

12-0619

IN THE CIRCUIT COURT OF TAYLOR COUNTY, WEST VIRGINIA

DIANNE PARKER, in her capacity  
as Chair of the Democratic Executive  
Committee of Taylor County West Virginia,  
and  
JOHN MICHAEL WITHERS,  
Petitioners,

ENTERED OF RECORD

MAR 16 2012

Civil ORDER BOOK  
NO. 41 PAGE 346/72

vs

CIVIL ACTION NO. 11-C-21

HON. GEORGIANNA THOMPSON,  
*solely* in her capacity as Clerk  
of Taylor County West Virginia; and  
ANTHONY J. (TONY) VELTRI,  
Respondents.

SUMMARY JUDGMENT ORDER

This action came before Senior Status Judge Larry V. Starcher as Special Judge for the Circuit Court of Taylor County, West Virginia, on the 21<sup>st</sup> day of November, 2011, at 10:00 a.m. for a hearing on each of the parties' Motions for Summary Judgment. The petitioners were represented by Attorney Vincent Trivelli; respondent Georgianna Thompson was represented by Attorney Elizabeth H. Rose; and respondent Anthony J. (Tony) Veltri was represented by Attorneys Charles F. Johns and Devin C. Daines. The proceedings were taken by Kristina D. Woods, CCR, Fairmont, West Virginia.

Petitioner Dianne Parker is the Chairperson of the Democratic Executive Committee of Taylor County, West Virginia, and petitioner John Michael Withers is a citizen of Taylor County,

West Virginia and was a candidate for the office of County Commissioner for said county in the 2010 primary and general elections. Petitioner Withers ran as a Democrat candidate from the Tygart Magisterial District. Respondent Anthony (Tony) J. Veltri was also a candidate for the office of County Commissioner for Taylor County in the 2010 primary and general elections. Respondent Veltri ran as the Republican candidate from Tygart Magisterial District. Candidate Veltri received a greater number of votes in the general election than did second place candidate Withers. Anthony Veltri was seated as a County Commissioner for a six-year term beginning January 1, 2011.

Respondent Georgianna Thompson, Taylor County Clerk, is a party in this case *solely* in her capacity as Clerk of the Taylor County Commission.

At issue in this case is whether respondent Veltri *was*, at the time he was “elected” (i.e. received the greater number of votes) as a Taylor County Commissioner, or *is now* Constitutionally qualified to hold the office based on the actual site of his Taylor County residence when he “elected” and when this case was filed, argued and decided by this court. In determining the answer to the just-stated issue, the court has to decide a sub-issue: whether the acts of the Taylor County Commission in adjusting precinct lines complied with statutory requirements, sufficiently to accomplish the apparent intended purpose. And, depending the answer to the answers, a third issue is: whether petitioner Withers should be seated as Commissioner if respondent Veltri is determined to be disqualified.

The court has reviewed all pleadings and legal memoranda filed by the parties, and heard

and considered oral argument by counsel for all parties.<sup>1</sup> After thorough consideration of all the foregoing, the court makes the following findings of facts, conclusions of law and rulings in this case.

### **Findings of Facts**

1. Petitioner Dianne Parker is a citizen of Taylor County, West Virginia, and the Chairperson of the Democratic Executive Committee of Taylor County, West Virginia.
2. Petitioner John Michael Withers is a citizen of Taylor County, West Virginia, and was the Democratic candidate for County Commissioner for Taylor County running as a resident from the Tygart Magisterial District for the November 2, 2010, general election, receiving Two Thousand Two Hundred Seventeen (2,217) votes.
3. Respondent Anthony (Tony) Veltri is a citizen of Taylor County, West Virginia, and was the Republican candidate for County Commissioner for Taylor County running as a resident from the Tygart Magisterial District for the November 2, 2010, general election, receiving Two Thousand Seven Hundred Ninety-Seven (2,797) votes.
4. Following the 2010 general election respondent Anthony (Tony) Veltri was certified as the winning candidate, and was administered an oath of office and has regularly attended County Commission sessions and held himself out as a *bona fide* office holder since.
5. It is uncontested that petitioner Withers lived in Tygart Magisterial District at the

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<sup>1</sup>The court is not considering any information which was provided to the court after the date the court made its last request of counsel for additional information. It would not be consistent with good judgment to consider what might appear to be a “current fix” to a past problem.

time of the 2101 election, or that he continues to live in said district.

6. Respondent Veltri's address is Route 2, Box 416, Grafton, West Virginia 26354, and he has lived at said address continuously since 1944.

7. Prior to May 4, 1984, respondent Veltri's voter's registration placed him in Precinct 6 in Tygart District.

8. Between May 4, 1984, and December 17, 1984, respondent Veltri's voter's registration placed him in Precinct 7 in Western District.

9. Since December 17, 1984, respondent Veltri's voter's registration placed him in Precinct 6 in Tygart District.<sup>2</sup>

10. Between November 1983 and December 1984 the Taylor County Commission engaged in a series of magistrate district redistricting and voting precinct changes actions which are relevant to the issues in this case. Those actions include (with interruptions for non-Commission actions) the following:

- a. September 6, 1983 – recorded in the Taylor County Commission official minutes, “Richard W. Coplin made a motion seconded by Robert L. Duckworth to comply with Order from the Secretary of State to Re-district by December 31, 1983. Motion Carried Unanimously.”
- b. September 7, 1983 – recorded in the Taylor County Commission official minutes, “Dennis Poluga, Region VI Director, met with the Commission. The population in Magisterial Districts was discussed. It was determined that Eastern District was in compliance with Secretary of State's Order. “Robert L. Duckworth made a motion seconded by Richard W. Coplin that 38/3 presently in Precinct 4 be moved to be included in Precinct 7. Motion Carried Unanimously. “Richard W. Coplin made a motion seconded by Robert L. Duckworth that

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<sup>2</sup>The critical underlying issues in this matter is whether the Taylor County complied with the law in “redrawing” magisterial district boundary lines when respondent was “returned” to Tygart District.

Precincts 4 and 6 be deleted from Western District and become part of Central District to be in compliance with Secretary of State's Order. Motion Carried Unanimously.

"Richard W. Coplin made a motion seconded by Robert L. Duckworth to set Hearing Date for Secretary of State's re-Districting Order for December 20, 1983, at 7:00 P.M. Motion Carried Unanimously."

