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9-12-2005

ADRIAN HOPSON d/b/a AAA Mobile Home Moving

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FINDINGS OF FACT

1. Respondent contracted with Maxine Osborne on May 20, 2004, to reblock, relevel and reanchor her manufactured home located at 1817 Highway 91N, Mountain City, Tennessee, in exchange for one thousand dollars (\$1,000). (Exhibit 2 and Exhibit 3)

2. On April 20, 2004, Respondent contracted with Linda Potter to reblock, relevel and reanchor her manufactured home located at 233 Pedro Shomun Lane, Mountain City, Tennessee, in exchange for two thousand five hundred dollars (\$2,500). (Exhibit 4)

3. On May 7, 2004, Respondent contracted with Mike Stanton to move and set his 14 x 50 manufactured home located at 65 Panda Lane, Limestone, Tennessee, in exchange for nine hundred and fifty dollars (\$950). (Exhibit 5)

4. On May 13, 2004, Respondent contracted with Chris Fair to reblock, relevel and reanchor his manufactured home located at 614 Garrison Hollow, Elizabethton, Tennessee, in exchange for one thousand dollars (\$1,000). (Exhibit 6)

5. On May 16, 2004, Respondent contracted with Chris and Angie Reece to reanchor the home and fix the block underneath the home located at 9575 Highway 67W, Mountain City, Tennessee, in exchange for eight hundred dollars (\$800). (Exhibit 7)

6. In order to provide the above mentioned services, an individual must possess a license as a manufactured home installer. The installer must also purchase an installation decal prior to setting up the home. The installation decal must be affixed to the manufactured home after installation. The only manufactured home that possessed an installation decal was the home of Maxine Osborne. The decal was purchased by M-P Mobile Home Set Up but the installation was done by Adrian Hopson.

7. In order to obtain a license as an installer, an applicant must submit an application form and fee, a surety bond of ten thousand dollars (\$10,000), complete a fifteen (15) hour course and pass an examination.

8. Respondent completed the fifteen (15) hour course but never submitted a surety bond and therefore never received a manufactured home installer license. Respondent is therefore not licensed in Tennessee as a manufactured home installer.

ANALYSIS AND CONCLUSIONS OF LAW

1. Tennessee Code Annotated §68-126-404(a) states that “[n]o person may install a manufactured home in this state unless such person is licensed by the commissioner as an installer.

2. Rule 0780-2-4-.04 et.al of the Department of Commerce and Insurance Division of Fire Prevention, New Manufactured Homes and Recreational Vehicles Chapter sets out the procedure one must follow in order to obtain a license as an installer.

3. Rule 0780-2-4-.04(7) states that “[a]ny installer who commences business in this State prior to obtaining proper licensure shall be assessed a civil penalty of one thousand dollars (\$1,000.00) for each manufactured home set up prior to licensure.” (See also T.C.A. §68-126-404(d) (4))

4. Dwayne Hicks, Director of Manufactured Housing and State witness, testified that included in the fifteen (15) hours course is information regarding what an applicant must do in order to become licensed in Tennessee. Furthermore, prior to installing any unit, an installer must purchase a decal from the State and place the decal on the unit after installation. The purchase of the decal alerts the State that a manufactured home is being set up and the State is required to perform a set-up inspection on each unit.

5. William Daniels, Field Inspector in the Manufacturer Home Division, testified that none of the above mentioned installations passed the set up inspection. Michael Stanton, manufactured home owner, testified that the Respondent lead him to believe that he was a licensed installer. Mr. Stanton was unable to move into his home due to the code violations left by the Respondent. Mr. Stanton could not afford to pay a licensed installer to set up the manufactured home and he ultimately had to sell his home.

6. Furthermore, the Respondent failed to install any of the homes in accordance with proper installation codes and left the owners with either unsafe homes or homes in which no one could live.

7. Respondent installed five (5) manufactured homes without the proper licensing from the State. Each installation constitutes a separate violation according to Rule 0780-2-4-.04(7). For each violation, a civil penalty of one thousand dollars shall be assessed.

8. Based upon the foregoing, it is hereby determined that Respondent did install five (5) manufactured homes without a proper license in violation of Tennessee Code Annotated §68-126-404(a). Therefore it is **ORDERED** that the Respondent pay a one thousand dollar (\$1,000) civil penalty for each installation pursuant to Rule 0780-2-4-.04(7) and T.C.A §68-126-404(d)(4). The Respondent is assessed a total civil penalty of five thousand dollars (\$5,000).

This Initial Order entered and effective this 27th day of September, 2005.

Cara E. Harr
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 27th day of September, 2005

Charles C. Sullivan, II, Director
Administrative Procedures Division