

Plaintiff: G. Isaac Sponaugle, III , et al Case Number: _____

vs.

Defendant: James Conley Justice, II , et al

**CIVIL CASE INFORMATION STATEMENT
DEFENDANT(S) CONTINUATION PAGE**

WV Attorney General

Defendant's Name

1900 Kanawha Blvd. E, Room E-26

Street Address

Charleston, WV 25305

City, State, Zip Code

Days to Answer: N/A

Type of Service: Personal

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA, ex rel.,

G. ISAAC SPONAUGLE, III,
West Virginia citizen and taxpayer,
Petitioner,

v.

Civil Action Number _____

JAMES CONLEY JUSTICE, II,
Governor of the State of West Virginia,
Respondent.

PETITION FOR WRIT OF MANDAMUS

COMES NOW Petitioner, G. Isaac Sponaugle, III, and for his Verified Petition for Writ of Mandamus, alleges and states the following:

- 1) Petitioner is an adult citizen and taxpayer of Pendleton County, West Virginia.
- 2) Respondent, James Conley Justice, II, is the 36th and current Governor of the State of West Virginia. He was elected on November 8, 2016. He took an oath or affirmation of office on January 16, 2017, at the West Virginia State Capitol, located in Kanawha County, West Virginia. He swore to support the constitution of the United States of America, the constitution of the State of West Virginia, and to faithfully discharge the duties of the office of Governor of the State of West Virginia to the best of his skill and judgment.
- 3) That the seat of West Virginia state government is in Kanawha County, West Virginia.
- 4) That jurisdiction and venue are proper in the Circuit Court of Kanawha County for a Writ of Mandamus pursuant to West Virginia Code § 53-1-2.
- 5) Section 1 of Article VII of the West Virginia Constitution sets forth the following: “7-1 Executive department. The executive department shall consist of a governor, secretary of state, auditor, treasurer, commissioner of agriculture and attorney general, who shall be ex officio reporter of the court of appeals. Their terms of office shall be four years, and shall

commence on the first Monday after the second Wednesday of January next after their election. They shall reside at the seat of government during their terms of office, keep there the public records, books and papers pertaining to their respective offices, and shall perform such duties as may be prescribed by law.”

- 6) That Section 1 of Article VII of the West Virginia Constitution contains a mandatory nondiscretionary constitutional duty for the named members of the executive department.
- 7) That Respondent has not resided at the seat of government for more than 10 days from January 16, 2017 until the filing this Petition for Writ of Mandamus. This is despite housing afforded to him at the West Virginia Governor’s Mansion located at 1716 Kanawha Blvd E, Charleston, West Virginia. Respondent by his own public admissions has not and continues to reside in Greenbrier County, West Virginia.
- 8) That Respondent works in Greenbrier County and keeps many of the public records, books and papers pertaining to his respective office there.
- 9) That certain scandals, mismanagement of public monies, lack of communication among agencies and a decrease in general productivity of state government has occurred under Respondent’s tenure as Governor.
- 10) That certain members of the West Virginia Legislature have publicly raised concerns about the habitual work absenteeism by Respondent causing certain scandals, mismanagement of public monies, lack of communication among agencies and a decrease in general productivity of state government.
- 11) That Respondent held multiple press conferences in response to certain members of the West Virginia Legislature and publicly declared that he would not make the seat of government his residency, would not show up to work every day at the seat of government,

will continue to reside and work in Greenbrier County and only show up at the seat of government when it is convenient to him.

- 12) That Petitioner, as a citizen and taxpayer of the State of West Virginia, has a clear legal right in relief sought hereinbelow.
- 13) That Respondent is in violation of Section 1 of Article VII of the West Virginia Constitution and is not performing his mandatory nondiscretionary constitutional duty.
- 14) That Petitioner is in absence of another adequate remedy other than a Writ of Mandamus being issued by this Court against Respondent.
- 15) That Petitioner has filed herewith a Memorandum in Support of Petition for Writ of Mandamus and hereby incorporates by reference every paragraph of it to this Petition, which is attached hereto and incorporated by reference.
- 16) That Petitioner requests that a writ of mandamus be issued henceforth that Respondent meet his nondiscretionary mandatory constitutional duty pursuant to Section 1 of Article VII of the West Virginia Constitution and that he be ordered to reside at the seat of government during his term of office, and keep there the public records, books and papers pertaining to his respective office.