- c . November 15, 1983 – recorded in the Taylor County Commission official minutes, "COG Representatives met with the Commission. Jake Gower requested that the approximately 18 voters on his road be put in Precinct 6. There was a deep concern over action that would remove Pearl Felton as Executive Committee member in the Western District. The Supreme Court Ruling on Legislative Petition was cited. Richard W. Coplin made a motion seconded by Robert L. Duckworth that Commission would meet on November 18, 1983 at 9:00 A.M. to outline their proposed plan and a special meeting would be held on December 12, 1983 at 7:00 P.M. to give public an opportunity to give recommendations prior to hearing scheduled for December 20, 1983. Motion Carried Unanimously."
- d. November 18, 1983 – recorded in the Taylor County Commission official minutes, "The Taylor County Commission met for a Special Meeting on November 18, 1983 at 9:00 A.M. Those present were: Donald V. Shaffer, Richard W. Coplin & Robert L. Duckworth.  
"A motion was made by Robert L. Duckworth seconded by Richard W. Coplin to resend [sic] the motion made on November 7, 1983, that 38/3 presently in Precinct 4 be moved to Precinct 7. Motion Carried Unanimously. Robert L. Duckworth made a motion seconded by Richard W. Coplin to move 38/3 from Precinct 4 to precinct 6. Motion Carried Unanimously.  
"Richard W. Coplin made a motion seconded by Robert L. Duckworth to move portion of Precinct 6 as legally described as follows to Precinct 7.<sup>3</sup> Motion Carried Unanimously. Beginning at Routes 13, 250, and 119 in a Northerly direction approximately .06 miles to an existing road known as Delta 3, thence traveling up Delta 3 to the railroad tracks, thence traveling in a northerly direction adjacent to railroad tracks for approximately .02 miles, thence in a westerly direction perpendicular to the Baptist Church, cross Route 119 which joins Precinct 7.  
"Richard W. Coplin made a motion seconded by Robert L. Duckworth to resend [sic] motion from meeting of November 7, 1983 that Precincts 4

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<sup>3</sup>With this November 18, 1983, unanimous action the Commission removed Respondent Veltri's residence from Tygart District and transferred it to the Western District.

and 6 be deleted from Western District and become part of Central District. Motion Carried Unanimously.

“Richard W. Coplin made a motion seconded by Robert L. Duckworth to delete remainder of Precinct 4 from Western District and move to Central District and all of the remainder of Precinct 6 not included in legal description above be transferred to Central District. Motion Carried Unanimously.

“Robert L. Duckworth made a motion seconded by Richard W. Coplin to change the name of the Central District to Tygart District. Motion Carried Unanimously.

“Richard W. Coplin made a motion seconded by Robert L. Duckworth to change Hearing Date from Dec. 20, 1983 to December 27, 1983, at 9:00 A.M.”

11. On December 2, 1983, the Grafton local newspaper *Mountain Statesman* carried an article entitled – “Plan Explained” with a picture of a map indicating there would be a public hearing December 30 at 9:00 a.m. regarding the redistricting in Taylor County.

12. The Taylor County Commission continued with actions related to redistricting magisterial districts and voter precincts:

- a. December 5, 1983 – recorded in the Taylor County Commissions official minutes, “Richard W. Coplin made a motion seconded by Robert L. Duckworth to clarify legal description on Re-districting proposal for Western District and set new date of December 30, 1983, at 9:00 A.M. for hearing. ‘The boundary then proceeds in an easterly direction along Delta 3 to the railroad tracks where the boundary proceeds in a northern direction along the railroad tracks for approximately 0.02 mi., thence west to an existing creek, running along said creek between the Webster Community Building and the Baptist Church.’”
- b. December 30, 1983 – recorded in the Taylor County Commission official minutes, “Richard W. Coplin made a motion seconded by Robert L. Duckworth to comply with the Order from the Secretary of State to equalize magisterial districts under 3-1A-6 and adopt plan which has been legally advertised and proposed with no changes. Motion Carried Unanimously.” See Book 21, p 237.
- c. February 6, 1984 – recorded in the Taylor County Commission official minutes, “Richard W. Coplin made a motion seconded by Robert L.

Duckworth that Re-Districting Order be approved. Motion Carried Unanimously.” Book 21, p. 240

13. Book 21, pp. 243-246, of the Taylor County Commission records contains the ORDER that “The Taylor County Commission at a Hearing on December 30, 1983, considered the magisterial district of Taylor County be brought into compliance with W. Va. Code 7-2-2.” This new redistricting plan was then adopted by unanimous vote of the Commission. The accompanying legal description clearly places the residence of Anthony J. (Tony) Veltri in the Western Magisterial District of Taylor County.

14. Continuing Taylor County Commission official records reflect the following:

- a. April 17, 1984 – recorded in the Taylor County Commission official minutes, “The Clerk made the Commission aware that Order on Dec. 30, 1983 had created an illegal precinct. This would delete approximately 127 voters from Precinct 6 to Precinct 7. This made action previously taken null and void. Richard W. Coplin made a motion seconded by Robert L. Duck-worth to reverse action taken on Precinct 6 and leave Precinct 6 boundary line as previously to Order of Dec. 30, 1983. As previously ordered, this precinct was moved to Tygart District. This change is to be posted on Court House Door. Motion Carried Unanimously.”<sup>4</sup> Book 21, p. 272
- d. April 24, 1984 – recorded in the Taylor County Commission official minutes, “It was brought to the Commission’s attention that action taken at meeting on April 17, 1984 regarding Precinct 6 had created a serious problem. Tony Veltri, Board of Education member, had been moved to Tygart District which left no seat vacant in this district. Four candidates had filed from Tygart District. Legal counsel offered the following suggestions:
  - 1. Leave Precinct 6 as ordered in December, 1983.
  - 2. Leave Precinct 6 as it was before Order in December, 1983 and put it in the Western Magisterial District.
  - 3. Rescind Order as made in December, 1983 and put Precinct 6 in

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<sup>4</sup>Provided this action complied with the law, it would have returned respondent Veltri’s residence to Tygart Magisterial District.

Tygart District.

