

Nebraska Public Service Commission

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EXECUTIVE DIRECTOR:

JEFFREY L. PURSLEY

December 11, 2015

CERTIFICATION

To Whom It May Concern:

I, Jeffrey L. Pursley, Executive Director of the Nebraska Public Service Commission, hereby certify that the enclosed is a true and correct copy of the original order made and entered in the proceeding docketed MAN-1/DC-88, on the 8th day of December 2015. The original order is filed and recorded in the official records of the Commission.

Please direct any questions concerning this order to Nichole Mulcahy, Legal Counsel, at 402-471-0234.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Nebraska Public Service Commission, Lincoln, Nebraska, this 8th day of December 2015.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey L. Pursley".

Jeffrey L. Pursley
Executive Director



JLP:lp

Enclosure

cc: Tom Tyree, Champion Home Builders, York, NE
Roger K. Scholten, Champion Home Builders, Troy, Michigan

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Complaint) Application No. MAN-1/
of Mark Luttich, Director of) DC-88
the Nebraska Public Service)
Commission Housing and)
Recreational Vehicle)
Department,)
)
Complainant,) ORDER DISMISSING COMPLAINT
vs.)
)
Champion Home Builders, Inc.,)
York, Nebraska,)
)
Respondent.) Entered: December 8, 2015

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

On June 16, 2015, the Director of the Housing and Recreational Vehicle Department (Department) filed a Complaint and Notice of Preliminary Determination against Champion Home Builders, Inc., of York, Nebraska, (Respondent) seeking to fine Respondent on the grounds that it failed to comply to the Federal Manufactured Home Construction and Safety Standards, adopted as the Standards of the State of Nebraska for the construction of manufactured homes pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, et seq. (Act).

Respondent has now made the required determinations and investigative findings, necessary inspections and repairs, and taken all other required steps.

Respondent and the Department Director have entered into a stipulation resolving the allegations and the Respondent has paid its fine. Upon review of the stipulation, the Commission is of the opinion and finds that it should be approved and the Complaint should be dismissed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the stipulation between Champion Home Builders, Inc., of York, Nebraska, and the Housing Department be, and is hereby, approved and the above-captioned complaint is dismissed.

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Complaint of Mark Luttich,) Application No. MAN-1/DC-88
Director of the Nebraska Public Service)
Commission Housing and Recreational Vehicle)
Department,)
)
Complainant,)
vs.) **STIPULATION**
)
Champion Home Builders, Inc., York, Nebraska,)
)
Respondent.)
)
)

The Housing and Recreational Vehicle Department (Department) of the Nebraska Public Service Commission (Commission) that also operates as the State Administrative Agency (SAA) for the State of Nebraska that administers the state plan approved under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, *et seq.* (Act) and its regulations and Champion Home Builders, Inc., of York, Nebraska (Company) hereby jointly stipulate and agree that the Commission may dismiss Company from the above-captioned proceeding based on the following:

1. The Complaint filed by the Department made a preliminary determination that defects under the Federal Manufactured Home Construction and Safety Standards, adopted as the Standards of the State of Nebraska for the construction of manufactured homes, existed in certain manufactured homes produced by Company.
2. The Complaint filed by the Department seeks to fine Company for failure to comply with various sections of 234 C.F.R. Part 3280 and the Uniform Code of Manufactured Homes and Recreational Vehicles, *Neb. Rev. Stat. § 71-4601 et seq.*
3. Company is a manufacturer of manufactured homes whose mailing address is 3200 Enterprise Ave., P.O. Box 585, York, NE 68467.
4. Company, consistent with the Act, various sections of 234 C.F.R. Part 3280, and the Uniform Code of Manufactured Homes and Recreational Vehicles, *Neb. Rev. Stat. § 71-4601 et seq.*, must make a specific initial determination as to whether there is a noncompliance, defect, serious defect, or imminent safety hazard no later than thirty (30) days after receiving the information regarding any potential issue. Company also has twenty (20) days after making its initial determination pursuant to 24 C.F.R. §3282.404(a), to make a determination as to whether there is a class of homes involved.

5. Company failed to make an initial determination and a class determination by the statutory deadlines and failed to submit sufficient good faith results of any investigations and determinations into the issues reported in the February 12, 2015 audit report.

6. Company has now made the required determinations and investigative findings on the issues reported in the February 12, 2015 audit report.

7. Company has identified 1,271 homes that were not in compliance with code provisions. Company has completed one thousand and four (1,004) inspections and made any necessary repairs to the non-conforming homes. One hundred and fifty-six (156) homes were not able to be located or the homeowner declined the inspection. Company has one hundred and eleven (111) homes remaining to be inspected and repaired if necessary.

8. Company has scheduled all the remaining homes for inspection and any necessary repairs. Company commits to completing the inspections and necessary repairs on the remaining one hundred and eleven (111) homes by the end of 2015.

6. The Department and Company enter into this stipulation for dismissal for the purpose of providing the Commission with a basis for dismissing the complaint filed against Company in MAN-1/DC-88.

7. The Department and Company agree to be bound by the terms of this stipulation for dismissal only if the Commission enters an order approving its terms. In the event the Commission determines that it will not enter an order consistent with the terms of this stipulation, the terms of this stipulation shall, *ab initio*, become null and void and Company shall be entitled to a hearing before the Commission.

8. Pursuant to *Neb. Rev. Stat. §75-156*, Company agrees to pay Twelve Thousand dollars (\$12,000.00) in civil penalties in exchange for which the Department agrees, subject to approval by the Commission, to dismiss the Complaint docketed as Application No. MAN-1/DC-88.

9. Company hereby agrees that it will comply with the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, *et seq.*, corresponding provision of the Code of Federal Regulations, and the Uniform Code of Manufactured Homes and Recreational Vehicles, *Neb. Rev. Stat. § 71-4601 et seq.*

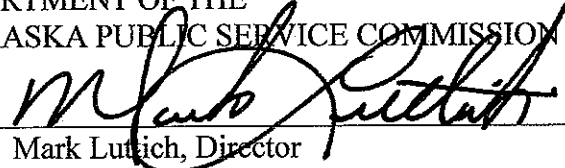
10. The Department and Company agree that the terms of this agreement, if approved by the Commission, will be binding upon them and that any failure to comply with this agreement may result in further administrative proceedings.

11. The Department and Company jointly request the Commission to enter an order in this docket dismissing the Complaint and releasing Company from any further compliance obligations with regard to the February 12, 2015 audit findings and the September 9, 2015 notification regarding model CN667.

Dated this 19 day of NOVEMBER 2015.

HOUSING AND RECREATIONAL VEHICLE
DEPARTMENT OF THE
NEBRASKA PUBLIC SERVICE COMMISSION

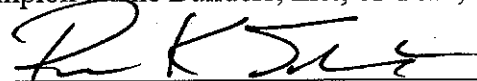
BY



Mark Lutich, Director
300 The Atrium, 1200 N Street
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(402) 471-3101

Champion Home Builders, Inc., of York, Nebraska,

BY



Print Name ROGER K SCHOLTEN
SVP & Secretary