



# JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 Fax: (304) 725-7916

Web: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

PRESIDENT  
*Pasha Majdi*

COMMISSIONER  
*Jack Hefestay*

COMMISSIONER  
*Cara Keys*

COMMISSIONER  
*Mike Mood*

COMMISSIONER  
*Steve Stolipher*

## AGENDA JEFFERSON COUNTY COMMISSION

THURSDAY, July 3, 2025

9:30 a.m.

County Commission Meeting Room  
located at the Old Charles Town Library  
200 E. Washington Street, Charles Town, WV

### **Zoom Broadcast (live):**

<https://us06web.zoom.us/j/85877630330?pwd=WizaQZsNqOf4oENzi9lfa2v6XJCNIX.1>

Meeting ID: 858 7763 0330

Passcode: 160572

Public comments will be accepted in person or via email- [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org)

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### **I. Call to Order**

### **II. Prayer** – Moment of silence

### **III. Pledge of Allegiance**

### **IV. Pledge of Allegiance to the West Virginia Flag**

*I pledge allegiance to the flag of West Virginia, which serves as a constant reminder that 'Mountaineers Are Always Free,' which stands as a symbol of her majestic mountains, fertile forests, rich veins of coal, and the pride of her people.*

### **V. Consent Agenda**

1. Approval of Minutes
  - a. June 18, 2025 Special Meeting Minutes DRAFT
  - b. June 24, 2025 Special Meeting Minutes DRAFT
2. Approval of Accounts Payable:
  - a. June 26, 2025
  - b. July 3, 2025
3. Approval of Manual Checks:
  - a. June 26, 2025
  - b. July 3, 2025

4. Approval of Payroll:
  - a. June 19, 2025
5. Approval of Requisitions
  - a. July 3, 2025

## **VI. Announcements**

*Please note:*

- Draft minutes are included in the meeting packet. Draft meeting minutes are often also available separately online. See both here:  
<https://www.jeffersoncountywv.org/find-it-fast/agendas-minutes-and-webcasts>
- Jefferson County Commission spending syncs with West Virginia Checkbook (<https://www.wvcheckbook.gov/>) daily. A complete list of publicly available information, and tutorials on using the site, are available online.

Report if there are changes in the agenda if applicable.

## **VII. Public Comment**

To participate in public comment in person, please sign the public comment sign-in sheet located on the table in the back of the room. Please feel free to submit comments via email to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org). Your name and any written comments submitted for the record will be included in the minutes.

## **VIII. Regular Agenda- It is expected that all items will include discussion and possible action**

### **New Business**

1. 9:40 am Angela Banks, Assessor of Jefferson County  
1.1 Approval of hire— Clerk-- Assessor's office
2. 9:45 am Years of Service Awards
3. 9:50 am Public Hearing: Zoning Map Amendment (rezoning) for the Ghazwa's Forest property designated as Tax District: Charles Town (02), Map: 3, Parcel: 9.4.
4. 10:00 am Roger Goodwin -- Engineering, Planning, and Zoning Department  
4.1 Zoning Map Amendment (rezoning) for the Ghazwa's Forest property designated as Tax District: Charles Town (02), Map: 3, Parcel: 9.4.
5. 10:10 am Overview of Jefferson County Government and Judicial Center

## Purchase- Kanette Petry of Conrad and Luttrell

6. 10:40 am Jim Auxer, Gail Boober, Greg Kennedy, Patsy Noland  
6.1 Presentation on the needs to retrofit 330 N. George Street into the new Jefferson County Judicial Center
7. 11:30 am Charles Town Utility Board Presentation (Majdi)  
7.1 Case No. 25-0263-W-C, City of Charles Town v. West Virginia- American Water Company
- \*\* Lunch Break \*\***
8. 1:00 pm Nikki Painter, County Clerk's Office  
8.1 Petition to remove Executrix Carolyn Jean Carper from the estate of Carol V. Naylor  
8.2 Quarterly review of new estates, accountings, and waivers of final settlements
9. 1:05 pm Cara Keys, County Commissioner  
9.1 Letter of support for the Jacob Folk House's proposed designation on the National Register of Historic Places
10. 1:10 pm Rebecca Hall, Prosecuting Attorney's Office  
10.1 Victims of Crime Act (VOCA) grant application approval and signature
11. 1:20 pm Tom Hansen, Jefferson County Sheriff and Treasurer  
11.1 Approval of hire— Tax Deputy – Jefferson County Sheriff's Office  
11.2 Approval of hire—Animal Control Officer—Jefferson County Sheriff's Office  
11.3 Auction approval
12. 1:30 pm Jennifer Myers, director of Jefferson County Parks and Recreation Commission  
12.1 Overview and update on parks, programs, and fireworks event
13. 1:40 pm Consider the appointments, membership, and make up of the following boards:  
13.1 Jefferson County Board of Health  
13.2 Jefferson County Parks and Recreation Commission  
13.3 Jefferson County Development Authority
14. 2:10 pm Jack Hefestay, County Commissioner  
14.1 Revise Water Advisory Committee Bylaws
15. 2:20 pm Mike Sine, director of Jefferson County Emergency Services Agency  
15.1 Middleway Volunteer Fire Company Ambulance space lease

- 15.2 Ambulance Fee update and FY26 billing
16. 2:40 pm Jessica James, Chief Human Resources Officer
- 16.1 Approval of Promotion – Lead Permit Technician – Department of Engineering, Planning, and Zoning
- 16.2 Approval of Hire – Office Assistant – Department of Fleet and Facilities Management
- 16.3 Approval of Promotion – Firefighter/Advanced EMT II – Emergency Services Agency
- 16.4 Approval of COLA/Merit Increases for the Jefferson County Clerk’s Office
17. 3:00 pm David Bound, Chief Financial Officer
- 17.1 External budget transfer approval- merit and cost-of-living adjustment (COLA)
18. 3:05 pm Nathan Cochran, Assistant Prosecuting Attorney
18. 1 Discussion and advice from counsel and possible action on courthouse annex.
19. 3:20 pm Edwina Benites, county administrator
- 19.1 Certificate of Insurance
- 19.2 Next Steps on the building-build out
- 19.3 Community Discussion on Washington Street Properties update
- 19.4 Federal Appropriations update
- 19.5 Pay to two decimals instead of four
- 19.6 Day Report INC.
- 19.7 Review of Priorities – Quarter 3 and 4
- 19.8 Consider matters involving or affecting the construction, planning, purchase, sale, or lease of property for county office space and/or courthouse space.

## CORRESPONDENCE AND INFORMATION

Letter from WV Department of Arts, Culture and History re: Jacob Folk House  
 Rebecca Phipps – email  
 Brant Lowe – email  
 David Tabb – correspondence  
 Harpers Ferry/Bolivar PSD – meeting minutes  
 Richard Zigler – emails  
 Mark Werner - emails

# Minutes

## SPECIAL SESSION

### Jefferson County Commission

Wednesday, June 18, 2025

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A Special Session of the Jefferson County Commission was held on Wednesday, June 18, 2025, during the second quarterly session at 2:30 p.m. The meeting was held via Zoom. Present were President Pasha Majdi, Vice President Mike Mood, Commissioner Steve Stolipher, Commissioner Cara Keys, and Commissioner Jack Hefestay. Also present on Zoom were Edwina Benites-LM, County Administrator. The archived meeting of the Wednesday, June 18, 2025, meeting is available on the Jefferson County Commission website.

#### Call to Order

#### APPROVAL OF MINUTES

Commissioner Madji motioned to approve the meeting minutes for:

June 5, 2025 Regular Meeting Minutes DRAFT

The motion was approved without objection.

#### APPROVAL OF ACCOUNTS PAYABLE

CHECK NUMBER	VENDOR NAME	UNCLEARED
92583	AT&T	137.19
92584	BOUND TREE MEDICAL LLC	5,308.21
92585	CHARLIE SCHNEIDER	320.00
92586	DAVID BOUND	1,804.63
92587	FIRST CITIZENS BANK & TRUST CO	2,230.47
92588	FRONTIER	10,800.54
92589	GEORGE WILSON	1,303.14
92590	GUTTMAN OIL CO	4,902.24
92591	JASON MICKEY	726.00
92592	JOSEPH FORMAN	5,250.00
92593	LANGUAGE LINE SERVICES	226.21
92594	LORI BROWN	1,983.98
92595	MCA, INC	3,964.68

92596		MCKESSON MEDICAL-SURGICAL GOVERNMENT SOLUTIONS LLC	1,244.09
92597		EMS TECHNOLOGY SOLUTIONS, LLC	2,262.00
92598		PEDIATRIC EMERGENCY STANDARDS INC	14,313.03
92599		RCN COMMUNICATIONS LLC	2,194.06
92600		RICE TIRES CO	2,926.13
92601		SANDRA KELLEY	69.00
92602		SCOTT BILLER	1,218.06
92603		SOFTWARE SYSTEMS INC	72.70
92604		TEK ADVISORS LLC	9,041.60
92605		THOMAS HANSEN	67.00
92606		WV REGIONAL JAIL & CORRECTION FACILITY AUTH	66,116.35
92607	FG/009	SHERIFF OF JEFFERSON COUNTY	4,191.72
<b>TOTAL</b>			<b>142,673.03</b>

Commissioner Majdi motioned to approve the accounts payable for June 12, 2025, in the amount of \$ 142,673.03. The motion was approved without objection.

CHECK NUMBER		VENDOR NAME	UNCLEARED
92609		ALICE N PAINTER	1,811.37
92610		AT&T	1,427.13
92611		BJ'S EMBROIDERY CO INC	14,928.30
92612		BOLAND TRANE SERVICES INC	2,123.00
92613		BOUND TREE MEDICAL LLC	35,533.30
92614		BUREAU OF CHILD SUPPORT	1,068.93
92615		COMPILED TECHNOLOGIES LLC	3,600.00
92616		COMPTROLLER OF MARYLAND	1,240.51
92617		DEVON THOMPSON	75.60
92618		DIGITAL DOCUMENT SOLUTIONS INC	976.35
92619		DOING BETTER BUSINES	200.21
92620		EFTPS IRS TAXES	163,227.56
92621		EMPOWER RETIREMENT	10,642.29
92622		ENTERPRISE FM TRUST	74,107.35
92623		FIDELITY POWER SYSTEMS	1,814.76
92624		FISHER AUTO PARTS	33.38
92625		FRONTIER	3,227.12
92626		J.C. EHRLICH	937.09
92627		JEFFERSON SECURITY BANK	3,953.00
92628		THE LAW OFFICE OF GREGORY E KENNEDY PLLC	26,707.50
92629		MARKL SUPPLY COMPANY	5,849.38
92630		MARY ESPINOSA	1,629.03
92631		MCA, INC	1,485.21

92632		MCKESSON MEDICAL-SURGICAL GOVERNMENT SOLUTIONS LLC	29,384.54
92633		MILLENIUIM INSURANCE GROUP	900.00
92634		NATIONWIDE RETIREMENT SOLUTIONS	1,065.00
92635		EMS TECHNOLOGY SOLUTIONS, LLC	1,302.00
92636		PA DEPT OF REVENUE	83.59
92637		PA SCDU	320.00
92638		RICE TIRES CO	543.56
92639		ROBERTS OXYGEN COMPANY, INC	1,960.06
92640		SIERRA COLLINS	2,950.00
92641		SOFTWARE SYSTEMS INC	1,424.25
92642		SPIRIT OF JEFFERSON	362.92
92643		STATE TAX DEPARTMENT	250.00
92644		STRYKER MEDICAL	837.55
92645		TYLER TECHNOLOGIES	9,178.32
92646		US BANK	75,634.63
92647		VA DEPT OF TAXATION	6,701.61
92648		WV DEPUTY SHERIFF RETIREMENT SYSTEM	28,360.69
92649		WV EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM	80,505.08
92650		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	47,119.47
92651		WV STATE TAX DEPARTMENT	44,489.99
92652		WV STATE TAX DEPARTMENT	12,068.32
92653		WV UNITED HEALTH SYSTEM	397.39
92654	GS/004	GENERAL COUNTY FUND- J FEE	22,523.08
92655	FG/009	BERKELEY CO SHERIFF OFFICE	2,203.78
92656	FG/009	CORPORATION OF SHEPHERDSTOWN	835.11
92657	FG/009	MARTINSBURG POLICE DEPARTMENT	597.82
92658	FG/009	RANSON POLICE DEPT	2,099.10
92659	FG/009	SHERIFF OF GRANT COUNTY	819.53
92660	AM/053	SHERIFF OF JEFFERSON COUNTY	2,137.93
<b>TOTAL</b>			<b>733,653.69</b>

Commissioner Majdi motioned to approve the accounts payable for June 18, 2025, in the amount of \$ 733,653.69. The motion was approved without objection.

**APPROVAL OF MANUAL CHECKS**

		June 12, 2025		
		OTHER FUNDS		
Check #	Fund	Vendor		Amount
966	HD/008	ALLIED UNIVERSAL ELECTRONIC MONITORING US		\$ 3,846.40

7	AI/249	TISCHLERBISE INC	\$	2,400.00
1522	IP/249	SHERIFF OF JEFFERSON COUNTY	\$	249.00
1523	IP/249	SHERIFF OF JEFFERSON COUNTY	\$	34,185.13
1524	IP/249	SHERIFF OF JEFFERSON COUNTY	\$	282,689.48
1525	IP/249	SHERIFF OF JEFFERSON COUNTY	\$	29,743.56
1526	IP/249	SHERIFF OF JEFFERSON COUNTY	\$	14,249.86
<b>TOTAL</b>			<b>\$</b>	<b>367,363.43</b>

Commissioner Majdi motioned to approve the manual checks for June 12, 2025 in the amount of \$ 367,363.43. The motion was approved without objection.

June 18, 2025				
OTHER FUNDS				
Check #	Fund	Vendor		Amount
967	HD/008	US BANK		\$91.42
1245	AV/056	GLOBAL SCIENCE & TECHNOLOGY INC		\$960.00
1246	AV/056	SEGRA		\$1,892.01
1247	AV/056	SHERIFF OF JEFFERSON COUNTY		\$690,801.56
1248	AV/056	US BANK		\$1,959.02
387	FP/057	JEFFERSON COUNTY FARMLAND PROTECTION BOARD		\$190,839.91
12	TC/077	UNITED WAY-EASTERN PANHANDLE INC (TEEN COURT)		\$60.00
407	AR/207	AVIAT U.S., INC		\$83,021.00
408	AR/207	SHERIFF OF JEFFERSON COUNTY		\$2,819.43
1930	CO/246	FOX & ASSOCIATES INC		\$5,520.00
1931	CO/246	R.E. MICHEL CO LLC		\$1,650.87
1932	CO/246	US BANK		\$3,892.08
1019	CW/059	LARRY E PALLET		\$50.00
<b>TOTAL</b>				<b>\$983,557.30</b>

Commissioner Majdi motioned to approve the manual checks for June 18, 2025 in the amount of \$ 983,557.30. The motion was approved without objection.

**APPROVAL OF PAYROLL**

Commissioner Majdi motioned to approve payroll for June 6, 2025 in the amount of \$ 470,465.66. The motion was approved without objection.

## **PRESENTATIONS**

1. Approval of internal budget transfers

Commissioner Stolipher motioned to approve the internal budget transfers as presented. The motion was seconded by Commissioner Mood, and approved unanimously.

2. Approval of bond pricing

Commissioner Stolipher motioned to approve the bond pricing as presented, true interest cost of 4.646% with an average annual department service \$1,253,600. The motion was seconded by Commissioner Mood. After a roll call vote, the motion was approved 5-0.

## **Adjourn**

Having no further business, Commissioner Majdi motioned to adjourn the meeting. The motion was seconded and unanimously approved. The Commission adjourned at 2:50 p.m.

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Pasha Majdi, PRESIDENT

Respectfully submitted  
Jacqueline C. Shadle  
Jefferson County Clerk

## Minutes

### SPECIAL SESSION

#### Jefferson County Commission

**Tuesday, June 24, 2025**

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A Special Session of the Jefferson County Commission was held on Tuesday, June 24, 2025, during the second quarterly session at 9:30 a.m. The meeting was held via Zoom. Present were President Pasha Majdi, Vice President Mike Mood, Commissioner Steve Stolipher, Commissioner Cara Keys, and Commissioner Jack Hefestay. Also present on Zoom were Edwina Benites-LM, County Administrator. The archived meeting of the Tuesday, June 24, 2025, meeting is available on the Jefferson County Commission website.

#### Call to Order

#### PRESENTATIONS

1. Approval of actions regarding the purchase, closing transition of use, and related matters for 393 N. Lawrence and 330 N. George Streets including but not limited to the issuance of payments for closing as well as approval of closing documents.

Commissioner Stolipher motioned to approve funds in the amount of \$7,533,903.92 to be used for the down payment and closing costs for 330 N George Street and 393 Lawrence Street as presented. The motion was seconded by Commissioner Keys, and approved by a vote of 5-0.

#### **Adjourn**

Having no further business, Commissioner Majdi motioned to adjourn the meeting. The motion was seconded and unanimously approved. The Commission adjourned at 9:35a.m.

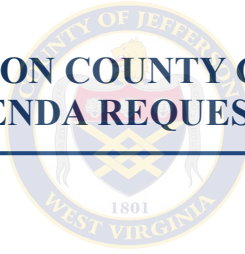
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Pasha Majdi, PRESIDENT

Respectfully submitted  
Jacqueline C. Shadle

DRAFT

**JEFFERSON COUNTY COMMISSION  
AGENDA REQUEST FORM**



Name:

Department or Organization:

Commission Meeting Date:

Special Meeting Date (if necessary):

Subject (wording to be placed on agenda):

Please provide a description of your request or presentation, including any background information:

Type of Request: (Funding/Hiring):

Funding/Salary/Hourly Amount:

Name of Hire (if Applicable):

Grade/Step/Hours (PT/FT):

Start Date (beginning of pay period):

Post Probationary Increase (If applicable):

Any Additional Conditions of Employment or Funding Comments:

Recommended Motion (type out wording of the motion you would like the Commission to approve):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed?      Projector      Internet/Wi Fi:      Conference/Video      No

Contact Information:

Phone Number:

Email Address:



# JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

**Phone:** (304) 728-3284 **Fax:** (304) 725-7916

**Web:** [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

PRESIDENT  
*Pasha Majdi*

COMMISSIONER  
*Jack Hefestay*

COMMISSIONER  
*Cara Keys*

COMMISSIONER  
*Steve Stolipher*

COMMISSIONER  
*Mike Mood*

To: Commissioner Pasha Majdi  
Commissioner Jack Hefestay  
Commissioner Cara Keys  
Commissioner Steve Stolipher  
Commissioner Mike Mood

From: David Bound

Date: July 3, 2025

Re: Fiscal Note: Assessor request for hire.

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The Jefferson County Assessor is requesting the hire of Ms. Hammock starting date of 7/7/25 at a Grade 2 wage of \$18.00 per hour and increasing to \$18.54 after a successful probationary period. The funds are available in the FY26 Assessor's department budget making the request budget neutral.

FY26 Requested \$18/hr after probation to \$18.54/hr

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FY26 Budgeted \$22.04/hr

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Roger Goodwin

Department or Organization: Engineering, Planning, and Zoning Department

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice:

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*):

Public hearing and consideration of zoning map amendment (rezoning) for the Ghazwa's Forest property designated as Tax District: Charles Town (02), Map: 3, Parcel: 9.4.

**Please provide the County Commission with a description of your request or presentation, including any background information:**

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector  Internet/Wi Fi  Telephone for conference call

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



Jefferson County, West Virginia  
 Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
 116 E. Washington Street, 2<sup>nd</sup> Floor  
 Charles Town, West Virginia 25414

File #: 25-1-2  
 Fees Paid: \$ 3,900

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

Phone: (304) 728-3228

**Zoning Map Amendment (Rezoning)**

A Zoning Map Amendment shall process in accordance with Article 12 of the Zoning Ordinance.\*

*A complete petition, and related fees, shall be submitted to the Office of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. A copy of the application shall be submitted to the County Commission Office for inclusion on the County Commission Agenda at least one week prior to the County Commission meeting date.*

**Property Owner Information**

Owner Name: IG TOTONJI HOLDING, LLC  
 Business Name: \_\_\_\_\_  
 Mailing Address: 505 HUNTMAR PARK DR STE 245, HERNDON, VA 20170  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Contact Information**

Applicant Name: GOLDEN EAGLE GROUP, INC. Same as owner:   
 Business Name: \_\_\_\_\_  
 Mailing Address: 505 HUNTMAR PARK DR STE 245, HERNDON, VA 20170  
 Phone Number: (703) 787-0426 Email: iktotonji@goldeneaglegroup.net

**Consultant Information**

Consultant Name: BROOKE PERRY  
 Business Name: INTEGRITY FEDERAL SERVICES, INC.  
 Mailing Address: 148 S. QUEEN STREET, SUITE 201, MARTINSBURG, WV 25401  
 Phone Number: (304) 725-8456 Email: bperry@ifs-ae.com

**Physical Property Details**

Physical Address: FLOWING SPRINGS RD (Rt. 17) Vacant Lot:   
 Parcel ID: (Tax District / Map No. / Parcel No.) Charles Town District 2, Map 3, Parcel 9.4  
 Parcel Size: 31.48 acres Deed Book: 1192 Page No: 436

**Current Zoning District (please check one)**

- |   |   |
|---|---|
| <input type="checkbox"/> Residential Growth (RG)                          | <input type="checkbox"/> General Commercial (GC)                |
| <input type="checkbox"/> Industrial Commercial (I-C)                      | <input type="checkbox"/> Highway Commercial (HC)                |
| <input checked="" type="checkbox"/> Rural (R)*                            | <input type="checkbox"/> Light Industrial (LI)                  |
| <input type="checkbox"/> Residential-Light Industrial-Commercial (R-LI-C) | <input type="checkbox"/> Major Industrial (MI)                  |
| <input type="checkbox"/> Village (V)                                      | <input type="checkbox"/> Planned Neighborhood Development (PND) |
| <input type="checkbox"/> Neighborhood Commercial (NC)                     | <input type="checkbox"/> Office/Commercial Mixed-Use (OC)       |

**Proposed Zoning District:** Residential Growth (RG)

\*Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code.

**Substantiation for the Request**

For a Zoning Map Amendment (rezoning) request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

Describe your proposed use/project and describe why this Zoning Map Amendment is necessary for the proposed use (and/or project) described.

SEE ATTACHED

Describe how this Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.


SEE ATTACHED

Discuss any change(s) of transportation characteristics (i.e. type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original Ordinance was adopted.

SEE ATTACHED

A plat or sketch shall include the entire original parcel as it appeared on the date the Zoning Ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Department, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries shall be delineated.

The information given is correct to the best of my knowledge. **Property Owner Signature Required.**

IG Totonji, LLC  
  
Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_  
Irjan K Totonji  
Member

Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

# REQUEST FOR ZONING MAP AMMENDMENT

## GHAZWA'S FOREST

### RURAL DISTRICT (R) TO RESIDENTIAL GROWTH (RG) DISTRICT



Jefferson County, West Virginia  
Charles Town District (02)  
Tax Map 3, Parcel 9.4  
Deed Book 1192, Deed Page 436  
± 31.48 acres

May 6, 2025

Property Owner: IG Totonji Holding, LLC  
Developer: Golden Eagle Group, Inc.  
Consultant: Integrity Federal Services, Inc.  
Brooke Perry, Planning Manager  
bperry@ifs-ae.com

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## Table of Contents

Part I Introduction

Part II Executive Summary

Part III Substantiation for the Request

### SUPPLEMENTAL INFORMATION

Exhibit 1 – 1988 vs Present Day Aerial

Exhibit 2 – Existing Conditions

Exhibit 3 – Ghazwa's Forest Concept Plan, 2025

Exhibit 4 – Daniel's Forest Preliminary Plat, 2007 (*expired*)

Exhibit 5 – Existing vs Proposed Land Use & Zoning

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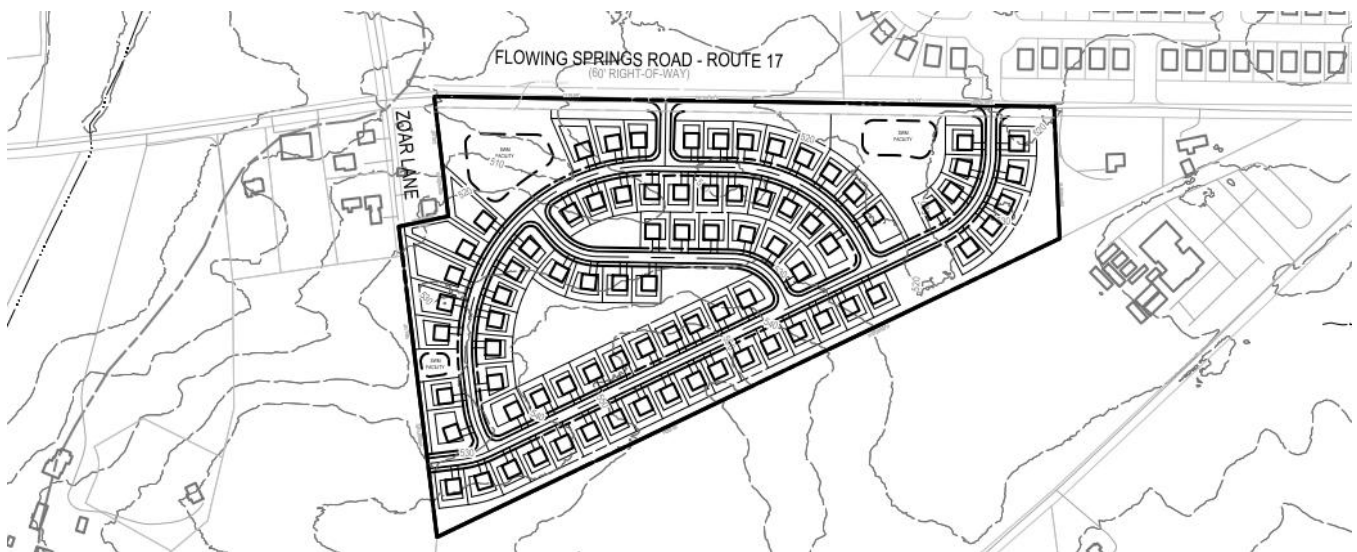
I. INTRODUCTION

This report has been prepared on behalf of Golden Eagle Group, Inc. for the formal request for a Zoning Map Amendment (rezoning) regarding the subject parcel owned by IG Totonji Holding, LLC and identified as District 2, Tax Map 3, Parcel 9.4. The subject parcel is located along Flowing Springs Road (Rt. 17) and contains approximately ± 31.48 acres. This property is known as Daniel's Forest Lot 1B. The future development of this parcel will here forth be referred to as Ghazwa's Forest.