The Commission set a meeting for Friday, April 27, 1984, at 3:30 p.m. to take action on this matter.” See Book 21, p. 272

- e. April 25, 1984 – recorded in the Taylor County Commission official minutes, “Richard W. Coplin made a motion seconded by Robert L. Duckworth to withdraw the motion of April 17, 1984, so that the Original Order of Dec. 30, 1983, is in effect. Motion Carried Unanimously. “Richard W. Coplin made a motion seconded by Robert L. Duckworth that immediately after the Primary Election that the Secretary of State’s Office be contacted for professional help in Re-districting and that a surveyor be employed for the purpose of determining Precinct-Magisterial Boundary Lines. Motion Carried Unanimously.”<sup>5</sup> See Book 21, p. 273
- f. December 17, 1984 – recorded in the Taylor County Commission official minutes, “Richard W. Coplin made a motion seconded by Robert L. Duckworth to reverse motion made during Re-districting and transfer voters moved from Precinct 6 to Precinct 7 back to their original precinct.<sup>6</sup> Precinct 6 will remain in Tygart District. Motion Carried Unanimously.” See Book 21, p. 315

15. The Taylor County Commission records are public records and are located in the office of the Taylor County Commission in Grafton, West Virginia.

16. No evidence was provided to the court to demonstrate that the procedures used by the Taylor County Commission in the series of Magistrate District redistricting and voting precinct changes actions between February 1984 and December 1984 complied with the statutory mandates relating to publishing and providing for open public hearings for proposed changes in the magisterial districts.

17. Based on the records of the Taylor County Commission the residence of

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<sup>5</sup>This action would have the effect of putting respondent Veltri’s residence back in Western Magisterial District where the Commission placed it is December 1983.

<sup>6</sup>Provided this action complied with the law, this action would have had the effect of putting respondent Veltri’s residence back in Tygart District.

respondent Anthony J. (Tony) Veltri was at the in the year of 2010, and is currently located in the Western Magisterial District of Taylor County.

18. A Primary Election was held on June 5, 1984; and a General Election was held on November 6, 1984.

19. On December 17, 1984 respondent Veltri's voter registration was transferred from Precinct 7 to Precinct 6.

20. Prior to the 2010 Primary Election, petitioner Withers verified both his own and respondent Veltri's voter registrations and found that they indicated that both were in Precinct 6, Tygart Magisterial District.

21. On approximately March 23, 2010, *prior to the 2010 primary election*, petitioner Parker sent a Freedom of Information Act (FOIA) request to the then County Clerk, Ms. Nancy Fowler, requesting maps of Taylor County with clear boundaries of each magisterial district and a list of polling places for the primary election.

22. At some time following the 2010 primary election, the County Clerk responded to Petitioner Parker's FOIA request with a copy of the Order that followed the December 30, 1983, County Commission hearing on magisterial districts and an attached map. The Order produced by the County Clerk was missing page 6 of the Order and the attached map was from 1977 and did not correspond to the description of the magisterial boundaries in the Order.

23. In December of 2010 petitioner Withers spoke with Ms. Jo Vaughn of the State Legislative Services Office regarding maps of magisterial districts in Taylor County.

24. In early January, 2011, Ms. Jo Vaughn sent petitioner Withers maps of Taylor County with no distinguishing characteristics and no magisterial district boundary descriptions.

25. After another communication from petitioner Withers, Ms. Jo Vaughn, on January 11, 2011, emailed petitioner Withers maps and the meets and bounds for Taylor County.

26. On February 11, 2011, petitioner Withers located at the Taylor County Commission office large maps of Taylor County showing magisterial districts and with an attached letter dated November 16, 2008, from the Legislative Redistricting Office. These maps indicated that respondent Veltri's residence was located in the Western District of Taylor County and not in Tygart District from which he was currently serving on the Commission.

27. The December 1983 changes to Magisterial District boundaries made by the County Commission of Taylor County placed the residence of respondent Veltri in the Western Magisterial District of Taylor County.

28. Respondent Veltri ran for election, in 2010, for a seat on the Taylor County Commission from the Tygart District, was declared the winner, and assumed the seat for the Tygart District on the Taylor County Commission; petitioner John Michael Withers also ran for election, in 2010, for a seat on the Taylor County Commission from the Tygart District, and *received the second highest number of votes.*

29. The court finds no wrongdoing by Respondent Georgianna Thompson.

### **Discussion of the Law and Facts**

Although there was a request in the original pleadings in this matter for a jury trial on all questions of fact, the parties agreed that a more sensible approach to the resolution of the case was for the court to hear the case on mutual Motions for Summary Judgment; the court concurred.

The court has earlier held in this matter that the law of writs of mandamus was an appropriate

procedure to resolve the issues raised in the case. The standard for issuing a writ of mandamus is well established. A writ of mandamus will not issue unless three elements coexist—(1) a clear legal right in the petitioner to the relief sought; (2) a legal duty on the part of respondent to do the thing which the petitioner seeks to compel; and (3) the absence of another adequate remedy." Syllabus point 2, *State ex rel. Kucera v. City of Wheeling*, 153 W.Va. 538, 170 S.E.2d 367 (1969).

Petitioners chose to file this action using the extraordinary remedy of a *Petition for a Writ of Mandamus*. Both respondents argued this court has no jurisdiction to hear this matter as pleaded by the petitioners, and that the heart of the case is an "election contest," and, as such, the sole jurisdiction of this court is found in *W.Va. Code*, §3-7-6 and §3-7-7. These statutes provide a method for challenging procedural aspects of elections prior to and for a limited time subsequent to an election. This court does not see these statutes as applicable to this action. Petitioners are not challenging the procedural aspects of an election. Nor do petitioners base their action on any claim(s) of official misconduct, misfeasance or malfeasance by a public official, which would be appropriate under *W. Va. Code*, §6-6-7. Rather, petitioners challenge the constitutional qualifications of a person who has been seated in a public office.

The petitioners' allegations are more analogous to a situation in which a properly elected qualified citizen is elected to an office, subsequently changes his or her residency to a different district, but continues to serve in the office. Clearly, such person would no longer be qualified to serve. Although once elected, a West Virginia County Commissioner serves the whole county, to serve in the office of county commissioner the office holder must have *resided in* and *remain living in* the district from which the commissioner was elected.