PRAYER FOR RELIEF

WHEREFORE, Petitioner requests that a writ of mandamus be issued henceforth that Respondent meet his nondiscretionary mandatory constitutional duty, pursuant to Section 1 of Article VII of the West Virginia Constitution, and be ordered to reside at the seat of government during his term of office, and keep there the public records, books and papers pertaining to his respective office; award costs and grant such other relief as the Court deems equitable.

Dated this 19th day of June 2018.

G. Isaac Sponaugle, III
Petitioner

SPONAUGLE & SPONAUGLE
ATTORNEYS AT LAW
P. O. BOX 578
FRANKLIN, WEST VIRGINIA 26807
(304) 358-2337
isaac@sponauglelaw.com

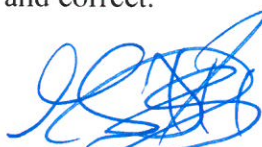


G. Isaac Sponaugle III
State Bar #9720
Petitioner

STATE OF WEST VIRGINIA

COUNTY OF PENDLETON, to-wit:

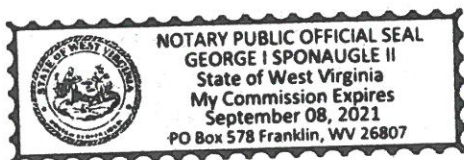
G. Isaac Sponaugle, III, Petitioner named in the foregoing Petition for Writ of Mandamus, being first duly sworn, say that the facts and allegations set forth therein are true and correct, except insofar as they are therein stated to be upon information and belief, and insofar as therein stated to be upon information and belief, they believe them to be true and correct.

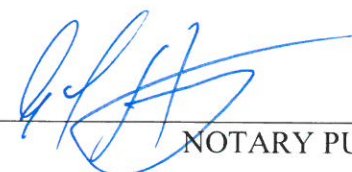


G. Isaac Sponaugle, III

Taken, sworn to and subscribed before me, a Notary Public in and for the county and state aforesaid, this the 19th day of June 2018.

My commission expires September 8, 2021.





NOTARY PUBLIC

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA, ex rel.,

G. ISAAC SPONAUGLE, III,
West Virginia citizen and taxpayer,
Petitioner,

v.

Civil Action Number _____

JAMES CONLEY JUSTICE, II,
Governor of the State of West Virginia,
Respondent.

MEMORANDUM IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS

SPONAUGLE & SPONAUGLE
ATTORNEYS AT LAW
P. O. BOX 578
FRANKLIN, WEST VIRGINIA 26807
(304) 358-2337
isaac@sponauglelaw.com
G. Isaac Sponaugle III
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Petitioner

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State ex rel. Brotherton v. Blankenship, W.Va., 214 S.E.2d 467 (1975)
State ex rel. Brotherton v. Moore, 159 W.Va. 934, 230 S.E.2d 638 (1976)
State ex rel. Casey v. Pauley, 158 W. Va. 298, 210 S.E.2d 649 (1975).
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State ex rel. Smith v. Gore, 150 W. Va. 71, 143 S.E.2d 791 (1965)
State ex rel. Trent v. Sims, 138 W. Va. 244, 77 S.E.2d 122 (1953)
Winkler v. State School Building Authority, 189 W.Va. 748, 434 S.E.2d 420 (1993)

Other Authorities:

Bastress, Robert M. Jr., [The West Virginia State Constitution](#) (Oxford Commentaries on the State Constitutions of the United States) (pp. 219 of 381). Oxford University Press. Kindle Edition.

QUESTION PRESENTED

This petition presents the question whether Section 1 of Article VII of the West Virginia Constitution is a mandatory nondiscretionary requirement that the officeholder of Governor shall reside at the seat of government during the terms of office, and keep there the public records, books and papers pertaining to that office.

STATEMENT OF CASE

HISTORY OF SECTION 1 OF ARTICLE VII OF THE WEST VIRGINIA CONSTITUTION

West Virginia has had two constitutions. The first ratified in 1863 and a second in 1872. The West Virginia Constitution of 1872 was ratified by the voters on August 22, 1872, which is the same constitution that governs the State of West Virginia today subject to certain amendments to it. Section 1 of Article VII of the West Virginia Constitution of 1872 provided the following:

The Executive department shall consist of a Governor, Secretary of State, State Superintendent of Free Schools, Auditor, Treasurer and Attorney General, who shall be *ex officio* reporter of the Court of Appeals. They shall, except the attorney General, reside at the seat of government during their terms of office, and keep there the public records, books and papers, pertaining to their respective offices, and shall perform such duties as may be prescribed by the fifth section of same article declares that "the chief executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed.

