





# Attorney no-show puts Clay County man’s FOIA lawsuit in jeopardy

By Tammy Marie Rose

A Clay County man’s Freedom of Information suit is on the brink of being dismissed as a result of his attorneys failure to show for a recent hearing.

Kanawha Circuit Judge Charles E. King, Jr. denied a motion by Michael Boggs to amend his suit against the Clay County Business Development Authority. The reason King denied the mo-

tion was due to the failure of Boggs’ attorney, David R. Karr, Jr., to appear in court on July 24 to argue why.

Records show Karr filed the motion on Dec. 9. The reason for it was to state with specificity the reason why the State Development Office was a defendant in the suit. During the hearing, Doren Burell, WVDO’s attorney said the proposed amended complaint he received from

Karr failed to do that.

Court records show that Boggs, a former board member, filed suit against both the CCBDA, and the Clay County Commission in Clay Circuit Court in 2010 seeking to compel release of certain documents he requested under the state Freedom of Information Act.

Boggs has requested quarterly reports from 2008-2010

of itemized receipts and disbursements from the Authority to the Commission, and its annual reports during those same years of all its activities.

Boggs alleges in his suit that the Authority made decisions on how to spend money despite not having the minimal number of 12 board members as required by state law.

# Clay VFW Approaches 40<sup>th</sup> Anniversary

Clay Post 4419, Veterans of Foreign Wars of the United States was organized November 19, 1972. Membership eligibility is determined by the United States Congress. Only veterans who have served on foreign soil during a period of war, in an actual combat zone, for at least 60 days, are eligible for membership. This post is the largest service organization ever organized in Clay County.

As a military services organization its purpose is four-fold: It serves veterans and their families in every possible way without cost or obligation. It promotes patriotism and Americanism in our community. It supports our local education programs for our young people. It supports all community programs in an effort to make our community better for all.

The VFW pursues these goals by assisting veterans with their VA claims, helping them to meet both their health and financial needs, and in all other ways that might help to make life better for everyone.

The VFW provides a DAV van to transport veterans to and from VA medical facilities. It provides a military funeral for anyone who has served our country in uniform. It coordinates essay writing contests in our schools, and participates in local festivals and community civic activities. It provides flags for schools, cemeteries, and places where the display of an American Flag is needed, and takes care of the

disposal of worn-out flags, as well.

The VFW Post home is available to local civic groups, churches, and other groups without discrimination or cost. This fall, The VFW begins its 40<sup>th</sup> year of raising the American Flag at all home football games of Clay County High School. This is a remarkable record for any civic organization in any community.

The Clay VFW Post provides flag raising services and assists in any community dedication services, such as a bridge or building dedication, upon request by any civic group. Local memorial services are held annually by the Post. Other such services are provided upon request.

The post makes periodic visits in uniform to churches, nursing homes, and hospitals or other facilities as requested. The VFW stands ready to assist in any community emergency of whatever nature, always without cost or obligation. Each member has taken a solemn oath to defend The United States against all enemies, whomsoever. The fact that this obligation is always taken seriously is repeatedly demonstrated in many ways. The VFW is truly a “Service Organization.”

The commander of Clay VFW Post 4419, Jack Jones, is always willing to answer questions or consider requests. He may be reached at 304-587-4729 or 304-651-9242. We welcome all veterans to join our post who are eligible for membership.

# Historical Society meeting and annual picnic held August 1

Just preceding the annual picnic of the Clay County Landmarks Commission and Historical Society (CCLC&HS), August 1,2012, a brief business meeting was held in the (downstairs) computer room of the Clay Public Library. Present were Jerry Stover, Janet Boggs Crisco, Kent and Frances Boggs, James and Jane Bird, Dustin Bird, Evelynne McLaughlin, Jim Miller and Eloise Boggs.

The meeting was called to order by President Jerry Stover. Approval of the minutes of the July, 2012 meeting, as published in the local newspapers, was postponed as was the treasurer’s report.

The 2012 Golden Delicious Apple Festival: The

Historical Society will have two tables for display of items for the Festival. Final plans for Photo-Op 2 and for window displays are yet to be made.

Jerry announced that our Secretary and Old Courthouse faithful worker, Kathy Fortner, is very ill. She would appreciate messages at her e-mail address. fortner@frontiernet.net and your prayers.

Evaluation of the Old Courthouse cupola repairs/restoration and estimated cost was discussed. It was moved and seconded that the CCLC&HS contribute funds to cover part of the cost, taking monies from the general fund and from the preservation fund (which

consists of donations from members and friends). The motion carried.

The meeting adjourned at 2:05 PM.

OFF THE RECORD

Jerry presented a certificate of lifetime membership in the CCLC&HS to Janet Crisco. Janet, who has been a member for many years and a faithful attendee and contributor to meetings of the Historical Society, is anticipating a move to Kansas to be near her son.

Dustin Bird gave a presentation of his recent work with restoring and reprinting the *Hickory and Lady Slippers* series. With technology not available 20 and 30 years ago, the new issues will be much improved,

with larger pages, secure binding, clearer photos, and more legible print. Individual issues are available by ordering: PO Box 72, Lizemores, WV 25125, or e-mail, Dustin@hlswv.com, or on the web [www.HLSwv.com](http://www.HLSwv.com). Jerry gave a brief history of the series.