Petitioners contend that the qualifications for the public office of county commissioner is established in the *West Virginia Constitution* and more clearly defined in *W. Va. Code*, §7-1-1b; the court agrees. The qualifications for a West Virginia County Commissioner are found in both our *Constitution* and our State statutes. Article 9 § 10 of the *Constitution of West Virginia*, the provision at issue in this proceeding, provides as follows:

**9-10. Terms of office of county commissioners.**

The commissioners shall be elected by the voters of the county, and hold their office for a term of six years, except that at the first meeting of said commissioners they shall designate by lot, or otherwise in such manner as they may determine, one of their number who shall hold his office for a term of two years, one for four years, and one for six years, so that one shall be elected every two years; *but no two of said commissioners shall be elected from the same magisterial district. If two or more persons residing in the same district shall receive the greater number of votes cast at any election, then only the one of such persons receiving the highest number shall be declared elected, and the person living in another district, who shall receive the next highest number of votes, shall be declared elected.* Said commissioners shall annually elect one of their number as president. The commissioners of said commissions, now in office, shall remain therein for the term for which they have been elected, unless sooner removed therefrom, in the manner prescribed by law. (Emphasis added.)

Furthermore, *W. Va. Code*, §7-1-1b, provides as follows:

**§7-1-1b. Legislative findings; qualifications for county commissioners.**

(a) The Legislature finds that:

- (1) There is confusion concerning when a candidate for county commission must be a resident of the magisterial district he or she wants to represent;
- (2) The supreme court has discussed the residency requirement in several cases and has conflicting interpretations;
- (3) It is imperative that this issue be permanently resolved at the time of filing to ensure the citizens have choice on the ballot;
- (4) It is essential the citizens know they are voting for a person who is qualified to be a candidate; and

- (5) With the expense of holding an election, tax payer moneys should not be wasted on officials who could never serve.
- (b) *A candidate for the office of county commissioner shall be a resident from the magisterial district for which he or she is seeking election:*
  - (1) By the last day to file a certificate of announcement pursuant to section seven, article five, chapter three of this code; or
  - (2) At the time of his or her appointment by the county executive committee or the chairperson of the county executive committee.(Emphasis added.)

As held in this court's Order of September 9, 2011, qualifications for the office of county commissioner is established in the *West Virginia Constitution* and is more clearly defined in *West Virginia Code*, §7-1-1b.

Petitioners further contend that since it is the *qualifications* – in the instant matter residency – of respondent Veltri being challenged, the extraordinary remedy of *petition for a writ of mandamus* is appropriate. The court also agreed with this in an earlier ruling in this matter. First, petitioners, as citizens of Taylor County, have a clear legal right to seek the relief sought. Second, the respondents have a duty to seat only legally qualified persons in the subject office, and other statutory provisions (including those suggested by respondents) are not available to the petitioners. And, third, at this juncture, the petitioners are without any other remedy in law. Obviously, an office holder must be constitutionally qualified for the office to hold the office; and, there can be no “time bar” (such as those provided for in *W.Va. Code*, §§3-7-6, 3-7-7 and 6-6-7) for bringing an action to remove an office holder *if* he or she is not constitutionally qualified for the office. *Mandamus* is appropriate; again, this court now stands by its earlier September 9, 2011, ruling.

Because the qualification of respondent Veltri is based on residency, the location of the residence of respondent Veltri is at issue in this case. We, therefore, we must to look at the statutory law that governs changing the boundary lines for both magisterial districts and voting precincts. Changes in magisterial districts is governed by *W.Va Code*, §7-2-2. This provision states at relevant part, "... before such districts shall be increased or diminished, or the boundary lines changed, the *court* [now commission] *shall cause a notice of its intention to do so to be posted on the front door of the courthouse of the county, and at some public place in each district affected thereby, for at least thirty days prior to the term of court at which such action is proposed to be taken.*" (Emphasis added.)

Likewise, there are stringent procedural requirements for the commission to make changes in voting precinct boundaries. Changes in voting precincts is governed by *W.Va. Code*, §3-1-7. At the time of the actions at issue in this proceeding that provision stated with regard to the changing of the boundaries of voting precincts:

No order effecting such change, division or consolidation shall be made by the county court [now commission] within ninety days next preceding an election nor without giving notice thereof at least one month before such change, division or consolidation, by publication of such notice as a Class II-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the county in which such precinct or precincts are located. Such court shall also, within fifteen days after the date of such order, cause a copy thereof to be published aforesaid.

Petitioners argue – and presented evidence in the nature of official public records – that the official actions taken by the Taylor County Commission in December of 1983 to make changes to certain magisterial districts and voting precincts in Taylor County, West Virginia *did comply* with the law. With those changes the residence of respondent Veltri remained in the Western Magisterial District and has since remained in that district. At various times over the following year, 1984, the Commission undertook a series of discussions and moves to amend or reverse its December 1983 action as it concerned the area of the Veltri residence. It is clear, however, from the official records (Orders and minutes) of the Commission that the efforts by the Commission in April of 1984 and December 1984 to make such changes were legally ineffectual.

And, it is interesting to note that in the years since 1983-1984, the official maps of Taylor County's Magisterial District boundaries kept and distributed by the West Virginia Legislative Redistricting Office reflect the boundaries between the Western and Tygart Magisterial Districts to be as enacted by the Taylor County Commission in December of 1983 – with the Veltri residence in the Western Magisterial District. These are the facts, despite that for many years, including the 2010 election, Respondent Veltri stood for and was elected to the Taylor County Commission from the Tygart Magisterial District – a District in which he did not reside.

The current Clerk of Taylor County admitted that “to the extent that said matters are consistent with the records maintained in the Office of the Clerk of the County Commission of Taylor County” the December 1983 changes moved the Veltri's residence into the Western District, that General Elections were held in June and November of 1984 in accordance with the boundaries set by the December 1983 action, and that the voters of Taylor County were not given

notice of the December 1984 actions of the Taylor County Commission. The records provided by the Clerk in this matter are consistent with these admissions. Therefore, the action of the County Commission of Taylor County in December 1984 attempting to reverse its action of December 1983 simply was not undertaken in compliance with the law and is not valid. The boundaries of the magisterial districts remain as they were in December 1983. The result is that respondent Veltri's residence is now in the Western District, and was in said district when last "elected as a resident of Tygart District." This result is not only reflected in the official maps of the Redistricting Office of the West Virginia Legislature, but also in the map of the magisterial districts that currently hangs in the offices of the current Clerk of the Taylor County Commission.

Respondent Veltri makes the argument that even if the boundary lines were not properly "redrawn" in his favor, the court should not find him unqualified based on residency to hold the office of commissioner – that despite any failure to comply with our State's statutory law and constitutional qualifications for eligibility to hold the office – that it should be accepted as a *fait accompli*. Our law would not support this.

