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### Business Entity with Charter Number 00366142

<b>Name</b>	SHELL KNOB ESTATES UTILITIES, INC.		
<b>Street</b>		<b>City/State/Zip</b>	
<b>Business Type</b>	Domestic Profit	<b>State of Incorporation</b>	MO
<b>Status Date</b>	08/28/2000	<b>Status</b>	DF
<b>Registration Date</b>	05/11/1992	<b>Current Name Date</b>	05/11/1992
<b>Expiration Date</b>	Perpetual	<b>Report Period</b>	01/01 : 12/31
<b>Last AR Filed</b>	04/15/1999	<b>Last AR Year</b>	1999

### Agent Information

<b>Name</b>	Robert D. Baird	<b>Authorization Date</b>	05/18/1994
<b>Street</b>	Lake Rd. Yy-9, Po Box 70	<b>City/State/Zip</b>	Shell Knob, MO 65747

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Jefferson City, MO 65101 • (573) 751-4936 • [SOSMain@sosmail.state.mo.us](mailto:SOSMain@sosmail.state.mo.us)  
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Attachment 1



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- By Business Name
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- Order Good Standing

#### Filed Documents

Date: 3/22/2004 (Click above to view filed documents that are available.)

#### Business Name History

Name	Name Type
DOD-CO ENTERPRISES	Legal

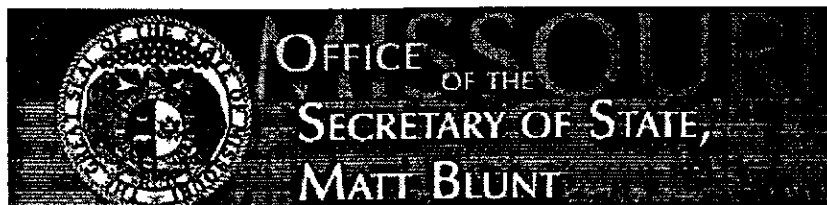
#### Fictitious Registration - Domestic - Information

Charter Number:	X00293718
Status:	Active
Entity Creation Date:	9/29/1995

#### Owners

Name:	BETTY A. DODSON
Address:	RT.1 BOX 1348 SHELL KNOB MO 65747

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- Order Good Standing

#### Filed Documents

**Date:** 3/22/2004 (Click above to view filed documents that are available.)

#### Business Name History

Name	Name Type
DOD-CO ENTERPRISE, LLC	Legal

#### Limited Liability Company - Domestic - Information

<b>Charter Number:</b>	LC0026885
<b>Status:</b>	Active
<b>Entity Creation Date:</b>	3/30/1999
<b>State of Business.:</b>	MO
<b>Expiration Date:</b>	Perpetual

#### Registered Agent

<b>Agent Name:</b>	WILLIAM E. DODSON
<b>Office Address:</b>	RT 1 BOX 1348 SHELL KNOB MO 65747

#### Mailing Address:

#### Organizers

<b>Name:</b>	WILLIAM E. DODSON
<b>Address:</b>	RT 1 BOX 1348 SHELL KNOB MO 65747

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Attachment 3

MEMORANDUM

*File in  
Company  
file*

**TO:** Bill Nickle

**FROM:** Lera Shemwell, Assistant General Counsel

**DATE:** September 8, 1998

**SUBJECT:** Sale of Water and Sewer System  
*Shell Knob Estates*

Bill,

This memo is for your file to confirm our conversation Tuesday Sept. 8, 1998. On Friday September 4, 1998, I received a telephone call from Jeb Howell concerning sale of a private community water and sewer system. My understanding is that this development is in the Stockton area. I suggested to Mr. Howell that he contact you prior to holding the sale. I did tell Mr. Howell that it was my understanding that they would need permission from the Commission prior to finalizing the sale of a regulated utility. He indicated that they planned to simply convey the water and sewer operation to the new owners as part of the sale of the community. I told him that I did not believe that that would make any difference in the required procedures.

As we discussed this morning, Mr. Howell contacted you and you have informed him of the Commission's policies and requirements for sale or conveyance of a regulated utility.

