

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA, ex rel.
PAT REED, Commissioner,
West Virginia Division of Motor Vehicles,

Plaintiff,

v.

Civil Action No.: 19-P-47
Judge Tod J. Kaufman

STATE OF WEST VIRGINIA, ex rel.
TERESA MAYNARD, Director and Chief
Hearing Examiner, West Virginia Office
of Administrative Hearings,

Defendant,

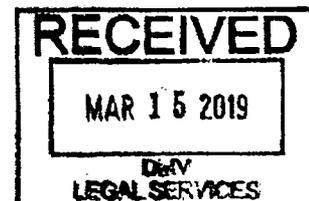
and

CLARENCE SIGLEY,

Party in Interest.

FINAL ORDER

Before the Court is Petitioner's *Verified Complaint for Writ of Prohibition*. After review of the *Verified Complaint for Writ of Prohibition*, this Court hereby **FINDS** the writ to be premature as it pre-empts the Office of Administrative Hearings (hereinafter "OAH") jurisdiction to hear appeals in administrative proceedings delegated to the OAH by W.Va. Code § 17C-5C-3, *et seq.* Further, Petitioner in this case may even lack the standing to bring this action but, for now, as Clarence Sigley is the respective party with a liberty interest at stake, this matter, too, is premature. If, after the OAH has issued a decision, Petitioner, of course, may appeal the matter to the Circuit Court, within the confines of the Administrative Appeals process under W.Va. Code § 29A-5-4, if they lose below.



For the foregoing reasons, the *Verified Complaint for Writ of Prohibition* is hereby DENIED, and this case is hereby DISMISSED and STRICKEN from the Docket of this Court to proceed in accordance with the West Virginia Administrative Procedures Act.

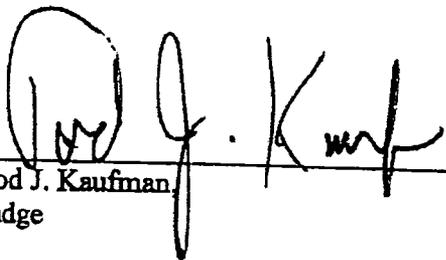
The Circuit Clerk is hereby directed to send certified copies of this Order to the following:

Teresa Maynard, Dtr, OAH
1124 Smith St., Ste. B100
Charleston, WV 25301

Elaine L. Skorich, Esq.
Office of the Attorney General - DMV
P.O. Box 17200
Charleston, WV 25317

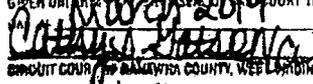
Mr. Clarence Sigley
c/o Todd F. LaNeve, Esq.
117 1/2 Nicholas St.
Clarksburg, WV 26301

Entered this 17 day of March, 2019.



Tod J. Kaufman
Judge

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STATE OF WEST VIRGINIA
COUNTY OF BARRAWA, ES
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT.
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS 13
March 2019

CLERK
CIRCUIT COURT OF BARRAWA COUNTY, WEST VIRGINIA