In respondent Veltri's *Amended Responses to Petitioners' First Request for Admissions and Requests for Production of Documents*, the Respondent states he is without sufficient information to admit or deny whether the actions of the Commission in December of 1983 placed his residence within the Western District despite a reasonable investigation. This court notes that the West Virginia Supreme Court of Appeals has made it clear that a candidate for office has a duty to know this information holding, "A candidate for public office has a duty to know in which district he resides and from which district he is running." (*Burkhart v. Sine*, 489 S.E.2d 485, 490

(1997)). Our Court has further held that ignorance of the boundary lines is not an acceptable excuse.<sup>7</sup>

As part of this litigation, this court is also expected to address how the commissioner's office in question is to be filled should respondent Veltri be deemed unqualified. *Burkhart* is also helpful with this question. Our Supreme Court in *Burkhart* held that in the event that person is determined to be *unqualified*, “[t]here can be no vacancy [for the Commission to declare based on *W.Va. Code*, §3-10-7] before there is even a qualified candidate. In other words, a candidate must possess the required qualifications for an office, one lawfully elected to and assume the office, then vacate that office for a vacancy to be declared.” (*supra* *Burkhart*, 491). Therefore, while the law does provide that *vacancies* (e.g. those created by resignation or death) in the office of county commission shall be filled by the county commission (*W.Va. Code*, §3-10-7), for situations such as the instant matter, according to our Supreme Court has a precedent; there is no *vacancy* for the Commission to fill because respondent Veltri is not qualified to run for or hold the office of County Commissioner from the Tygart Magisterial District. *W.Va. Code*, §3-10-7 does not apply to the circumstances of the instant matter. Rather, the current situation is most similar to the situation our Supreme Court addressed in *Burkhart*. In *Burkhart* one candidate was found to be disqualified (as is respondent Veltri in this case for not residing in the Magisterial District from which he was elected) and the other candidate being in all respects qualified (as petitioner Withers

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<sup>7</sup> The West Virginia Supreme Court stated that it “cannot accept [candidate] Dunham’s excuse that he was ignorant of the fact that redistricting had changed the boundary lines...” had moved him into another district. (*Burkhart, supra*, at 489-490)

was in this case), then the qualified candidate is entitled to fill the open seat on the County Commission. (*supra Burkhart*, 491)

When considering the impact of the West Virginia Supreme Court's decision in *Burkhart*, the respondents have raised two matters – (1) allowing respondent Veltri to continue to serve in a district in which he does not reside,<sup>8</sup> and (2) whether petitioner Withers can be seated if respondent Veltri is found to be unqualified. This court will briefly address these issues.

First, can respondent Veltri continue to serve in a district in which he does not reside? In *Burkhart* in 1994 Dunham resided in the Valley District and filed papers and won the nomination in the primary election for the Republican Party from the Valley District. However, before the general election the magisterial district boundaries were changed and Dunham's residence was moved into the Norborne District. The Court held that he was elected from and could continue to serve from the Norborne District because that was where he was *when he was elected*.<sup>9</sup> Dunham was elected to a six-year term.

In the instant matter Veltri resided in the Western District, but filed papers and won

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<sup>8</sup> This question has also been raised in general in the context of whether, in some manner, the equity of the situation should result in respondent Veltri retaining his position. As discussed herein, such result would violate the Constitution of the State of West Virginia and therefore the matter is a question of Constitutional law not equity.

<sup>9</sup> The Supreme Court was not persuaded that Dunham was from the Valley District even though in the intervening years he had moved into his rental property located in the Valley District. In 2009, the Legislature enacted *West Virginia Code* § 7-1-1(b) which now clearly provides that a candidate for the office of county commissioner shall be a resident from the magisterial district for which he or she is seeking election "by the last day to file a certificate of announcement pursuant to section seven, article five, chapter three of this code." Therefore, in the instant case, respondent Veltri would have to have been a resident of the Tygart District by that date in order to run for election from the Tygart District. He was not.

election from the Tygart District. Respondent Veltri has no ties to the Tygart District and did not reside there at the time of his election.

In applying *Burkhart* to the instant matter, respondent Veltri cannot continue to serve from the Tygart District because he did not reside there at the time he was elected. The best one could argue based on *Burkhart* is that the respondent could continue to serve from the Western District because that is *where he resided when he was elected*. However, the County Commission already had a Commissioner from the Western District, Mr. David Gobel, having been elected in 2008<sup>10</sup>, – prior to the 2010 election in question in this matter and when respondent was “elected.” As such respondent Veltri could not have been elected to, nor serve from, the Western District.<sup>11</sup>

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<sup>10</sup> Mr. Gobel was determined to be entitled to the Taylor County Commission seat for the Western District of Taylor County following a pre-election legal challenge regarding the eligibility of the other candidate, Jeffery L. Tansill. (Taylor County Civil Action No. 08-C-70, Order of December 12, 2008) In coming to this decision the Taylor County Circuit Court cited to the *West Virginia Constitution* and to *Burkhart*:

It is impossible for an individual to meet the residency requirements if that individual resides in a magisterial district where a current member of the County Commission was “elected from.” *Burkhart*, 200 W.Va. at 334, 489 S.E. 2d at 491. Defendant Tansill is a resident of the Eastern Magisterial District of Taylor County. Dave Efav was elected to the Taylor County Commission from the Eastern Magisterial District, and his term does not end until December 31, 2012. Accordingly, it is impossible for Defendant Tansill to meet the residency requirements to run for County Commissioner in 2008. As a resident of the Eastern Magisterial District of Taylor County, Defendant Tansill is ineligible under the Constitution of West Virginia to be elected to a seat on the Taylor County Commission from the Western Magisterial District of Taylor County.

If one candidate is found to be disqualified and the other candidate is in all respects qualified, the qualified candidate is entitled to fill the open seat on the County Commission. Syllabus point 4, in part, *Id.*, 200 W. Va. at 329, 489 S.E.2d at 486.