Thanks,



Lera Shemwell



ATTORNEY GENERAL OF MISSOURI


JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON  
ATTORNEY GENERAL

P.O. Box 899  
(573) 751-3321

TO: Dan Joyce, General Counsel  
Missouri Public Service Commission

FROM: Barry A. Gilbert,  
Assistant Attorney General 

DATE: December 15, 1998

RE: *State ex rel. Nixon v. Shell Knob Estates Utilities, Inc., et al.*  
Barry County Case No., CV198-422CC

---

You may recall that last July we filed this suit (in part) against Shell Knob Est. Utilities, Inc., and Robert D. Baird for violations of the Missouri Clean Water Law and rules. I advised your office of that suit because Shell Knob Estates Utilities, Inc., is regulated by the PSC. This is to advise you that I have learned that the utility has purportedly been conveyed to a gentleman named Bill Dodson (417/858-6456) of Shell Knob.

Yesterday, I spoke with Mr. Dodson who said he had purchased the utility from Mr. Baird. Mr. Dodson said he operated three local public water systems and felt confident he could operate this sewage system. He also stated he had spoken with Bill Nichols, of the PSC, and that the PSC supported his plans to own and operate the system and obtain an emergency rate increase to fund improvements to the system. As I understand it, the conveyance of a public utility requires the approval of the PSC.

Regardless of the accuracy of Mr. Dodson's claims, I would appreciate it if you

Dan Joyce  
December 15, 1998  
Page 2

would advise me whether any application has been made to obtain the PSC's approval for the conveyance of this sewage utility. Of course, given our ongoing litigation and continuing concerns regarding this system's compliance with the Clean Water Law and rules, we would appreciate the opportunity to comment on any proposed conveyance of this utility.

Thank you in advance for your assistance in this regard. You may contact me at 751-8816.

c. Don Boos, MDNR  
John MacEachen, MDNR

**RECEIVED**

APR 26 1999

MISSOURI  
Public Service Commission

DAVID N. APPLEBY PC  
ATTORNEY AT LAW  
119 NORTH SECOND STREET  
POST OFFICE BOX 158  
OZARK, MISSOURI 65721  
417.581.2411  
417.581.2447 facsimile

April 22, 1999

MR BARRY GILBERT  
ASSISTANT ATTORNEY GENERAL  
PO BOX 899  
JEFFERSON CITY MO 65102

Re: Shell Knob Estates Utilities, Inc.

Dear Barry,

After our phone conversation about this matter, I talked with my client, Bill Dodson. He has instructed me to delay filing his application to the Public Service Commission to approve his purchase of the water and sewer works. He asks that you submit to me any proposed agreement that the MODNR would expect him to execute if he became the owner of these systems. If possible, he will agree to the terms and then file his application. If he cannot agree to the terms, I will notify you and the PSC so that other arrangements with another purchaser can be made.

Very truly yours,



David N. Appleby

cc: Jim Merceil, PSC  
Bill Dodson

sj/ltrgilbertsh



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON  
ATTORNEY GENERAL

RECEIVED  
P.O. Box 899  
(673) 751-3321

JAN 14 2002

TO: Dale Johansen  
Missouri Public Service Commission

FROM: Barry Gilbert *[Signature]*  
Assistant Attorney General

UTILITY OPERATIONS  
DIVISION

RE: *State ex rel. Nixon v. Shell Knob Estates Utilities, Inc., et al.*  
Barry County Case No. CV198-422CC

DATE: January 10, 2002

As you know from our prior communication, this office brought the above-referenced action against Mr. William Dodson, Shell Knob Estates Utilities, Inc., and others, for violations of Missouri's Clean Water Law related to the operation of the wastewater treatment system serving Shell Knob Estates and Windsor Bay Condominiums. That system is regulated by the PSC. The utility company was dissolved on August 28, 2000.

On October 3, 2000, the PSC granted a rate increase to the utility company for its sewer and water rates on the application of Mr. Dodson, the principle defendant in our case. Although he represented himself to the PSC as president of the utility company, he has, in fact, never held a position as either an officer or a director of that company.

On September 27, 2001, this office obtained a Judgment (copy attached) against Mr. Dodson requiring him to operate the system in compliance with the Clean Water



Dale Johansen, PSC  
January 10, 2002  
Page 2

Law and ordering him to pay a civil monetary penalty for his violations. However, in its judgment, the Court expressed its disbelief that Mr. Dodson was capable of properly operating the system for any length of time (Judgment, ¶ 82). The Court further encouraged the homeowners -- who weren't parties -- to organize and arrange to operate the system themselves. The Court further encouraged both the DNR and the PSC to provide any appropriate guidance to those efforts (*id.*).

