

June 7th 2025

LETTER OF INTENT TO FILE LAWSUIT FOR WRIT OF MANDAMUS

TO: Ohio Manufactured Homes Program (MHP)

Ohio Department of Commerce
77 South High Street, 23rd Floor.
Columbus, OH 43215-6133

CC: POPLAR VILLAGE
PO BOX 1649,
OAKDALE CA 95361

CC: OHIO EPA
50 W TOWN ST. UNIT 700
COLUMBUS, OH 43215

FROM: Joshua Tolento
6272 Saginaw Road #1012
Grand Blanc, MI 48439

I am writing to formally notify the Ohio Manufactured Homes Program (MHP), a division of the Ohio Department of Commerce, of my intent to file a petition for a writ of mandamus in the Ohio Supreme Court. This action is being considered due to the MHP's failure to perform its statutory duties to enforce safe living conditions and hold owners of Poplar Village accountable, as required under Ohio Revised Code Chapter 4781 and related regulations.

Background and Concerns:

As an investigator who has witnessed the conditions at Poplar Village, 12400 W. Axline St., Fostoria, Ohio, I have repeatedly raised concerns regarding unsafe living conditions to the Seneca County General Health District, Judges, and Ohio MHP, including standing raw sewage, still water, mold & bug infestations, & unsafe drinking water. Furthermore, tenants are threatened with eviction if they put their rent into escrow, a direct violation of Ohio Revised Code ORC Section 4781.48. Despite these complaints, agencies including the MHP has failed to take appropriate action to fully investigate or enforce compliance with applicable laws and regulations, including but not limited to Ohio Revised Code § 4781.26 and Ohio Administrative Code § 4781-12. This inaction has resulted in ongoing risks to the health, safety, and well-being of residents.

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Legal Basis for Mandamus:

Under Ohio law, a writ of mandamus may be issued to compel a public agency or official to perform a clear legal duty when there is no adequate remedy at law. The MHP has a mandatory duty to enforce the provisions of Ohio Revised Code Chapter 4781, including ensuring that manufactured home park operators maintain safe and compliant living conditions. The failure to act on complaints and enforce these standards constitutes a breach of that duty.

Notice and Opportunity to Cure:

This letter serves as formal notice of my intent to seek judicial relief through a writ of mandamus unless the MHP takes immediate action to address the reported violations and enforce compliance by park owners. I respectfully request that the MHP:

1. Conduct a comprehensive investigation of the reported unsafe conditions at Poplar Village, 12400 W Axline St. Fostoria, Ohio.
2. Restore safe drinking water to all residents and mandate public access to all internal water testing results.
3. Remediate ALL standing raw sewage and still water beneath mobile homes, and ensure park sewer system is 100% operational with no backup.
4. Take appropriate enforcement actions against park owners to ensure compliance with Ohio law including Ohio Revised Code ORC Section 4781.48.
5. Issue a Cease & Desist to Evergreen Poplar to halt lease-to-own agreements on any mobile home unit without a Title available to transfer after payoff.
6. Facilitate Title transfers to mobile home owners with paid off purchase agreements.
7. Provide a written response within 30-days detailing the steps taken to address these concerns and/or planned remediation.

Next Steps:

If the MHP fails to act within the specified timeframe or provide a satisfactory response, I intend to file a petition for a writ of mandamus in the Ohio Supreme Court to compel the MHP to fulfill its statutory obligations. I am prepared to seek all available legal remedies, including but not limited to court costs and attorney fees, as permitted by law.

Please direct any correspondence or response to this letter to the address listed above or via email at TOLENTOGROUP@GMAIL.COM. I sincerely hope that legal action will not be necessary and that the MHP will promptly address these critical issues.

Thank you for your attention to this matter.