(December 12, 2008 Order at page 31)

<sup>11</sup> On February 29, 2012, the West Virginia Supreme Court issued a ruling in *State of West Virginia ex rel Donna J. Boley v. Natalie E. Tennant and Frank Deem*, Case No. 12-0185, that reiterates the importance of the constitutional provisions regarding residency. This case bears a certain similarity to the instant matter. In *Boley* the Court ruled that the residency dispersal requirement of Article VI, Section Four of the West Virginia Constitution (dealing with senatorial districts) which states that “where the district is composed of more than one county, both [senators] shall not be chosen from the same county” and West Virginia Code § 1-2-1(e)(1) stating that “no more than one senator shall be

The second *Burkhart* issue bears on whether Petitioner Withers can be seated once Respondent Veltri is held to be disqualified? In *Burkhart II* a Mr. Strauss in 1996 filed papers and ran as a Republican for the County Commission of Berkeley County. He resided in the Norborne District. In that same election Mr. Burkhart filed papers and ran as a Democrat for the County Commission of Berkeley County. Burkhart resided in the Valley District. In the general election for the one open seat on the Commission, the voters elected Strauss to fill the seat on the Commission. However, since the Supreme Court ruled that Dunham was previously elected from and was serving from the Norborne District, the Court stated that Strauss, who resided in the Norborne District, was disqualified from serving since there cannot be two Commissioners from the same District. The Supreme Court held Mr. Burkhart, who resided in the Valley District, who was defeated by Mr. Strauss in the general election and who ran as a Democrat, was the proper person to be certified as a member of the County Commission of Berkeley County.

In the instant case, like Mr. Strauss in 1996, respondent Veltri is not a qualified person to be elected and serve on the Commission from the Tygart District (see above) and petitioner Withers who ran for and was “defeated” by respondent Veltri for election to the County Commission, like Burkhart in 1996, is the proper person to be certified as a member of the County Commission of Taylor County.

Thus, in applying the *Burkhart* cases to the instant matter, two important precedents are set: (1) respondent Veltri cannot remain in office from a District in which he does not reside, and

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chosen from the same county or part of a county to represent such senatorial district” do not permit the nomination or election of a resident from the same county in which an incumbent senator already resides.

(2) it is proper for petitioner Withers, the second place finisher who does reside in the Tygart District, to be certified as a member of the Commission.

Respondent Veltri's argument, relying on *Burkhart*, fails because it unlike Dunham's in *Burkhart* – he should be permitted to remain in office even if unqualified. This is simply and clearly incorrect. Once again Dunham, two years after he was elected, was held to be elected and continued to serve from the District in which he resided at the time of the election, there being no other Commissioner from that District. In the instant matter, Respondent cannot continue to serve from the District where he resides, there being a Commissioner on the Commission from that District.

Respondent Veltri next argues that the Supreme Court's holdings in *Burkhart* regarding Mr. Strauss and Mr. Burkhart and the seating of Mr. Burkhart are dicta which this court should not follow. An obvious and fair reading of the Supreme Court's decision in *Burkhart* can only find that the holdings regarding Strauss and Burkhart are central holdings in the case and are the controlling law in West Virginia.

Asking this court to rely on somewhat ancient cases that surely have been superceded by the more recent on-the-point holdings in *Burkhart* regarding the filling of the seat of an unqualified candidate would make no sense. The old cases cited mostly concern various election contests generally when the people elected a deceased or ineligible candidate for offices other than for the County Commission.<sup>12</sup> This line of cases cannot be applicable to the instant matter.

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<sup>12</sup> The West Virginia Supreme Court in *Jackson*, as well as the cases cited therein, rest on what is referred to as the American rule and the impact thereof. Generally the Court held that the election of a deceased individual does not, in effect, elect the individual that came in second.

However, this court does recognize that our Supreme Court in *Burkhart* did briefly look to its decision in *State ex rel. Jackson v County Court of McDowell County*, 152 W.Va. 795 (1969), stating that the focus of the Court in *Jackson* was on a contested or disputed election regarding the number of votes cast for each candidate. (*Burkhart, supra*, 333-334). Such is not the focus in the instant case.

Also, the situation before the *Jackson* Court in 1969 concerned the election of justices of the peace and did not involve the Constitutional provision at issue in this proceeding regarding the qualification and election of candidates for County Commission. Other cases cited can also be distinguished from the facts of this case and simply are not controlling on the matters raised in the instant case.

One final comment on whether petitioner Withers can be seated upon the disqualification of the current “office holder.” The concept of electing individuals that receive fewer votes is a long-established constitutional requirement with regard to the County Commissions of West Virginia. Article 9 Section 10 of the *Constitution of West Virginia*, the provision at issue in this proceeding. As noted *supra*, the cited provision provides, “*If two or more persons residing in the same district shall receive the greater number of votes cast at any election, then only the one of such persons receiving the highest number shall be declared elected, and the person living in another district, who shall receive the next highest number of votes, shall be declared elected.*” (Emphasis added). In the instant matter, respondent Veltri, a resident of the Western District received more votes than petitioner Withers, resident of the Tygart District. In that respondent Veltri resided in a district for which another Commissioner had previously been elected and is

currently serving, petitioner Withers, the person living in another district (the Tygart District) having received the next highest number of votes shall be elected. This should be dispositive of the issue of public policy discussed in several cases cited by respondent Veltri because it has been determined by the *Constitution* and, simply put, cannot be avoided. No cases have been cited that place the equities on the side of the individual keeping the elected office for which he or she is unqualified by law and the *Constitution*.

This court does not see burden of proof as a matter in serious contention in this case. This court is satisfied that the evidence provided to the court with the Motions for Summary Judgment from all parties and the memoranda of law filed with the court was more than sufficient for to allow the court to determine any questions of fact and issues of law necessary for the court to rule on to resolve all issues before the court.

The same is applicable to the respondent's argument with respect to the petitioners being barred the doctrine of laches. The doctrine of laches requires "a delay in the assertion of a known right which works to the disadvantage of another, or such delay as will warrant the presumption that the party has waived his right." (*Shafer v. Stanley*, 593 S.E.2d 629, 638 (2003)) The record in this matter clearly demonstrates that the facts in the instant situation clearly show that petitioners did not "sit on their rights." Rather, they vigorously pursued those rights. First, it was not until early in 2011 that they discovered the facts regarding the magisterial and voting precinct boundaries at issue. Also, petitioner Parker filed a Freedom of Information Act request with the Office of the Clerk and that after some delay some documents with decades old maps of the County were provided by the Clerk in response to the FOIA. Efforts were also made through

State offices to obtain information on the issues in this matter. To the contrary, petitioners pursued their rights as expeditiously as they could.