Several property owners who receive sewer and water service from Mr. Dodson have approached this office and are seeking a meeting with state personnel to explore their options for taking responsibility for the system, and to discuss their regulatory obligations if they choose to do so. I believe it is incumbent upon both DNR and PSC representatives to meet with these persons.

At your earliest convenience, please contact me at 751-8795 to discuss who from the PSC might attend such a meeting and dates in the near future when they might be available to travel to the Shell Knob area.

I look forward to your response.

*Jim*



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

JEREMIAH W. (JAY) NIXON  
ATTORNEY GENERAL

P.O. Box 899  
(573) 751-3321

December 30, 2002

By U.S. Mail and Facsimile To: (417) 847-4230

Mr. Tom Cardin  
Cardin and Payne  
607 West Main  
Cassville, MO 65625

RE: *State v. Dodson et al.*, Barry County Case No. CV198-422CC

Dear Mr. Cardin:

Today, I spoke with Mr. Don Busch, Carnahan, Evans, Cantwell & Brown, Springfield, who represents several homeowners in the Shell Knob Estates service area.

Mr. Busch advised that his clients have nearly completed their efforts to form two non-profit companies to operate the water and the sewer systems in that area. He further advised that, if your clients Mr. Dodson and Dod-Co Enterprise, LLC, agree to convey both of these systems for a nominal amount, he will immediately draft an appropriate agreement. I would expect he will also wish to obtain quit-claim deeds from those persons who have had any interest in the systems or the utility company. If this conveyance can be quickly effected (as it sounds like it could), then the entire issue of receivership could be skirted. I'm sure you, and they, will agree that this timely development provides a serious opportunity to resolve the long-standing violations and litigation at this site.

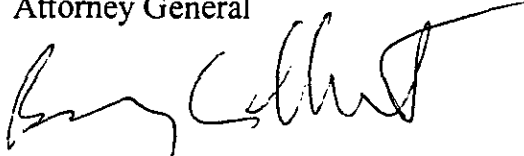
Assuming Mr. Dodson seizes this chance, I would urge you to contact Mr. Busch at (417) 447-4400 to discuss how to structure, and obtain PSC-approval for, the conveyance. Additionally, I would appreciate it if you would advise me of Mr. Dodson's and Dod-Co Enterprise, LLC's response to this offer.

I look forward to your response.

Mr. Tom Cardin  
Cardin and Payne  
December 30, 2002  
Page 2

Sincerely,

JEREMIAH W. (JAY) NIXON  
Attorney General

A handwritten signature in black ink, appearing to read "Barry A. Gilbert", written over the printed name.

BARRY A. GILBERT  
Assistant Attorney General  
(573) 751-8795

- c. Don Busch, attorney for homeowners  
Don Cupps, attorney for Paula Baird  
Kevin Mohammadi, MDNR/WPCP  
Kevin Hess, MDNR/SWRO  
Seth Coggin, MDNR/SWRO  
Cliff Snodgrass, attorney for PSC

IN THE CIRCUIT COURT OF BARRY COUNTY, MISSOURI

STATE OF MISSOURI ex rel.  
JEREMIAH W. (JAY) NIXON  
Attorney General of Missouri,  
and the MISSOURI CLEAN  
WATER COMMISSION,  
Plaintiff,

vs.

ROBERT D. BAIRD, SHELL KNOB  
ESTATES UTILITIES, INC., TIMBEROC  
VILLAGE, INC., WILLIAM E. DODSON  
and DOD-CO ENTERPRISE, LLC.  
Defendants.

Cause No. CV198-422CC

**JUDGMENT**

**I.Procedural Posture**

1. This action for injunctive relief and monetary penalties was commenced by the State of Missouri, in part, for violations of the Missouri Clean Water Law at the Shell Knob Estates waste water treatment system.

2. Defendant, Shell Knob Estates Utilities, Inc., was served and filed an Answer. During the pendency of this action, its sole officer, co-defendant Robert Baird, passed away and Attorney Cupps was given leave to withdraw from his representation of the corporation. On or about August 28, 2000, Shell Knob Estates Utilities, Inc., was administratively dissolved.

3. On August 16, 2000, William E. Dodson ("Dodson") and Dod-Co Enterprise, LLC ("Dod-Co"), were added as defendants, and service was obtained on them on November 8, 2000.