“A 1934 amendment added the commissioner of agriculture to the list, and a 1958 amendment deleted the state superintendent of schools. The first of those amendments also changed the inauguration date from March to January, in order to shorten an outgoing administration’s lame-duck period, and dropped an exception for the attorney general from the residency requirement.” Bastress, Robert M. Jr., The West Virginia State Constitution (Oxford Commentaries on the State Constitutions of the United States) (pp. 219 of 381). Oxford University Press. Kindle Edition.

In 1876, three years after the voters of the State of West Virginia ratified the West Virginia Constitution, the Supreme Court of Appeals of West Virginia distinguished between non-discretionary duties and discretionary duties in a case that centered around a legal fight over legislation that moved the seat of government from the city of Charleston to the city of Wheeling. The Supreme Court set forth that the state constitution unequivocally requires that the Governor shall reside at the seat of government during his term of office and keep there the public records of his office, it is non-discretionary duty. 'It was his duty to do so, in fidelity to his oath of office to support the constitution of the State; and the constitution of the State unequivocally requires that he shall reside at the seat of government during his term of office, and keep there the public records of his office, and commands him, as the chief executive officer, in whom is vested the chief executive power, to "take care that the laws be faithfully executed.'" *Slack v. Jacob*, 8 W.Va.612, 657 (1875).

The 1875 language of Section 1 of Article VII of the West Virginia Constitution only granted discretion to the Attorney General regarding the place of residence of the officeholder. All other members of the executive department were constitutionally bound by the nondiscretionary (mandatory) requirement that they shall reside at the seat of government. The discretion granted the Attorney General as to his place of residence was amended by the voters in 1934 and it is now a non-discretionary (mandatory) constitutional requirement that the Attorney General also reside at the seat of government.

RESPONDENT WAS ELECTED GOVERNOR & SWORE AN OATH TO OFFICE

On November 8, 2016, Respondent was elected Governor by the citizens of the State of West Virginia. On January 16, 2017, his Inauguration took place at 1:00 p.m. at the West Virginia State Capitol, the seat of state government. Chief Justice Allen H. Loughry, II,

administered the oath or affirmation of Office for Governor to the Respondent, wherein he swore the following:

"I, James Conley Justice, II, do solemnly swear that I will support the constitution of the United States of America, and the constitution of the State of West Virginia, and that I will faithfully discharge the duties of the office of Governor of the State of West Virginia to the best of my skill and judgment, so help me God."

Respondent has not resided at the seat of government, Kanawha County, during his term of office from January 16, 2017 until the filing of this Petition for Writ of Mandamus. Respondent, based on his own public admissions, has not spent more than a handful of nights, if any, at the West Virginia Governor's Mansion located at 1716 Kanawha Blvd E, Charleston, West Virginia, since January 16, 2017. In fact, Respondent continues to reside in Greenbrier County, West Virginia. When he decides to go to work, which is not a regular daily occurrence, to the West Virginia State Capitol, he drives himself to and from Greenbrier County.

Certain scandals, mismanagement of public monies, no communication with cabinet secretaries and a decrease in productivity of state government has occurred under the Respondent's tenure as Governor. Attached hereto are certain news articles that have reported on the scandal and marked as Exhibits "A", "B", "C", "D", "E", "F" & "G".

On June 14, 2018, certain members of the West Virginia Legislature publicly raised concerns about the chronic absenteeism of Respondent and its effect on the productivity of state government that was a major cause of the various scandals by way of a press release. Attached hereto is the press release and marked as Exhibit "H".

Respondent held a press conference the following day on June 15, 2018, and publicly declared that he would not move into the Governor's Mansion nor would he be reporting to work daily at the seat of government. Respondent further advised the public that he works from his residence in Greenbrier County, West Virginia. It was implied by the Respondent that most of his

records, books and papers pertaining to the office of West Virginia Governor are scattered between Greenbrier County and Kanawha County. Specifically, Respondent stated in regards where he works, "It doesn't matter whether I do it in the back of a Suburban or from the top of the dome." Respondent further advised the public at a press conference on June 18, 2018, that he doesn't reside in Charleston, West Virginia, and "I'll only stay at the Mansion when it's convenient to me." Attached hereto are certain news articles that set forth what Respondent said at press conferences and marked as Exhibits "I" and "K".