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code.

The requested rezoning from Rural (R) to Residential Growth (RG) is based upon consistency with the newly adopted Jefferson County 2045 Comprehensive Plan (adopted February 25, 2025) and the property's location within the Shenandoah Junction Preferred Growth Area (PGA). Currently, the subject parcel is located in the Rural (R) zoning district. The Property Owner proposes to rezone the entire 31.48 ± acres to the Residential Growth (RG) zoning district to allow for the highest and best use of the parcel as transportation patterns have changed and the availability of public utilities has expanded. The applicant proposes single family residential use of the site utilizing existing public water and sewer infrastructure.

The following analysis follows the format of the Zoning Map Amendment Application, and the respective questions have been included for context. The following sections of this report are formatted as follows: (II) Executive Summary, and (III) Substantiation for the Request. Supplemental documentation, including but not limited to, an updated 2025 concept plan and the 2007 preliminary plat are also included to provide the Commission with full and complete information for their consideration.



II. EXECUTIVE SUMMARY

The parcel that is subject to this Zoning Map Amendment request is identified as District 2, Tax Map 3, Parcel 9.4. The subject parcel is located along Flowing Springs Road (Rt. 17) and contains approximately ± 31.48 acres. This property is historically known as Daniel's Forest Lot 1B. The proposed community on Daniel's Forest Lot 1B will here forth be known as Ghazwa's Forest. It is currently under the ownership of IG Totonji Holding, LLC and is proposed for a Zoning Map Amendment by Golden Eagle Group, Inc.

The property is currently zoned Rural (R), and the Applicant is seeking a map amendment to the Residential Growth (RG) District. This map change is consistent and compatible with the 2045 Comprehensive Plan due to its location within the Shenandoah Junction Preferred Growth Area (PGA), adjacency to the Residential Preferred Growth Area, and adjacency to property zoned Residential Growth. It is also positioned just outside the Ranson Urban Growth Boundary (UGB), which is designated as a Future Urban Area by the Future Land Use Map.

There have been significant changes in this area since the Jefferson County Zoning Ordinance was adopted in 1988, but this parcel has retained its original zoning designation from that date. The changes include the availability of public water and sanitary sewer service, and the development of the Route 17 (Flowing Springs Road) corridor, which includes the Shenandoah Junction Preferred Growth Area.

A previous Development Plan was approved for the development of Daniel's Forest (Lots 1B & 1A) in 2007. This plan has since expired due to unfavorable market conditions during the housing crash circ. 2008. The aforementioned Daniels Forest Preliminary Plat (Exhibit 4, attached) included the subject parcel of this rezoning (Lot 1B – 31.48 acres) as well as a larger parcel (Lot 1A – 70.47 acres) that is located on the opposing side of the Rt. 17 right of way. The community was identical in nature and density on the two separate parcels (1A & 1B). Future development plans for Ghazwa's Forest will be similar in nature to the 2007 plan and will provide single family detached lots in conformance with current Jefferson County regulations.

This application is consistent with the 2045 Comprehensive Plan given the parcel's location within a Preferred Growth Area (PGA). The parcel has been located within a PGA dating back to the initial adoption of PGAs by the County Commission in 2015.

The parcel is located in one of the nine (9) primary growth areas of Jefferson County (7 PGAs and 2 UGBs) - and is intended for Urban Scale Growth instead of Rural. The property is also located on a major collector road (Rt. 17). A Major Collector Road is one of the higher rated roads in the county, classified just under Principal and Minor Arterial Roadway classifications. The area is served by public water and wastewater treatment facilities.

i. PROPERTY INFORMATION

DISTRICT: 2  
MAP: 3  
PARCEL: 9.4  
DEED BOOK: 1192  
PAGE: 436  
SIZE: + 31.48 acres

ii. PROPOSED USE

Low-Medium intensity Residential Use  
  
Large lot residential uses including but not limited to Single Family Detached (SFD) and Duplex lots, served by existing public water and sewer infrastructure.

III. SUBSTANTIATION FOR THE REQUEST

- i. Describe your proposed use/project and describe why this Zoning Map Amendment is necessary for the proposed use (and/or project) described.

The requested rezoning from Rural (R) to Residential Growth (RG) is based upon consistency with the newly adopted Jefferson County 2045 Comprehensive Plan (adopted February 25, 2025) and the property's location within the Shenandoah Junction Preferred Growth Area (PGA). Currently, the subject parcel is located in the Rural (R) zoning district. The Property Owner proposes to rezone the entire 31.48 ± acres to the Residential Growth (RG) zoning district to allow for the highest and best use of the parcel as a single family detached residential community, as intended by the Future Land Use Guide. This request is based upon changes to transportation patterns and the expanded availability of public utilities.

The subject parcel has retained its original zoning district of Rural (R) since the 1988 Jefferson County Zoning Ordinance adoption. There have been significant changes to the area since that time. The changes include the availability of Public Water and Sewer infrastructure and the development of the Route 17 Corridor (Flowing Springs Road), as well as the adoption of Preferred Growth Areas (PGA) and Urban Growth Boundaries (UGB) by the County Commission. This includes the Shenandoah Junction Preferred Growth Area/School Based Growth Area that the parcel is located in.

The preferred method of residential development in the Rural (R) district is cluster development, which supports utilities provided by private well and septic systems. *"Rural properties outside the UGB, PGA, or GMB can subdivide as a cluster development following the 1 lot per 5 acres requirement and preserving 50% or more of the land as green space."* – pg. 18, 2045 Plan

*"As part of the County's long range planning, Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) were identified as sections of Jefferson County where urban scale development is appropriate."* – pg. 26, 2045 Plan

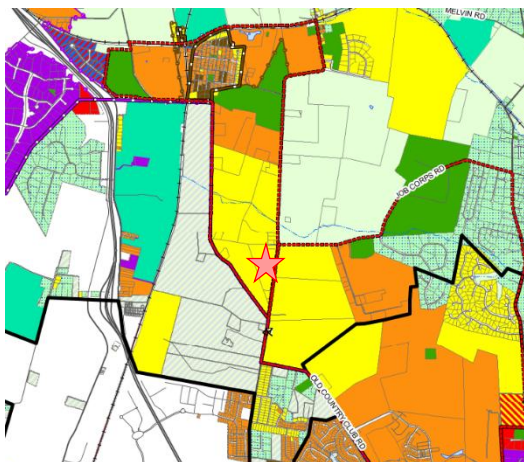
A rezoning of this property is required to achieve residential development as anticipated by the Comprehensive Plan and Future Land Use Guide, as this property is within a PGA. Rural (R) zoning and development standards are not appropriate for land within PGAs that anticipate urban scale development, as quoted above.

- ii. Describe how this Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.

There are four broad types of land use patterns for development which are identified and discussed in the 2045 Plan (pg. 11-16):

- Municipalities
- Villages
- Urban Growth Boundaries (UGBs)
- Preferred Growth Areas (PGAs)

The subject parcel is located along Flowing Springs Road (Rt. 17), within the Shenandoah Junction PGA, adjacent to the Residential PGA, and just outside the City of Ranson UGB. See Images below and reference documents at the end of this report. The property is identified by the red "star" on the images below.



Envision Jefferson 2035 Comprehensive Plan

Generally, the 2045 Plan expects that urban level residential and non-residential development will focus in the UGBs and PGAs over the 20-year planning period. However, the 2045 Plan also clearly discusses the retention of existing zoning map classifications and clearly states that no zoning map amendments (rezoning requests) or reductions in existing zoning rights were proposed by the County during the development of the 2045 Plan and the Future Land Use Guide. *“Both the Envision Jefferson 2035 Comprehensive Plan and the 2045 Comprehensive Plan do not initiate any zoning map amendments.” – pg. 10, 2045 Comprehensive Plan*

Thus, the parcel has retained its original zoning district of Rural (R) since the 1988 zoning ordinance adoption.



2045 Comprehensive Plan

The 2035 Envision Jefferson Comprehensive Plan included a Future Land Use Guide, which designated this area as “Low Density Residential”. See top left image.

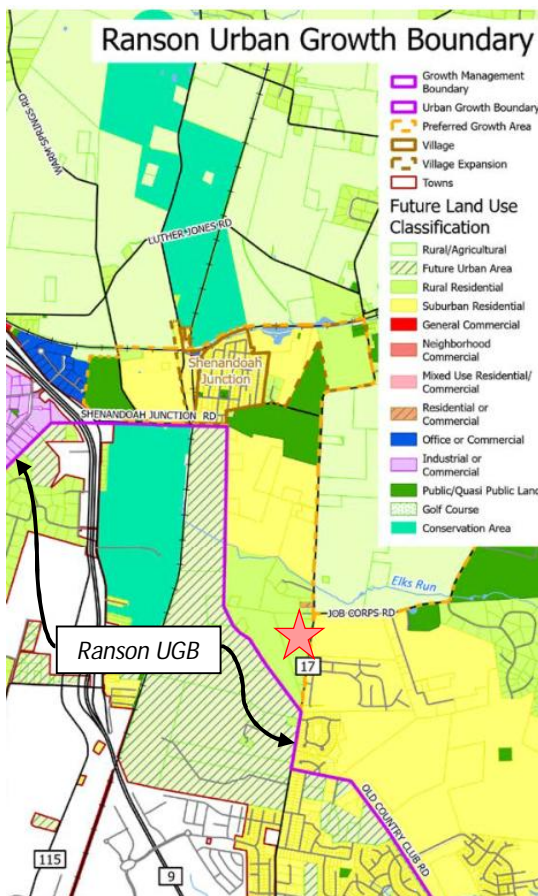
The 2045 Plan includes an updated Future Land Use Guide, which designates the parcel as “Rural Residential”. See bottom left image.

Both designations support the development of single family detached lots on the parcel, as proposed by the applicant. In both iterations of the Future land Use Guide, the subject parcel is located within the Shenandoah Junction Preferred Growth Area. Further discussion on the Future Land Use Guide and Classifications continue on pages 11 & 12 of this report.

Urban Growth Boundary - (Pages 12-13, 2045 Comprehensive Plan)

During the development of the 2008 Zoning Ordinance (which subsequently was not approved), the County and Cities worked jointly to develop a land use planning tool referred to as the County Townscape Boundaries which were reflected on the draft Zoning Map at that time. When the state law was amended in 2009 to allow the creation of Urban Growth Boundaries (UGBs), the City of Ranson formally requested that the County Commission approve this draft boundary as their Urban Growth Boundary and reflect it on the County Zoning Map.

At present, only three of the five municipalities in Jefferson County have planning boundaries that meet the UGB definition of §8-6-4a of the West Virginia Code.



According to §8-6-4a of the West Virginia Code, Urban Growth Boundaries (UGBs) are, *“an area around and outside the corporate limits of a municipality within which there is a sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area.”*

The subject parcel is located immediately East of the Ranson Urban Growth Boundary, separated from the UGB by a singular parcel owned by Fellowship Bible Church located along Daniel Road (Rt. 18), at the intersection with Flowing Springs Road (Rt. 17). The Ranson UGB extends West to Wiltshire Road (Rt. 8) and South to the railroad tracks, then crosses Rt. 9 and runs along US Rt. 340 until Country Club Road (Rt. 24), where it extends North to Daniel Road (Rt. 18).

Section 1 – Quality Land Use and Growth Management of the 2045 Plan states the following regarding the Ranson UGB:

*“In 2009, Ranson formally requested that the County Commission approve a prior Townscape Boundary as their Urban Growth Boundary. This boundary was approved in 2010 and is reflected on the County Zoning Map.”*

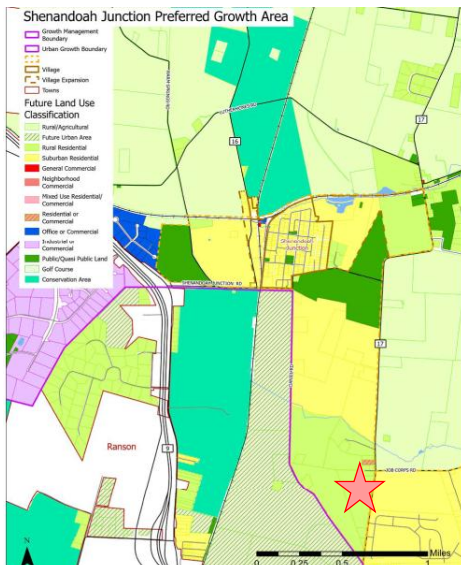
The Ranson Urban Growth Boundary Map is attached to this document for ease of reference. See image above for immediate reference of Ranson UGB in relation to the subject property.

Preferred Growth Areas - (Pages 14-16, 2045 Comprehensive Plan)

In addition to the defined UGBs, a series of additional Preferred Growth Areas (PGAs) were identified in the Envision Jefferson 2035 plan and have been incorporated into the 2045 Comprehensive Plan.

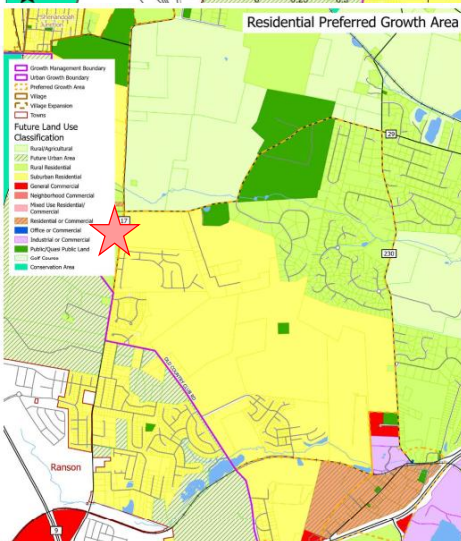
The 2045 Plan defines Preferred Growth Areas (PGAs) as, *“areas... outside the UGBs where water and sewer services are either currently available or could be made available, and are generally intended to develop using the County’s development standards. Individual PGAs may also have other community services and facilities that are currently available or could be made available in the next two decades. The PGAs are not intended to be promoted in favor of the UGB for the municipalities. Both areas are expected to be viable areas for development and no policy decision is being made to favor one area over another.”*

The subject parcel lies within the Shenandoah Junction PGA/School Based Growth Area and adjoins the Residential Growth PGA along Rt. 17. This has contributed to the broad availability of public utility infrastructure.



Section 1 – Quality Land Use and Growth Management of the 2045 Plan states the following regarding the Shenandoah Junction PGA/School Based Growth Area:

*“This area abuts the Ranson UGB and includes the village of Shenandoah Junction, TA Lowery Elementary School, Wildwood Middle School, Jefferson High School, and the existing Duffields train stop. This PGA allows the development of walkable neighborhoods around these schools. Planning growth around existing schools decreases bus and vehicular traffic and allows for connectivity including walking and biking trails.”*



Section 1 – Quality Land Use and Growth Management of the 2045 Plan states the following regarding the Residential PGA:

*“The Envision Jefferson 2035 Plan determined that some areas where a concentration of existing or approved residential development exist and are outside of the Urban Growth Boundary (UGB) should be identified as a Residential PGA. This includes properties currently zoned for Residential Growth (RG) or have a vested development right to develop. This core residential area is bounded by Old Country Club Road, Flowing Springs Road, Job Corps Road, and Shepherdstown Pike to the railroad tracks.”*

The subject parcel’s location within the Shenandoah Junction PGA and adjacency to the Residential PGA directly supports and encourages the residential development of this property.

The subject parcel adjoins the Residential PGA at the Flowing Springs Road (Rt. 17) right of way. A previous Development Plan was approved for the development of Daniel's Forest (Lots 1B & 1A) in 2007. This plan has since expired due to unfavorable market conditions during the housing crash circ. 2008. The Daniels Forest Preliminary Plat included the subject parcel of this rezoning (Lot 1B – 31.48 acres) as well as a larger parcel (Lot 1A – 70.47 acres) that is located on the opposing side of the Rt. 17 right of way. The larger Lot 1A parcel is located within the Residential PGA. The proposed community was identical in nature and density on the two separate parcels (1A & 1B). Please see Exhibit 4 for the expired Preliminary Plat. Future development plans for Daniel's Forest Lot 1B (now Ghazwa's Forest) will be similar in nature to the previous plan and will provide single family detached lots. Please see Exhibit 3 for the proposed Ghazwa's Forest Concept Plan.

Future Land Use Guide - (Pages 10-16, 2045 Comprehensive Plan)

The 2035 Comprehensive Plan

The *2035 Plan* was the first Jefferson County Comprehensive Plan to include a Future Land Use Guide, which is intended to be a tool to provide a visual definition of future growth and define areas where potential owner initiated zoning map amendments (rezoning requests) might occur within the timeframe of the Plan.

The 2035 Plan states that *"by creating a Future Land Use Map/Guide, a community provides clarification for property owners related to their potential development on their site. The review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan. All zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan."*

The 2045 Comprehensive Plan

The 2045 Comprehensive Plan has updated the Future Land Use Guide and included several changes to the Land Use Classifications.

The 2045 Plan states, *"The Land Use Classifications were restructured to align them with the zoning districts used in the county. The Future Land Use Guide does not contain any Land Use Classifications that align to the Residential-Light Industrial-Commercial zoning district and instead has proposed three new zoning districts to avoid using the Residential-Light Industrial-Commercial district. The preferred choices of zoning districts for Zoning Map amendments are the proposed districts in this Plan or the existing zoning districts with the exceptions of Residential-Light Industrial-Commercial, Major Industrial, and Planned Neighborhood Development."* – Pg 10, 2045 Plan

*"The land use classifications on the Future Land Use Guide were developed throughout the planning process and may not relate precisely to a single zoning classification. These land use classifications are intended to provide guidance to the County and Planning Commissions when considering owner initiated zoning map amendments (rezoning requests). According to West Virginia State Code Chapter 8A, as amended, the County Commission can approve any zoning ordinance map or text amendment by finding that the request is consistent with the Comprehensive Plan."* – Pg 16, 2045 Plan.

Relevant Land Use Guide Classifications from the 2045 Comprehensive Plan

The following land use classifications, utilized on the Existing Land Use Map and Future Land Use Guide of the 2045 Comprehensive Plan, are intended to provide guidance to the Planning and County Commission when considering owner-initiated zoning map amendments (rezoning requests).

***Rural Residential***

**Primary Uses:** The Rural Residential classification is for larger lot residential developments and can include single family residences, duplexes, accessory dwelling units, and residences east of the Shenandoah River.

**Intensity:** Residences may be served by on-site well and septic systems or public water and/or sewer system.

**Mobility:** Agricultural equipment and auto orientated access are prioritized with pedestrian mobility provided within residential subdivisions.

***Suburban Residential***

**Primary Uses:** The Suburban Residential classification identifies higher intensity residential developments. This can include single family residences on small lots, townhomes, apartment complexes, and assisted living communities.

**Intensity:** Residences are served by public water and sewer system.

**Mobility:** Pedestrian, bicycle, and auto orientated access are prioritized along with interconnectivity to adjacent neighborhoods and commercial developments.

The subject parcel is identified as Rural Residential on the 2045 Future Land Use Map. This supports the proposed use of low-medium intensity large lot residences including but not limited to Single Family Detached (SFD) and Duplex lots, served by existing public water and sewer infrastructure. Higher intensity residential uses such as townhomes, apartments, and small lot single family residences, as aligned with the Suburban Residential classification, are not proposed in the Ghazwa's Forest community.

The following two (2) pages describe how the requested map amendment supports the specific goals and objectives of the comprehensive plan, furthering the applications consistency with the 2045 Plan.

# Goal 1

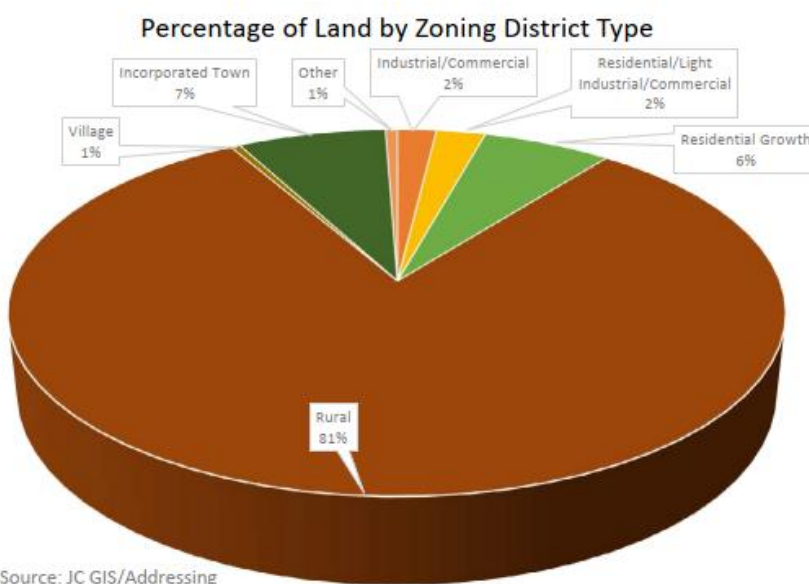
Ensure that future land use regulations and policies support and balance the land rights of all land owners of all property types.

*"To ensure that any growth that occurs in Jefferson County is positive, the County must support land use regulations and policies that manage the types and locations of that growth. However, this should not infringe on the right of property owners to use and develop their land. Jefferson County must work to find a balance between these factors that encourages quality land use where it is needed most." – Pg. 18, GOAL 1*

Development in Jefferson County must follow the existing land use regulations. These regulations explain standards for acceptable types of development for land within the County based on many factors including location, size, and available utility and transportation infrastructure. By planning and coordinating with partner agencies (Water, sewer, gas, communication providers, etc.), regarding where services are to be located, the efficiency of infrastructure systems and growth can be raised.

*"There are still gaps in the existing zoning districts, which is why this Plan recommends the adoption of additional residential zoning districts. It is important for Jefferson County to take a proactive role in defining where development will occur and what that development will look like." – pg. 19, 2045 Plan.*

Despite the growth that has taken place in recent years, 81% of the County's land is located within the rural zoning district. This disproportion can partly be attributed to a lack of residential zoning options as discussed above.



### Objective 1.1

Establish a simplified variety of commercial, residential, and mixed-use zoning categories and Land Use Classification appropriate to the County's needs.

The proposed rezoning aligns with GOAL 1 to focus residential growth within a Preferred Growth Area served by public utility infrastructure, utilizing existing preferred zoning districts discussed on pg. 11 of this report.

By focusing residential growth in the defined PGAs and UGBs a reduction in urban sprawl and increased ability to conserve farmland is achieved.

# Goal 2

Concentrate high density development in the County's Preferred Growth Areas (PGA), Villages, and municipal Growth Boundaries (UGB&GMB) where infrastructure exists or is made available.

As part of the County's long range planning, Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) were identified as sections of Jefferson County where urban scale development is appropriate.

By concentrating development into these areas, a more efficient delivery of services and use of infrastructure can be provided.

Urban level development (which requires the provision of water and sewer systems), is defined by the 2045 Plan as, *"where more intense levels of residential, commercial, and industrial development activity occur."*

## Objective 2.4

Reevaluate the Preferred Growth Areas to reflect infrastructure expansions and land use changes.

1. Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, PGAs, or Villages where water and sewer services are available. P&Z • PC | Ongoing
2. Support the annexations of parcels located in UGBs and the GMB, focusing on parcels that are primarily surrounded by parcels already incorporated into the municipality. CC | Ongoing
3. Direct new development to be contained in municipalities, UGBs, PGAs, Villages, and areas zoned for Residential Growth (RG), where public water and sewer will be available. P&Z • PC | Ongoing

Coordination of future growth areas with water and sewer expansions allows local residential and business development to be located in areas where water and sewer services, as well as other infrastructure and services are readily available. Local utility and service providers will have a reasonable expectation of where growth will occur and what the potential maintenance and operating costs of expanding services would be.

In West Virginia, by law, water and sewer providers are required to provide water and/or sewer service anywhere in a community so long as a developer pays to provide the initial infrastructure that would support the service. As a result, land use planning in West Virginia has to take a pro-active role in defining where urban level amenities and development will occur.

By focusing growth in the defined PGAs and UGBs, as promoted by Goal 2 of the Comprehensive Plan, a reduction in urban sprawl is achieved. Coordinating utility expansions in these areas provides adequate and quality infrastructure in Jefferson County which is beneficial to residents, businesses, and the County's economy.

The proposed rezoning to Residential Growth (RG) aligns with GOAL 2 to concentrate growth within a Preferred Growth Area, where existing utility and transportation infrastructure exists to support the proposed development. Water will be provided by West Virginia American Water (WVAW), and sewer will be provided by Charlestown Utility Board (CTUB). Both are located along the Flowing Springs Road (Rt. 17) right of way.

- iii. Discuss any change(s) of transportation characteristics (i.e. type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original Ordinance was adopted.