4. On January 11, 2001, this Court denied Dodson's and Dod-Co's' Motion to Dismiss. Then, following proper notice and hearing, the Court entered its Order of Preliminary Injunction against William E. Dodson and Dod-Co, LLC (Preliminary

Attachment 9 - 1

Order"). Said order was executed January 18, 2001, and filed January 22, 2001.

5. By its terms, the Preliminary Order remains in effect until this Judgment is final.

6. Thereafter, the Court set this matter for trial on August 22-23, 2001.

7. On August 22, 2001, Plaintiff appeared through its representative, Mr. Don Boos, Environmental Specialist IV, with the Missouri Department of Natural Resources ("Department") and its attorney, Assistant Attorney General, Barry A. Gilbert. Mr. William E. Dodson ("Dodson") appeared individually and as the representative of Dod-Co Enterprise LLC (Dod-Co"). Dodson and Dod-Co also appeared through their counsel, Tom W. Cardin. Defendant ad litem, Paula S. Baird ("Baird"), and Timberoc Village, Inc. (Timberoc"), appeared through their attorney, Donald L. Cupps. Shell Knob Estates Utilities, Inc., did not appear.

8. Before trial, Plaintiff and defendants Baird and Timberoc announced that they had reached an agreement on the terms of a judgment in favor of the State on its claims at the Timberoc Village site. That consent judgment is forthcoming. Defendant ad litem, Paula Baird, was to be dismissed.

9. Before trial, Plaintiff made an oral motion for default judgment against Dodson and Dod-Co. Attorney Cardin conceded no answer had been filed on behalf of Dodson and Dod-Co, and orally requested leave to file such an answer. Leave was granted, and the answer of Dodson and Dod-Co., in the form of a general denial, was deemed filed on August 22, 2001.

10. At trial, Plaintiff and Dodson and Dod-Co stipulated to the admission in evidence of Exhibits 1, and 3 through 9, from the January 11, 2001 hearing, and also stipulated to the evidence established in the findings of fact in the Preliminary Order—with the exception of paragraphs 22, 41 through 47. Those stipulations were accepted and this Court admitted those exhibits and its previous findings in evidence.

## II. Findings of Fact and Conclusions of Law

11. Jeremiah W. (Jay) Nixon, is the duly elected, qualified, and acting Attorney General of the State of Missouri. The Attorney General is authorized to institute, in the name and on behalf of the state, all civil proceedings at law or in equity necessary to protect the right and interests of the state under Section 27.060 RSMo.

12. The Missouri Clean Water Commission (the "Commission") is a duly authorized state agency created under the provisions of Section 664.011 et seq., RSMo., (the "Clean Water Law"). The Commission administers and enforces the Clean Water Law, and its regulations, through, and with the assistance of, the Missouri Department of Natural Resources.

13. The Missouri Department of Natural Resources (the "Department") is a state agency created under Section 640.010 RSMo., for, in part, administering the provisions of the Missouri Clean Water law, Chapter 644, RSMo., and its regulations.

14. Plaintiff filed this action alleging numerous violations of the Clean Water Law relevant to the unlawful operation of a wastewater treatment system (the "system" or "facility") appurtenant to the subdivisions, Shell Knob Estates and Windsor Bay, in the Northwest Quarter of the Southwest Quarter of Township 22 North, Range 25 West, in Barry County.

15. Venue is proper herein pursuant to Section 644.076.1 RSMo., because the alleged violations of law occurred, and continue to occur in Barry County, Missouri.

16. The system collects wastewater from the residences of Shell Knob Estates and Windsor Bay, and discharges it into Table Rock Lake (the "Lake") and a losing stream which flows into the Lake, both of which constitute "waters of the State of Missouri" under the Clean Water Law.

17. Until early in 2001, operation of the system in compliance with the Clean Water Law was subject to the terms of a state Operating Permit, MO0089192 (the "permit"), granted by MDNR. A true and accurate copy of the permit was admitted as Exhibit 1, and is incorporated herein by reference. Dodson and Dod-Co allowed the permit to lapse following the January 11, 2001 preliminary injunction hearing.

18. The permit required the system's operator to periodically sample the effluent and submit analyses for those samples, known as Discharge Monitoring Reports or DMR's, to MDNR.