Respondent has and continues at the time of the filing of this Petition, to violate his oath of office and the non-discretionary (mandatory) requirement that he shall reside and keep his records, books and papers pertaining to the office of West Virginia Governor at the seat of government pursuant to Section 1 of Article VII of the West Virginia Constitution. Respondent's refusal to perform his non-discretionary (mandatory) duties violates his oath of office that he will support the constitution of the State of West Virginia and will faithfully discharge the duties of the office of Governor of the State of West Virginia.

As a result, Petitioner, as a West Virginia citizen and taxpayer, has been and continues to be injured by Respondent's poor job performance due to habitual absenteeism. Lacking any other means of compelling Respondent to comply with his duties under the West Virginia Constitution, Petitioner now files this petition for a writ of mandamus to compel Respondent to perform his constitutional nondiscretionary duty that he reside West Virginia Governor's Mansion located at 1716 Kanawha Blvd E, Charleston, West Virginia and keep all his records, books and papers pertaining to the office of West Virginia Governor at the West Virginia Capitol 1900 Kanawha Blvd E, Charleston, West Virginia, rather than Greenbrier County.

SUMMARY OF ARGUMENT

Petitioner is a citizen and taxpayer of the State of West Virginia, more particularly Pendleton County. “A citizen and taxpayer of this State has a right to maintain a mandamus proceeding in order to compel a public official to perform a nondiscretionary constitutional duty.” Syl. Pt. 1, *State ex rel. Brotherton v. Moore*, 159 W.Va. 934, 230 S.E.2d 638 (1976).

Section 1 of Article VII of the West Virginia Constitution imposes a non-discretionary duty on Respondent to reside at the seat of government during his term of office, keep there the public records, books and papers pertaining to his respective office, and shall perform such duties as may be prescribed by law. Respondent began his four-year term of office on January 16, 2017 and has not complied with this constitutional non-discretionary mandatory duty.

For these reasons, this Court should grant the writ and order Respondent to reside at Governor’s Mansion located at 1716 Kanawha Blvd E, Charleston, West Virginia, during his term of office, AND keep there the public records, books and papers pertaining to his respective office at the West Virginia Capitol located at 1900 Kanawha Blvd E, Charleston, West Virginia, during his term of office.

STATEMENT REGARDING HEARING, ORAL ARGUMENT AND DECISION

Jurisdiction and venue are proper in the Circuit Court of Kanawha County for a Writ of Mandamus pursuant to West Virginia Code § 53-1-2.

Petitioner respectfully requests that this Court forthwith enter an expedited hearing schedule so that a decision regarding this petition can be reached as soon as possible.

Petitioner states that an evidentiary hearing and discovery under the West Rules of Civil Procedure are necessary in this matter. The factual issues raised by this petition will require

discovery from Respondent to determine his current residency and where the public records, books and papers pertaining to his respective office have been kept since he took the oath of office as Governor of West Virginia and are currently being kept.

ARGUMENT

THE REQUIRED ELEMENTS FOR A WRIT OF MANDAMUS ARE SATISFIED

"Mandamus lies to require the discharge by a public officer of a nondiscretionary duty." Syl. Pt. 3, *State ex rel. Greenbrier County Airport Authority v. Hanna*, 151 W.Va. 479, 153 S.E.2d 284 (1967); Syl. Pt. 1, *State ex rel. West Virginia Housing Development Fund v. Copenhaver*, 153 W.Va. 636, 171 S.E.2d 545 (1969). Syl. Pt. 1, *State ex rel. Williams v. Department of Mil. Aff.*, 212 W.Va. 407, 573 S.E.2d 1 (2002). It is well-established that a writ of mandamus requires three elements:

(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.

Syl. Pt. 2, *State ex rel. Kucera v. City of Wheeling*, 153 W.Va. 538, 170 S.E.2d 367 (1969); accord Syl. Pt. 2, *State ex rel. Blankenship v. Richardson*, 196 W.Va. 726, 474 S.E.2d 906 (1996); Syl. Pt. 1, *Hickman v. Epstein*, 192 W.Va. 42, 450 S.E.2d 406 (1994); Syl. Pt. 1, *State ex rel. McGraw v. West Virginia Ethics Comm'n*, 200 W.Va. 723, 490 S.E.2d 812 (1997).