The Original Zoning Ordinance was adopted on July 7, 1988. Changes in the immediate area of the subject properties include the following:

1. Urban Growth Boundaries were proposed for Charles Town and Ranson in 2009 and subsequently adopted by the Jefferson County Commission. As such, the Utility Providers have concentrated their expansion efforts in these areas.
2. New growth has been focused in the PGAs and UGBs due to the availability of public utilities. This has led to a considerable change of neighborhood since the adoption of the 1988 zoning ordinance. Several residential developments have been built in this area including three (3) recent subdivisions across Flowing Springs Road.
3. The entire commercial development of Potomac Town Center/ Potomac Marketplace to the southwest of this property was developed after 1988. Most of this land was annexed into the City of Ranson prior to development. This includes both the commercial and residential developments across Rt. 9, which were all annexed and developed after the adoption of the 1988 Zoning Ordinance.
4. At least three new schools have been built in the area. These include Wildwood Middle School and Driswood Elementary School, both built in the 21st century based on the growth in the area that came after the Zoning Ordinance was adopted. The new Ranson Elementary School opened for enrollment in January 2025, responding to further growth within the city limits. The Ranson Elementary School site is proposed to be expanded to a full K-12 campus.
5. The four-lane US Route 340 improvements and road widening are being completed to Virginia, which increases demand for residential development by providing an additional direct commuter link to Rt. 7 and Northern Virginia.
6. The COVID 19 Pandemic led to changes in transportation patterns in the area due to a greater ability to work from home in lieu of the commute to the DC Metro Area and its surrounding counties. This affected many of Jefferson County's commuters, which total 45% of the employed population according to 2020 census data. The data states that 36% of Jefferson County residents commute to the DC Metro Area. COVID created a never before seen opportunity for remote work in the federal and corporate sectors, that has created an increased demand for residential growth outside the metro area.
7. The Capacity of Wastewater Treatment facilities and Water Services has been greatly expanded, in anticipation of the development in the Ranson UGB, and the Shenandoah Junction and Residential PGAs based on the current and previous Comprehensive Plans.

8. Jefferson Utilities (JU) was acquired by West Virginian American Water (WVAW) in 2023 and is proactively expanding their service area in the County.
9. WVU Hospital purchased Jefferson Medical Center in Ranson and has since expanded its capabilities, as well as purchased sixty-four (64) acres along Route 340 and Route 9 for a potential expansion.
10. Valley health opened a new Urgent Care facility in Ranson at Potomac Town Center.
11. Since the Zoning Ordinance was adopted Route 9 was expanded to a 4-lane divided highway, providing a high-capacity road corridor between Jefferson County and Interstate 81. This expansion allowed easier access to Martinsburg and Hagerstown to this area. This property has exceptional access to Primary Arterial Roadways north to I-81, south to Rt. 7 and east both via Route 340 and 'New' Route 9 over the mountain. The property is supported by an excellent vehicular transportation network.
12. The new Route 9 was added to provide a new four lane access east over the Shenandoah Mountains.

These changes and improvements to the transportation system and neighborhood have taken place since 1988, when the Zoning Ordinance was adopted. Since the Comprehensive Plan was adopted in 2025, most of these road improvements have already been taken into consideration in the *2045 Comprehensive Plan*.

These changes strongly support the rezoning of the subject property.

### Conclusion

Consistency and compatibility with the 2045 Comprehensive Plan and the Future Land Use Guide are the two most important criteria to be considered for a Zoning Map Amendment. The 2045 Plan encourages growth and development in the Preferred Growth Areas (PGAs), Urban Growth Boundaries (UGBs), and areas where infrastructure and public facilities exist or is made available.

In this case, the property has access to both public water and wastewater treatment facilities that were expanded into the area of the subject parcel due in part to the Comprehensive Plan's designation for urban level development. These qualities make the property an ideal candidate for a zoning map amendment from the Rural (R) district to the Residential Growth (RG) district.

Golden Eagle Group, Inc.'s application for a zoning map amendment to the RG District meets all standards required for approval. The property is suitable for residential use, is supported by existing infrastructure, and does not negatively impact low-income communities. The proposed map amendment is overwhelmingly consistent and compatible with the *2045 Comprehensive Plan*.

Taking these factors into account, Golden Eagle Group, Inc. respectfully requests the zoning map amendment be approved by Jefferson County.

iv. The following must be attached to this application:

*"A plat or sketch shall include the entire original parcel as it appeared on the date this Ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Department, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries shall be delineated."*

The required sketch is attached for reference: *Daniel's Forest Concept Plan, 2025*

Please see the comprehensive list of attachments below.

#### SUPPLEMENTAL INFORMATION

Exhibit 1 – 1988 vs Present Day Aerial

Exhibit 2 – Existing Conditions

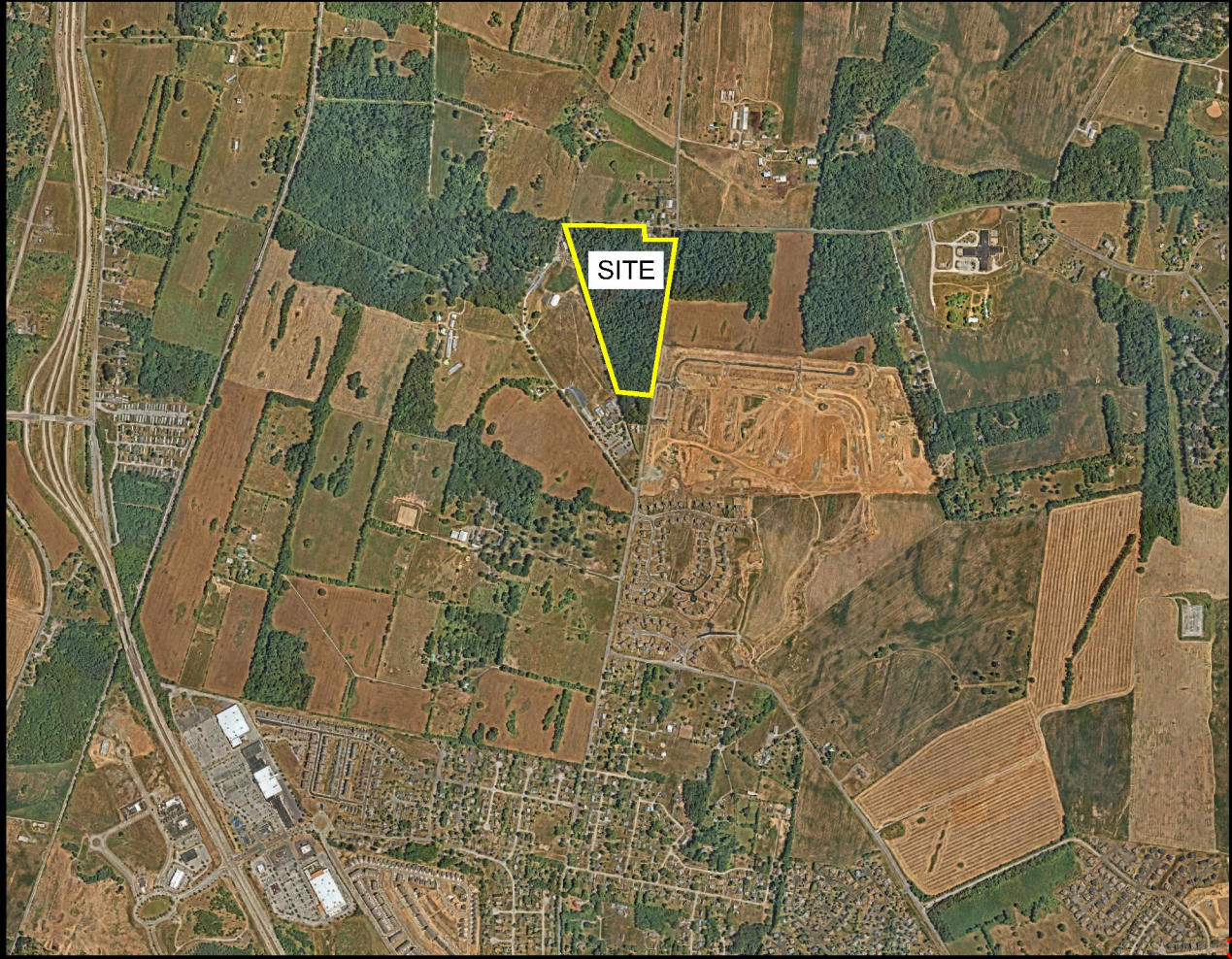
Exhibit 3 – Ghazwa's Forest Concept Plan, 2025

Exhibit 4 – Daniel's Forest Preliminary Plat, 2007 (*expired*)

#### REFERENCES

- 2045 Comprehensive Plan, Appendix - 2023 Zoning Map
- 2035 Comprehensive Plan, Future Land Use Guide (Map)
- 2045 Comprehensive Plan, Appendix - Future Land Use Guide (Map)
- 2045 Comprehensive Plan, Appendix - City of Ranson UGB
- 2045 Comprehensive Plan, Appendix - Shenandoah Junction PGA
- 2045 Comprehensive Plan, Appendix - Residential PGA
- 2045 Comprehensive Plan, Appendix – Water and Sewer Service Areas

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# 1988 vs. PRESENT DAY AERIAL EXHIBIT 1

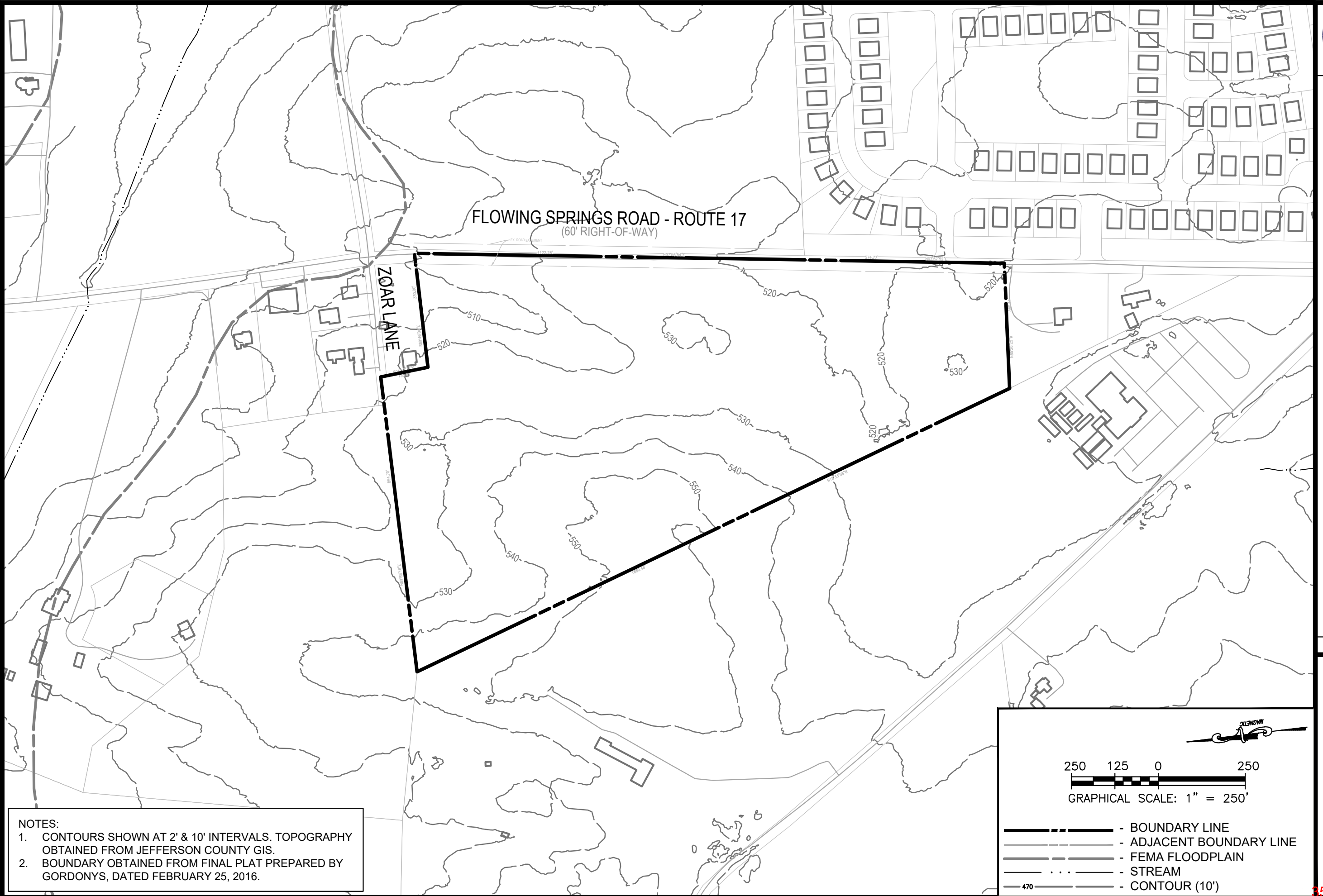
5-6-2025

ZONING MAP AMENDMENT  
JEFFERSON COUNTY, WV

# EXISTING CONDITIONS EXHIBIT 2

5-6-2025






## ZONING MAP AMENDMENT JEFFERSON COUNTY, WV

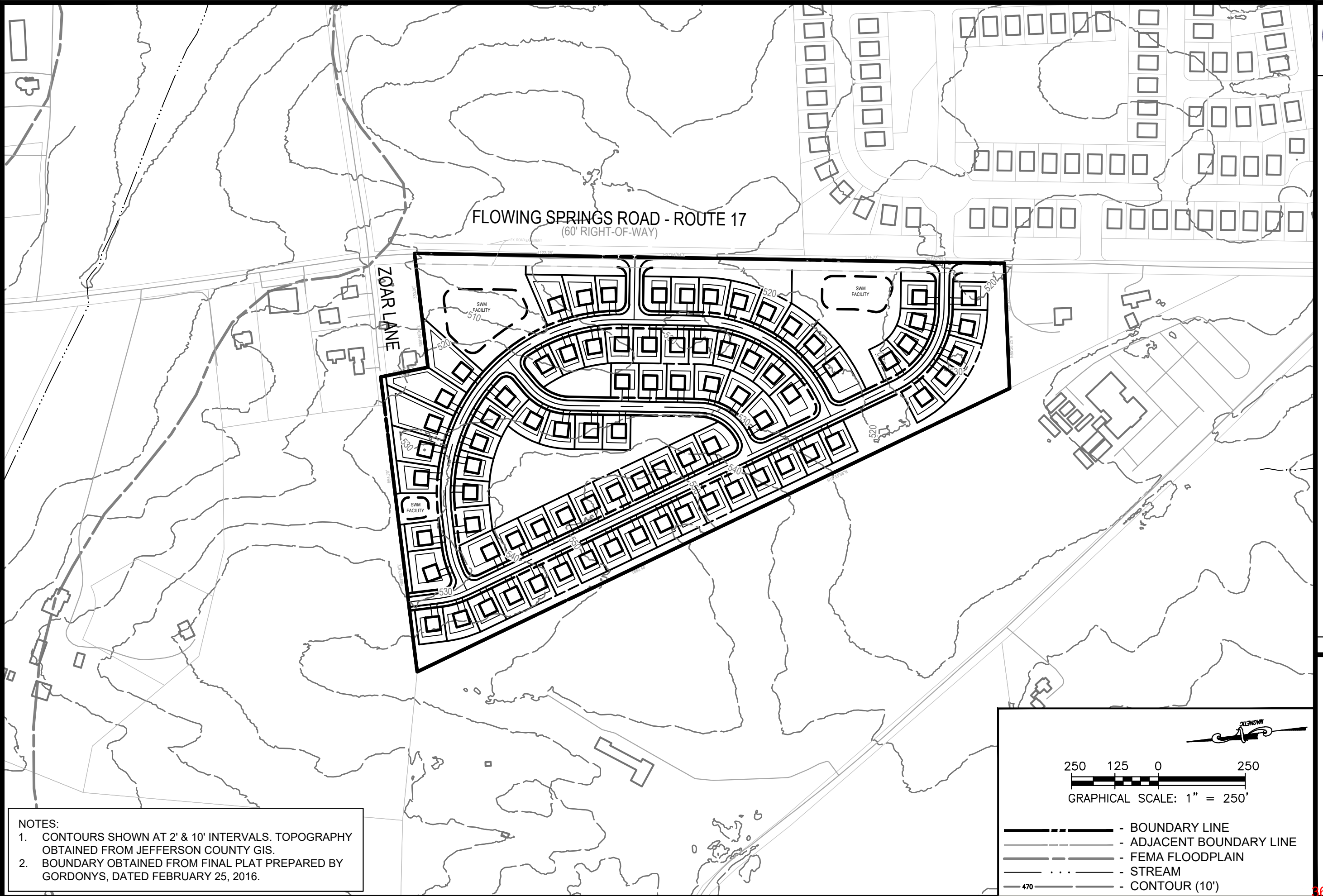


**NOTES:**

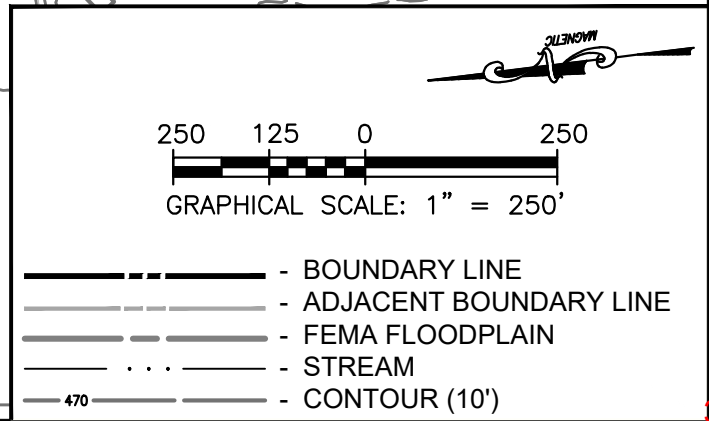
1. CONTOURS SHOWN AT 2' & 10' INTERVALS. TOPOGRAPHY OBTAINED FROM JEFFERSON COUNTY GIS.
2. BOUNDARY OBTAINED FROM FINAL PLAT PREPARED BY GORDONYS, DATED FEBRUARY 25, 2016.

250 125 0 250  
 GRAPHICAL SCALE: 1" = 250'

 - BOUNDARY LINE  
 - ADJACENT BOUNDARY LINE  
 - FEMA FLOODPLAIN  
 - STREAM  
 - CONTOUR (10')



NOTES:  
1. CONTOURS SHOWN AT 2' & 10' INTERVALS. TOPOGRAPHY OBTAINED FROM JEFFERSON COUNTY GIS.  
2. BOUNDARY OBTAINED FROM FINAL PLAT PREPARED BY GORDONYS, DATED FEBRUARY 25, 2016.



**EXHIBIT 4**  
**ZONING MAP AMENDMENT**

**PRELIMINARY PLAT**  
**FOR**  
**DANIELS FOREST**

**LOTS 1 - 192**  
**LOT 1 OF MARVIN E. RODERICK SUBDIVISION**

**APRIL, 2007**  
**PREPARED FOR:**

**DANIELS FOREST, LLLP**  
125 SOUTH CARROLL STREET, SUITE 150  
FREDERICK, MARYLAND 21701  
301-696-0900

**PREPARED BY:**

**HARRIS, SMARIGA & ASSOCIATES, INC.**  
ENGINEERS/PLANNERS/SURVEYORS  
125 SOUTH CARROLL STREET  
FREDERICK, MD 21701  
(301)662-4488

**LEGEND**

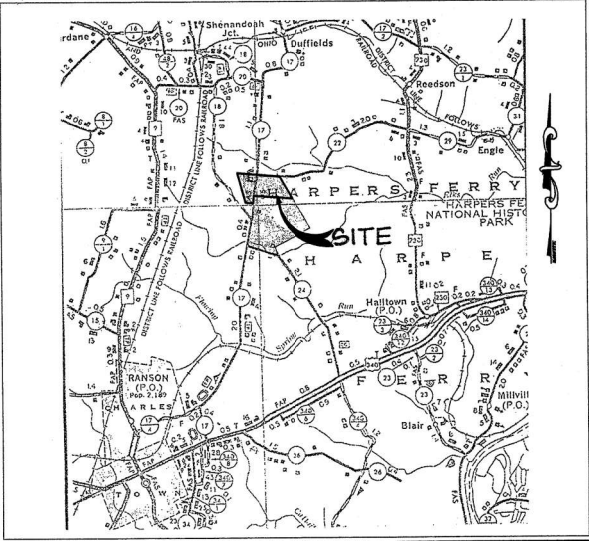
	EXISTING	PROPOSED
INTERIOR LOT LINE	---	---
R/W-PROPERTY LINE	---	---
CENTERLINE	---	---
EASEMENTS	---	---
CURBING, CURB & GUTTER	---	---
BUILDINGS	---	---
SPOT ELEVATIONS	---	---
BENCH MARK	---	---
CONTOURS	---	---
STORM DRAIN	---	---
SANITARY SEWER	---	---
WATER LINES	---	---
U/G GAS,ELEC.OR TELEPHONE	---	---
OVERHEAD ELEC. LINES	---	---
DRAINAGE FLOW & DIRECTION	---	---
MANHOLE	---	---
INLETS	---	---
PLUG OR CAP	---	---
WATER VALVE	---	---
FIRE HYDRANT	---	---
UTILITY POLE	---	---
LIGHT POLE	---	---
SANITARY SEWER LATERALS	---	---
WATER LATERALS	---	---
REDUCER	---	---
FENCE	---	---
CONCRETE	---	---
LIMIT OF CONSTRUCTION	---	---
SILT FENCE	---	---
EARTH DIKE	---	---
STRAW BALE DIKE	---	---
STABILIZED CONSTRUCTION ENTRANCE	---	---
INLET PROTECTION	---	---
ROCK OUTLET PROTECTION	---	---

**SHEET INDEX**

- C-1 COVER SHEET
- C-2 PRELIMINARY PLAT
- C-3 TYPICAL SECTIONS, GENERAL NOTES & DETAILS
- C-4 OVERALL SEDIMENT AND EROSION CONTROL PLAN
- C-5 GRADING, STORM DRAIN AND SEC PLAN-1 DANIELS FOREST & NORFOLK COURT
- C-6 GRADING, STORM DRAIN AND SEC PLAN-2 SMOKE TREE LANE
- C-7 GRADING, STORM DRAIN AND SEC PLAN-3 BUCKEYE DRIVE, DANA COURT & WILLOW TREE COURT
- C-8 GRADING, STORM DRAIN AND SEC PLAN-4 BUCKEYE DRIVE & WILLOW TREE COURT
- C-9 GRADING, STORM DRAIN AND SEC PLAN-5 PAMELA LN, TYLER LN & ALEXANDER LN
- C-10 GRADING, STORM DRAIN AND SEC PLAN-6 PAMELA LN, BENJAMIN LN, & TYLER LN
- C-11 SWM POND GRADING, TEMP SEDIMENT BASIN SIZING, AND IMPERVIOUS LINER LOCATION AND SPECIFICATION PLAN
- C-12 DIMENSION, PAVING AND UTILITY PLAN-1 DANIELS FOREST & NORFOLK COURT
- C-13 DIMENSION, PAVING AND UTILITY PLAN-2 SMOKE TREE LANE
- C-14 DIMENSION, PAVING AND UTILITY PLAN-3 BUCKEYE DRIVE, DANA COURT & WILLOW TREE COURT
- C-15 DIMENSION, PAVING AND UTILITY PLAN-4 BUCKEYE DRIVE & WILLOW TREE COURT
- C-16 DIMENSION, PAVING AND UTILITY PLAN-5 PAMELA LN, BENJAMIN LN, TYLER LN & ALEXANDER LN
- C-17 STORM DRAIN PROFILES
- C-18 STORM DRAIN PROFILES
- C-19 ROAD AND UTILITY PROFILES-1 PAMELA LANE & DANIELS FOREST LANE
- C-20 ROAD AND UTILITY PROFILES-2 NORFOLK COURT
- C-21 ROAD AND UTILITY PROFILES-3 SMOKE TREE LANE
- C-22 ROAD AND UTILITY PROFILES-4 BUCKEYE DRIVE & DANA LANE
- C-23 ROAD AND UTILITY PROFILES-5 WILLOW TREE LANE
- C-24 ROAD AND UTILITY PROFILES-6 ALEXANDRIA LN & BENJAMIN LN
- C-25 ROAD AND UTILITY PROFILES-7 TYLER LANE
- C-26 SWM POND #1 NOTES & DETAILS
- C-27 SWM POND #2 NOTES & DETAILS
- C-28 SWM POND #3 NOTES & DETAILS
- C-29 SWM POND #4 NOTES & DETAILS
- C-30 SWM POND #5 NOTES & DETAILS
- C-31 SEDIMENT CONTROL NOTES & DETAILS
- C-32 WVA SR17 GRADING AND PAVING PLAN
- C-33 WVA SR17 DIMENSION AND STRIPING PLAN
- C-34 WVA SR17 AND SR22 GRADING, PAVING, DIMENSION, AND STRIPING PLAN
- C-35 WVA SR22 GRADING AND PAVING PLAN
- C-36 WVA SR22 DIMENSION AND STRIPING PLAN. WVDOT TYPICAL ROAD SECTIONS, NOTES, AND DETAILS
- C-37 STANDARD WATER LINE CONSTRUCTION DETAILS
- C-38 SANITARY SEWER-1 CONSTRUCTION DETAILS
- C-39 SANITARY SEWER-2 CONSTRUCTION DETAILS
- C-40 SANITARY SEWER-3 CONSTRUCTION DETAILS
- C-41 SANITARY SEWER PUMP STATION PLAN AND DETAILS
- C-42 OFF-SITE 4" SANITARY SEWER FORCE MAIN & 16" WATER LINE

REVISIONS		
NO.	REVISIONS	DATE
1	JEFF.CO. 1-29-07	3-22-2007

TABLE OF MILESTONE INSPECTIONS	DATE INSPECTED	INSPECTOR'S INITIALS
1. INSTALLATION OF SEDIMENT CONTROL DEVICES *		
2. COMPLETION OF UNDERGROUND UTILITY INSTALLATION		
3. COMPLETION OF GRADING FOR ROAD **		
4. COMPLETION OF GRADING FOR BUILDINGS		
5. COMPLETION OF BASE STONE INSTALLATION & COMPACTION **		
6. COMPLETION OF SIDEWALKS		
7. COMPLETION OF FINAL GRADING AND SEEDING		
8. COMPLETION OF FINAL PROJECT DETAILS		
9. COMPLETION OF STORMWATER MANAGEMENT ROUGH GRADING		
10. COMPLETION OF STORMWATER MANAGEMENT DETAILS		
* MUST BE INSPECTED PRIOR TO ANY OTHER WORK		
** MUST BE INSPECTED PRIOR TO BEING COVERED		



**VICINITY MAP**

SCALE: 1" = 1 MILE  
TAX DISTRICT: CHARLES TOWN  
COUNTY: JEFFERSON  
TAX MAP: 3  
PARCEL: 9.2  
DEED BOOK: 725  
PAGE: 214

**DEVELOPER'S STATEMENT OF ACCEPTANCE**  
THE DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS, AND SPECIFICATIONS PROVIDED HEREON.