19. Prior to January of 2001, the Department had received no DMR for the system for approximately sixteen months.

20. The system is designed to treat the wastewater it collects and reduce certain of its biochemical characteristics pursuant to limits mandated by the permit before discharging it.

21. The system is composed generally of: a central treatment plant on the northern edge of the subdivision; a lift station on the western edge of the subdivision (lift station #1); a non-functioning, lift station which serves approximately two homes near a cul-de-sac on the northeastern edge of the subdivision (lift station #2); and a lift station to move sewage from the Windsor Bay area to the central plant (lift station #3); and lines to collect residential sewage and convey it toward the lift stations and the central plant.

22. The system requires frequent maintenance—including adding chlorine tablets, cleaning out debris, and replacing worn mechanical parts—in order to provide treatment for the wastewater it discharges.

23. Residential wastewater is "pollution" and a "water contaminant" within the meaning of Section 644.016 (15) & (22), RSMo.

24. The system, and any of its appurtenances which discharge water contaminants, constitutes a "point source" and a "water contaminant source" within the meaning of Section 644.016 (14) & (23), RSMo.

25. Until its dissolution, Shell Knob Estates Utilities, Inc., was regulated by and was subject to the authority of the Missouri Public Service Commission (the "PSC").

26. In a December 16, 1998 telephone conference, Dodson advised Mr. Boos and Mr. Kevin Hess of the Department and Assistant Attorney General Barry Gilbert, that he was considering taking over the operation of the system. In response, they explained to Dodson that there were numerous ongoing violations of the Clean Water Law at the system. They also warned Dodson that if he began to operate the system, the Department would consider him lawfully responsible for correcting all violations of the Clean Water Law at the system—including making several, expensive, mechanical upgrades and the possibility of paying a civil monetary penalty if he failed to quickly make those upgrades.

27. The participants, general subject matter, and date of Dodson's December 18, 1998 conversation with representatives of the Department are corroborated by the detailed phone notes which Attorney Gilbert made during that conversation. Those notes were admitted in evidence as Exhibit 13 for the limited purpose of establishing the participants, subject matter and date of that conversation.

28. Although Dodson admitted the Department warned him of violations at the system, he could not recall the date of that warning.

29. This Court does not find Dodson credible on the issue of the date and extent of the warning he received from the Department. Rather, this Court is persuaded by the testimony of both Mr. Boos and Mr. Hess, and Attorney Gilbert's phone notes, on those issues.

30. Dodson has had experience operating small sewage treatment systems since approximately 1985.

31. Before taking responsibility for the system, Dodson had performed water sampling at the system for the prior operator (and deceased defendant), Robert Baird.

32. As a result of his telephone conversation with Department representatives, his years' of experience operating other small treatment systems, and his prior work at this particular



system, Dodson should have known—and actually did know—that extensive violations of the Clean Water Law existed and were ongoing at the system before he took possession of and began operating the system.

33. On or about December 31, 1998, despite his actual knowledge of the system's non-compliant condition, Dodson purportedly purchased the system from the Utility Company. This "purchase" has never been approved by the PSC.

34. Dodson's purchase of, and assumption of responsibility for, the system are evidenced in the Bill of Sale, Exhibit 14, to which he referred in his August 2001 letter to Shell Knob Estates homeowners, Exhibit 15. Both Exhibits 14 and 15 were admitted in evidence and are incorporated herein by reference.

35. Although the Bill of Sale purports to convey the system to "Dod Co Enterprise", no such legal entity existed at the time.

36. On February 12, 1999, Dodson admitted in a letter to Attorney Gilbert that he had "taken possession" of the system. In that letter, he committed to take several specific steps to correct some of the system's deficiencies, namely: install a second pump in lift station #1; pump out the wet well of the non-functioning lift station #2 until duplex pumps could be installed; install a second pump in lift station #3; and place chain link fence around lift stations #1 and #2. Dodson's February 12, 1999 letter was admitted in evidence without objection as Exhibit 3, and is incorporated herein by reference.

37. On March 30, 1999, Dodson filed his articles of organization for Dod-Co-Enterprise, LLC, with the Missouri Secretary of State's Office. Dod-Co was organized to operate water and sewer utilities. A certified copy of those articles was admitted in evidence without objection as Exhibit 4, and is incorporated herein by reference.

