

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

DERALD MORGAN, RICK AND CINDY)	
GRAVER, WILLIAM AND GLORIA PHIPPS,)	
and DAVID LOTT,)	
)	
Complainants,)	
)	
v.)	File No.
)	
CARL RICHARD MILLS,)	
CARRIAGE OAKS ESTATES,)	
DISTINCTIVE DESIGNS, and)	
CARING AMERICANS TRUST)	
FOUNDATION, INC. (f/k/a Caring)	
Americans Foundation, Inc.))	
)	
Respondents,)	

COMPLAINT

1. Complainants reside at:

Derald Morgan, 108 Carriage Oaks Dr., Reeds Spring, MO 65737

Rick and Cindy Graver, 96 Falling Leaf Court, Reeds Spring, MO 65737

William and Gloria Phipps, 132 Falling Leaf Court, Reeds Spring, MO 65737

David Lott, 197 Falling Leaf Court, Reeds Spring, MO 65737

2. The utility service complained of was received at Complainants' addresses listed in Paragraph 1 above.

3. Respondents' address are as follows:

Carl Richard Mills, 209 Falling Leaf Court, Reeds Spring, MO 65737

Carriage Oaks Estates Homeowners Association, 209 Falling Leaf Court, Reeds Spring, MO 65737

Distinctive Designs, Ltd., 209 Falling Leaf Court, Reeds Spring, MO 65737

Caring Americans Trust Foundation, Inc., 209 Falling Leaf Court, Reeds Spring,
MO 65737

4. Respondents operate a public utility under the jurisdiction of the Missouri Public Service Commission.

5. The amount at issue is at least \$8,000.00.

6. Complainants now request the following relief:

a. Require respondents to transfer ownership of the wastewater treatment facility and water system, including necessary easements, to a proper entity where all owners are members of said entity, such as the existing homeowners' association.

b. Such further relief as deemed appropriate by the Public Service Commission under these circumstances.

7. The relief requested is appropriate because Respondents have violated several Missouri statutes and regulations, as follows:

a. 10 CSR 20-6.010 requires that “[a]ll persons who build, erect, alter, replace, operate, use, or maintain existing point sources, or intend these actions for a proposed point source, water contaminant sources, or wastewater treatment facilities shall apply to the department for the permits required by the Missouri Clean Water Law and these regulations.”

b. 10 CSR 20-6.010(3)(A) requires that “[a]ll applicants for construction permits or operating permits shall show, as part of their application, that a permanent organization exists which will serve as the continuing authority for the

operation, maintenance, and modernization of the facility for which the application is made.”

c. Respondent Carl Richard Mills caused the ownership of the wastewater treatment facility and water facility to be transferred to Caring Americans Trust Foundation, Inc.

d. 10 CSR 20-6.010(3)(B) provides a list of continuing authorities that may be issued an operating permit for water and sewer services, and Caring Americans Trust Foundation, Inc., does not qualify as a continuing authority for purposes of 10 CSR 20-6.010(3)(B).

e. Respondent Caring Americans Trust Foundation, Inc., is a non-profit corporation organized for charitable and educational purposes, and was not formed as a water and sewer company.

f. Further, Respondent Caring Americans Trust Foundation, Inc., has not obtained a Certificate of Convenience and Necessity from the Public Service Commission, nor has it received a valid Operating Permit from the Missouri Department of Natural Resources.

g. Respondent Carl Richard Mills previously tried to establish rates for the water and sewer service; however, he did not obtain proper authorization from the Public Service Commission before doing so.

h. In 2015, in a Stone County Circuit Court lawsuit, the Court ordered that Respondent Carl Richard Mills owned the wastewater treatment system and water system, thus making these systems his responsibility.

i. In spite of this order, Respondent Carl Richard Mills charged the homeowners' association for all operational costs of the facilities and other undocumented services.

j. The property owners in Carriage Oaks Estates subdivision continue to be charged for the operation costs of the facilities, even though Respondent Caring Americans Trust Foundation, Inc., has not been authorized to charge for these services and has not obtained a valid Operating Permit.

8. The Complainants have taken the following steps to present this matter to the Respondents to no avail:

a. The above described issues have been discussed during at least one meeting of the homeowners' association.

b. A demand letter was sent to Respondents' counsel on May 31, 2016, setting for these issues and requesting a resolution without having to file a complaint. A copy of the May 31, 2016, Demand Letter is attached hereto as **Exhibit A**.

c. Respondents now refuse to communicate with Complainants regarding this issue.

Respectfully submitted,

SCHENEWERK & FINKENBINDER,
ATTORNEYS AT LAW, LLC

By:


Karl Finkenbinder, Mo. Bar No. 59425
Cody A. Fenton, Mo. Bar No. 65526
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500 W. Main St., Suite 305
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COUNSEL FOR COMPLAINANTS

CERTIFICATE OF SERVICE

The below signed counsel hereby certifies that a true and accurate copy of the foregoing was sent to Bryan Wade, counsel for respondents, via email (Bryan.Wade@huschblackwell.com) on this 3 day of August, 2016.



Karl Finkenbinder, Counsel for
Complainants

August 3, 2016

Date

/s/ J. Derald Morgan

Signature of Complainant

417-338-0296

Complainant's Phone Number

J. Derald Morgan

Complainant's Printed Full Name

Alternate Contact Number

jderaldmorgan@hotmail.com

Complainant's E-mail Address

8-3-16

Date

417-872-1219

Complainant's Phone Number

Alternate Contact Number

8-3-16

Date

417-839-1309

Complainant's Phone Number

Alternate Contact Number

Date

Complainant's Phone Number

Alternate Contact Number



Signature of Complainant

RICK GRAVER

Complainant's Printed Full Name

Complainant's E-mail Address



Signature of Complainant

CINDY GRAVER

Complainant's Printed Full Name

cindygraver@hotmail.com

Complainant's E-mail Address

Signature of Complainant

Complainant's Printed Full Name

Complainant's E-mail Address

Email: karl@sfalawfirm.com
COUNSEL FOR COMPLAINANTS

7-24-16
Date

William A. Phipps
Signature of Complainant

573-578-8787
Complainant's Phone Number

WILLIAM A. PHIPPS
Complainant's Printed Full Name

Alternate Contact Number

bebosphipps@embarqmail.com
Complainant's E-mail Address

7-24-16
Date

Gloria Phipps
Signature of Complainant

573-578-8787
Complainant's Phone Number

Gloria Phipps
Complainant's Printed Full Name

Alternate Contact Number

bebosphipps@embarqmail.com
Complainant's E-mail Address

Date

Signature of Complainant


Complainant's Phone Number

Complainant's Printed Full Name

Alternate Contact Number

Complainant's E-mail Address

August 2, 2016
Date


Signature of Complainant

417-527-1432
Complainant's Phone Number

David V. Lott
Complainant's Printed Full Name

Alternate Contact Number

david@missouriholding.com
Complainant's E-mail Address

Date

Signature of Complainant

Complainant's Phone Number

Complainant's Printed Full Name

Alternate Contact Number

Complainant's E-mail Address

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