The record is also clear that the petitioners had no knowledge regarding the potential eligibility issues of respondent Veltri prior to the 2010 election, only became aware in early 2011 and forthwith diligently acted on that information.<sup>13</sup> Therefore, this court cannot conclude from the clear facts that the doctrine of laches applies to this matter.<sup>14</sup>

### Conclusions of Law

1. Petitioners may properly bring this litigation using the extraordinary remedy of a *Petition for a Writ of Mandamus*.
2. This litigation challenges the qualifications for a candidate for the public office of

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<sup>13</sup> Respondent Veltri argues that petitioner Parker “waived” the right to challenge respondent Veltri’s residency because she represented to the court in 2008 that respondent Veltri was domiciled in the Tygart District (Veltri Supplemental Memorandum p. 4). The record shows that all petitioner Parker’s 2008 actions only demonstrate is that she believed in 2008 that respondent Veltri was domiciled in the Tygart District. This timing of the statement supports the record in this proceeding that it was not until early 2011 that petitioner Parker learned that respondent Veltri was actually domiciled in the Western District. Unlike the Syl. Pt. 3, *E.H. v. Matin*, 189 W.Va. 102, 428 S.E.2s 523 (1993) looked to by respondent Veltri, petitioner Parker was not changing positions in reference to the same fact or state of facts (in *Matin* the issue was changing position on whether a hospital should be built) but rather stating what she understood the facts to be at different points in time having later received new information.

<sup>14</sup> Respondent Veltri also looks to a West Virginia Supreme Court case that concerns public employment and retroactive monetary relief for the proposition that a party must exercise diligence when challenging the legality of matters involving the public interest. (Veltri Supplemental Memorandum, p. 3, citing *Maynard v. Board of Education of the County of Wayne*, 178 W.Va. 53 (1987)) Public employment issues are not equivalent to provisions of the *Constitution* regarding the election of County Commissioners. It is also important to note that the record in the instant matter, including the testimony of the petitioners, is that they exercised diligence investigating and initiating this proceeding.

county commissioner, and, as such, the facts in this case are governed by Article 9 § 10 of the *West Virginia Constitution* and as more clearly defined in *W.Va. Code*, §7-1-1b; this litigation is *not* a post-election challenge which would be governed by *W.Va. Code*, §§3-7-6, 3-7-7 and 6-6-7.

3. The actions of the Taylor County Commission taken in 1983 to change the boundaries of the Taylor County magisterial districts were taken in compliance with the law of the State of West Virginia. That is, the changes were legally advertised providing notice to the public, a public hearing was held, and the Taylor County Commission adopted the changes unanimously in open meetings.

4. The Taylor County Commission actions of 1984 that attempted to reverse the 1983 actions were not in compliance with the statutory law, and, therefore, had no legal effect. The Commission minutes of April 17, 1984 indicate that a vote taken on the changes was to be posted on the Court House door. However, on April 25, 1984 – well before the passage of the required thirty days – the Taylor County Commission unanimously voted to withdraw the action of April 17, 1984, thereby leaving the December 1983 changes in place.

5. The minutes of the Taylor County Commission regarding the second attempt by the Commission in December 17, 1984 to “reverse” the December 1983 changes as they concern the area containing the residence of Anthony J. Veltri reflect that the Commission merely voted on a motion. The minutes indicate no effort to notify the public of the actions, no legal advertisement of any kind, no placement of information about the action on the Court House door; and neither respondent produced any evidence – documents, minutes, or otherwise – that demonstrate that the statutory required notice, advertisements and postings were in fact undertaken.

6. No evidence was provided to the court to demonstrate that the procedures used by the Taylor County Commission in a series of magistrate district redistricting and voting precinct changes actions that were attempted to be made between February 1984 and December 1984 complied with the statutory mandates relating to publishing and providing for open public hearings for proposed changes in the magisterial districts and voting precincts.

7. Respondent Anthony J. (Tony) Veltri was not *Constitutionally* qualified to run for the office of Taylor County Commissioner from the Tygart Magisterial District in either the 2010 primary or general elections.

8. Petitioner John Michael Withers was *Constitutionally* qualified to run for the office of Taylor County Commissioner from the Tygart Magisterial District in the primary and general 2010 elections, and, as the qualified candidate who received the most votes in the 2010 general election, John Michael Withers is entitled to be declared the winner of that election and to hold the office for the remainder of the term.

The court, therefore, ORDERS the following:

1. The court hereby reaffirms and incorporates its Order of September 9, 2011.
2. The court further ORDERS Petitioners' Motion for Summary Judgment be GRANTED in all respects and that the Respondents' Motions for Summary Judgment are DENIED.

3. The court further ORDERS that Anthony J. Veltri be removed from serving as member of the County Commission of Taylor County, and that John Michael Withers be sworn in as a member of the County Commission to hold the office for the remainder of the subject term.

The Clerk of this court is directed to forward copies of this ORDER to all counsel of record, to all Commissioners of the Taylor County Commission, and to the Clerk of said County Commission.

ENTER: *March 16, 2012*

*Larry V. Starcher*

Special Judge Larry V. Starcher

**A TRUE COPY FROM THE RECORD**

**ATTEST: VONDA M. RENEMAN**  
CLERK OF THE CIRCUIT COURT OF TAYLOR  
COUNTY, WEST VIRGINIA

**BY: *Vonda M. Reneman***

IN THE CIRCUIT COURT OF TAYLOR COUNTY, WEST VIRGINIA

DIANE PARKER, in her capacity  
as Chair of the Democratic Executive  
Committee of Taylor County, West Virginia,  
and  
JOHN MICHAEL WITHERS,  
Petitioners,

vs

Civil Action No. 11-C-21  
Judge Larry V. Starcher

HON. GEORGIANNA THOMPSON,  
*solely* in her capacity as Clerk of  
Taylor County, West Virginia, and  
ANTHONY J. VELTRI,  
Respondents.

RECEIVED

DATE: 4-16-12 TIME: 2:05 PM  
5 pages

ORDER DENYING RESPONDENT VELTRI'S MOTION TO ALTER OR  
AMEND JUDGMENT AND GRANTING RESPONDENT'S MOTION TO AMEND ORDER  
GRANTING STAY OF ENFORCEMENT OF SUMMARY JUDGMENT PENDING APPEAL

On the 13<sup>TH</sup> day of April, 2011, came each of the parties, in person, and by counsel (except, given the ruling of the court with respect to respondent Thompson, counsel for this respondent, with leave of court, did not appear), for oral argument on respondent Anthony J. Veltri's Motion to Alter or Amend Judgment and respondent Veltri's Motion to Amend Order Granting Stay of Enforcement of Summary Judgment Pending Appeal. The proceedings were taken by Kristina D. Woods, CCR, Fairmont, West Virginia.