38. Dodson is the sole organizer of Dod-Co.

39. Dod-Co acts solely through Dodson regarding the system.

40. On August 20, 1999, Mr. Hess, of the Department's Southwest Regional Office

inspected the system and participated in the videotaping of its central treatment plant and three lift station locations. This videotape showed the state of general disrepair of the system and that it was not secured from public access. The videotape showed that Dodson had not performed the corrective actions to which he had committed in his February 12, 1999 letter. The August 20, 1999 videotape was admitted in evidence without objection as Exhibit 10, and is incorporated herein by reference.

41. In April of 2000, Mr. Boos inspected the system and found that Dodson still had not performed the corrective actions to which he had committed in his February 12, 1999 letter.

42. On or about April 17, 2000, Dodson—purporting to act on behalf of the Shell Knob Estates Utilities, Inc.—applied to the PSC for an increase in the rates charged for drinking water and sewer service to customers of the Utility Company.

43. Dodson's sewer rate case was identified by the PSC case number, SR-2001-83. A certified copy of the PSC's Supplement to Staff Recommendation (comprised of several documents filed in that case) was admitted in evidence without objection as Exhibit 5, and is incorporated herein by reference.

44. In his PSC rate case, Dodson signed several documents as president of Shell Knob Estates Utilities, Inc., See, Exhibit 5; Attachment A, Attachments B1-2; Attachment E1-2; Attachment F; Attachment G1-2; and Attachment G3-4.

45. On or about October 3, 2000, the PSC granted an increase in the sewer rates charged by Shell Knob Estates Utilities, Inc. A certified copy of that Order was admitted in evidence as Exhibit 6, and is incorporated herein by reference. The Order required the Utility Company to refund any amounts which it had prematurely begun to charge.

46. The PSC also granted the Utility Company an increase in its drinking water rates, at that time.

47. On October 27, 2000, the Attorney General's Office sent a letter to Dodson and Dod-  
Co demanding they take immediate steps to repair and secure the system's three lift stations.

That letter was admitted in evidence without objection as Exhibit 7, and is incorporated herein by reference.

48. Dodson has periodically contracted with Interstate Sewage, located in Mt. Vernon, Missouri, for repairs and maintenance on the system.

49. In December of 2000, Dodson threatened to abandon the system.

50. In its January 18, 2001, Preliminary Order, this Court specifically enjoined Dodson and Dod-Co, in part, "to properly operate the system in compliance with the Permit and the Clean Water Law; {and} to secure the lift stations from public access."

51. Dodson and Dod-Co willfully violated the Preliminary Order by allowing the system's Operating Permit to lapse and by allowing his personal, Class D, operator's license to expire.

52. Dodson and Dod-Co partially complied with the Preliminary Order by maintaining records of the system's income and expenses and by sampling and analyzing the system's effluent. Exhibit 12, composed of financial records and effluent analyses for the system from January through August 2001, was admitted in evidence.

53. A profit-loss summary from January through August 2001 for the sewage and drinking water systems serving Shell Knob Estates and Windsor Bay residents, was admitted in evidence as Exhibit A.

54. Dodson admitted that he wants to continue operating the drinking water system because he believes it is profitable. Dodson said he wants to cease operating the sewage system because he believes it is not profitable.

55. In early August 2001, Dodson was offering to sell the sewer system for \$41,600.00. Dodson admitted he paid only \$1.00 for both the drinking water and sewage systems.

56. On August 21, 2001, Department personnel, including Mr. Boos and Mr. Hess, inspected the system and produced a videotape of that inspection. That videotape showed that the system had fallen into further disrepair since the August 20, 1999 videotape and that

the only apparent improvement that Dodson had made was placing padlocks on the central treatment facility and the control panel of lift station #3. The August 21, 2001 videotape was admitted in evidence without objection as Exhibit 11.

57. Since at least February of 1999 through the present, Dodson and Dod-Co have allowed wastewater to discharge from lift station #2 (near the cul-de-sac) into waters of the State, in violation of the permit and the Clean Water Law.

58. Since at least February of 1999 through the present, Dodson and Dod-Co have failed to fully secure the system from public access, in violation of the permit and the Clean Water Law.

59. Since early 2001 through the present, Dodson and Dod-Co have allowed the system to discharge into waters of the State without a valid state Operating Permit, in violation of the Clean Water Law.

60. Since approximately June of 2001 through the present, Dodson has operated the PSC regulated system without a valid wastewater treatment facility operator's permit, in violation of the Clean Water Law.

