



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

July 1, 2009

**SENT VIA CERTIFIED MAIL AND US MAIL**

Laurelwood Valley Mobile Home Park  
c/o John Boswell



**RE: Laurelwood Valley Mobile Home Park  
Complaint No. 328342 – Pamela Mead**

Dear Mr. Boswell:

Enclosed please find one Notice of Violation dated July 1, 2009. By copy of this letter, a copy has also been sent to the Complainant, Pamela Mead, in this matter.

Sincerely,

MARY HARPER  
Legal Assistant  
Manufactured Housing Unit Program  
(206) 389-2106

:mh  
Enclosures

cc: Pamela Mead with enclosures





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**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:** July 1, 2009

**Complainant:** Pamela Mead  
[REDACTED]

**Respondent:** Laurelwood Valley Mobile Home Park  
c/o John Boswell  
[REDACTED]

**RE:** Complaint # 328342 – Pamela Mead

**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, Ms. Pamela Mead, complained that Laurelwood Valley Mobile Home Park (“Laurelwood”) refused to maintain and repair the concrete walkway leading from the street to the front door of her mobile home. After sending three requests to Laurelwood, the Complainant filed a complaint with the Manufactured Housing Dispute Resolution Program (MHDRP) on November 10, 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 Complainant is a tenant in the Laurelwood Mobile Home Park located in Olympia, Washington.
  - b. The Complainant owns her manufactured home and has rented [REDACTED] during all times relevant to this Notice.
  - c. Mr. John Boswell is the manager of Laurelwood. The lease lists Cambridge Pacific Properties as the landlord.
2. Lease Agreement
  - a. On September 12, 2002, Ms. Mead purchased a manufactured home, signed a one-year rental agreement with Laurelwood and moved into the park.
  - b. The lease does not include terms regarding the concrete walkway.
3. Concrete Walkway
  - a. The concrete walkway that is the subject of Ms. Mead's complaint runs from the street, across her rented lot, to the door of her manufactured home.
  - b. Two large pine trees, not planted by Ms. Mead, exist to either side of the walkway. The root system of at least one of these trees has caused one section of the concrete walkway to be pushed up, creating a potentially dangerous tripping hazard.
  - c. Ms. Mead contacted Laurelwood management multiple times in writing regarding removal of the two trees and repair of the walkway, but no action has been taken.

## Explanation of Violation

The Attorney General hereby finds as follows:

### **1. Violation (1)**

- a. RCW 59.20.135 prohibits landlords from transferring responsibility for maintenance of permanent structures to the tenants of a manufactured housing community.
- b. Therefore, landlords must maintain permanent structures.
- c. RCW 59.20.135(3) defines permanent structures as including "the clubhouse, carports, storage sheds, or other permanent structure. A permanent structure does not include structures built or affixed by a tenant. A permanent structure includes only those structures that were provided as amenities to the park tenants."
- d. "Other permanent structure" is not defined; however, a concrete pathway is a fixed structure that is intended to last indefinitely and is therefore a permanent structure.
- e. "Amenities" is not defined, but is given its ordinary definition, which includes "something that conduces to comfort, convenience, or enjoyment." A concrete walkway provides a safe, convenient and comfortable path across a lot and is therefore considered an amenity for purposes of RCW 59.20.135.
- f. Ms. Mead did not construct the concrete pathway.

- g. Because the concrete walkway was built on and affixed to Ms. Mead's rented lot, owned by Laurelwood, and because Laurelwood produced no evidence that a tenant built the walkway, we conclude that Laurelwood constructed it.
- h. Therefore, Laurelwood is responsible for maintaining the concrete walkway and is in violation of RCW 59.20.135 for refusing to maintain the concrete walkway on Ms. Mead's rented lot.

**Corrective Action Required**

Pursuant to RCW 59.30.040(5)(a), Laurelwood Valley shall make immediate repairs of the concrete walkway in such a manner that will significantly reduce the risk of tripping over the raised slab of concrete. Additionally, Laurelwood shall maintain the walkway in the future. The repair shall be made within **30 calendar days** of receipt of this Notice of Violation, unless a Request for Hearing letter is received by this office as described below.

**Compliance Review**

Respondent(s) will provide, if applicable, photos, contractors and material receipts, and other written verification of compliance with the corrective action specified above to: Attorney General of Washington, Manufactured Housing Dispute Resolution Program, 800 Fifth Avenue Suite 2000, Seattle, WA 98104-3188.

The parties understand that the MHDRP reserves the right to review compliance with the terms of this Notice.

**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 **\$200 per day** for the first 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 (ALJ). Such a request ***must*** be made ***in writing and signed*** 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.

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**Additional Provisions**

This Notice of Violation is subject to the public disclosure laws of the State of Washington and will be posted online at the MHDRP's website located at [www.atg.wa.gov/mhdr.aspx](http://www.atg.wa.gov/mhdr.aspx).

***Respondents are hereby notified that retaliation against the Complainant, or any other person who participated in this process, is illegal under RCW 59.20.070.***

Signed this 1 day of July, 2009

**Manufactured Housing Dispute Resolution Program**

**ROBERT M. MCKENNA**

Attorney General

  
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**CATHIE CALDWELL**  
Program Manager