ED SMARIGA  
BUCKEYE DEVELOPMENT  
125 SOUTH CARROLL STREET, SUITE 150  
FREDERICK, MD 21701  
301-696-0900

**OWNER STATEMENT OF ACCEPTANCE**  
THE OWNER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS, AND SPECIFICATIONS PROVIDED HEREON.

MANAGING MEMBER  
DANIELS FOREST LLLP  
125 SOUTH CARROLL STREET, SUITE 150  
FREDERICK, MD 21701  
301-696-0900

APPROVED \_\_\_\_\_  
COUNTY ENGINEER      DATE \_\_\_\_\_

APPROVED *[Signature]* 11/16/06  
JEFFERSON UTILITIES, INC.      DATE

APPROVED \_\_\_\_\_  
JEFFERSON CO. PUBLIC SERVICE      DATE \_\_\_\_\_  
SEWER DISTRICT

**JEFFERSON COUNTY**  
**DEPARTMENT OF PLANNING & ENGINEERING**  
**CONDITIONAL USE PERMIT**  
**DANIELS FOREST SUBDIVISION #Z01-03**

This is to certify that effective December 11, 2001, the property described as:

Owner: Elmer Lee Roderick, owner  
21113 Stonecrop Place  
Ashburn, Virginia 22011

Telephone Number: \_\_\_\_\_

Developer: Ed Smariga, developer  
Buckeye Development  
125 South Carroll Street, Suite 150  
Frederick, Maryland 21701  
(301)-696-0900

Telephone Number: (301)-696-0900

Tax Map Reference: Charles Town District, Map 3, Parcels 9.2

Deed Book Reference: Deed Book 725, Page 214

Subdivision Name: Daniels Forest Subdivision

Zoning District: Rural

has been granted permission to use said property in the following way: 192 single family lots. The Board of Zoning Appeals' granting of this Conditional Use Permit was litigated and was the subject of an appeal in the West Virginia Supreme Court. As a result of that appeal, the West Virginia Supreme Court ruled in *Jefferson Utilities, Inc. v. Jefferson County Board of Zoning Appeals*, 218 W.Va. 436, 624 S.E.2d 873, that the time parameters for the Daniel's Forest Subdivision to proceed through the various stages of the review and subdivision procedures be restored as though the Petitions for Writ of Certiorari and an appeal had not been filed. In accordance with this ruling, the Jefferson County Circuit Court in its "Order Upon Remand Granting Conditional Use Permits" in Case No. 02-C-217, ordered that "each and every time requirement within which some action needed to be taken by Buckeye Development, LLC, be tolled." Accordingly, the Circuit Court tolled all time requirements from December 14, 2001, until the entry of its order on March 1, 2006, for a total of 1538 days.

- CONDITIONAL UPON:**
- Meet with Mr. John Grove about mitigating the impact of the development with respect to the Zonar property;
  - Conduct a pre-blasting and post-blasting survey with respect to the Zonar House property;
  - Any further change in use or expansion processing through the Jefferson County Department of Planning, Zoning and Engineering to update this certificate; and, all other applicable County regulations being followed.

JEFFERSON COUNTY DEPARTMENT OF PLANNING,  
ZONING & ENGINEERING  
CONDITIONAL USE PERMIT  
DANIELS FOREST SUBDIVISION #Z01-03  
PAGE TWO

In the event the construction or use has not commenced by **AUGUST 27, 2007**, said permission will expire unless an extension is granted. Extensions must be formally requested of the Jefferson County Board of Zoning Appeals prior to the expiration date.

This certificate in no way relieves the owner, applicant or user from any requirements of the Jefferson County Ordinances unless appropriate variances are granted by the appropriate County authority.

County Authority: *[Signature]* 11/29/07  
Zoning Administrator      Date

Department of Planning, Zoning & Engineering Seal:



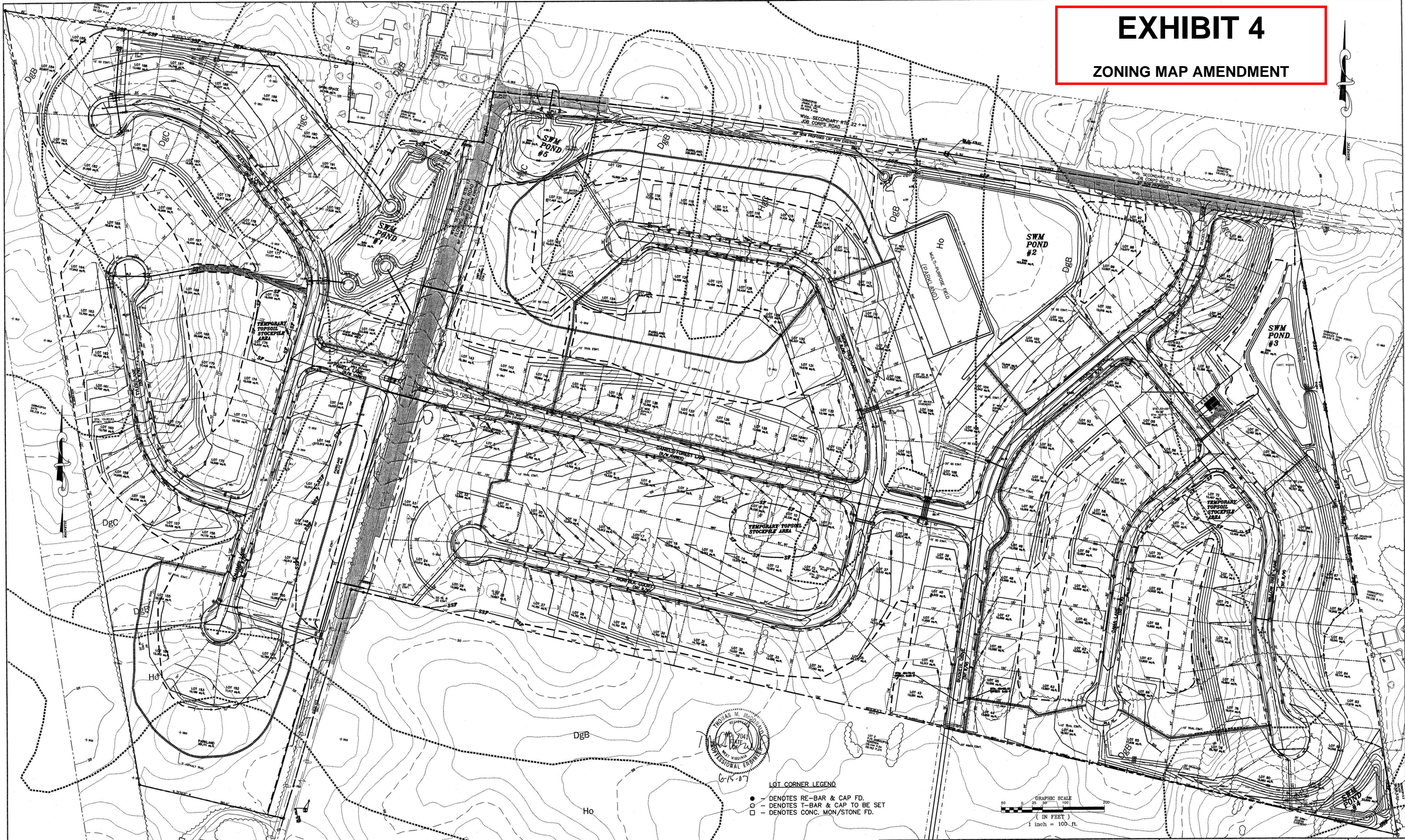
**SURVEYOR'S CERTIFICATION**  
THE PERIMETER AND ALL LOT BOUNDARIES SHOWN HEREON HAVE BEEN ESTABLISHED BY A NETWORK OF TRAVERSE CONTROL HAVING A RELATIVE ERROR OF CLOSURE OF 1:41000 OR BETTER.

*[Signature]*  
MERCHANT T. McDONALD #310  
HARRIS, SMARIGA & ASSOC.

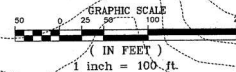


# EXHIBIT 4

## ZONING MAP AMENDMENT



**LOT CORNER LEGEND**  
 ● - DENOTES RE-BAR & CAP FD.  
 ○ - DENOTES T-BAR & CAP TO BE SET  
 □ - DENOTES CONC. MON/STONE FD.



PRELIMINARY PLAT APPROVED \_\_\_\_\_  
 COUNTY ENGINEER      DATE \_\_\_\_\_

BUCKEYE DEVELOPMENT LLC  
 125 SOUTH CAROL STREET, SUITE 150  
 FREDERICK, MARYLAND 21701  
 PHONE: 301-696-0900

SEVENTY-TWO (72) HOURS PRIOR TO EXCAVATIONS  
 IN PUBLIC RIGHTS-OF-WAY OR IN AREAS SERVED  
 BY UNDERGROUND UTILITIES, CALL MISS UTILITY  
 1-800-245-4848.

**Harris, Smariga & Associates, Inc.**  
 Planners/Engineers/Surveyors  
 125 South Carol Street, Suite 100, Frederick, MD 21701  
 301-662-4488

REVISIONS:  
 JEFF.CO.PSD/PENTREE 10-4-2006  
 JEFFERSON UTILITIES 10-9-2006  
 JEFF.CO. PLANNING & ENGINEERING 3-22-2007

PRELIMINARY PLAT  
**DANIELS FOREST**  
 TAX MAP 3, PARCEL 9.2  
 DEED BOOK 725, PAGE 214  
 SITUATED ON WVA SR 17 & WVA SR 22  
 CHARLES TOWN DISTRICT  
 JEFFERSON COUNTY, WVA

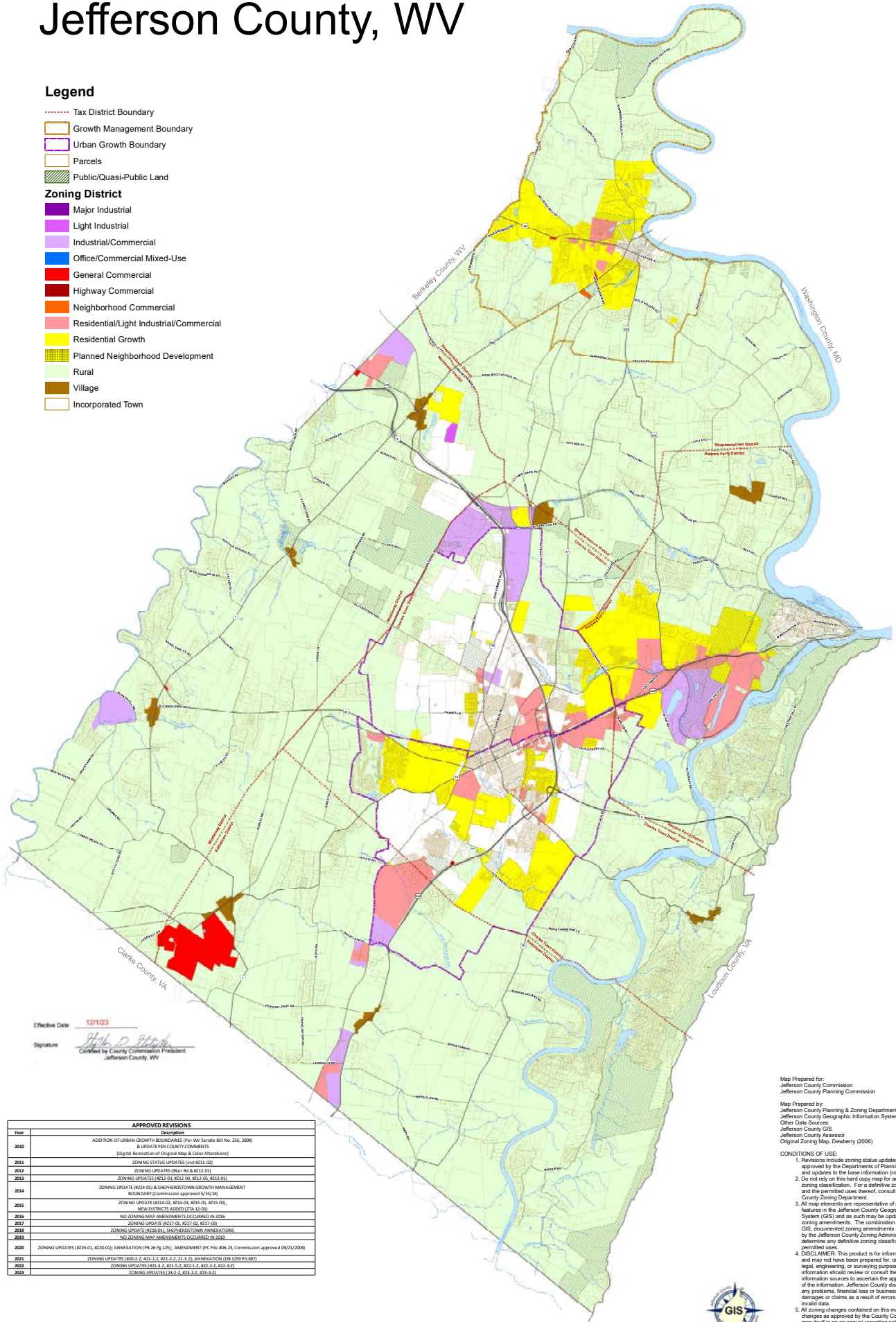
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 DRAWN  
 BY: DLS  
 CHECKED  
 BY: TMM  
 DATE:  
 AUG, 2006  
 SHEET: 2  
 OF: 42  
 PROJECT:  
 0914  
 C-2

# 2023 Zoning Map Jefferson County, WV



## Legend

- Tax District Boundary
  - Growth Management Boundary
  - Urban Growth Boundary
  - Parcels
  - Public/Quasi-Public Land
- ### Zoning District
- Major Industrial
  - Light Industrial
  - Industrial/Commercial
  - Office/Commercial Mixed-Use
  - General Commercial
  - Highway Commercial
  - Neighborhood Commercial
  - Residential/Light Industrial/Commercial
  - Residential Growth
  - Planned Neighborhood Development
  - Rural
  - Village
  - Incorporated Town



Effective Date: 12/1/23  
 Signature: *[Handwritten Signature]*  
 Certified by County Commission President  
 Jefferson County, WV

Year	DESCRIPTION
2010	ADDITION OF URBAN GROWTH BOUNDARIES (Per WV Senate Bill No. 256, 2009) & UPDATES FOR COUNTY COMMENTS (Digital Reproduction of Original Map & Color Alterations)
2011	ZONING STATUS UPDATES (Inv# 4211-02)
2012	ZONING UPDATES (Rural PG & R212-01)
2013	ZONING UPDATES (R212-01, R212-01, R212-01, R212-01)
2014	ZONING UPDATE (R214-01) & SHEPHERDSTOWN GROWTH MANAGEMENT BOUNDARY (Commission approved 5/15/14)
2015	ZONING UPDATE (R214-01, R214-01, R215-01, R215-01, NEW STRUCTURE ADDRESS) (7/8, 2/1/15)
2016	NO ZONING MAP AMENDMENTS OCCURRED IN 2016
2017	ZONING UPDATE (R217-01, R217-01, R217-01)
2018	ZONING UPDATES (R218-01) SHEPHERDSTOWN ANNEXATIONS
2019	NO ZONING MAP AMENDMENTS OCCURRED IN 2019
2020	ZONING UPDATES (R219-01, R220-01) ANNEXATION (PG 26 PG 125); AMENDMENT (PG #06-21, Commission approved 08/21/2020)
2021	ZONING UPDATES (R22-02, R23-02, R23-02, R23-02, R23-02) ANNEXATION (OR 1259 PG 607)
2022	ZONING UPDATES (R24-02, R24-02, R24-02, R24-02, R24-02)
2023	ZONING UPDATES (R24-02, R24-02, R24-02, R24-02)

Map Prepared for:  
 Jefferson County Commission  
 Jefferson County Planning Commission

Map Prepared by:  
 Jefferson County Planning & Zoning Department  
 Jefferson County Geographic Information System  
 Other Data Sources:  
 Jefferson County GIS  
 Jefferson County Assessor  
 Original Zoning Map, December 2008)

**CONDITIONS OF USE:**

- Revisions include zoning status updates as approved by the Departments of Planning & Zoning and updates to the base information (roads, parcels, etc).
- Do not rely on this hard copy map for any definitive zoning classification. For a definitive zoning classification and the permitted uses thereof, consult the Jefferson County Zoning Department.
- All map elements are representative of geographic features in the Jefferson County Geographic Information System (GIS) and as such may be updated per authorized zoning amendments. The combination of this map, the GIS, documented zoning amendments and interpretation by the Jefferson County Zoning Administration shall determine any definitive zoning classification and permitted uses.
- DISCLAIMER:** This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the appropriate usability of the information. Jefferson County disclaims all liability for any problems, financial loss or business, consequential damages or claims as a result of errors, inaccuracies or invalid data.
- All zoning changes contained on this map are official changes as approved by the County Commission. The map itself is on an annual recording schedule and will be signed and recorded in January of subsequent year. Any mid-year updates, (not recorded, but available online) will reflect the most current zoning information available.



# Future Land Use Guide Jefferson County, WV

Envision Jefferson 2035 Comprehensive Plan

- Special Design Area
- Preferred Growth Area
- Quarry Redevelopment Area
- Growth Management Boundary
- Urban Growth Boundary
- Urban Growth Boundary Expansion
- Village
- Village Expansion
- 2004 Growth Area

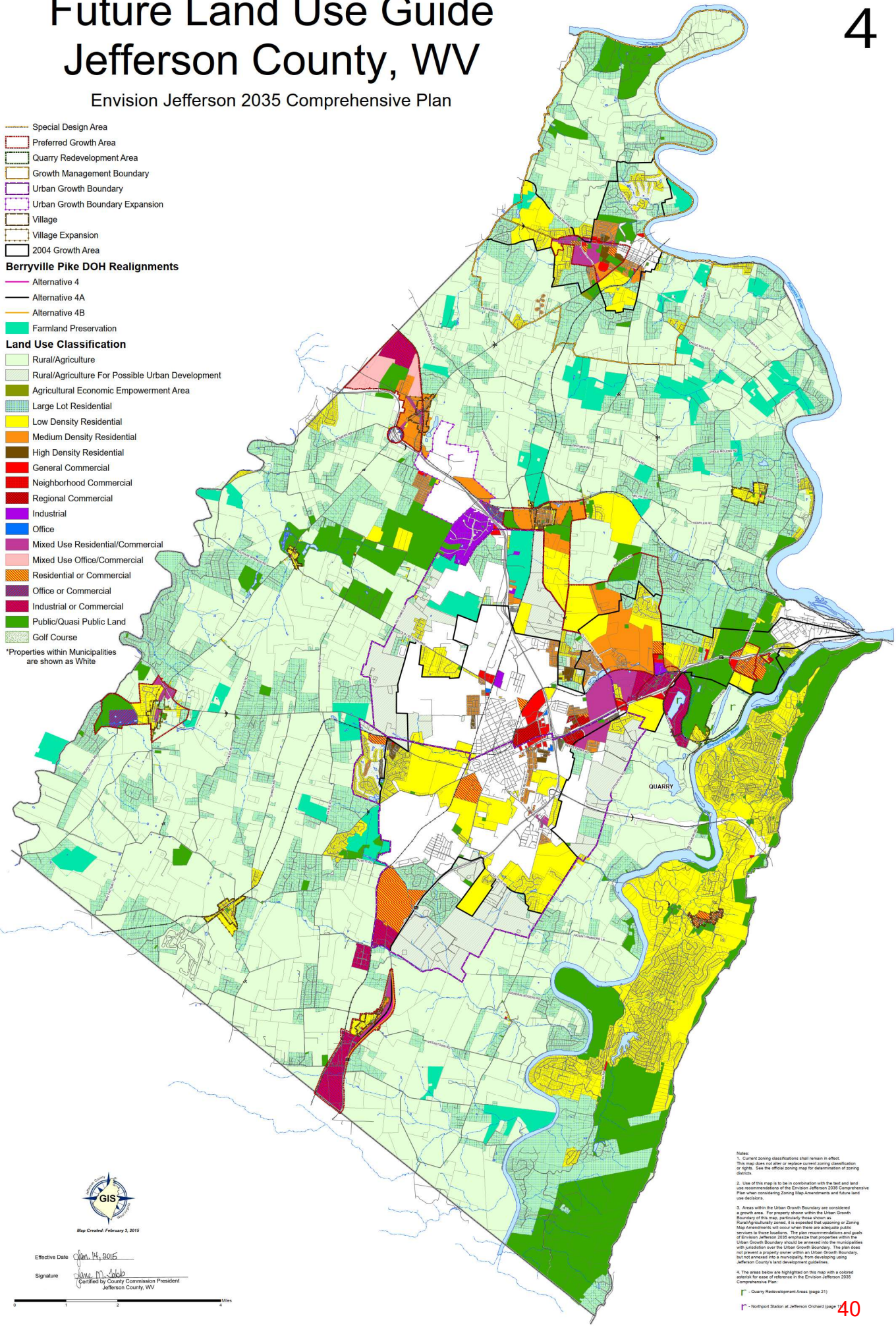
**Berryville Pike DOH Realignments**

- Alternative 4
- Alternative 4A
- Alternative 4B
- Farmland Preservation

**Land Use Classification**

- Rural/Agriculture
- Rural/Agriculture For Possible Urban Development
- Agricultural Economic Empowerment Area
- Large Lot Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- General Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- Office
- Mixed Use Residential/Commercial
- Mixed Use Office/Commercial
- Residential or Commercial
- Office or Commercial
- Industrial or Commercial
- Public/Quasi Public Land
- Golf Course

\*Properties within Municipalities are shown as White



Effective Date: Jan 14, 2015  
 Signature: [Signature]  
 Certified by County Commission President  
 Jefferson County, WV

- Notes:
1. Current zoning classifications shall remain in effect. This map does not alter or replace current zoning classification or rights. See the official zoning map for determination of zoning districts.
  2. Use of this map is to be in combination with the text and land use recommendations of the Envision Jefferson 2035 Comprehensive Plan when considering Zoning Map Amendments and future land use decisions.
  3. Areas within the Urban Growth Boundary are considered a growth area. For properties shown within the Urban Growth Boundary of this map, particularly those shown as Rural/Agriculturally zoned, it is expected that zoning or Zoning Map Amendments will occur when there are adequate public services to those locations. The plan recommendations and goals of Envision Jefferson 2035 emphasize that properties within the Urban Growth Boundary should be annexed into the municipalities with jurisdiction over the Urban Growth Boundary. The plan does not prevent a property owner within an Urban Growth Boundary, but not annexed into a municipality, from developing using Jefferson County's land development guidelines.
  4. The areas below are highlighted on this map with a colored outline for ease of reference in the Envision Jefferson 2035 Comprehensive Plan.
    - Quarry Redevelopment Areas (page 21)
    - Northport at Jefferson Orchard (page 19)