Upon a reading of the pleadings and in consideration of oral argument on respondent Veltri's Motion to Alter or Amend Judgment, said Motion is DENIED. The court finds that much of the

argument by counsel related to matters that are not to be properly considered under *West Virginia Rules of Civil Procedure*, Rule 59(e), but rather matters which had been ruled on in the court's Order for Summary Judgment. And, the "new evidence" counsel discussed was not evidence that existed at the time the case was in the breast of the court following argument by counsel on the respective parties' Motions for Summary Judgment. It was evidence that was produced, in part, by respondent Veltri after the case was presented to the court for a decision and is attempting to be used to bootstrap his position as a Taylor County Commissioner by changing the boundaries of the magisterial districts so as to put him in the proper district during the pendency of the case. Further the court is of the opinion that even this evidence cannot overcome the fact that said respondent did not reside in the proper district when "elected" in 2010. This constitutional impediment remains.

Further, respondent's "burden of proof" argument fails in that respondent's argument would require the petitioners to prove a negative, when, in fact, petitioners did prove that the appropriate statutes relating to the changing of boundaries of magisterial districts and voting precincts were not followed. By proving there were no records in the office of the county clerk to show that the statutes *were* properly followed, but rather there was evidence that the statutes *were not* followed is sufficient proof to support petitioners' claim. Motion is DENIED.

Upon consideration of respondent Veltri's Motion to Amend Order Granting Stay of Enforcement of Summary Judgment Pending Appeal, the Court GRANTS said Motion and hereby amends and extends said Order previously entered in this matter. As amended, the court ORDERS and FINDS as follows:

1. This Court signed a Summary Judgment Order in this matter on March 16, 2012, and deposited the Order in the United States mail addressed to the Circuit Clerk of Taylor County, West

Virginia; said Circuit Clerk received the Order on March 19, 2012, and on that same day entered the Order into the record of this matter, and distributed certified copies to the parties directed by court in the Order.

2. The court's Summary Judgment Order provided that respondent Anthony J. Veltri "be removed from serving as member of the County Commission of Taylor County, and that John Michael Withers be sworn in as a member of the County Commission to hold the office for the remainder of the subject term[,]"without any specific date or time for the execution of that Order.

3. Following the Circuit Court Clerk's distribution as provided in the Order, the respondent County Clerk (one of the parties to whom the Order was distributed) telephoned the court seeking guidance regarding execution of the Order, specifically inquiring whether she should administer an oath of office to petitioner John Michael Withers the following day as she believed was going to be being expected of her.

4. The court orally advised the respondent Clerk she was not to administer an oath of office to petitioner Withers on March 20, and, if he made the request, she should advise him to contact his counsel in this matter – who likely had not even yet received his copy of the Order; the court further advised the respondent Clerk that, in anticipation of one or more parties desiring to appeal the ruling of the court, the court would attempt to have a telephonic hearing on the following day (March 20) to hear any party or parties with respect to any request for a Stay of the Summary Judgment Order.

5. Through e-mails and telephone conversations counsel for all parties and the court arranged for, and in the afternoon of March 20, participated in a telephonic conference wherein counsel for respondent Veltri verbally moved for a Stay for of Enforcement Proceedings Pending

Appeal of the Summary Judgment Order. Counsel for respondent County Clerk Thompson did not join in the motion, but did not oppose it either. Counsel for petitioners opposed the motion, and objections are duly noted.

6. By this Order the court has Denied respondent Veltri's Rule 59(e) Motion to Alter or Amend the Judgment in this case.

7. After consideration of argument of counsel, the court is of the opinion that respondent Anthony J. Veltri is entitled to a reasonable time to file a petition for appeal with the West Virginia Supreme Court of Appeals in this matter.

8. This court is also of the opinion that during the Stay, respondent Veltri shall retain the ability to transact Taylor County business in his capacity as County Commissioner except that with any matter relating to redistricting magisterial boundaries or the changing of precinct boundaries he shall refrain from absolutely any participation in those matters. Because of the subject matter of this case, respondent Veltri may not participate in any County Commission discussion, vote, meetings, or public hearing concerning redistricting or the changing of precinct boundaries while the stay is in place. The Court is satisfied that, pursuant to West Virginia Rule of Civil Procedure 62(i), these are sufficient "conditions for the security of the adverse party."

It is, therefore, ORDERED that respondent Anthony J. Veltri's Motion to Amend Order Granting Stay of Enforcement of Summary Judgment Pending Appeal is GRANTED. It is further ORDERED hereby that:

1. No enforcement proceedings pursuant to this court's Order granting petitioners' Motion for Summary Judgment with respect to respondent Veltri vacating his office or petitioner

Withers being sworn in and assuming the office will be taken for thirty (30) days April 16, 2012, the date of the entry of this Order;

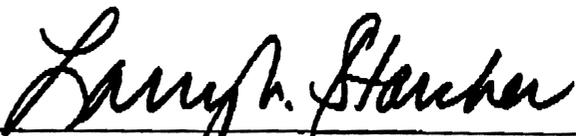
2. Further, if respondent Veltri timely files a notice of appeal with the West Virginia Supreme Court of Appeals within thirty (30) days following said date, the period of the stay will be extended for an additional sixty (60) days for a total of ninety (90) days from that date;

3. However, if respondent Veltri timely appeals this court's Order and additional time to process an appeal is necessary beyond the ninety (90) day stay period, respondent Veltri may move for such relief with the West Virginia Supreme Court of Appeals; and,

4. While any stay listed above is in place, respondent Veltri may retain the ability to transact Taylor County business as a sitting County Commissioner *unless* that business involves redistricting of magisterial districts or the changing of precinct boundaries. Therefore, respondent Veltri may not participate in County Commission decisions, discussions, meetings, or public hearings relating to the changing of magisterial district or precinct boundary lines while the stay is in effect.

The Clerk of the court is directed to provide certified copies of this ORDER to all counsel of record, to all Commissioners of the Taylor County Commission, and to the Clerk of said County Commission.

ENTERED this 16<sup>TH</sup> day of April, 2012

  
Special Judge Larry V. Starcher

A TRUE COPY FROM THE RECORD

ATTEST: VONDA M. RENEMAN  
CLERK OF THE CIRCUIT COURT OF TAYLOR  
COUNTY, WEST VIRGINIA

BY: 

Taylor.ParkervVeltri.Rule59(e)&StayOrder