61. Dodson and Dod-Co's actions and violations are of such a flagrant and continuous nature that it is probable that they will continue to violate the Clean Water Law unless enjoined from doing so.

### **III. Conclusions of Law**

62. Plaintiff has no available remedy at law, other than the injunctive relief specifically authorized by Section 644.076.1 RSMo.

63. To prevent Plaintiff from suffering the injuries alleged hereinabove, Dodson and Dod-Co should be restrained and enjoined, pursuant to Section 644.076.1 RSMo., from abandoning their operation of the system.

64. Section 644.076, RSMo. authorizes a penalty of up to \$10,000.00 per day for each of the defendant's violations.

65. Dod-Co exists primarily in form, and is treated by Dodson as his alter ego.

66. Dodson is solely responsible for making the day to day decisions regarding the operation of the system and has been personally involved with respect to the Clean Water Law violations at the Shell Knob Estates sewage treatment system.

67. Dodson consciously asserted control over the system with full knowledge of its condition and its ongoing violations of the Clean Water Law; took several affirmative steps to increase his profit from this system; and allowed the condition of the system to further degrade.

68. Dodson's willful violation of this Court's Preliminary Order and of the Clean Water Law support the imposition of a civil monetary penalty.

#### **IV. Final Judgment**

69. This Judgment applies to and binds William E. Dodson and Dod-Co Enterprise, LLC, jointly and severally.

70. To the extent Shell Knob Estates Utilities, Inc., has any surviving assets or is subsequently revived, it shall also be jointly and severally liable, with Dodson and Dod-Co, for the injunctive relief set forth herein.

71. Dodson and Dod-Co are enjoined to fully comply with the Missouri Clean Water Law and regulations at all times in the future. Dodson and Dod-Co are enjoined to continue the general operation of the water and sewer system. Dodson and Dod-Co are enjoined from attempting to or actually selling the water systems unless such purchasers also take the sewage system and assume liability for all deficiencies involved with said system. Any such sale may only be allowed or consummated with full knowledge of the Clean Water Commission and the Missouri Department of Natural Resources.

72. Dodson and Dod-Co are enjoined immediately to prevent any discharge from the lift station near the cul-de-sac (lift station #2) and are directed to pump and haul all wastewater collected at that location to a facility properly authorized to receive and treat such wastewater. Dodson and Dod-Co shall continue such pumping and hauling until this lift station is upgraded

pursuant to a valid construction permit issued by the Department and is functioning as intended and designed.

73. Dodson and Dod-Co are enjoined immediately to apply for and obtain a Missouri State Operating Permit for the system—providing for monthly sampling and submittal of Discharge Monitoring Reports-and to pay all related fees and maintain such permit in good standing as long as they shall remain responsible for the system.

74. Dodson and Dod-Co are enjoined to secure the system's lift stations and central treatment plant from public access by use of adequate fencing, or other enclosed structures, and locking devices.

75. Dodson and Dod-Co are enjoined immediately to ensure that the system is operated by an individual or entity with a valid permit of appropriate level of certification, to operate mechanical wastewater treatment facilities and lift stations in Missouri.

76. Dodson and Dod-Co are enjoined to continue maintaining accurate records of the charges by Shell Knob Estates Utilities, Inc., for sewer and water service, and of the monies received for payment of those charges. Dodson and Dod-Co are further enjoined to account for the income and expenditures related to their operation of the sewage and water systems.

77. Dodson and Dod-Co are enjoined, within 60 days of this Judgment, to submit to the Department as-built plans and specifications and a report, produced by a registered professional engineer, which accurately describes the entire wastewater treatment system as it currently exists.

78. Dodson and Dod-Co are enjoined within 30 days of submitting the plans, specifications and engineer's report, to properly apply for and obtain a construction permit from the Department to correct the system's deficiencies and to upgrade it to ensure that the system can be operated and discharge effluent in compliance with the Clean Water Law and an operating permit.

79. Dodson and Dod-Co are enjoined to diligently and properly perform all corrections and upgrades as authorized by a construction permit.