A. Petitioner possesses a clear legal right to the relief sought

Petitioner is a citizen and taxpayer of the State of West Virginia, more particularly Pendleton County. "A citizen and taxpayer of this State has a right to maintain a mandamus proceeding in order to compel a public official to perform a nondiscretionary constitutional duty." Syl. Pt. 1, *State ex rel. Brotherton v. Moore*, 159 W.Va. 934, 230 S.E.2d 638 (1976); *State ex rel. Brotherton v. Blankenship*, W.Va., 214 S.E.2d 467 (1975); *Delardas v. County Court*, 155 W.Va. 776, 186 S.E.2d 847 (1972). No special or pecuniary interest must be shown by individuals who sue in this capacity. *Frantz v. County Court*, 69 W.Va. 734, 73 S.E. 328 (1911).

The Governor during his term of office is to reside and keep there the public records of his office at the seat of government is a nondiscretionary constitutional duty pursuant to Section 1 of Article VII of the West Virginia Constitution. ‘It was his duty to do so, in fidelity to his oath of office to support the constitution of the State; and the constitution of the State unequivocally requires that he shall reside at the seat of government during his term of office, and keep there the public records of his office, and commands him, as the chief executive officer, in whom is vested the chief executive power, to "take care that the laws be faithfully executed."’ *Slack v. Jacob*, 8 W.Va.612, 657 (1875).

All the conditions have been satisfied and Petitioner has a clear legal right to the relief sought in this petition.

B. Respondent, during his term of office, has a nondiscretionary constitutional duty to reside and keep the public records, books and papers pertaining to his public office at the seat of government.

Section 1 of Article VII of the West Virginia Constitution provides as follows:

“7-1 Executive department.

The executive department shall consist of a governor, secretary of state, auditor, treasurer, commissioner of agriculture and attorney general, who shall be ex officio reporter of the court of appeals. Their terms of office shall be four years, and shall commence on the first Monday after the second Wednesday of January next after their election. They shall reside at the seat of government during their terms of office, keep there the public records, books and papers pertaining to their respective offices, and shall perform such duties as may be prescribed by law.”

The constitution is explicit, in plain ordinary clear English, in setting forth unequivocally that residing at the seat of government during the term of office, and keeping there the public records, books and papers pertaining to that office is a nondiscretionary duty of holding the office of Governor. "Where a provision of a constitution is clear in its terms and of plain interpretation to any ordinary and reasonable mind, it should be applied and not construed." Syl. Pt. 3, *State ex rel. Smith v. Gore*, 150 W. Va. 71, 143 S.E.2d 791 (1965). "Words used in a state constitution, as

distinguished from any other written law, should be taken in their general and ordinary sense." Syl. Pt. 6, *State ex rel. Trent v. Sims*, 138 W. Va. 244, 77 S.E.2d 122 (1953). "Questions of constitutional construction are in the main governed by the same general rules applied in statutory construction." Syl. pt. 1, *Winkler v. State School Building Authority*, 189 W.Va. 748, 434 S.E.2d 420 (1993). "The provisions of the Constitution, the organic and fundamental law of the land, stand upon a higher plane than statutes, and they will as a rule be held mandatory in prescribing the exact and exclusive methods of performing the acts permitted or required." Syl. Pt. 2, *Simms v. Sawyers*, 85 W. Va. 245, 101 S.E. 467 (1919).

Section 1 of Article VII of the West Virginia Constitution uses the word "shall" reside at the seat of government during their terms of office, keep there the public records, books and papers pertaining to their respective offices. The word shall when used in constitutional provisions has been determined to be used in the mandatory sense and not discretionary sense. "As used in constitutional provisions, the word 'shall' is generally used in the imperative or mandatory sense." Syl. Pt. 3, *State ex rel. Trent v. Sims*, 138 W. Va. 244, 77 S.E.2d 122 (1953). "Courts are not concerned with the wisdom or expediencies of constitutional provisions, and the duty of the judiciary is merely to carry out the provisions of the plain language stated in the constitution." Syl. Pt. 3, *State ex rel. Casey v. Pauley*, 158 W. Va. 298, 210 S.E.2d 649 (1975).