Sincerely,

Joshua Tolento



6-7-25

Media

1. Seneca County Health Department: https://drive.google.com/drive/folders/18UAOWzKyUID4XeIHbVDk4VZONOgnP4kG?usp=drive_link
2. Jan '25 Ohio MHP Complaint Files: https://drive.google.com/drive/folders/1pJlgskUBEt5DRmOU8tMUFidloqr6Q3EX?usp=drive_link
3. Lease to Own: https://drive.google.com/drive/folders/1NKobS7WBHnErkEaSQ9BWt_84dA_WXtag?usp=drive_link
4. 2025 Park Pictures: <https://drive.google.com/drive/u/1/folders/116vZG-r9LIP5gU-4vQzlaTNmtOsCmGBr>
5. Ohio EPA Inspections: https://drive.google.com/drive/folders/1XfMepQODQPCzSXtJpm9dW5mjf-auQnm3?usp=drive_link
6. Water Well Drilling Report: https://drive.google.com/drive/folders/1pbD0QFNyciUk4Qo574Dg3UZ56yqs2q6J?usp=drive_link
7. Failed Sewer System: https://drive.google.com/drive/folders/1LZWVOTNstrUePGN0mvHw2bQhbg7omC3c?usp=drive_link
8. Raw Sewage Drainage/Seepage: <https://thefostoriafreepress.com/fostoria-evergreen-poplar-llc-poplar-village-refuses-to-correct-standing-raw-sewage/>
9. Brandon Etzinger Interview: https://www.youtube.com/watch?v=PkLUzWRVJGo&t=1s&ab_channel=TheFostoriaFreePress
10. WTOL Bit: <https://www.wtol.com/article/news/local/residents-in-fostoria-mobile-home-park-living-with-numerous-health-hazards/512-513d73aa-eb4e-44a8-a375-8925ad61abf0>
11. Most Recent Former Manager Interview: <https://thefostoriafreepress.com/poplar-village-human-health-crisis-former-manager-speaks-out/>
12. CWS Lawsuit Against: <https://thefostoriafreepress.com/1-lawsuit-filed-against-evergreen-poplar-llc-peltons-by-cws-environmental/>

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Public Records Requests

Pursuant to ORC 149.43, please provide the following records:

Electronic communication between any employee of Ohio MHP / Department of Commerce & any employee or affiliate of HAP III LP C/O Poplar Village MHP.

Park inspection reports between 2015-2025.

Fines issued to park owner between 2015-2025

All records of complaints, inquiries, or reports submitted to the Ohio Manufactured Homes Program or the Ohio Department of Commerce regarding Poplar Village MHP, including but not limited to resident complaints, from January 1, 2015, to the present.

All records detailing the Ohio Manufactured Homes Program's inspection schedules, protocols, or policies for manufactured home parks, including any specific schedules or plans for inspections of Poplar Village MHP, from January 1, 2015, to the present.

All notices of violation, orders, corrective action plans, or follow-up inspection reports issued to HAP III LP or Poplar Village MHP by the Ohio Manufactured Homes Program from January 1, 2015, to the present.

All records related to the licensing of Poplar Village MHP, including license applications, renewals, denials, or suspensions, from January 1, 2015, to the present.

All records of training or certification for Ohio Manufactured Homes Program inspectors responsible for inspections of Poplar Village MHP from January 1, 2015, to the present.

All records detailing the Ohio Manufactured Homes Program's budget, staffing levels, and resource allocation for the oversight of manufactured home parks from January 1, 2015, to the present

All records of the Ohio Manufactured Homes Program's policies or procedures for receiving, processing, and resolving resident complaints about manufactured home parks, effective from January 1, 2015, to the present.

All internal and external communications, including emails, memoranda, and letters, within the Ohio Manufactured Homes Program or between the MHP and other entities (e.g., local or state agencies) related to complaints or investigations concerning Poplar Village MHP from January 1, 2015, to the present.

Please deliver all records electronically to THEFOSTORIAFREEPRESS@GMAIL.COM and confirm receipt.