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COMPLAINT OF JOHN	SOAH DOCKET: 473-	BEFORE THE STATE
BLALOCK AGAINST	21-1880.WS	OFFICE OF
MERCY WATER		ADMINISTRATIVE
SUPPLY		HEARINGS
CORPORATION		

JOHN BLALOCK’S RESPONSE TO MERCY’S MOTION FOR
SUMMARY DISPOSITION

COMES NOW John Blalock (hereinafter “Mr. Blalock”) to submit his response to Mercy Water Supply Corporation's (hereinafter “Mercy”) Motion for Summary Judgment (hereinafter “MSD”):

I.

**MR. BLALOCK’S ADMITTANCE OF NOT COMPLETING THE
REQUIREMENTS TO BE A MEMBER OF MERCY**

Mr. Blalock has admitted this only to the extent of saying that he had no knowledge of what paperwork needed to be completed, and that neither of the office managers he has had contact with since 2015 has informed him, prior to the informal complaint, of what paperwork was need beyond him having proof of ownership. And, that when he brought the proof of ownership, Mercy’s office manager still did not inform him of any other paperwork that was need or that

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needed to be completed. This a failure on the part of the office manager(s) of Mercy to inform potential members and customers of the proper process. This is what Mr. Blalock has stated and has maintained since the beginning of the informal complaint to the formal complaint and now in this case before the State Office of Administrative Hearings (hereinafter “SOAH”). This is the same thing Mr. Blalock and his child stated during the pretrial conference.

The actions of Mercy should be treated no differently than those of Home Owners’ Associations, in that HOAs have so long to get you to sign paperwork following the closing on the sale of a house. Mercy has known of Reba Ivey’s death for over 5 years at the time of the incident in August of 2020. In that time, Mr. Blalock contends that he did inquire about if there was paperwork needed to transfer the account and membership. In those 5 years, Mercy, has treated Mr. Blalock as a member and a customer of their corporation, which includes charging him reconnection and late fees. And, as Mercy treated Mr. Blalock as a customer

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and a member for that many years, then Mercy as a corporation through their actions have recognized Mr. Blalock as a member and a customer.

The representation of Mr. Blalock's statements is a major misrepresentation of what was said. And, this is not the first time, Mercy, through their legal representation by the Carlton Law Firm, has tried to twist what Mr. Blalock has stated or left out major parts of Mr. Blalock's statement.

II.

THE CONCLUSTIONS MADE BY MERCY AND CONMMISSION STAFF

As stated by Mr. Blalock in his filing to request a hearing, Mr. Blalock recognized the conclusions made by Mercy and Commission Staff, but also pointed to evidence that had not been discussed in the filing, such as the reconnection/late fees charged after Ms. Ivey's death and that Mercy took payments from Mr. Blalock for over 5 years, which only became an issue in August of 2020.

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III.

THE METER IN QUESTION

Mercy states that Mr. Blalock is receiving water service through a meter for the Southern Tract, but beyond statements made by Randall Baker stating that he believed the meter to be for the Southern Tract (1601 Bowen Loop) when he installed it does not change that the Meter was installed for Ms. Ivey, who owned and resided on the Northern Tract (1611 Bowen Loop). She had resided and owned the Northern Tract since the mid-1980's when the partition deed was finalized. All records for Gloria Meeks, who owned and resided on the Southern Tract shows changes in meter numbers, with the last one being removed in early 2001. The records for Reba Ivey showing the same meter number since 1995 when she started receiving service from Mercy. And, unless Mercy recently changed out the meters, the meter that the Northern Tract is receiving service from is the same one installed for Ms. Ivey in 1995, with it never having an order for removal.

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IV.

MR. BLALOCK’S DIRECT TESTIMONY

Mr. Blalock’s testimony was delayed and has been filed at the time of this filing, and has been approved by the ALJs with Order No. 7, making this argument null and void.

V.

CONCLUSION

Mercy’s arguments for a Summary Disposition are based on misrepresentations of Mr. Blalock’s statements, a supplemental statement by Commission Staff that did not take all evidence into consideration, and a record that shows:

1. Continuation of service following Mercy being informed of Ms. Ivey’s death.

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2. Reconnection fees and late fees being charged for water service Mercy has categorized as unauthorized (in consequence, unlawful), despite the billing address being 1611 Bowen Loop (previously 154 Bowen Road).
3. All meter numbers for Gloria Meeks being changed, and the final one being removed in the early 2000's.
4. A partition deed stating Ms. Ivey and Ms. Meeks having different pieces of property and those pieces being separate.
5. The record being incomplete, as there are no documents prior to August 2020 showing board approval for the cancelation of Ms. Ivey's membership or for the membership to be transferred to Adrian Rodz, nor are there documents showing it was discussed by the board. Mercy stated that responsive documents do not exist.
6. In Mercy's Motion for Summary Disposition, they state, "The affidavit of Kelley Allbright, which states that Blalock never applied to become a member of Mercy and never applied to have a membership transferred to

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him.” Mercy has never denied that Mr. Blalock inquired about transferring the membership, creating a duty to act for Mercy’s office manager and staff to inform Mr. Blalock of the paperwork and policies relevant to membership and account transfer.

VI.

REQUEST FOR RELIEF

Mr. Blalock respectfully request that Mercy’s Motion for Summary Disposition be denied as it relied on incomplete findings, the non-existence of a Direct Testimony that now exist, and misrepresentation of statements by Mr. Blalock.

RESPECTFULLY SUBMITTED BY,

/s/ John Blalock