# Future Land Use Map - Jefferson County, West Virginia

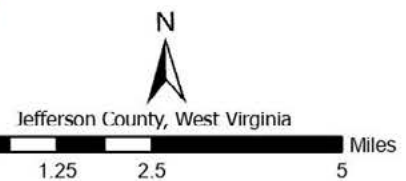
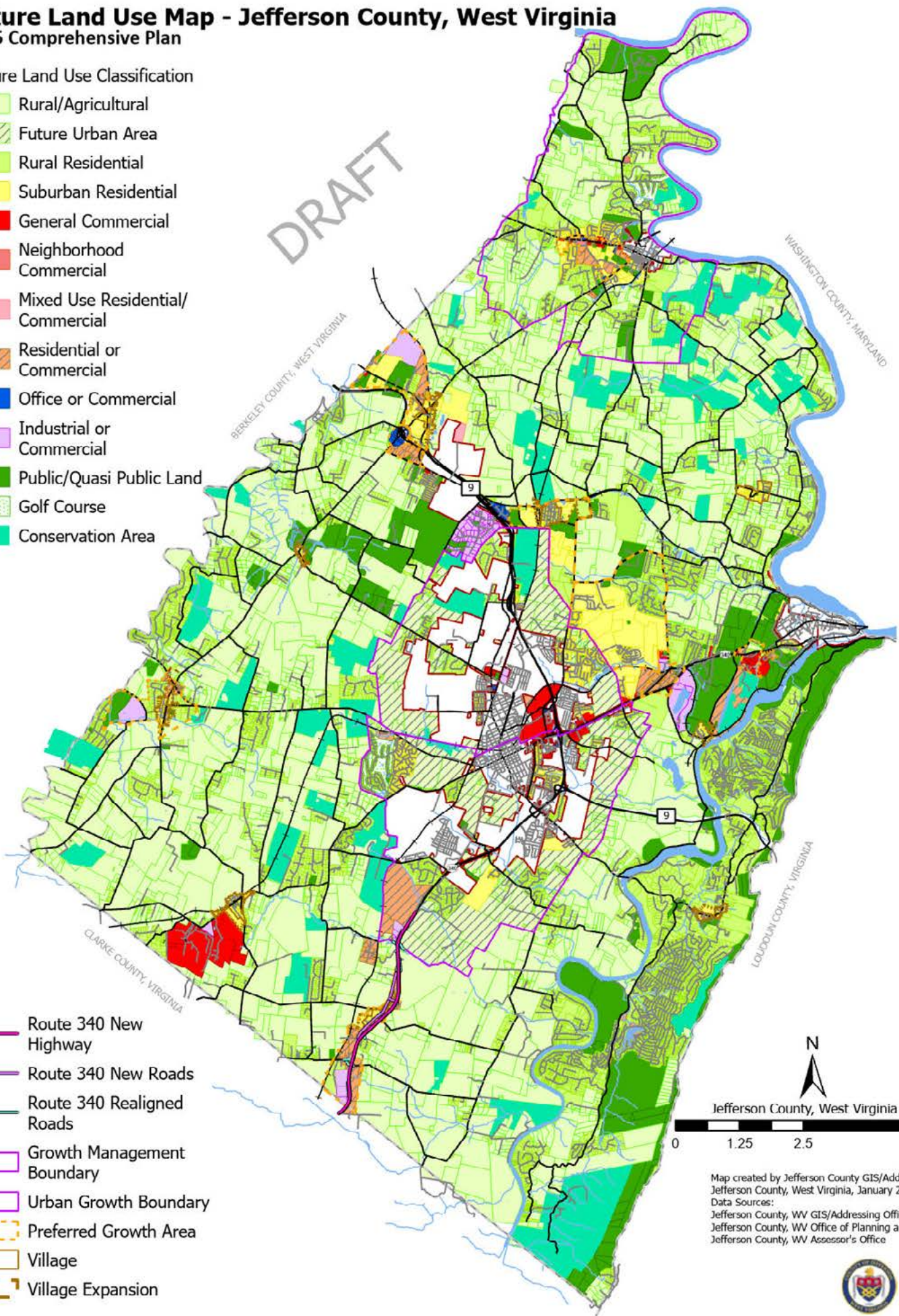
## 2045 Comprehensive Plan

### Future Land Use Classification

- Rural/Agricultural
- Future Urban Area
- Rural Residential
- Suburban Residential
- General Commercial
- Neighborhood Commercial
- Mixed Use Residential/Commercial
- Residential or Commercial
- Office or Commercial
- Industrial or Commercial
- Public/Quasi Public Land
- Golf Course
- Conservation Area

DRAFT

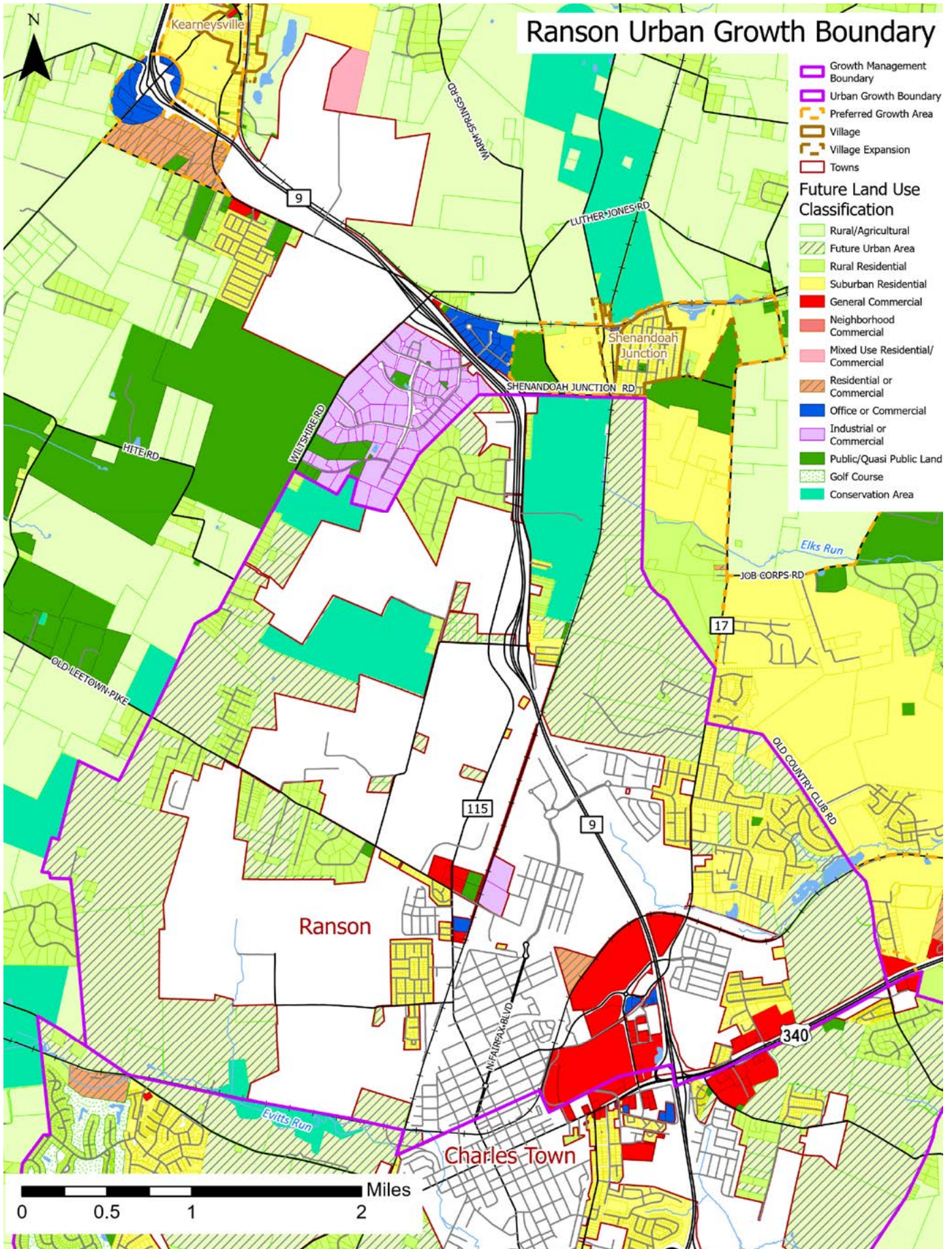
- Route 340 New Highway
- Route 340 New Roads
- Route 340 Realigned Roads
- Growth Management Boundary
- Urban Growth Boundary
- Preferred Growth Area
- Village
- Village Expansion

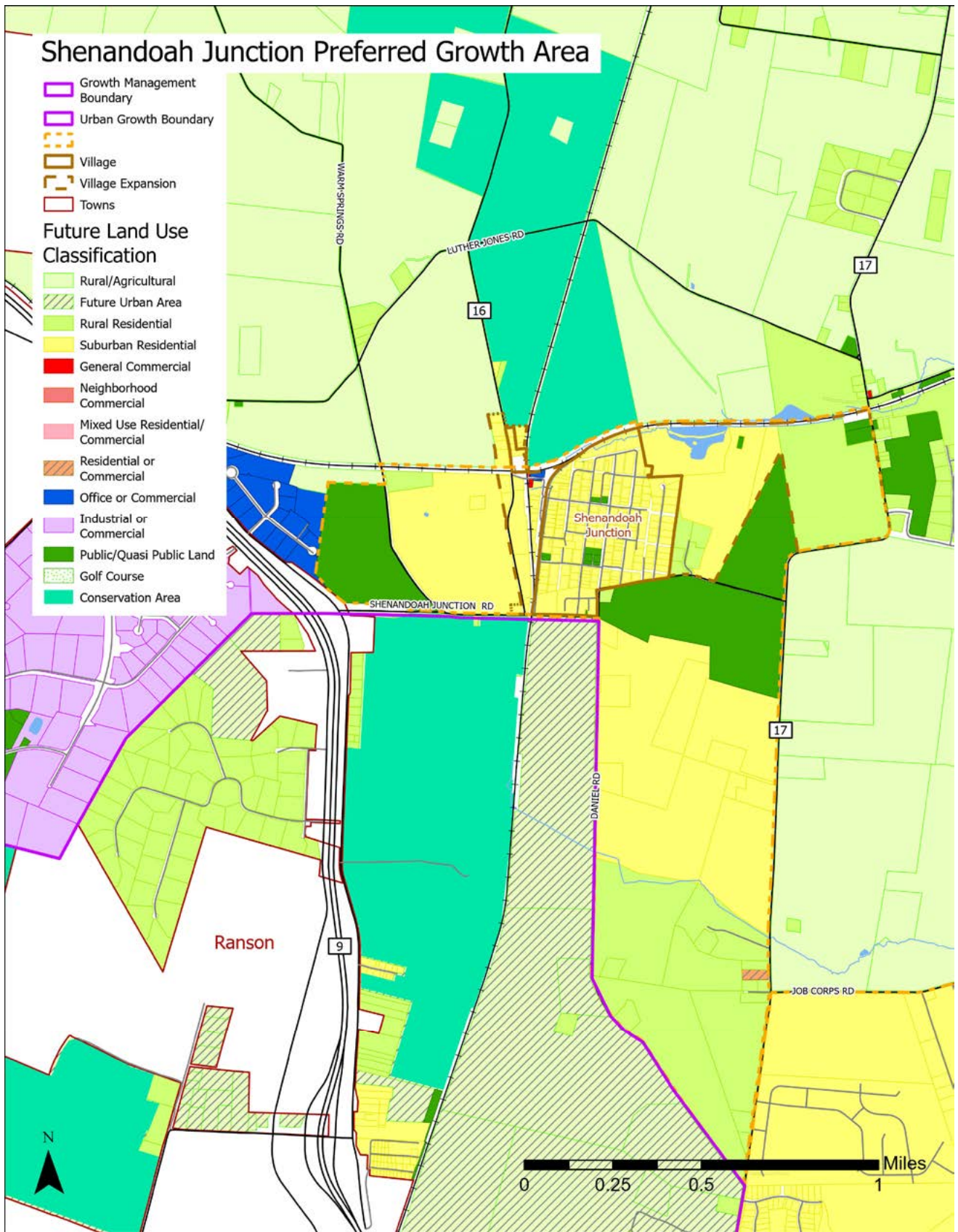


Map created by Jefferson County GIS/Addressing Office  
 Jefferson County, West Virginia, January 23, 2025  
 Data Sources:  
 Jefferson County, WV GIS/Addressing Office  
 Jefferson County, WV Office of Planning and Zoning  
 Jefferson County, WV Assessor's Office

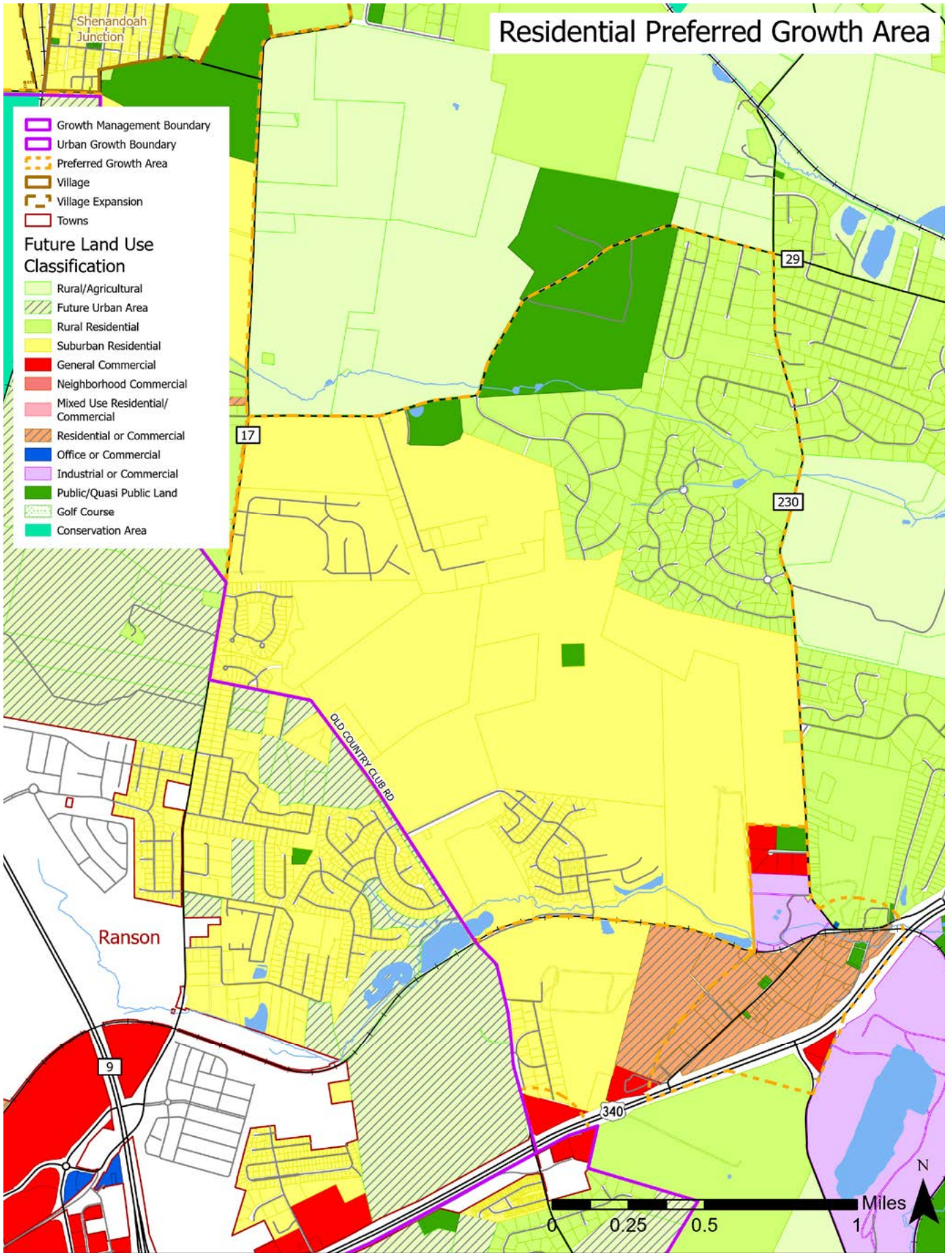


# Ranson Urban Growth Boundary



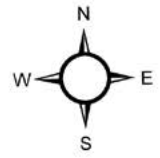


# Residential Preferred Growth Area



# Water & Sewer Service Areas

## Jefferson County, WV



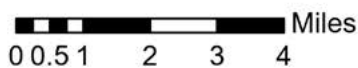
Disclaimer: All service areas are approximate, based on the area maps provided by the Utility Companies shown. Areas are current as of map publication; all service areas may be extended at any time. For detailed boundaries, please contact the Utility Company that provides service for that area.



### Service Areas

#### Company, Type

- Berkeley County Water, Water & Sewer
- Charles Town Utility Board, Sewer Only
- Charles Town Utility Board, Water Only
- Charles Town Utility Board, Water & Sewer
- Harpers Ferry Water Works, Water & Sewer
- American Water, Water Only
- American Water, Water & Sewer
- Shepherdstown Water Department, Water Only
- Shepherdstown Water Department, Water & Sewer
- Preferred Growth Area (EJ2035)
- Municipality Growth Boundary



Map created by Office of GIS and Addressing  
 Jefferson County, West Virginia, July 2024  
 Data Sources:  
 Jefferson County, WV GIS/Addressing Office  
 Jefferson County, WV Office of Planning and Zoning  
 Jefferson County, WV Assessor's Office

**ARTICLE 5: DISTRICT ESTABLISHMENT; ZONING MAPS; DISTRICT BOUNDARIES; DISTRICT REGULATIONS**

**Section 5.1 Establishment of Districts<sup>1</sup>**

For the purpose of this Ordinance, all land within the County, exclusive of the incorporated towns, is hereby designated as one of the following zoning districts:

- RG Residential Growth District
- I-C Industrial-Commercial District
- R Rural (Agricultural) District
- R-LI-C Residential-Light Industrial-Commercial District
- V Village District<sup>23</sup>
- NC Neighborhood Commercial<sup>27</sup>
- GC General Commercial<sup>27</sup>
- HC Highway Commercial<sup>27</sup>
- LI Light Industrial<sup>27</sup>
- MI Major Industrial<sup>27</sup>
- PND Planned Neighborhood Development<sup>27</sup>
- OC Office / Commercial Mixed-Use<sup>27</sup>

**Section 5.2 Boundaries of Districts**

Unless otherwise indicated on the zoning district maps, the boundary lines of the districts shall follow lot lines, centerlines of streets, alleys, corporate limit lines, or centerlines of waterways as existing at the time of the adoption of this Ordinance.

**Section 5.3 District Maps**

The districts shall be of the size and shape shown on the Jefferson County Zoning Maps and shall hereby be made a part of this ordinance. A copy of the said maps shall be signed by the County Commissioners upon the adoption of these regulations and recorded within the Courthouse.

The Jefferson County zoning layer is parcel-based, maintained in a Geographic Information System (GIS), and shall be the basis for the County’s official zoning map. Within 30 days of final County Commission action on a zoning map amendment, GIS/Addressing staff will update the digital zoning layer and make the new data available online.<sup>23</sup>

On an annual basis, in December, and within 30 days of final County Commission action on a zoning map amendment, a new zoning map will be printed which includes the most up to date base layer data, all approved zoning designations since the last printed map, and an effective date, certified by the President of the County Commission, filed with the County Clerk’s office, and a copy provided to the Planning Commission. This annual map update shall not require a public hearing and such certification shall occur administratively.<sup>23</sup>

**Section 5.4 Residential Growth (RG) District**

The Residential Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district encourages areas of commercial growth proposed as an appropriate and compatible integrated part of a residential development in conformance with Section 5.4C of this Ordinance.<sup>32</sup>

The following regulations govern development within the Residential Growth District.

- A. Principal Permitted and Conditional Uses<sup>23,27, 32</sup>
1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27, 32</sup>
  2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.<sup>27, 32</sup>
- B. Minimum Lot Area, Height, and Yard Requirements
1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.<sup>23, 27</sup>
  2. When computing the dwelling unit yield for a parcel of land, use the total area of parcel minus (1) lands contained in a wetland and (2) hillside lands to be retained in a natural, undisturbed condition as provided for in the Jefferson County Subdivision and Land Development Regulations. The balance square footage between the ADU (Area per Dwelling Unit) and the MLA (Minimum Lot Area) shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.<sup>5,23, 27</sup>
  3. All detached accessory structures under 144 square feet in size shall have a setback of 6'.<sup>27</sup>
- C. Commercial Services in Residential Developments<sup>23</sup>
1. Commercial services may be included in a residential development providing the commercial uses are intended to serve the residential community proposed and shall relate well to residential areas in terms of pedestrian and vehicular circulation.
  2. The gross area for commercial uses shall not exceed 5 acres or 10 percent of the gross tract area, whichever is less.
  3. Commercial uses shall not be built or established prior to the residential development unless built in phases consistent with phasing of the residential construction.
  4. These uses shall be located within the interior of the project.
  5. Commercial uses shall be subject to the Conditional Use Permit process as outlined in Section 6.3 of this Ordinance. Any proposed commercial use that is served from a road that is proposed to be located on the perimeter of the project or on a State Road shall be required to be considered as a part of the Conditional Use Public Hearing process.<sup>5, 32</sup>
- D. Standards for Commercial Uses<sup>23, 32</sup>
1. Commercial uses are subject to the following access requirements:<sup>32</sup>
    - a. Such uses will not use adjacent residential roads for through traffic; and
    - b. Will connect to principal and major arterial highways as directly as feasible considering access restrictions.<sup>5</sup>
  2. Commercial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.<sup>32</sup>

**APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE<sup>23, 29, 32, 33, 35, 37, 39, 43</sup>**

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Residential Uses</b>													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
<b>Home Uses</b>													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
<b>Institutional Uses</b>													
Airport	NP	NP	NP	P	P	NP	NP	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	CU	NP	
Church <sup>38</sup>	P	P	P	P	CU	P	P	P	P	P	CU	P	
Convention Center	NP	P	P	P	CU	P	P	CU	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	CU	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Industrial</b>													Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU <sup>2</sup>	NP	NP	NP	NP	NP	CU <sup>2</sup>	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	P	P	NP	
<b>Industrial Manufacturing &amp; Processing</b>													<b>Sec. 8.9</b>
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11
<b>Adult Uses</b>													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
<b>Recreational Uses</b>													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
<b>Commercial Uses</b>													<b>Sec. 8.9</b>
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground <sup>31</sup>	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet <sup>37</sup>	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Restaurant, Fast Food, Drive-Through <sup>40</sup>	NP	P	P	P	CU	CU	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Short Term Rental <sup>41</sup>	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.16
Solar Energy Facility <sup>43</sup>	NP	See Section 8.20				NP	NP	See Section 8.20				NP	Sec. 8.20
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
<b>Agricultural Uses*</b>													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock <sup>37</sup>	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.14
<b>Accessory Uses</b>													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

NC Neighborhood Commercial

GC General Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PND Planned Neighborhood Development

P Permitted Uses

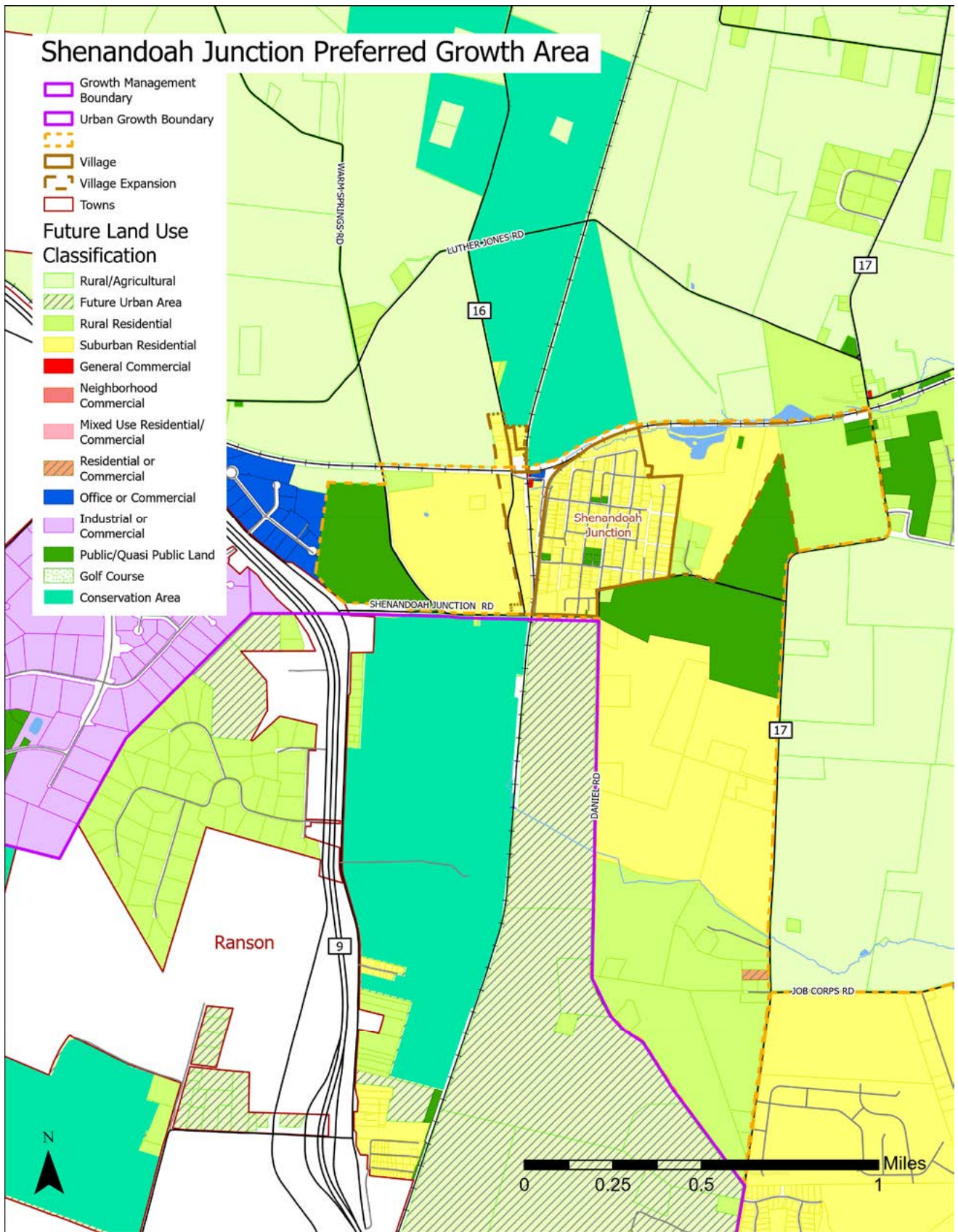
NP Not Permitted Uses

CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)

\*\* Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU

<sup>1</sup> The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.

<sup>2</sup> Approval process is per the Salvage Yard Ordinance.