A pot-luck picnic lunch was enjoyed by those present and by library personnel. Among the pot-luck offerings was a pot of fresh-cooked half-runner beans brought by James and Jane Bird. They raised the beans in their garden from seed that has been maintained by a succession of gardeners for at least 80 years. That’s 80 generations of beans!

Eloise Boggs, Recorder

# Hiram Lewis

Continued From front page

He lives on the gas well road that I took to my family’s property where my son and I hunt. I talked to him and at Christmas, I knew he had run out of money and couldn’t afford to have toys for the kids. So I gathered some of my son’s old toys and we cut a Christmas tree down and had Christmas with James and his twins. Later, I would stop by every so often and check on him and witness to him. He would always credit the aliens for things happening in his life that were from God. I was just trying to be his friend and show him the love that is Jesus Christ.

Originally, I had planned to close my practice, move to my family’s camp on the river while I built a cabin on my family’s property adjacent to James’ property on the mountain. James asked if I would represent him in his divorce and I asked him if I could store some of my things on his property for the move to the adjacent property once my cabin was built. We agreed to that arrangement. The Kaminski’s moved to James’ property in the spring and I started bringing them food and gas out of charity and began ministering to them also. I tried to give them a business model to help bring them financial support and they agreed to the plan, but they rejected the Christian aspects of the business, the marketing to youth groups. Eventually, they all rejected the word from me and I dusted off my shoes and withdrew any

financial support. Presently, I do not have a relationship or connection with James or the people there.”

Mr. Lewis says he has given up his law career and turned to God. “I have decided to give up everything for my personal Lord and savior Jesus Christ. And with that decision, I have been given everything. Money can’t buy the blessing that God has given to me. And banks can cash the Kingdom checks that I get paid with. They can’t cover them.

Everyone is welcome to become my friend on Facebook. I have been posting sermons that I’ve been delivering on Youtube, linked to my Facebook account so if anyone wants to follow me, just friend me on Facebook. I also have a Facebook page for my ministry, Elk River Ministries, Inc., and for the church, Paradise City Church. Feel free to like that page and keep up with the mighty works that God has in store.

Lewis’ date to face the grand jury has yet to be set.

# Clay County Commission

Continued From front page

ral resources such as coal, oil, and gas, can be turned into a source of renewable wealth for the future. The proposed fund would take ¼ of the state’s tax revenue and place it in an untouchable trust fund to draw interest which would later be used to fund state projects. The commission agreed to review the resolution before considering supporting it.

Action items approved from the agenda included the approval of minutes of the previous meeting as well as assessments, bills and purchase orders, budget revisions, and the appointment of estate administrators and settlements of other estates. The commission approved the writing of a letter to Sheriff Randy Holcomb in reference to his request of funding for his law enforcement budget. James Dancy’s employment with the Clay County Ambulance Service was terminated, effective August 3, 2012. Three

Democrats and two Republicans were chosen to be the number of poll workers for each precinct during the November 6 General Election. An Emergency Absentee Voting Procedure was also adopted for the November election.

The meeting was adjourned, with the date for the next meeting being set for August 22, 2012.

**MUSIC SCHEDULE**  
August 17th - Sharpshooters  
August 24th - Cherry River Drive  
August 31st - Round-Up Country  
**Big Otter Community Center**  
Doors open at 5 pm, music starts at 7 pm.  
**Free admission. 50/50 drawing along with other prizes.**  
**OUR SUNDAY DINNERS ARE BACK!!!**  
**September 2nd from 12:00 until 2:00 PM**  
**MENU: Baked Steak with Natural Gravy, Real Mashed Potatoes, Green Beans with Bacon, Tossed Salad and Dressing, Rolls, Drinks and Desserts.**  
**Adults \$8.00, Children \$4.00**

# Courthouse News

**Property Transfers:**  
7/30/12, Arlie & Rose Elswick to Bobby Thomas, Pleasant District, .42 Acres  
7/30/12, William & Rozella Hamric to Larry Hypes & Patricia Gibson, Pleasant District, 57.57 Acres  
8/2/12, Elk River Railroad, Inc. to WV DOT, Division of Highways, Henry District, 5 Tracts  
8/2/12, Mike Ross, Inc. & Waco Oil & Gas, Inc. to WV DOT, Division of Highways,

Henry District, 2 Parcels  
8/2/12, Clay Farm Bureau to WV DOT, Division of Highways, Clay Municipality, 1 Parcel  
8/2/12, Brenda Holcomb to Robert Townsend, Union District, 65.3 Acres

**Civil Suits – Magistrate Court:**  
8/9/12, Bowen Dental Associates vs. Clinton Blanton

**Magistrate King – Hear-**

**ing Schedule for August 14, 2012**

1:00 pm, Bailey vs. Robert Stutler, Possession with Intent to Deliver  
1:00 pm, State vs. Johnny Cottrell, Domestic Battery, Violation of DVP

**Magistrate Boggs – Hearing Schedule for August 21, 2012**

10:00 am, Hunt vs. Timothy Sears, Manufacturing a Controlled Substance

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