The Supreme Court of Appeals of West Virginia has interpreted Section 1 of Article VII of the West Virginia Constitution to be nondiscretionary constitutional duty of the executive department. This has been the rule of land for over 140 years in this state. 'It was his duty to do so, in fidelity to his oath of office to support the constitution of the State; and the constitution of the State unequivocally requires that he shall reside at the seat of government during his term of office, and keep there the public records of his office, and commands him, as the chief executive

officer, in whom is vested the chief executive power, to "take care that the laws be faithfully executed." *Slack v. Jacob*, 8 W.Va.612, 657 (1875).

All the conditions have been satisfied and Respondent is violating a nondiscretionary duty of holding the office of Governor.

C. Petitioner possesses no other adequate remedy

Petitioner lacks any adequate alternative remedy, and the writ should issue. The existence of *any* remedy will not suffice. "Mandamus will lie, notwithstanding the existence of another remedy, if such other remedy is inadequate or is not equally beneficial, convenient and effective." *State ex rel. Wheeling Downs Racing Ass 'n v. Perry*, 148 W. Va. 68, 73, 132 S.E. 2d 922 (1963). "A remedy cannot be said to be fully adequate to meet the justice and necessities of a case, unless it reaches the end intended, and actually compels a performance of the duty in question." *State ex rel. Bronaugh v. Parkersburg*, 148 W. Va. 568, 573, 136 S.E. 2d 783, 786 (1964).

Petitioner is concerned about Respondent's habitual absenteeism and its effect on the poor productivity of state government and declining morale among many state workers due to it. Petitioner strongly believes that the recent scandals that appear in the daily newspapers on a regular occurrence are due to Respondent neglect of his constitutional duties and the office of Governor is not in proper order.

Petitioner is further concerned about the inability of citizens and taxpayers of West Virginia having access to the Governor of the State of West Virginia due to his habitual absenteeism. Citizens have the right to meet with and speak with elected government officials while they are performing their elected government functions. To deny this accessibility hurts citizens and taxpayers' confidence in state government. An example would be the teacher and

school service personal 9-day work stoppage earlier this year. Thousands of citizens came to the Capitol to express their feelings and thoughts about their livelihoods. They wanted to address Respondent who had made several unpopular policy decisions with PEIA and pay increases that triggered the work stoppage. These citizens were disappointed daily due to Respondent not appearing at the seat of government on a regular basis during the work stoppage. No citizen, or legislator for that matter, knew the whereabouts of Respondent during that time. Petitioner believes that Respondent's regular attendance at the seat of government would provide a greater confidence in state government to the public and show empathy rather than the appearance of indifference or "no one cares" image presented by Respondent.

Petitioner is further concerned about who is providing Respondent with his daily reports of state government since he is not present to witness it first hand and may be only getting reports from one or two individuals that may have a desire to not keep him properly informed for other reasons. One of the individuals is a controversial adviser with ties to the Oil and Gas Industry, among other industries, that Respondent relies on significantly, and possibly exclusively, to provide him with an update on state government. Attached hereto is a news article on the advisor and marked as Exhibit "J". There has been a gag order placed on state government, so all information must go through one or two individuals before it reaches Respondent according to news reports.

Habitual absenteeism and keeping one's public records, books and papers pertaining to the respective office scattered across several counties in a disorganized manner is rife with problems that should be avoided. The West Virginia Constitution has safeguards built into it to avoid these basic problems in the form of mandatory attendance of officeholders of the executive department when they hold that office. To put it in contemporary terms, Woody Allen once

said, "Eighty percent of life is showing up". Respondent has not and refuses to address his habitual absenteeism and chaotic book keeping of his records.

For the aforesaid reasons, Petitioner lacks any other adequate remedy. The writ of mandamus should be issued.

CONCLUSION

As the foregoing makes clear, Petitioner has unquestionably demonstrated that the conditions for a writ of mandamus have been met. Petitioner requests that a writ of mandamus be issued henceforth that Respondent meet his nondiscretionary mandatory constitutional duty pursuant to Section 1 of Article VII of the West Virginia Constitution that he resides at the seat of government during his terms of office, and keep there the public records, books and papers pertaining to his respective office; award court costs and grant such other relief as the Court deems equitable.

Given under my hand this 19th day of June 2018.

G. Isaac Sponaugle, III
Petitioner

SPONAUGLE & SPONAUGLE
ATTORNEYS AT LAW
P. O. BOX 578
FRANKLIN, WEST VIRGINIA 26807
(304) 358-2337
isaac@sponauglelaw.com



G. Isaac Sponaugle III
State Bar #9720
Petitioner