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**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**COMPLAINT OF JEFF CONNORS AGAINST THE GALLERY
APARTMENTS, ROSCOR PROPERTY MANAGEMENT, AND
CONSERVICE**

**SOAH ORDER NO. 3
DENYING MOTION TO DISMISS AND
REQUEST FOR HEARING ON MOTION**

On September 28, 2022, The Gallery Apartments and Roscoe Property Management (collectively, Gallery and Roscoe) filed a motion to dismiss arguing that Jeff Connors's request for relief is moot and obsolete¹ because it has already been afforded to him via check from Gallery and Roscoe for \$85.06 (i.e., the monetary relief he seeks).² Alternatively, Gallery and Roscoe argue that, if

¹ 16 Tex. Admin Code § 181(d)(2).

² In their motion, Gallery and Roscoe indicated that a copy of the check they offered to Mr. Connors was attached as Exhibit A, however no exhibit was attached to the motion as filed on the Commission's Interchange database.

Mr. Connors refuses to accept the offered check for \$85.06, the proceeding should be dismissed for good cause³ because Mr. Connors would have failed to mitigate the damages and would be estopped from wasting public resources for seeking relief that has already been offered to him. On October 10, 2022, Gallery and Roscoe requested their motion for dismissal be set for hearing.

On October 5, 2022, Mr. Connors responded to Gallery and Roscoe's motion stating that he contests the facts set forth in the motion and that his request for relief is not moot. More specifically, Mr. Connors asserts that he has not received copies of the total amounts Roscoe billed residents of the Gallery II for water and wastewater on their January 2020 to June 2022 rental bills as he has requested multiple times.

The Administrative Law Judge (ALJ) **DENIES** Gallery and Roscoe's motion to dismiss and their request for hearing to address that motion. On March 9, 2022, the Commission ALJ granted Mr. Connors request to amend his requested relief to include (1) an \$85.06 refund, and (2) copies of the total amount Roscoe billed residents of the Gallery II for water and wastewater for the January 2020 to June 2020 monthly bills. Gallery and Roscoe did not address the requested records portion of Mr. Connors's requested relief in their motion.⁴ As such, the ALJ finds no basis to dismiss this proceeding for moot questions or obsolete petitions or for good cause and finds no basis to convene a hearing to discuss the motion.

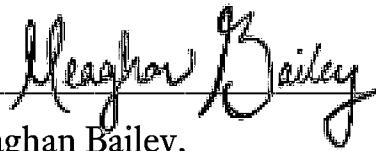
³ 16 Tex. Admin Code § 22.181(d)(11).

⁴ 16 Tex. Admin. Code § 24.277(e), (g).

Additionally, Mr. Connors's indicated that Gallery and Roscoe have failed to provide email notice to him of their filings with the Commission in this proceeding, as required in SOAH Order No. 1. Accordingly, it is **ORDERED** that Gallery and Roscoe **SHALL** provide notice to Mr. Connors via email of all future filings they make in this proceeding.⁵

SIGNED OCTOBER 17, 2022

ALJ Signature:



Meaghan Bailey,

Presiding Administrative Law Judge

⁵ Mr. Connors's email address is listed in the signature line of his October 12, 2022 filing in this proceeding.