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 VIOLATION

Date: December 21, 2009

Complainants: Doreen Davis #339330
[redacted]

Lynn Langley #340038
[redacted]

Joy Wolff #340040
[redacted]

Respondent: Country Squire Mobile Manor
c/o Mary Kesinger or Mary Lindman
[redacted]

Country Squire Mobile Manor
c/o Pat Dillon, Manager
[redacted]

RE: Complaint # 339330, 340038, 340040

Pursuant to RCW 59.30.040, the Manufactured Housing Dispute Resolution Program (MHU) 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 59.20.130(6) – Maintenance of Utilities*

Introduction

A septic system malfunction was reported on July 15, 2009 during the complaint process. The MHDRP investigator learned that Yakima Health District had received a complaint on May 29, 2009 about raw sewage from the mobile home park running through a park tenant's yard and into a county ditch. The Yakima Health District confirmed, during a site visit on June 11, 2009, that a sewage overflow had occurred in May, and documented that a new septic system sump pump had been ordered and installed between May 28, 2009 and June 11, 2009, so the problem was abated. However, it is a requirement of the Yakima County Health District that the septic system must have two sump pumps; one is the primary and the other is a backup. The current backup pump is not in working condition.

Summary of Investigation

1. Parties
    a. The Complainants are tenants in the Country Squire Mobile Manor located in Yakima, Washington.
    b. The Complainants own their manufactured homes and have rented lots in the community during all times relevant to this Notice.
    c. Ms. Mary Kesinger is the owner of Country Squire Mobile Manor.
    d. Pat and Heather Dillon are the on-site managers of Country Squire Mobile Manor.
2. Septic System
    a. The septic system experienced a malfunction in May 2009, which led to a raw sewage overflow into a tenant's yard and into a county ditch.
    b. The cause of the malfunction was determined to be a non-functioning septic sump pump, lack of a back-up septic sump pump in working condition, and a non-functioning float switch in the pump chamber.
    c. A back-up sump pump is required to prevent further malfunction in the event that the primary pump stops functioning.
    d. A properly functioning float switch is required so that the sump pump will operate automatically.
    e. The float switch was replaced.
    f. The non-working back-up sump pump has not been repaired or replaced.

Explanation of Violation

The Attorney General hereby finds as follows:

1. Violation (2)
    a. A landlord shall comply with codes, statues, ordinances and administrative rules applicable to the mobile home park. RCW 59.20.130(1)
    b. A landlord shall maintain and protect all utilities in good working condition. Maintenance responsibility shall be determined at that point where the normal mobile home utilities hook-ups connect to those provided by the landlord. RCW 59.20.130(6).
    c. A septic sump pump is part of the park septic system and is the landlord's responsibility.

d. The septic system does not have a back-up septic sump pump in working condition as required by the Yakima Health District and as specified in the wastewater treatment design summary and technical specifications.
e. Therefore, Country Squire Mobile Manor has violated RCW 59.20.130(1) and RCW 59.20.130(6) by failing to have the necessary back-up septic sump pump in working condition.

Corrective Action Required

Pursuant to RCW 59.30.040(5)(a), Country Squire Mobile Manor shall have a back-up septic sump pump in working condition as required by the wastewater treatment design summary and technical specifications and by the Yakima Health District. This installation shall occur within **30 business days** of receipt of this Notice of Violation, unless a Request for Hearing letter is received by this office as described below. Upon completion, Country Squire Mobile Manor shall execute and deliver to the MHDRP the attached Affidavit of Compliance with all required attachments.

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 per violation** for the first 15 days, and **$250 per day per violation** 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 21 ***day of*** December, ***2009***

Manufactured Housing Dispute Resolution Program

ROBERT M. MCKENNA
Attorney General

CATHIE CALDWELL
Program Manager