# JEFFERSON COUNTY, WEST VIRGINIA

## Office of Planning and Zoning

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### MEMO

**TO:** County Commission of Jefferson County  
**FROM:** Luke Seigfried, Chief County Planner  
**DATE:** July 3, 2025  
**RE:** Planning Commission Recommendation regarding the Zoning Map Amendment Petition for Ghazwa's Forest (Residential Growth) (File #25-1-Z)

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On Thursday, May 15, 2025, a representative for the proposed Ghazwa's Forest Rezoning presented a petition for a Zoning Map Amendment to the Jefferson County Commission for a vacant parcel located southwest of the intersection of Flowing Springs Rd and Zoar Ln. The parcels, designated as Tax District: Charles Town (02), Tax Map: 3, Parcels: 9.4, consist of approximately 31.48 acres. The property is currently zoned Rural (R) and the petition requests rezoning from Rural to Residential Growth (RG).

The County Commission scheduled a Public Hearing for this rezoning for Thursday, July 3, 2025. At the May 15<sup>th</sup> meeting, the County Commission, in accordance with WV Code 8A and the Jefferson County Zoning Ordinance Article 12, referred the petition to the Planning Commission for their review and recommendation as to whether the proposed amendment is consistent with the adopted *2045 Comprehensive Plan*.

On Tuesday, June 10, 2025, the Jefferson County Planning Commission heard an overview of the Ghazwa's Forest Zoning Map Amendment (#25-1-Z) petition as well as the recommendations in the staff report identifying relevant portions of the *2045 Comprehensive Plan* for the Planning Commission's consideration and review. The staff report noted that the Future Land Use Guide designates the property as "Rural Residential", which supports zoning districts that allow residential developments of single-family residences, duplexes, and accessory dwelling units on larger lots. A Rural Residential zoning district does not exist at this time. The subject property is located within the Shenandoah Junction Preferred Growth Area, which supports higher intensity development. The staff report is attached to this memo for the County Commission's information and consideration.

For this reason, after reviewing the application, the staff report, and further discussion, the Planning Commission found, with a vote of five (5) in favor and two (2) opposed, that the proposed Zoning Map Amendment to Residential Growth (RG) is consistent with the *2045 Comprehensive Plan*.

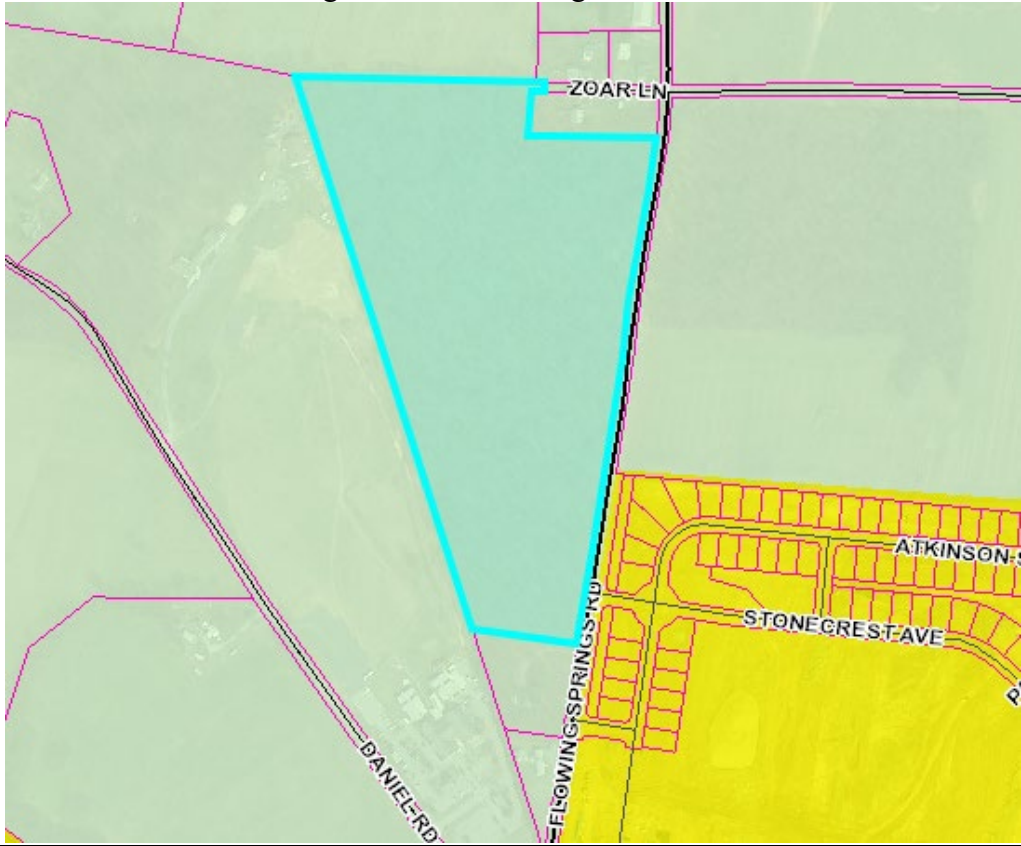
#### Attachment:

- *25-1-Z Ghazwa's Forest (Residential Growth) Rezoning Staff Report for 6/10/25 Planning Commission Meeting including Section 5.4 of the Zoning Ordinance, Appendix C of the Zoning Ordinance, and the 2045 Comprehensive Plan FLU Guide Shenandoah Junction Preferred Growth Area Map*

**Staff Report**  
 Jefferson County Planning Commission Meeting  
 June 10, 2025

**Ghazwa’s Forest (Residential Growth) Rezoning Request (25-1-Z)**

**Item # 10: Discussion and Action on the Ghazwa’s Forest (Residential Growth) Zoning Map Amendment Request:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the 31.48 acre IG Totonji Holding, LLC Property from Rural(R) to Residential Growth (RG) is consistent with the *2045 Comprehensive Plan*.

Property Owner:	IG Totonji Holding, LLC
Applicant:	Golden Eagle Group, Inc.
Consultant:	Integrity Federal Services, Inc. / Attn: Brooke Perry
Parcel Information:	<p>Vacant 31.48 acre lot located on the Southwest corner of Flowing Springs Road and Zoar Lane.                  Parcel ID: 02000300090004                  Acreage: 31.48 ac. Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;"><i>North, West, South: Rural</i>  <i>East: Rural / Residential Growth</i></p>
Current Use:	Vacant
Proposed Request	To rezone the total 31.48 acres from Rural to Residential Growth (RG)
Planning Commission Responsibility:	To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>2045 Comprehensive Plan</i>
Staff Finding:	Staff finds that request is consistent with the <i>2045 Comprehensive Plan</i> Future Land Use Guide

**Staff Report**  
Jefferson County Planning Commission Meeting  
June 10, 2025

**Ghazwa’s Forest (Residential Growth) Rezoning Request (25-1-Z)**

**Applicant’s Request**

The applicant is requesting to rezone approximately 31 acres from Rural (R) to Residential Growth (RG).

**Neighboring Uses**

The properties under consideration for this Zoning Map Amendment are adjacent to institutional, agricultural, and residential uses.

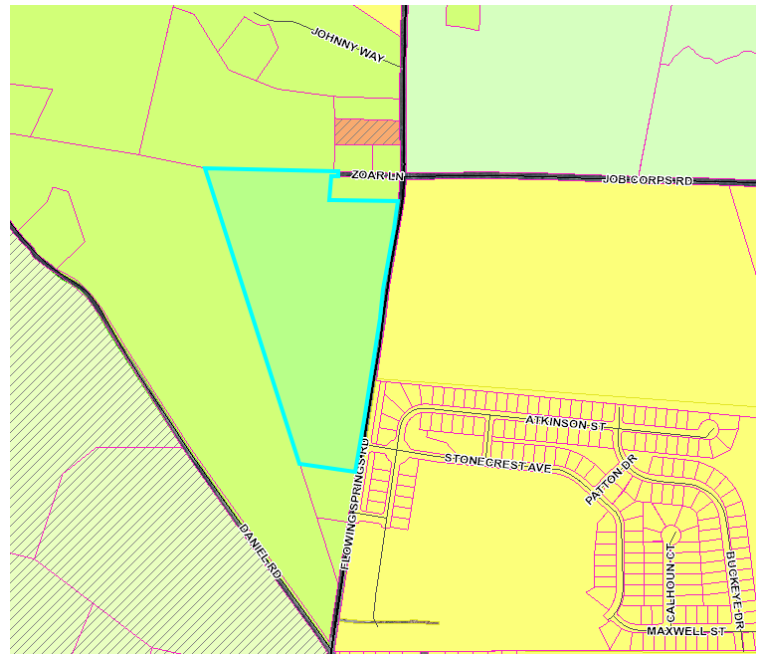
- Fellowship Baptist Church is located to the west.
- The Stonecrest Major Subdivision is located to the southeast.

**Scope of this Assessment**

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *2045 Comprehensive Plan* and provides a staff recommendation for the Planning Commission’s consideration based on relevant sections and elements of the *Plan*.

Staff’s professional recommendation is that the request is **consistent** with the *2045 Plan* because it is designated “Rural Residential” on the Future Land Use Guide. The subject property is located in the Shenandoah Junction Preferred Growth Area (PGA). The owner-initiated rezoning to Residential Growth (RG) would allow for a variety of residential land uses such as single-family dwellings, two family dwellings, townhome units, and/or multi-family dwellings.

It should be noted that Staff has no statutory authority to make decisions in this regard. The Planning Commission is required to provide the County Commission with their advice as to whether the request is consistent with the Comprehensive Plan prior to the County Commission’s Public Hearing. The County Commission, with the recommendation of the Planning Commission, has the authority to approve or deny a zoning map amendment.



**Zoning Map Amendment Public Hearing Process**

Article 12 of the Zoning Ordinance requires that the “procedure for amendment [by petition] shall be as dictated in Section 8A-7-9 et seq of the West Virginia State Code as amended.” Regarding amendments by petition, State statute provides that, “Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan.” [See WVC 8A-7-9(c)].

**Relevant 2045 Comprehensive Plan Elements and Commentary**

The *2045 Comprehensive Plan* consists of both goals and recommendations in text format, as well as a Future Land Use Guide, both of which are relevant to this analysis. Page number references throughout this report relate to the *2045 Comprehensive Plan*.

**Ghazwa’s Forest (Residential Growth) Rezoning Request (25-1-Z)**

**1. Land Use and Growth Management Element / Future Land Use Guide**

One of the themes of the *2045 Comprehensive Plan* is Quality Land Use and Growth Management for Jefferson County. This theme identifies seven Preferred Growth Areas (PGA) and two Urban Growth Boundaries (UGB) in text and on the *Future Land Use Guide*. Both PGAs and UGBs are areas considered viable for higher intensity development. Preferred Growth Areas were identified based on access to infrastructure including water, sewer, and transportation. Urban Growth Boundaries are areas that are expected to be annexed into a municipality and are considered viable for urban level development intensity.

**Rural Residential**

**Primary Uses:** The Rural Residential classification is for larger lot residential developments and can include single family residences, duplexes, accessory dwelling units, and residences east of the Shenandoah River.

**Intensity:** Residences may be served by on-site well and septic systems or public water and/or sewer system.

**Mobility:** Agricultural equipment and auto orientated access are prioritized with pedestrian mobility provided within residential subdivisions.



Future Land Use Guide were developed throughout the planning process and may not relate precisely to a single zoning classification...” (pp. 16).

**3. Proposed Zoning District – Residential Growth (RG)**

The purpose of the Residential Growth (RG) District (Section 5.4 of the Zoning Ordinance) is “to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services” (complete description attached). The *Water & Sewer Service Areas* map found in the *2045 Comprehensive Plan* identifies access to water but not sewer to the subject parcel. As noted previously, the subject parcel is designated as Rural Residential on the Future Land Use Guide of the *2045 Comprehensive Plan* and is within the Shenandoah Junction Preferred Growth Area (PGA).

Preferred Growth Areas are different from an Urban Growth Boundary (UGB) as a PGA is generally intended to develop using the County’s development standards. Preferred Growth Areas and Urban Growth Boundaries were first identified in the *Envision Jefferson 2035 Plan* and are now part of the current *2045 Comprehensive Plan*.

The subject parcel is located within the Shenandoah Junction PGA and is expected to develop.

**2. Land Use Map Classifications**

The “Rural Residential” classification is for residential developments on large lots, residences on smaller lots, and allows some alternatives to single-family detached dwellings such as accessory dwelling units and duplexes. (pp. 111). Water and sewer may or may not be available at the location as urban level residential density is not expected.

The *2045 Comprehensive Plan* supports the adoption of a Rural Residential Zoning district, which does not currently exist. (pp 21). The *2045 Comprehensive Plan* recognizes this and notes, “The land use classifications on the

**Staff Discussion and Recommendation**

**Staff Report**  
Jefferson County Planning Commission Meeting  
June 10, 2025

**Ghazwa’s Forest (Residential Growth) Rezoning Request (25-1-Z)**

This property has been zoned Rural since zoning went into to effect in 1988. The subject parcel was subdivided off in 2016 part of the Daniel’s Forest Minor Subdivision. The parcel is currently vacant. There are no historical sites, floodplains, or conservation easements located on the site.

The *2045 Comprehensive Plan* includes a Future Land Use Guide, which is intended to be a tool to provide a visual definition of future growth and areas where potential owner initiated zoning map amendments (rezoning requests) might occur within the timeframe of the *Plan*. The *2045 Comprehensive Plan* states that “land use classifications, utilized on the Existing Land Use Map and Future Land Use Guide, are intended to provide guidance to the Planning and County Commission when considering owner-initiated zoning map amendments (rezoning requests).” (pp. 111). The *Plan* further states, “Use of the Future Land Use Guide is to be in combination with the recommendations of this Plan when considering owner initiated zoning map amendments.” (pp. 10). The *Plan* does not initiate any zoning map amendments and only provides recommendations to guide development including identifying Preferred Growth Areas.

Based on these recommendations of the *2045 Comprehensive Plan* related to the Future Land Use Guide and text, staff finds that the proposed Residential Growth (RG) zoning category for the 31.48+/- acres included in this application is **consistent** with the *2045 Comprehensive Plan*.

**Planning Commission Action Required**

Article 12 of the Zoning Ordinance and the relevant sections of WV State Code requires the County Commission to refer rezoning petitions to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted Comprehensive Plan. Such recommendation is required to be sent to the County Commission prior to the County Commission’s public hearing which shall be held within 60 days of the date the petition is presented.

The petition was presented to the County Commission on May 15, 2025 and the required Public Hearing has been scheduled for July 3, 2025 at a time to be determined. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this Hearing.

**Attachments:**

- Section 5.4 of the Zoning Ordinance - Residential Growth (RG)
- Appendix C of the Zoning Ordinance
- 2045 Comprehensive Plan FLU Guide Shenandoah Junction PGA

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Edwina Benites-LM

Department or Organization: Administration

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice:

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*):

Overview of purchase of 393 N. Lawrence and 330 N. George Street (Kanette Petry, Conrad and Luttrell)

**Please provide the County Commission with a description of your request or presentation, including any background information:**

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector  Y/N Internet/Wi Fi  Y/N Telephone for conference call  Y/N

Contact information:

Email address:

Phone Number:

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Edwina Benites-LM

Department or Organization: Administration

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **July 3, 2025**

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*):

**Presentation on the needs to retrofit 330 N. George Street into the new Jefferson County Judicial Center**

**Please provide the County Commission with a description of your request or presentation, including any background information:**

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed?      Projector   Y/N      Internet/Wi Fi   Y/N      Telephone for conference call   Y/N

Contact information:

Email address:

Phone Number:

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Pasha Majdi

Department or Organization: County Commission

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice:

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*):

Charles Town Utility Board Presentation-- Case No. 25-0263-W-C, City of Charles Town v. West Virginia- American Water Company

**Please provide the County Commission with a description of your request or presentation, including any background information:**

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

PUBLIC SERVICE COMMISSION  
OF WEST VIRGINIA  
CHARLESTON

Issued: June 6, 2025

CASE NO. 25-0263-W-C

CITY OF CHARLES TOWN,  
Charles Town, Jefferson County,

Complainant,

v.

WEST VIRGINIA-AMERICAN WATER COMPANY,  
a public utility,

Defendant.

PROCEDURAL ORDER

This Order sets the matter for hearing.

On February 13, 2025, the Charles Town Utility Board (City) filed a complaint against the West Virginia-American Water Company (Company) alleging that the Company was encroaching into the City's exclusive service territory creating utility-on-utility competition. The City indicated that it had a water main contiguous to the property at issue and served customers in the immediate area.

On February 14, 2025, the Commission referred the matter.

On February 24, 2025, the Company filed its answer. The Company denied that it was acting improperly. The Company justified its actions citing Beckley Water Company v. City of Mount Hope Water Department, Case No. 23-0807-W-C.

On May 14, 2025, Staff recommended that the company be ordered to cease and desist encroaching on the City's service territory and concluded that the proposed service area is within the City's service area. Staff indicated that the construction proposed by the Company would result in a water main crossing the City's existing water main. Staff indicated that City had existing water mains already along two roadways, Somerset Boulevard and Keyes Ferry Road, that border the property. Staff noted that the Commission in Beckley Water v. City of Mount Hope gave great deference to the municipality.

KAB

On May 27, 2025, the Company objected to the Staff recommendation.

The matter should be set for hearing.

ORDER

IT IS, THEREFORE, ORDERED that the matter be, and hereby is, set for hearing on July 30, 2025, at 9:30 a.m., in The County Meeting Room, Basement of Charles Town Library, 200 East Washington Street.

IT IS FURTHER ORDERED that the Executive Secretary serve this Order upon Commission Staff by hand delivery, upon all parties of record who have filed an e-service agreement with the Commission by electronic service and upon all other parties by U.S. First Class Mail.



Keith A. George  
Chief Administrative Law Judge

KAG:lc:wsl  
250263ab

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: **Nikki Painter**  
Department or Organization: **Probate/County Clerk**  
Estimation of amount of time needed for appointment: **10 minutes**  
Date Requested – 1<sup>st</sup> Choice: **July 3, 2025**  
*If a specific date is needed, please provide reason for specific date:*  
Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*):

- 1. Petition to Remove Executrix Carolyn Jean Carper from the estate of Carol V Naylor**
- 2. Quarterly Review of New Estates, Accountings and Waivers of Final Settlements**

Please provide the County Commission with a description of your request or presentation, including any background information:  
**First, the commission must convene as a Fiduciary Review Board.**

- 1. The commission received the petition from Leah Chappell Esq to remove Carolyn Jean Carper as Executrix on the estate of Carol V. Naylor. During the May 15, 2025 meeting, the commission assigned it to a Fiduciary Commissioner for review and guidance. Frank Hill, Fiduciary Commissioner, reviewed the case and recommends that the commission grant the petition and the relief requested be awarded. His letter is included.**
- 2. List of estates opened since the last quarter and Accountings and Waivers of Final Settlement that have met all statutory requirements since the last quarter**

Is this a funding request?    Y/N  
If so, how much?  
Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

- 1. To follow the recommendation from the Fiduciary Commissioner and grant the petition to remove Executrix Carolyn Jean Carper from the estate of Carol V Naylor and award the relief requested.**
- 2. To approve the list of estates opened since the last quarterly review and closure of the estates that have met all statutory requirements**

Attach supporting documents for request, or request may be denied.  
If not attached, explain:

Is equipment needed?            Projector    Y/N            Internet/Wi Fi    Y/N.            Telephone for conference call    Y/N

<b>FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION</b>

D. FRANK HILL, III  
ATTORNEY AT LAW  
POST OFFICE BOX A  
SHEPHERDSTOWN, WEST VIRGINIA 25443

D. FRANK HILL, III (WV & MD BAR)

136 E. GERMAN STREET  
THE PHARMACY BUILDING  
(304) 876-9333

June 5, 2025

The Honorable Jacqueline C. Shadle  
Clerk of the Jefferson County Commission  
P.O. Box 208  
Charles Town, WV 25414

Re: Estate of Carol V. Naylor, deceased

Dear Madam Clerk:

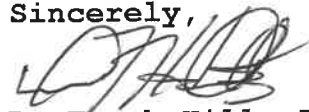
I am writing as the Fiduciary Commissioner to whom the above-captioned Estate has been assigned, with respect to a recently filed Petition For Removal Of Carol Jean Carper As Executrix Of Estate Of Carol V. Naylor, deceased (the "Petition") filed by Leah R. Chappell, counsel for Gregory A. Naylor, under date of February 18, 2025, he being a named beneficiary within the decedent's Last Will And Testament.

I have reviewed all documents provided to your office, particularly the Petition and the decedent's Last Will And Testament.

I have not received any correspondence from the appointed Executrix, Carol Jean Carper, who the Petition seeks to remove.

Based upon the representations contained in the Petition, I recommend that the County Commission grant the Petition and the relief requested be awarded.

Sincerely,



D. Frank Hill, III  
Fiduciary Commissioner

cc: Leah R. Chappell  
Counsel for the Petitioner

**BEFORE THE COUNTY COMMISSION OF  
JEFFERSON COUNTY, WEST VIRGINIA**

**In re the Estate of Carol V. Naylor, deceased**

**Gregory Naylor, beneficiary and devisee under the  
Last Will and Testament of Carol V. Naylor,**

**Petitioner**

**v.**

**Carol Jean Carper, Executor of the Last Will  
and Testament of Carol V. Naylor,**

**Respondent**

**ORDER GRANTING PETITION FOR REMOVAL OF CAROL JEAN CARPER AS  
EXECUTRIX OF ESTATE OF CAROL V. NAYLOR, deceased**

On May 15, 2025, at a regular meeting of the Jefferson County Commission (“Commission”), upon proper notice and during which a meeting a quorum was present, this matter came before it upon the Petition for Removal of Carol Jean Carper as Executrix of Estate of Carol V. Naylor, deceased (“Petition”) filed on or about February 18, 2025.

WHEREUPON, the Commission noted that a true copy of the Petition was served upon Respondent Carol Jean Carper by the Sheriff of Jefferson County, West Virginia on or about the 6th day of March, 2025, as evidenced by the return of service filed with the Clerk. No responsive pleading or objection to the relief requested in the Petition has been filed by the Respondent.

WHEREUPON, this matter was referred to Fiduciary Commissioner D. Frank Hill, III, Esq. By letter dated June 5, 2025, said Fiduciary Commissioner recommended that the Petition and the relief requested therein be granted.

WHEREUPON, the Commission reviewed the records of the Estate in this matter and did FIND the following allegations to be uncontested by the Respondent:

1. Carol V. Naylor died testate on September 15, 2009 a resident of Jefferson County, West Virginia.

2. Carol V. Naylor's daughter and son, Carol Jean Carper and Roy Maynard, qualified before the Jefferson County Clerk as Co-Executors of the Estate of Carol V. Naylor on October 19, 2009 in accordance with her Last Will and Testament. Carol Naylor's husband predeceased her.

3. The Last Will and Testament of Carol V. Naylor provided that, after payment of certain specific bequests<sup>1</sup>, the residue of her estate (hereafter "Estate") was to be equally divided into two separate Trusts: One Trust for the benefit of George D. Naylor, III, and one Trust for the benefit of Gregory A. Naylor.

4. No identifiable trusts of which the Petitioner is aware were ever established by the Co-Executors, Carol Jean Carper and Roy Maynard.

5. Roy Maynard died on May 22, 2015.

6. George D. Naylor, III, died May 31, 2017.

7. During Carol Jean Carper's tenure as Executrix of the Estate, no probate appraisal of the assets of the Estate, or any annual accounting, has been filed with the Jefferson County Clerk's Office as required by law.

8. Executrix Carol Jean Carper has stated that the only known assets of Carol Naylor's estate that remain today consist of a) a house and lot occupied by Gregory A. Naylor and located in Chesapeake, Virginia, b) an unimproved parcel of land in Florida, c) and an unimproved parcel of land in Colorado, and d) the proceeds from the sale of

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<sup>1</sup> Said bequests were paid in the course of administration and are not at issue in this case.

another parcel of improved land in Virginia, which was sold by the Executrix in September 2020.

9. According to the Executrix, all the cash assets of the Estate, from the decedent's death to the present, have been consumed by maintenance, taxes and insurance on the two parcels of real estate in Virginia.

10. The Executrix's failure to file an appraisal as required by law leaves this Court and all interested parties with no information regarding the assets of the Estate other than the statements of the Executrix.

11. To date, the Executrix has initiated no ancillary administration for the parcels of land in Florida or Colorado. Counsel retained by the Petitioner, Gregory A. Naylor, opened an ancillary administration for the Estate in Virginia.

12. The Executrix represents that most of the records relating to the Estate were destroyed in a house fire at the Executrix's personal residence, making reconstruction of assets and liabilities next to impossible.

13. Carol Jean Carper has abdicated her responsibility to perform the duties as Executrix and Trustee since her appointment in 2009, and has completely abdicated her obligation to file appraisements and accountings regarding the assets and expenditures of the Estate.

14. Under the terms of the Decedent's Will, if one of the two trust beneficiaries dies after the trusts are established, the proceeds of that trust are to be divided equally among six named alternate beneficiaries, provided the alternate beneficiary survives the original beneficiary, to-wit: Franklin B. Naylor, George R. Naylor, Roy Maynard, Carol Jean Carper, George Simmons and Frances Simmons.

15. The Petitioner is informed that the following persons either predeceased the Decedent, or have died since the Decedent's death on September 15, 2009:

- a. George D. Naylor, III      Died May 31, 2017
- b. Franklin B. Naylor      Died May 9, 2017
- c. Roy Maynard, Jr.      Died May 22, 2015
- d. George Simmons      Died Dec. 31, 2022
- e. Frances Simmons      Died August 3, 2003

16. The Petitioner is informed that Gregory A. Naylor, Carol Jean Carper and George Raymond Naylor are still living.

17. Each of the surviving alternate beneficiaries of the George D. Naylor, III Trust portion of the Decedent's Will has released his or her interest in said Trust in writing.