80. For their willful and repeated violations of the Clean Water Law, Dodson and Dod-Co

shall pay a civil monetary penalty of \$10,000.00. Of this amount \$9,900.00 shall be suspended on the condition that they fully and timely comply with the provisions of this Judgment and have no further violations of the Missouri Clean Water Law and/or regulations. If either Dodson or Dod-Co violate any provision of this Judgment or of the Missouri Clean Water law and/or regulations, then they shall pay that suspended penalty within ninety days of demand therefor by the Attorney General's Office.

81. Any penalty payment under this Judgment shall be in the form of a certified or cashier's check made payable to the "Barry County Treasurer as Trustee for the Barry County School Fund", and shall be delivered to: Mr. Barry Gilbert, Assistant Attorney General, P.O. Box 899, Jefferson City, Missouri, 65102-0899.

82. The Court recognizes William E. Dodson is 73 years of age. He has heart problems. He apparently suffers from lack of oxygen, most likely emphysema or an asthmatic condition. He is not steady on his feet. Because of his age and multiple health problems, Defendant Dodson's physical ability to operate the utility systems is tenuous. Should Defendant Dodson become incapacitated and unable to operate the systems, a total breakdown could result. As a result both environmental damage and/or physical health damage to the users of the system may occur. This Court strongly urges the lot owners, property owners, homeowners, and investors to meet and organize appropriate association(s) with a view toward obtaining financing to take over the water and sewer systems. The Court further urges said owners to seek the guidance and assistance of the Attorney General, the Department of Natural Resources and the Public Service Commission, and their representatives with respect to financing, upgrading, operations, compliance, etc.

83. That upon execution of the Consent Judgment by Timberoc Village, Inc., defendant Paula Baird is ordered dismissed.

84. Costs are assessed to Defendants.

85. The above matter will be reviewed, absent an appeal, with respect to issues of compliance

six months from this date upon appropriate written request by any of the parties to this action.

SO ORDERED:

DATED: September 27, 2001.

J. Edward Sawyer



P. S. C. MO. No. 1

1<sup>st</sup> Revised

Sheet No. 4

Cancelling P. S. C. MO. No. 1

Original

Sheet No. 4

Shell Knob Estates Utilities, Inc.

For

Shell Knob Estates

Name of Issuing Company

Community, Town or City Missouri Public  
Barry County, Missouri Service Commission

RULES GOVERNING  
RENDERING OF **WATER SERVICE**

REC'D APR 17 2000  
+

**SCHEDULE OF WATER RATES**

**Availability: +**

Available to any metered customer located in the Company's certificated service territory.

**Water Service Rates:**

Monthly Customer Charge \$10.55 per Month +

Usage Charge (for all usage > 2,000 gal/month) \$ 1.72 per 1,000 gallons +

**Monthly Minimum Bill:** \* Equals the applicable Monthly Customer Charge  
The minimum monthly billing shall be billed customers based on this Charge.

**Taxes:**

Any applicable Federal, State or local taxes computed on a billing basis shall be added as separate items in rendering each bill.

Missouri Public  
Service Commission  
01 - 083  
FILED OCT 02 2000

\* Indicates new rate or text  
+ Indicates change

Date of Issue

8/10/00

Date Effective

10/2/00

Issued By: Bill Dodson, President

3018 State Highway H, Shell Knob, MO 65714

Name of Officer Title

Address

P. S. C. MO. No. 1

1<sup>st</sup> Revised

Sheet No. 4

Cancelling P. S. C. MO. No. 1

Original

Sheet No. 4

Shell Knob Estates Utilities, Inc.

For

Shell Knob Estates

Name of Issuing Company

Community, Town or City

Barry County, Missouri

RULES GOVERNING

RENDERING OF SEWER SERVICE

Missouri Public  
Service Commission

REC'D APR 17 2000

### SCHEDULE OF SEWER RATES

**Availability: +**

Available to any customer located in the Company's certificated service territory.

**Sewer Service Rates: +**

Monthly Customer Charge

\$14.78

**Monthly Minimum Bill: \*** Equals the applicable Monthly Customer Charge

The minimum monthly billing shall be billed customers based on this Charge.

**Taxes: +**

Any applicable Federal, State or local taxes computed on a billing basis shall be added as separate items in rendering each bill.

Missouri Public  
Service Commission  
01-083

FILED OCT 02 2000

\* Indicates new rate or text

+ Indicates change

Date of Issue:

8/10/00

Date Effective:

10/2/00

Issued By: Bill Dodson, President

3018 State Highway H, Shell Knob, MO 65714

Name of Officer Title

Address