

## How Not To Apply For A Job



By: C. William Dahlin, Esq.

Manufactured home communities, sometimes simply called mobilehome parks or even in some areas “trailer parks,” have a variety of employment needs. Resident managers, maintenance personnel, gardeners, and various professionals, such as accountants and lawyers, are needed to successfully operate a mobilehome park. Any employer, naturally, wants to find an employee or individual contractor that will be attentive to the job and be a productive member of a “team.”

A newly published decision in California provides an amusing look at what I call; “how not to apply for a job.” In *People v. Fisher*, a man applied for a job working for a towing company. He submitted the normal application and in conjunction with that application, submitted a sealed envelope to the potential employer. The sealed envelope contained a lengthy letter essentially advising the employer that if he, the applicant, was not given the job, he would take it upon himself to go around with eighty grit sandpaper and sand the paint finishes on every customer’s vehicle that the tow yard had contact with and, not incidentally, provide the same “sanding” service to the company’s present employees and management.

The potential employer took umbrage at the thinly veiled threat and contacted the appropriate authorities. Thereafter, the man was arrested and convicted of extortion. The issue for the appellate court was whether sufficient evidence existed to convict the man of extortion under California law. The Court of Appeal determined that the threat was indeed a demand for a portion of the employer’s business and that such a demand was asking for the functional equivalent of property and thus his conviction under the California Penal Code was affirmed.

What does this decision teach us? First, it certainly provides an amusing tale for our children and employees of what not to do when searching for a job. However, moving beyond that, it also demonstrates the propriety of undertaking appropriate and needed “due diligence” of any person being offered a job. Laws vary from state to state on the nature and extent of background investigations that are permitted. Some states permit criminal background

investigations and some states have very restrictive laws on such investigations. What this case does help demonstrate is that contacting references, prior employers and utilizing the full extent of one’s “common sense” is necessary and prudent if one wants to succeed in hiring the right people.

Just imagine this potential employee in the mobilehome park arena. A resident comes to the management office with a bona fide complaint concerning parking, noise from a neighbor, swimming pool access, or the myriad problems that arise day in and day out in a manufactured housing community. One can only imagine the potential response of this human being to a request for assistance. One can also project that this same human would actually seek to extort money or property from a resident for simply doing his job. In another context, government service, that would be properly seen as corruption and the ramifications for a land lease community are just as appalling.

It is a rare circumstance that one will face an employment application with such apparent ease in making a decision. However, the amusing published case is a potent reminder that as employers and operators of communities, we have residents that expect our employees will demonstrate respect for law and human dignity. Vigilance is needed to protect your park and its reputation.

The final lesson I would draw from this case is it points out the need to have published and easily accessible rules and regulations for your tenants and your employees. Written rules, faithfully followed, eliminate problems and provide certainty in any dispute that might arise.

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