18. The only remaining beneficiary under Carol V. Naylor's Will is Petitioner Gregory Naylor and the contingent beneficiaries of Gregory Naylor's trust, Carol Jean Carper and George Raymond Naylor, provided they survive Petitioner Gregory A. Naylor. If any of these contingent beneficiaries are deceased, then at the death of Petitioner Gregory A. Naylor, their interest in the Estate of Carol V. Naylor lapses.

19. West Virginia Code §44-4-2. *Fiduciaries to exhibit accounts for settlement*, provides:

A statement of all the money, and an inventory of all securities, stocks, bonds and all other property, including the value thereof, which any personal representative, guardian, curator or committee, has received, become chargeable with or disbursed, **within one year from the date of the fiduciary's qualification, or within any succeeding year, together with the vouchers for such disbursements, shall, within two months after the end of every such period**, be exhibited by the fiduciary to the fiduciary commissioner to whom the estate or trust has been referred. **If any fiduciary fails to make an exhibit, the fiduciary commissioner to whom the fiduciary should make the exhibit shall proceed against the**

**fiduciary in the appropriate circuit court, and the court shall impose the same penalties, unless the fiduciary is excused for sufficient reason, as are provided in cases where fiduciaries fail to return appraisements.**

(emphasis added)

20. West Virginia Code §44-1-14. *Appraisal of real estate and probate personal property of decedents; disposition; hiring of experts*, provides:

(a) The personal representative of an estate of a deceased person shall appraise the deceased's real estate and personal probate property, or any real estate or personal probate property in which the deceased person had an interest at the time of his or her death, as provided in this section.

(b) After having taken the appropriate oath, the personal representative shall, on the appraisal form prescribed by the Tax Commissioner, list the following items owned by the decedent or in which the decedent had an interest and the fair market value of the items at the date of the decedent's death:

(1) All probate and nonprobate real estate including, but not limited to, real estate owned by the decedent, as a joint tenant with right of survivorship with one or more parties, as a life estate, subject to a power of appointment of the decedent, or in which any beneficial interest passes by trust or otherwise to another person by reason of the death of the decedent; and

(2) All probate personal property, whether tangible or intangible, including, but not limited to, stocks and bonds, bank accounts, mortgages, notes, cash, life insurance payable to the executor or administrator of the decedent's estate and all other items of probate personal property.

(c) Any real estate or interest in real estate so appraised must be identified with particularity and description. The personal representative shall identify the source of title in the decedent and the location of the realty for purposes of real property ad valorem taxation.

(d) For purposes of this section, the term "probate personal property" means all personal property which passes by or under the decedent's will or by the laws of intestate descent and distribution or is otherwise subject to administration in a decedent's estate under common law.

(e) The personal representative shall complete, under oath, a questionnaire included in the appraisal form designed by the Tax Commissioner for the purpose of reporting whether the decedent owned or had an interest in any nonprobate personal property: Provided, That the Tax Commissioner

shall design a questionnaire that is as much as possible phrased in understandable English.

(f) The appraisal form shall be executed and signed by the personal representative. The original appraisal form and two of its copies, together with the completed and notarized nonprobate inventory form required by section seven, article eleven, chapter eleven of this code, shall be returned to the clerk of the county commission by whom the personal representative was appointed or to the fiduciary supervisor within ninety days of the date of qualification of the personal representative. The clerk or supervisor shall inspect the appraisal form to determine whether it is in proper form. If the appraisal form is returned to a fiduciary supervisor, within ten days after being received and approved, the supervisor shall deliver the documents to the clerk of the county commission. Upon receipt of the appraisal form, the clerk of the county commission shall record it with the certificate of approval of the supervisor. The date of return of an appraisal form must be entered by the clerk of the county commission in his or her record of fiduciaries. The nonprobate inventory form shall be maintained and preserved by the clerk of the county commission or the fiduciary supervisor, but shall not be recorded in the records of the clerk of the county commission. The nonprobate inventory form is confidential tax return information subject to the provisions of section five-d, article ten, chapter eleven of this code and may not be disclosed by the clerk of the county commission and his or her officers and employees or former officers and employees. Nothing in this section may be construed to hinder, abrogate or prevent disclosure of information as authorized in section thirty-five, article eleven, chapter eleven of this code.

(g) An executed and signed appraisal form is prima facie evidence:

- (1) Of the value of the property listed;
- (2) That the property is subject to administration; and
- (3) That the property was received by the personal representative.

**(h) Any personal representative who refuses or declines, without reasonable cause, to comply with the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$500.**

(i) Every personal representative has authority to retain the services of an expert as may be appropriate to assist and advise him or her concerning his or her duties in appraising any asset or property pursuant to the provisions of this section. An expert so retained shall be compensated a reasonable sum by the personal representative from the assets of the estate. The compensation and its reasonableness is subject to review and approval by the county commission, upon recommendation of the fiduciary supervisor.

(j) Except as specifically provided in subdivision (1), subsection (b) of this section and in section seven, article eleven, chapter eleven of this code, the personal representative is not required to list and appraise nonprobate real estate or nonprobate personal property of the decedent on the forms required in this section or section seven, article eleven, chapter eleven of this code.

The Commission, pursuant to W. Va. Code § 44-3-7, by regular motion and upon a duly called vote, unanimously approved and ORDERED as follows:

21. The Executrix is hereby ORDERED removed as Executrix.
22. Henry W. Morrow, Jr., Esq., shall be and is hereby appointed Successor Administrator c.t.a., d.b.n. of the Estate of Carol V. Naylor. The Successor Administrator shall perform all duties required by law to complete the settlement of the Estate of Carol V. Naylor.
23. Executrix Carol Jean Carper is Ordered to immediately tender an accounting reflecting all the actions taken by her during her tenure as Executrix, along with supporting documentation.
24. Executrix Carol Jean Carper is Ordered to immediately remit to the Successor Administrator all assets and records of the Estate of Carol V. Naylor.
25. Failure by the Executrix Carol Jean Carper to comply with the directives of this Order shall result in a referral to the Sheriff of Jefferson County for investigation of appropriate criminal charges.
26. The Clerk of the County Commission shall mail an attested copy of this Order to all parties and counsel. The Petitioner's counsel shall forward a copy of this Order to the Sheriff of Jefferson County, West Virginia for personal service upon Carol Jean Carper. The Petitioner shall pay the costs of said service.

Entered this \_\_\_\_ day of \_\_\_\_\_, 2025

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**President, Jefferson Co. Commission**

Prepared by:



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Leah R. Chappell, Esq., WWSB 5530  
Chappell Law Office, L.C.  
P.O. Box 1005  
Charles Town, WV 25414  
Telephone (304) 606-2974  
Counsel for the Petitioner

# United States of America

State of West Virginia



County of Jefferson, ss:

## Appointment List

Notice is hereby given that the following estate(s) have been opened for probate from 3/26/2025 thru 6/25/2025 in the Jefferson County Clerk's Office at PO Box 208, Charles Town, WV 25414-0208.

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ESTATE NUMBER: **508**  
APPOINT DATE: 05/30/2025  
ESTATE NAME: **FRANKIE MARTFELD**  
ADMINISTRATOR CTA DBN **KYLE T CURTIS**  
SURETY **JAMES THOMAS CURTIS**

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ESTATE NUMBER: **4847**  
APPOINT DATE: 04/22/2025  
ESTATE NAME: **PETER WALDEMAR ONOSZKO**  
ADMINISTRATRIX DBN **CONSTANCE J. LIGHTFOOT**  
SURETY **SHARON LEWIS**

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ESTATE NUMBER: **5015**  
APPOINT DATE: 04/18/2025  
ESTATE NAME: **CHARLES R ACKENBOM**  
ANCILLARY ADMINISTRATOR **ALINA M ACKENBOM**

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ESTATE NUMBER: **5090**  
APPOINT DATE: 05/27/2025  
ESTATE NAME: **NELLIE BUCHANAN MENDER**  
CILLARY ADMINISTRATOR CTA **JOYCE CAROLE THOMAS**  
CILLARY ADMINISTRATOR CTA **MARIA TERESA MILLER**

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ESTATE NUMBER: **5173**  
APPOINT DATE: 03/26/2025  
ESTATE NAME: **ALFRED JAMES WOOTTON**  
EXECUTRIX **SUSAN C BROWNSMITH**

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ESTATE NUMBER: **5175**  
APPOINT DATE: 03/31/2025  
ESTATE NAME: **MARTHA LOUISE WILCOX**  
ADMINISTRATRIX **KELLY HIXON**

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ESTATE NUMBER: **5176**  
APPOINT DATE: 03/31/2025  
ESTATE NAME: **CONNIE ANN TYRRELL**  
ADMINISTRATOR **DAVID TYRRELL**  
SURETY **LAUREL TYRRELL**

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ESTATE NUMBER: **5177**  
APPOINT DATE: 04/01/2025  
ESTATE NAME: **PHILIP G ASID**  
ANCILLARY ADMINISTRATOR **BETHANY L MARTIN**  
ATTORNEY **HENRY W MORROW JR**  
**PO BOX 459**  
**CHARLES TOWN, WV 25414-0459**

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ESTATE NUMBER: **5179**  
APPOINT DATE: 04/01/2025  
ESTATE NAME: **JOHN PATRICK MILTON**  
EXECUTOR RONALD R MILTON

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ESTATE NUMBER: **5180**  
APPOINT DATE: 04/02/2025  
ESTATE NAME: **SUSAN WHITE GLENN**  
EXECUTOR DAVID GLENN

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ESTATE NUMBER: **5182**  
APPOINT DATE: 04/03/2025  
ESTATE NAME: **SUSAN P SCOTT**  
EXECUTRIX DEBORAH L MCCAULEY

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ESTATE NUMBER: **5184**  
APPOINT DATE: 04/08/2025  
ESTATE NAME: **ALBERT LEE SIPE**  
EXECUTOR JAMES B CRAWFORD III

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ESTATE NUMBER: **5189**  
APPOINT DATE: 04/11/2025  
ESTATE NAME: **ELIZABETH DOROTHY DICKEY**  
EXECUTOR STEVEN A DICKEY

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ESTATE NUMBER: **5190**  
APPOINT DATE: 04/11/2025  
ESTATE NAME: **THOMAS ANTHONY MILLER**  
ADMINISTRATRIX JAMIE SOMERS

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ESTATE NUMBER: **5192**  
APPOINT DATE: 04/14/2025  
ESTATE NAME: **BRIAN P FOX**  
EXECUTOR BANK OF CHARLES TOWN

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ESTATE NUMBER: **5194**  
APPOINT DATE: 04/16/2025  
ESTATE NAME: **GARY DALE SUMPTER**  
ADMINISTRATOR HENRY W MORROW JR  
ATTORNEY HENRY W MORROW JR  
PO BOX 459  
CHARLES TOWN, WV 25414-0459

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ESTATE NUMBER: **5197**  
APPOINT DATE: 04/18/2025  
ESTATE NAME: **MICHAEL EUGENE YOUNG**  
ADMINISTRATOR CLYDE YOUNG  
ADMINISTRATRIX NATALIE YOUNG

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ESTATE NUMBER: **5199**  
APPOINT DATE: 05/06/2025  
ESTATE NAME: **JOHN DOUGLAS THOMPSON**  
EXECUTRIX CHRISTINE GRIMSLEY  
ATTORNEY DANIEL STAGGERS  
133 E JOHN STREET  
MARTINSBURG, WV 25401-4214

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ESTATE NUMBER: **5202**  
APPOINT DATE: 04/23/2025  
ESTATE NAME: **CAROL BAYNE SOLEIMANI**  
ADMINISTRATRIX SUSAN SHACKELFORD  
SURETY JAMES SHACKELFORD

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ESTATE NUMBER: **5203**  
APPOINT DATE: 05/15/2025  
ESTATE NAME: **JOE JACOB MILLER**  
EXECUTRIX CAROL S BLUMENTHAL

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ESTATE NUMBER: **5205**  
APPOINT DATE: 04/30/2025  
ESTATE NAME: **EMERY GAIL JACKSON**  
ADMINISTRATRIX BESSIE F NELSON

---

ESTATE NUMBER: **5206**  
APPOINT DATE: 04/29/2025  
ESTATE NAME: **MARI JILL WORKMAN**  
ADMINISTRATOR DOCK WORKMAN

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ESTATE NUMBER: **5207**  
APPOINT DATE: 06/05/2025  
ESTATE NAME: **MAUREEN F BOGGS**  
ARY ADMINISTRATOR CTA DBN OWEN BOGGS

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ESTATE NUMBER: **5208**  
APPOINT DATE: 04/30/2025  
ESTATE NAME: **ROBERT LEWIS MILLER**  
ADMINISTRATRIX KATHERINE SUSAN MILLER

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ESTATE NUMBER: **5209**  
APPOINT DATE: 05/16/2025  
ESTATE NAME: **DOROTHY M MOZDEN**  
EXECUTRIX CATHERINE MOZDEN LEWIS  
ATTORNEY HEATHER DERN MYERS  
299 ROCK CLIFF DRIVE  
MARTINSBURG, WV 25401-2835

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ESTATE NUMBER: **5211**  
APPOINT DATE: 05/02/2025  
ESTATE NAME: **JOHN M STEVENS**  
EXECUTRIX LESLIE DENISE JOHNSON  
ATTORNEY ALISON COX  
101 SOUTH QUEEN STREET  
MARTINSBURG, WV 25401-3315

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ESTATE NUMBER: **5212**  
APPOINT DATE: 05/02/2025  
ESTATE NAME: **ENSLEY WILLARD HICKS**  
EXECUTRIX KATHLEEN J ACLY

---

ESTATE NUMBER: **5215**  
APPOINT DATE: 05/08/2025  
ESTATE NAME: **RENE ETHAN GRACE**  
EXECUTRIX ANN GRACE

---

ESTATE NUMBER: **5216**  
APPOINT DATE: 05/12/2025  
ESTATE NAME: **WAYNE LEROY STEIDING**  
ADMINISTRATRIX KRISTA ANN STEIDING

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ESTATE NUMBER: **5217**  
APPOINT DATE: 05/08/2025  
ESTATE NAME: **HELEN MARLENE DOPSON**  
EXECUTOR JAMES WILLIAM DOPSON  
ATTORNEY LAWRENCE M SCHULTZ  
85 AIKENS CENTER  
MARTINSBURG, WV 25404-5708

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ESTATE NUMBER: **5221**  
APPOINT DATE: 05/13/2025  
ESTATE NAME: **GEORGE WILLIAM STOCKS**  
EXECUTRIX SUSAN G STOCKS

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ESTATE NUMBER: **5224**  
APPOINT DATE: 06/17/2025  
ESTATE NAME: **MERVIN ROYCE JACKSON**  
ADMINISTRATRIX AMY MICHELLE CARROLL

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ESTATE NUMBER: **5225**  
APPOINT DATE: 05/15/2025  
ESTATE NAME: **MICHAEL CALVIN SWOMLEY**  
ADMINISTRATOR MICHAEL C SWOMLEY JR

---

ESTATE NUMBER: **5227**  
APPOINT DATE: 05/16/2025  
ESTATE NAME: **JAMES LINWOOD DUDLEY**  
ADMINISTRATOR JALAN DUDLEY

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ESTATE NUMBER: **5228**  
APPOINT DATE: 05/20/2025  
ESTATE NAME: **RICHARD E MEEHLEIB**  
EXECUTOR ALAN MEEHLEIB

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ESTATE NUMBER: **5235**  
APPOINT DATE: 05/30/2025  
ESTATE NAME: **EDGAR WILIAM THOMAS JR**  
ADMINISTRATRIX MARY GREENE

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ESTATE NUMBER: **5237**  
APPOINT DATE: 05/30/2025  
ESTATE NAME: **DORIS JEAN MUMAW**  
EXECUTOR KEITH L MUMAW

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ESTATE NUMBER: **5239**  
APPOINT DATE: 06/03/2025  
ESTATE NAME: **SAM ZU YUNG**  
ADMINISTRATOR RICHARD Z YUNG

---

ESTATE NUMBER: **5240**  
APPOINT DATE: 06/04/2025  
ESTATE NAME: **JAMES PHILLIP LAING**  
ADMINISTRATRIX KARIN A LAING

---

ESTATE NUMBER: **5242**  
APPOINT DATE: 06/05/2025  
ESTATE NAME: **ANTHONY LAMONT HUNTER-RICHARDSON**  
EXECUTRIX Y'NONA DLAINE HUNTER-RICHARDSON

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ESTATE NUMBER: **5244**  
APPOINT DATE: 06/05/2025  
ESTATE NAME: **GILBERT BOGGS**  
EXECUTOR OWEN BOGGS  
TRUSTEE OWEN BOGGS

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ESTATE NUMBER: **5245**  
APPOINT DATE: 06/05/2025  
ESTATE NAME: **RAYMOND WARD DELAWDER JR**  
EXECUTOR TIMMY H DELAWDER

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ESTATE NUMBER: **5246**  
APPOINT DATE: 06/06/2025  
ESTATE NAME: **Z BERNADEAN JACKSON**  
EXECUTRIX JAYNE E STOTLER

---

ESTATE NUMBER: **5247**  
APPOINT DATE: 06/06/2025  
ESTATE NAME: **PAUL ANTHONY THOMPSON**  
ANCILLARY ADMINISTRATOR DEBRA D THOMPSON

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ESTATE NUMBER: **5250**  
APPOINT DATE: 06/11/2025  
ESTATE NAME: **DONALD EUGENE AINSWORTH**  
EXECUTOR JOHN K DORSEY

---

ESTATE NUMBER: **5255**  
APPOINT DATE: 06/12/2025  
ESTATE NAME: **JAMES GARLAND HEFLEBOWER**  
EXECUTOR GREGORY J HEFLEBOWER

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ESTATE NUMBER: **5256**  
APPOINT DATE: 06/12/2025  
ESTATE NAME: **WILLIAM G NESTOR**  
EXECUTRIX AIMEE NESTOR  
ATTORNEY JOHN K DORSEY  
104 W. CONGRESS STREET  
CHARLES TOWN, WV 25414-1622

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ESTATE NUMBER: **5260**  
APPOINT DATE: 06/13/2025  
ESTATE NAME: **WOORYOUNG HUR**  
ADMINISTRATRIX SOONJAE HWANG

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ESTATE NUMBER: **5267**  
APPOINT DATE: 06/18/2025  
ESTATE NAME: **MICHAEL JOSEPH WIMER**  
ADMINISTRATRIX BECKY SUZETTE WIMER  
ATTORNEY JAMIE HILL  
299 ROCK CLIFF DRIVE  
MARTINSBURG, WV 25401-2835

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ESTATE NUMBER: **5268**  
APPOINT DATE: 06/18/2025  
ESTATE NAME: **JOSEPH GORDON SAUNDERS**  
EXECUTOR RICHARD SAUNDERS  
ATTORNEY BRIAN OGILVIE  
SKINNER LAW FIRM  
115 EAST WASHINGTON  
CHARLES TOWN, WV 25414-1071

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ESTATE NUMBER: **5272**  
APPOINT DATE: 06/24/2025  
ESTATE NAME: **DANIEL D JACKSON JR**  
EXECUTRIX VANETTE JACKSON

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ESTATE NUMBER: **5273**  
APPOINT DATE: 06/24/2025  
ESTATE NAME: **BOBBIE JEAN FREITAG**  
EXECUTOR RICHARD S WASSERSTROM  
ATTORNEY JOHN K DORSEY  
104 W CONGRESS STREET  
CHARLES TOWN, WV 25414-1622

---

ESTATE NUMBER: **5274**  
APPOINT DATE: 06/25/2025  
ESTATE NAME: **MELVIN EDWARD PIPER**  
EXECUTOR DAVID E PIPER

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ESTATE NUMBER: **5275**  
APPOINT DATE: 06/25/2025  
ESTATE NAME: **JOE ANN SLUSHER**  
ADMINISTRATRIX SANDRA SLUSHER MCDONALD

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TOTAL ESTATES: 54

Subscribed and sworn to before me on 6/25/2025

\_\_\_\_\_  
President of the County Commission

*Jacqueline C. Shadle*  
\_\_\_\_\_

Jacqueline C Shadle  
Clerk of Jefferson County

By *Karen Olden*  
\_\_\_\_\_

Karen Olden  
Deputy Clerk

Regular Term

July 2025

**State of West Virginia, County of Jefferson**, to-wit:

At a regular Term of the County Commission of said County and State, begun and held at the Old Charles Town Library thereof, on Thursday, July 3, 2025 at 9:30AM.

PRESENT: County Commissioners: Pasha Majdi, Mike Mood, Jack Hefestay, Cara Keys, and Steve Stolipher

***The following Accountings and Waivers of Final Settlement were this day examined by the Commission and there being no exceptions thereto, and none appearing on the face thereof, same are ordered approved and recorded as follows:***

***Accountings***

Estate of Carmella Marie Balsbaugh, deceased, Interim Accounting, Henry W. Morrow Jr, Administrator

Estate of, Gregory M. Burch, deceased, First, Second, Third, Fourth, and Fifth Interim Accountings, Deborah J. Burke, Executrix

Estate of Erdem Ismail Ergin, deceased, First and Final Accounting, Thomas Wielgosz, Executor

Estate of, Herman Paul Fischer, deceased, First and Final Accounting, Helen L. Carbonneau, Executrix

Estate of Benjamin J. Gunn, deceased, First and Final Accounting, Henry W. Morrow Jr, Administrator

Estate of Charlton Larry Hall, deceased, First and Final Accounting, Melissa A. Hall, Administratrix

Estate of Gerald M. Jenkins, deceased, First and Final Accounting, Norma K. McGraw, Executrix

Estate of Thelma M. Kaetzel, deceased, First and Final Accounting, Susan Kay Waters and Stephen Dale Carper, Co-Executors

Estate of Mitchell Alan Levendusky, deceased, Deborah J. Santucci,  
Administratrix

Estate of Alice B. Pope, deceased, First and Final Accounting, Thomas E. Pope,  
Executor

Estate of Lucy Arena Rutherford, deceased, First and Final Accounting, Marcus  
John Rutherford Jr, Executor

Estate of Christopher Steve Spanos, deceased, First and Final Accounting,  
Sheriff Thomas Hansen, Administrator

Estate of Agnes Jean Watson, deceased, First and Final Accounting, Theresa  
Heumphreus, Executrix

### ***Waivers of Final Settlement***

Estate of Benjamin Patrick Anderson, deceased, Evelyn Anderson,  
Administratrix

Estate of Thomas Eugene Brown Sr, deceased, Georgia Anna Butts, Executrix

Estate of Mildred Louise Byrd, deceased, Michael Byrd, Administrator

Estate of Robert Callahan, deceased, Ann M. Callahan, Executrix

Estate of Louise Anne Cannon, deceased, Shane A. Cannon, Executor

Estate of Cynthia Lynn Carey, deceased, Melissa M. Parsons, Executrix

Estate of Bandith Chounlamontry, deceased, Daravanh C. Thienard,  
Administratrix

Estate of Michael Craig, deceased, Mary Edna Taylor, Administratrix

Estate of John S. Desmond, deceased, John Restaino, Executor

Estate of Cecil Dennis Dickinson, deceased, Kevin S. Dickinson, Executor

Estate of Janet Marguerite Eckert, deceased, Cheryl Janet Johnson,  
Administratrix

Estate of Fred John Freitag, deceased, Richard S. Wasserstrom, Executor

Estate of Margaret Virginia Grantham, deceased, Edmond Curtis Grantham,  
Executor

Estate of Wilma Ann Hockensmith, deceased, Janet H. Carroll, Executrix

Estate of Mack Lewis Hooe Jr, deceased, C. Megan Kern, Executrix

Estate of Theadore Murphy Jenkins Jr, deceased, Tammy P. Worcester and Christopher C. Jenkins, Co-Executors

Estate of Michael Jon Lamb, deceased, Carol Dalton, Administratrix

Estate of James Corbin Larue, deceased, Jeremy Larue, Executor

Estate of Paul Richard Manzuk, deceased, Paula Moessner, Executrix

Estate of Peter Waldemar Onoszko, deceased, Constance J. Lightfoot, Administratrix DBN

Estate of Robert Steven Parker, deceased, Brendan Parker, Executor

Estate of Stefanos Panayiotis Petropouleas, deceased, E. Adelaide Crawford, Ancillary Administrator CTA

Estate of Carl William Douglas Pierson, deceased, Rachel S. Pierson, Administratrix

Estate of Lawrence B. Reed Jr, deceased, Lawrence B Reed III, Executor

Estate of Serena Fay Rippeon, deceased, Gary Wayne Ketterman, Administrator

Estate of Damon Reed Ritchie, deceased, Courtney Becker, Administratrix

Estate of Roger Lee Seal, deceased, Linda L. Seal, Executrix

Estate of Lawanna Gail Sherman, deceased, Travis C. Sherman, Executor

Estate of William David Wolfinbarger, deceased, Waiver of Final Settlement, Kristin Alayne Wolfinbarger, Administratrix

Estate of Linda Gale Young, deceased, Clyde Randolph Young, Administrator

Estate of Michael Eugene Young, deceased, Clyde Young and Natalie Young, Co-Administrators

**Accountings and Waivers of Final Settlement submitted from the  
Fiduciary Commissioners: June Kay Jovanelly**

Estate of Betty M. Myers, deceased, First and Final Accounting, Deanna Passmore Jenkins, Executrix

Estate of Jo Ann Redding, deceased, First and Final Accounting, Theodore Marshall Nick Jr, Executor

Estate of Lorraine Lively Rose, deceased, Ninth and Final Accounting, Laura Ritzenthaler, Executrix

Estate of Agnes Rosalie Tabler, deceased, First and Final Accounting, Dennis Barron, Executor

Estate of Helen L. Townsend, deceased, First and Final Accounting, Janet M. Townsend, Executrix

---

President of the County Commission

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Commissioner Cara Keys

Department or Organization: RE West Virginia Department of Arts, Culture and History

Estimation of amount of time needed for appointment: 15 Minutes

Date Requested – 1<sup>st</sup> Choice:


*If a specific date is needed, please provide reason for specific date: July 3, 2025 (preferably morning)*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*):

**Letter of Support for The Jacob Folk House on the National Register of Historic Places via application (NPS Form 10-900)**

**Please provide the County Commission with a description of your request or presentation, including any background information:**

 Please see attached. Mr. Austin Slater will give additional background information during request.

