

ATTORNEY GENERAL  
OF THE STATE OF WASHINGTON

MANUFACTURED HOUSING  
DISPUTE RESOLUTION PROGRAM

**In the Matter of**

**Glenn and Nancy Kuper,**

**Complainants,**

**v.**

**Golden Rose Mobile Home Park,**

**Respondent.**

**NOTICE OF VIOLATION**

**RCW 59.30.040**

**MHDRP Complaint No. 410873**

**Following an investigation into the above-entitled matter pursuant to RCW 59.30.040, the Manufactured Housing Dispute Resolution Program of the Office of the Attorney General of Washington has found there to be a VIOLATION of the Manufactured/Mobile Home Landlord-Tenant Act, RCW 59.20. If you disagree with this decision, your attention is directed to the section entitled APPEAL RIGHTS at the end of this Notice, which outlines the procedures under RCW 59.30.040 for filing an appeal.**

**This Notice does not limit the rights of any party to take other legal action.**

**I. INTRODUCTION**

On June 20, 2012, Glenn and Nancy Kuper filed a complaint against Golden Rose Mobile Home Park (Golden Rose) with the Manufactured Housing Dispute Resolution Program (MHDRP). The Kupers alleged that Golden Rose violated the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA), RCW 59.20, by wrongfully transferring ownership of the carport and shed to them, thereby avoiding its obligation to maintain and care for the carport. MHDRP contacted Golden Rose in an attempt to facilitate negotiation between the parties and resolve the dispute through an informal dispute resolution process. However, the parties were not able to negotiate a resolution to this matter and the MHDRP therefore concluded that an agreement could not be reached between the parties. As a result, the MHDRP conducted a formal investigation pursuant to RCW 59.30.040. As more fully set forth below, the MHDRP

concludes that Golden Rose has violated RCW 59.20.135, by transferring responsibility for the maintenance or care of the carport to the Kupers.

## II. FACTUAL BACKGROUND

1. Golden Rose is a mobile home park for purposes of RCW 59.20.030(10), and is located in Puyallup, Washington. The Kupers own and reside in a manufactured/mobile home located on space rented from Golden Rose, and therefore are tenants under RCW 59.20.030(18).
2. Golden Rose is owned and managed by Cal-Am Properties Inc., dba Cal-Am Homes.
3. On June 8, 2009, the Kupers purchased their home from Cal-Am Homes through a Contract to Purchase and Deposit Agreement. The agreement included the following statement under the heading "Remarks": "Carport & Shed sold with home as is where is with no warranty implied or given." The Kupers did not purchase any real property in this purchase.
4. The home the Kupers purchased was placed on the lot in 2007 and had no previous tenant.
5. Before the Kupers moved in, Cal-Am poured new cement on the carport pad.
6. Pierce County requires a permit before a carport or shed may be constructed.
7. The carports in the immediate vicinity of the Kuper's home are similar in appearance to the carport located on the Kuper's rented space.
8. The Kupers have made several repairs to the carport and have also incurred general maintenance costs. The Kupers have not retained the receipts or invoices documenting the money they have spent repairing and maintaining the carport.

## III. VIOLATIONS

1. RCW 59.20.135, prohibits a park owner:

[F]rom transferring responsibility for the maintenance or care of permanent structures within the mobile home park to the tenants of the park. A provision within a rental agreement or other document transferring responsibility for the maintenance or care of permanent structures within the mobile home park to the park tenants is void.

Golden Rose is prohibited from transferring responsibility for the maintenance or care of the carport on the Kuper's lot. The provision within the Contract to Purchase and Deposit Agreement that attempts to transfer ownership is void.

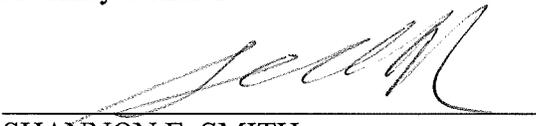
**IV. CORRECTIVE ACTION**

1. Golden Rose is responsible for the maintenance and/or care of the carport on the Kuper's lot. Golden Rose may not pass this expense on to the Kupers.

Signed this 17<sup>th</sup> day of December, 2012.

MANUFACTURED HOUSING DISPUTE  
RESOLUTION PROGRAM

ROBERT M. MCKENNA  
Attorney General



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SHANNON E. SMITH  
Assistant Attorney General  
Attorneys for State of Washington

## APPEAL RIGHTS

Either party may appeal this Notice by requesting a hearing before an administrative law judge. If neither party appeals this Notice, the Notice of Violation becomes a final order of the Attorney General and is not subject to review by any court or agency.

RCW 59.30.040 governs the parties' appeal rights. A copy of RCW 59.30.040 is attached. An appeal of this Notice requesting a hearing must be:

- In writing, stating the basis for the appeal and the specific remedy sought
- Signed by the appealing party
- Received by Manufactured Housing Dispute Resolution Program within fifteen (15) business days of the party's receipt of this notice
- Mailed or delivered to:  
Attorney General's Office  
Manufactured Housing Dispute Resolution Program  
800 Fifth Avenue, Suite 2000, tb-14  
Seattle, WA 98104-3188

If a timely appeal is received, MHDRP will coordinate with the Office of Administrative Hearings to schedule a hearing. In an appeal you will bear the cost of your own legal expenses. An administrative law judge will hear and receive pertinent evidence and testimony and decide whether a violation of the MHTLA has occurred by a preponderance of the evidence. The administrative law judge's decision will constitute the final agency order of MHDRP. A final order may be appealed to superior court according to instructions included in a decision.

**PROOF OF SERVICE**

I certify that I served a copy of this document on all parties or their counsel of record on the date below as follows:

Certified and Regular US Mail

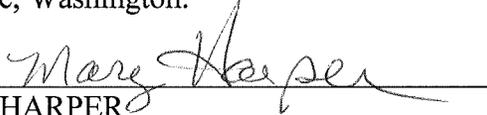
TO:

Walter H. Olsen, Jr.  
Olsen Law Firm  
205 S. Meridian  
Puyallup, WA 98371

Glen and Nancy Kuper  
10726 62<sup>nd</sup> St. Court E.  
Puyallup, WA 98372

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 17 day of December, 2012, at Seattle, Washington.

  
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MARY HARPER  
Legal Assistant II