – Leonard Cook

Dear Mr. Cook:

Enclosed please find a Notice of Nonviolation dated June 15, 2009. By copy of this letter, a copy has also been sent to the Respondent, Golden Rose Mobile Home Park, attn: Cathy Connors. If there are any questions, please feel free to contact me.

Sincerely,



MARY HARPER
Legal Secretary to Jake Bernstein, AAG
(206) 389-3855

:mh

Enclosures

cc: Golden Rose Mobile Home Park c/o John E. Woodring



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

NOTICE OF NONVIOLATION

Date: June 15, 2009

Complainant: Leonard Cook
[REDACTED]

Respondent: Golden Rose Mobile Home Park
Attn: Cathy Connors
c/o John Woodring
[REDACTED]

RE: Complaint # 309559 – Leonard Cook

Pursuant to RCW 59.30.040, the Manufactured Housing Dispute Resolution Program has found there to be NO VIOLATION of the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA) with regard to the above referenced complaint. This notice is based upon information gathered to date.

Explanation

(1) *RCW 59.20.070(6) – Landlord charging a utility fee in excess of actual utility costs*

The Complainant, Leonard Cook, complained that Golden Rose MHP (Respondent) began charging an unlawful utility fee to the tenants in 2007 because the billing switched to a pro-rata share divided equally among all tenants. Golden Rose has a single master meter and the homes are not individually metered for water consumption. After an investigation, the MHDRP has determined that Golden Rose has not violated RCW 59.20.070(6).

The MHLTA prevents landlords from charging for utilities in excess of actual utility cost. RCW 59.20.070(6). There is no prohibition against pro-rata dividing of a utility bill in parks that have a single meter and no other fair method of differentiating use of utilities between tenants.

Here, Golden Rose provided documentation to MHDRP Investigator R. LaMonica proving by a preponderance of the evidence that Golden Rose does not charge to the tenants a utility fee in excess of actual utility costs. Golden Rose provided documentary evidence that the

pro-rata shares are calculated properly, that is, each resident pays an equal share of the total bill and the total amount paid by tenants is not greater than the total bill charged to Golden Rose by the utility provider. Therefore, Golden Rose has not violated RCW 59.20.070(6).

Appeal of this Notice

You may appeal this Notice by requesting a hearing before an Administrative Law Judge (ALJ). Such a request **must** be made **in writing** to this office within **15 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. This office will then 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 via instructions to be included in the ALJ's decision.

Signed this 15 day of June, 2009

Manufactured Housing Dispute Resolution Program

ROBERT M. MCKENNA
Attorney General



Cathie Caldwell
Program Manager