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

***Motion to approve the attached letter in support of the owners of 484 Billmyer Mill Road, Shepherdstown, WV in placing The Jacob Folk House on the National Register of Historic Places.***

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information: Cara Keys

Email address: ckeys@jeffersoncountywv.org

Phone Number: 240-367-5152

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



# JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

**Phone:** (304) 728-3284 **Fax:** (304) 725-7916

**Web:** [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

PRESIDENT

*Pasha Majdi*

COMMISSIONER

*Jack Hefestay*

COMMISSIONER

*Cara Keys*

COMMISSIONER

*Mike Mood*

COMMISSIONER

*Steve Stolipher*

Susan M. Pierce

Deputy State Historic Preservation Officer

West Virginia Department of Arts, Culture and History

The Culture Center

1900 Kanawha Blvd., E.

Charleston, WV 25305-0300

July 3, 2025

RE: Jacob Folk House

Dear Deputy Director Pierce:

We are in receipt of your thoughtful letter of June 4, 2025, with respect to the above referenced house now under consideration for nomination to the National Register of Historic Places. We are also in receipt and have reviewed the original application (NPS Form 10-900) made by the owners, Mr. and Mrs. Slater.

This Commission is committed to and has achieved a long-standing record of support for the historical and cultural preservation of our County. We strongly believe that, in most cases, we are only provided with one opportunity to permanently enshrine key elements of our past for future generations. Given the early settlement of Jefferson County in our state, we offer some of the finest and earliest examples of the architectural evolution of style, construction methods, and records of early West Virginia life.

It is in this regard that we unanimously endorse and recommend the Jacob Folk House nomination to the National Register of Historic Places. This 1860's house, its legacy, and ties to our agricultural history needs to be preserved and celebrated.

Should you have any questions or wish to further discuss our advocacy regarding this important recognition please contact us.

Kind Regards,

---

Cara Keys

Jefferson County Commissioner



Jacob Folk House  
Name of Property

Jefferson, West Virginia  
County and State

**4. National Park Service Certification**

I hereby certify that this property is:

- entered in the National Register
- determined eligible for the National Register
- determined not eligible for the National Register
- removed from the National Register
- other (explain:) \_\_\_\_\_

\_\_\_\_\_  
Signature of the Keeper

\_\_\_\_\_  
Date of Action

**5. Classification**

**Ownership of Property**

(Check as many boxes as apply.)

- Private:
- Public – Local
- Public – State
- Public – Federal

**Category of Property**

(Check only **one** box.)

- Building(s)
- District
- Site
- Structure
- Object

Jacob Folk House  
Name of Property

Jefferson, West Virginia  
County and State

**Number of Resources within Property**

(Do not include previously listed resources in the count)

Contributing	Noncontributing	
<u>1</u>	<u>1</u>	buildings
<u>0</u>	<u>0</u>	sites
<u>1</u>	<u>0</u>	structures
<u>0</u>	<u>0</u>	objects
<u>2</u>	<u>1</u>	Total

Number of contributing resources previously listed in the National Register 0

---

**6. Function or Use**

**Historic Functions**

(Enter categories from instructions.)

DOMESTIC/single dwelling  
AGRICULTURE/SUBSISTENCE/storage

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Current Functions**

(Enter categories from instructions.)

DOMESTIC/single dwelling  
DOMESTIC/secondary storage

\_\_\_\_\_  
\_\_\_\_\_

Jacob Folk House  
Name of Property

Jefferson, West Virginia  
County and State

**7. Description**

**Architectural Classification**

(Enter categories from instructions.)

OTHER/I-House  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Materials:** (enter categories from instructions.)  
Principal exterior materials of the property: \_\_\_\_\_

Foundation: STONE  
Walls: BRICK  
Roof: METAL  
Other: WOOD

Jacob Folk House

Name of Property

Jefferson, West Virginia

County and State

### **Narrative Description**

(Describe the historic and current physical appearance and condition of the property. Describe contributing and noncontributing resources if applicable. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, type, style, method of construction, setting, size, and significant features. Indicate whether the property has historic integrity.)

---

### **Summary Paragraph**

The Jacob Folk House is an 1860 two-story center-passage brick dwelling, sited facing east on a former working farm and near an active agricultural education complex. A rear ell original to the house contains two additional rooms on each story, ending with a large external chimney for a kitchen fireplace. The façade includes a centered entry with a covered stoop, and a two-story porch spans the south side of the ell. The interior architecture is mostly intact to its original construction, with sparse modifications mostly for utilitarian purpose, and a small section of the porch has been enclosed for bathrooms. A 19<sup>th</sup> century corn crib is sited north of the dwelling, and a 1990s artist studio is sited southwest of the dwelling. The Jacob Folk House and the corn crib both retain a high degree of integrity in all seven Aspects of Integrity: location, design, setting, materials, workmanship, feeling, and association.

---

### **Narrative Description**

The Jacob Folk House sits on gently rolling land in rural Jefferson County, West Virginia, about 1.5 miles northwest of Shepherdstown. The parcel is an inner section of the former Folk (sometimes Fulk) family farm, the outer portion of which now belongs to the State of West Virginia and houses Shepherd University's teaching farm, Tabler Farm. A shared right-of-way leads through State land and enters slightly into the Jacob Folk House parcel.

The Jacob Folk House is a vernacular I-House dwelling, built in 1860, constructed with load-bearing brick. The two full stories occupy essentially the same footprint and layout, and the house includes a full walk-up attic and a partial basement.

The house is composed of two significant masses – center-passage mass and rear ell – connected by a single north wall, and the lack of any seam or variation in brick composition suggests that they were built at the same time. The primary center-passage mass is five bays wide and single-pile with one room each to the north and south of the passage, with an exterior covered stoop leading to a centered entry door. Interior chimneys on both north and south ends serve fireplaces on both stories. The other mass is an ell extending to the west, two rooms long, with a large chimney on the end that protrudes beyond the footprint of the ell and serves a wide kitchen fireplace.

The brick is laid in common bond, with typically five rows of stretchers between rows of headers. The brickwork shows remnants of iron oxide paint over the mortar, accentuated with penciling. The ell chimney has been rebuilt above the firebox, with a distinctly lighter brick and white mortar, laid in running bond.

Jacob Folk House  
Name of Property

Jefferson, West Virginia  
County and State

The house includes a bi-level porch along the ell. The porch is open to the south, but shielded from the west by an extended section of the house's brick wall, with a window through the first story. This extended piece of wall is two wythes wide and seemingly original based on the lack of distinct joint or difference in brick or mortar color. The roof framing viewed inside the attic concurs that this feature was original. This extended wall is unusual and not typically found in the Lower Shenandoah Valley. A spiral staircase connects the two stories of the porch. The eastern end of the porch, at the inner corner of the ell, is enclosed by a roughly square room on each story, containing bathrooms. The bathroom floors include ceramic tiles custom painted by a former owner in the artist's studio on the property, though they have not attained historic significance.

The second story of the ell and the porch are set two steps lower in elevation than in the primary mass. The center passage contains a staircase rising westward that stops and switches back counter-clockwise at a landing, with a doorway leading from the landing to the upstairs bathroom. Another doorway leads from the northern room into the first room of the ell, with two step risers inside the ell leading to that doorway. The southeast corner in the first room of the ell is occupied by a staircase rising northward into the attic, accessed by a narrow door.

The whole interior exhibits fine millwork, including door and window casing with an E-shaped cross-section and flat corner blocks. The entry includes an eight-panel door and a rectangular transom window divided into an elaborate pattern of small lights. The staircase in the center passage includes a narrow newel post connecting to a banister that curves upward, with two narrow square balusters for each tread. The wall beneath the stairs is clad with horizontal wood panels. The upstairs north and south rooms have closets next to the fireplaces, with faux-grained eight-panel doors. Most of the other trim throughout the house is painted white.

On the first story, the portal between the center passage and the north room is wider than others and topped with a segmental arch, with no trim casing. Whether this is an alteration is unclear.

The Jacob Folk House has been kept in good maintenance, with only minimal signs of deterioration, primarily water infiltration at the northwest corner of the ell. Besides the addition of bathrooms along with kitchen cabinets and appliances and electric lighting fixtures, and the ell chimney rebuild, the house has received little alteration.

The Jacob Folk House retains integrity in all seven aspects. The house is in its original *location*, and because the surrounding Folk and Tabler families farm is now being continued as a teaching farm by Shepherd University, and no other newer land development is visible from the property, the house retains its agricultural *setting*. With most of its architectural features unaltered, the house retains essentially all *workmanship* and *materials*, with only minor and unintrusive changes to the *design*. By extension, the house strongly retains its *feeling* of a mid-19<sup>th</sup>-century agricultural dwelling in the Lower Shenandoah Valley, and retains its *association* with its geography and that era of Virginia and American history.

Jacob Folk House  
Name of Property

Jefferson, West Virginia  
County and State

To the north of the dwelling is a contributing outbuilding, a corn crib according to a previous survey, the exact age of which is indeterminate, but which consists of a post-and-beam frame with hand-hewn members, suggesting a pre-Civil War construction. The corn crib is two bays wide and three bays deep; the front bays are open air, the middle bays are enclosed with vertical wood boards, and the rear bays are open air. The roof, sheathed with ribbed metal, consists of a side-gabled section over the front and middle bays, and a shed roof over the rear bays. Essentially unaltered from its original construction, the corn crib retains its integrity of *design, materials, and workmanship*, and retains integrity of *location, setting, feeling, and association* by the same virtues as the dwelling.

To the southwest of the dwelling is a noncontributing artist's studio dating to the 1990s. The studio is front-gabled and clad with board and batten, with a large gabled entry portico.

An additional outbuilding of indeterminate age, with severe structural deficiencies and partial collapse, was demolished in early 2025.

Jacob Folk House  
Name of Property

Jefferson, West Virginia  
County and State

## 8. Statement of Significance

### Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing.)

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B. Property is associated with the lives of persons significant in our past.
- C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D. Property has yielded, or is likely to yield, information important in prehistory or history.

### Criteria Considerations

(Mark "x" in all the boxes that apply.)

- A. Owned by a religious institution or used for religious purposes
- B. Removed from its original location
- C. A birthplace or grave
- D. A cemetery
- E. A reconstructed building, object, or structure
- F. A commemorative property
- G. Less than 50 years old or achieving significance within the past 50 years

Jacob Folk House  
Name of Property

Jefferson, West Virginia  
County and State

**Areas of Significance**

(Enter categories from instructions.)

Architecture  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Period of Significance**

1860  
\_\_\_\_\_  
\_\_\_\_\_

**Significant Dates**

N/A  
\_\_\_\_\_  
\_\_\_\_\_

**Significant Person**

(Complete only if Criterion B is marked above.)

N/A  
\_\_\_\_\_  
\_\_\_\_\_

**Cultural Affiliation**

N/A  
\_\_\_\_\_  
\_\_\_\_\_

**Architect/Builder**

Folk, Jacob  
\_\_\_\_\_  
\_\_\_\_\_

Jacob Folk House  
Name of Property

Jefferson, West Virginia  
County and State

**Statement of Significance Summary Paragraph** (Provide a summary paragraph that includes level of significance, applicable criteria, justification for the period of significance, and any applicable criteria considerations.)

The Jacob Folk House property is located in Jefferson County, West Virginia, approximately two miles from the Potomac River and the town of Shepherdstown, and adjacent to a remote portion of the Shepherd University campus containing the school's teaching farm. The land was originally granted to Lord Thomas Fairfax of Cameron, then sold to Captain Thomas Swearingen. As the land was conveyed and subdivided by multiple Jefferson County farming families, it ended up in the hands of George Folk, who resided in an early 19<sup>th</sup> century stone house about a quarter of a mile from the future site of the residence of his son, Jacob Folk. A brick house built in 1860 in a vernacular I-House form, the Jacob Folk House is architecturally nearly totally intact to its period of construction, with the main changes occurring to the rear porch and with the introduction of contemporary utilities and amenities. The property is locally significant to the year of 1860, when the dwelling was constructed, and is being nominated under Criterion C as it embodies the distinctive characteristics of its type, period, and method of construction.

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**Narrative Statement of Significance** (Provide at least **one** paragraph for each area of significance.)

### **Ownership**

In October 1750, Thomas Fairfax, 6<sup>th</sup> Lord Fairfax of Cameron, sold land to Captain Thomas Swerengen, later spelled Swearengen and Swearingen, in two tracts: 444 acres adjoining Chaplin, Turner, and Van Meter; and 478 acres adjoining the Potomac River.<sup>1</sup> Bellevue, now recognized as the Van Swearingen-Shepherd House, was then constructed on the latter tract.<sup>2</sup> In August 1766, Swearengen [sic] sold 370 acres taken from both tracts to Henry Cocus (later spelled Cookus) for £270, and upon his death in 1777 he willed the land to his wife Catherine and, upon her death, to their son Christian.<sup>3</sup> This land includes the Fruit Hill estate where a brick house was built circa 1830 by Archibald Robinson, but the Cookus house, described as a stone house, is not extant.<sup>4</sup>

In August 1789, Christian and his wife Elizabeth sold the land for £320 to Michael Yessel, later spelled Yeastley and Yeasley, who then bought additional sections of the former Swearingen tract in December 1793 for £500 from Henry and Elizabeth Seever. The stone house that would later become the residence of George Folk was most likely built by the Yeasleys.<sup>5</sup>

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1. Reed, Paula S. et al. *Fulk-Tabler Farm Chain of Title*. Paula S. Reed & Assoc., March 2007.
  2. Collins, Rodney S. and Michael J. Pauley. *Van Swearingen – Shepherd House; Bellevue*. National Register of Historic Places Inventory Nomination Form, National Park Service, United States Department of the Interior, May 16, 1983. Accessed via WV SHPO Map Viewer.
  3. Reed, Paula S. et al. *Fulk-Tabler Farm Chain of Title*. Paula S. Reed & Assoc., March 2007.
  4. Kerwin Byron, Lynne. *Fruit Hill; Robinson-Andrews-Hoxton House*. National Register of Historic Places Inventory Nomination Form, National Park Service, United States Department of the Interior, April 30, 1988. Accessed via WV SHPO Map Viewer.
  5. Reed, Paula S. et al. *Fulk-Tabler Farm Chain of Title*. Paula S. Reed & Assoc., March 2007.

Jacob Folk House  
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Upon his death, by the terms of his will, all of Yeasley's land, at that time 170 acres, was sold at a public auction on September 20, 1810 to Solomon Ropp for \$5,280.06. Ropp then purchased an additional four acres, adjoining his land to the west, for \$125 from Michael Burkett in March 1813. Finally, in September 1818, Ropp and his wife Magdalene sold 123 acres (including the Burkett purchase) to George Folk, also spelled Fulk, Fulke, or Folck, for \$8,159.25.<sup>6</sup>

According to the 1820 and 1830 censuses, George and his wife Lurana had three sons (two of which were Jacob and Frederick), three daughters, and two male slaves. In 1830, George and Lurana were in their 40s.<sup>7</sup> George died from an unrecorded cause in 1833, leaving the land and a young male slave named Sandy to Lurana, who then promptly freed Sandy. The estate was in debt to several neighbors including the Shepherds and the Chaplins, and Lurana sold crops and livestock to them to pay off the debt.<sup>8</sup>

George's will left equal parts of the estate to the children after Lurana's eventual death. However, in 1850, when Lurana was 64 and he was 35, Jacob was recorded as owning the estate, likely having bought out his siblings, with Lurana, his sister Ellen, and a 14-year-old boy, James Spear, possibly his nephew, residing in the house.<sup>9</sup> That same year, Jacob added to the estate by purchasing 52 acres from Thomas N. Lemen.<sup>10</sup> He continued to expand by purchasing 46 square poles from Martin H. Miller in 1855<sup>11</sup> and 78 acres from William McQuilkin in 1857.<sup>12</sup> By 1860, Jacob had erected the brick I-House,<sup>13</sup> and, at 45-46 years old, he lived with his 31-year-old wife Martha and their seven-year-old son Charles, three-year-old daughter Mary Frances, and one-year-old son Edward. Eventually they had another daughter, Ida Elizabeth. By 1870, they also had a 16-year-old servant, Ellen C. Conn.<sup>14</sup> Having retired from farming, Jacob ran a land trustee business, capitalizing on the post-Civil War boom in land sales and transfers.<sup>15</sup>

Upon his death in 1883, Jacob willed for the land to be divided between the four children, and also left the furniture and livestock to the daughters. However, in 1886, the siblings sold various tracts to each other until most of the land was owned by Charles and Edward, with 62 acres remaining in Ida's possession. In 1894, Charles sold the tract containing the brick house to Edward,<sup>16</sup> who in 1899 sold it to Ida.<sup>17</sup> At the same time, Ida also purchased a parcel from

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6. Reed, Paula S. et al. Fulk-Tabler Farm Chain of Title. Paula S. Reed & Assoc., March 2007.

7. United States Census, 1830 – Jefferson County, Virginia.

8. Reed, Paula S. et al. Fulk-Tabler Farm Chain of Title. Paula S. Reed & Assoc., March 2007.

9. United States Census, 1850 – Jefferson County, Virginia.

10. Jefferson County Land Deed Book 31 Page 126

11. Jefferson County Land Deed Book 34 Page 358

12. Jefferson County Land Deed Book 37 Page 188

13. *Table of Tracts of Land for the Year 1861*. Land tax records for Jefferson County, Virginia. Record provided by John Demer, formerly of the Jefferson County Historic Landmarks Commission.

14. United States Census, 1870 – Jefferson County, West Virginia.

15. Reed, Paula S. et al. Fulk-Tabler Farm Chain of Title. Paula S. Reed & Assoc., March 2007.

16. Jefferson County Land Deed Book 78 Page 146

17. Jefferson County Land Deed Book 88 Page 53

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neighbors Jacob and Effie Beard.<sup>18</sup> After marrying A.A.P. Neel, Ida Folk Neel and her husband sold the land in 1902 to Harry M. Turner.<sup>19</sup>

In May 1923, Edward and his wife, Lucy Folk, sold a 93-acre tract and a 10-acre tract, both having been sold to him by Ida, to John D. Muldoon for \$10,000.<sup>20</sup> Residing on the property was a tenant farmer who was paying rent in the form of one half of his wheat crop.<sup>21</sup> In September 1935, John and his wife Elba sold the two tracts to Daniel Tabler, who had grown up on a neighboring farm, and his wife Lola.<sup>22</sup> These tracts included George Folk's house and the agricultural facilities that eventually became Shepherd University's Tabler Farm campus. The Tablers ran a dairy farm on the 93-acre tract, constructing buildings in accordance with changing federal regulations around dairy production.<sup>23</sup>

Concerning the parcel containing the brick house that Ida had sold to Turner, a 1938 lawsuit among Turner's descendants, the family of Nathaniel Burwell, led to the property's conveyance to Nathaniel's children Nathaniel T. Burwell and Rose Maria Righter, and Rose Maria's young children Page and Dolly.<sup>24</sup> Another suit in 1939 allowed Rose Maria and her new husband, Charles Osbourn, the right to sell the tract to Daniel and Lola Tabler, finally reuniting the former Folk family land under the Tablers' ownership.<sup>25</sup> In August 1959, the Tablers sold the tract and the brick house to Jesse and Mary Lynn Riggelman,<sup>26</sup> who sold to Thomas Crellin in July 1976,<sup>27</sup> who sold to Bernard and Jane Quigley in 1988,<sup>28</sup> who sold to Ernest and Joan Johnston in 1990, the descendants of whom sold the property in 2024.<sup>29</sup>

Having been widowed, Lola sold the remaining land to sons John William Tabler and Harry Louis Tabler in January 1973.<sup>30</sup> A straw deed in September 1987 with Henry W. Morrow, Jr. was used to consolidate the parcels under one deed.<sup>31</sup> The State College System of West Virginia purchased it in August 1991 for Shepherd University's future campus expansion, eventually establishing its teaching farm on the land.<sup>32</sup>

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18. Jefferson County Land Deed Book 88 Page 55

19. Jefferson County Land Deed Book 91 Page 368

20. Jefferson County Land Deed Book 123 Page 217

21. Reed, Paula S. et al. Fulk-Tabler Farm Chain of Title. Paula S. Reed & Assoc., March 2007.

22. Jefferson County Land Deed Book 142 Page 92

23. Reed, Paula S. et al. Fulk-Tabler Farm Chain of Title. Paula S. Reed & Assoc., March 2007.

24. Jefferson County Land Deed Book 147 Page 484

25. Jefferson County Land Deed Book 149 Page 458

26. Jefferson County Land Deed Book 233 Page 411

27. Jefferson County Land Deed Book 410 Page 296

28. Jefferson County Land Deed Book 618 Page 336

29. Jefferson County Land Deed Book 647 Page 153

30. Jefferson County Land Deed Book 354 Page 304

31. Jefferson County Land Deed Book 592 Page 685

32. Jefferson County Land Deed Book 689 Page 457

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**Architecture**

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The Jacob Folk House shares most of its architectural characteristics with other Lower Shenandoah Valley residences of the mid-19<sup>th</sup> century. The vernacular houses of this period are known now as “I-Houses,” coined by historian Fred Kniffen in 1936 because he noticed them in Illinois, Indiana, and Iowa, though they can be found in most of the United States.<sup>33</sup> These houses are almost invariably two stories and single-pile, often with an L-plan formed by a rear ell, either original or an addition. They were typically built of wood, but occasionally of masonry, and brick masonry was readily available in the Lower Shenandoah Valley in the early-mid 19<sup>th</sup> century. The architecture was simple and based in tradition, but decorated with casual observations of Federal, Georgian, and Greek Revival design.

One of the most distinct features of the Jacob Folk House’s exterior is the rectangular transom window above the east entry door, containing an elaborate muntin pattern suggesting the Greek Revival. A similar transom window can be seen nearby on the Thomas Vanmetre House, just across the Berkeley County line, listed in the National Register of Historic Places for local significance under Criterion C. The Vanmetre House has a more expressive façade with Flemish bond brick and a pedimented portico, but the rear of the house shares the other characteristics of the Jacob Folk House, specifically the common bond brick, the very short and tight splayed lintels, and the flush roof with a barely visible cornice.<sup>34</sup>

Also nearby, the National Register-listed Priscilla Strode Turner House is another L-plan I-House of brick construction and Federal/Greek Revival influence. The Turner House is very similar to the Jacob Folk House, with nearly identical massing, plan, brickwork, flush rooflines, end chimneys, and paired square attic windows.<sup>35</sup> Two other National Register-listed Lower Shenandoah Valley I-houses that can be compared to the Jacob Folk House are the Christian Allemong House, which is also similar in the same ways as the Turner House, but constructed in stone;<sup>36</sup> and the George Washington Hollida House, which is also similar to the aforementioned houses, in brick.<sup>37</sup> All aforementioned National Register sites were listed under Criterion C and retain a high degree of integrity in all seven aspects.

The Jacob Folk House is significant under Criterion C as it embodies the distinctive characteristics of its type, period, and method of construction. The dwelling and the associated

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33. Larson, John C. *Carolina I-House*. South Carolina Encyclopedia, University of South Carolina, July 20, 2022.

34. Taylor, David L. *Vanmetre, Thomas, House*. National Register of Historic Places Inventory Nomination Form, National Park Service, United States Department of the Interior, March 2009. Accessed via WV SHPO Map Viewer.

35. Henry, Geoffrey B. and Jared N. Tuk. *Turner, Priscilla Strode, House*. National Register of Historic Places Inventory Nomination Form, National Park Service, United States Department of the Interior, June 2002. Accessed via WV SHPO Map Viewer.

36. Owens, Valarie and Mike Dunkum. *Allemong, Christian, House*. National Register of Historic Places Inventory Nomination Form, National Park Service, United States Department of the Interior, January 18, 2003. Accessed via WV SHPO Map Viewer.

37. Taylor, David L. *Hollida, George Washington, House*. National Register of Historic Places Inventory Nomination Form, National Park Service, United States Department of the Interior, February 2003. Accessed via WV SHPO Map Viewer.

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corn crib retain near perfect integrity of location, design, setting, materials, workmanship, feeling, and association. The use of the surrounding parcel by Shepherd University for a teaching farm has maintained the agricultural character of the site, and the 1990s artist's studio is sited away from the dwelling and relatively out of sight. For the most part, the alterations that have been made to the dwelling are only as much as necessary to keep up with the standard of living, leaving a rare degree of historic integrity in the house.

Jacob Folk House  
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## 9. Major Bibliographical References

### Bibliography (Cite the books, articles, and other sources used in preparing this form.)

Collins, Rodney S. and Michael J. Pauley. *Van Swearingen – Shepherd House; Bellevue*. National Register of Historic Places Inventory Nomination Form, National Park Service, United States Department of the Interior, May 16, 1983. Accessed via WV SHPO Map Viewer.

Henry, Geoffrey B. and Jared N. Tuk. *Turner, Priscilla Strode, House*. National Register of Historic Places Inventory Nomination Form, National Park Service, United States Department of the Interior, June 2002. Accessed via WV SHPO Map Viewer.

*Jefferson County WV Public Research Map*. Jefferson County GIS/Addressing Office.  
<https://maps.jeffersoncountywv.org/ESRIJavascriptMaps/jcwvpublicresearchmap/index.html>

Jefferson County Land Deeds. Jefferson County Courthouse, Charles Town, West Virginia. Accessed via the Document Inquiry System, <http://documents.jeffersoncountywv.org/>

Kerwin Byron, Lynne. *Fruit Hill; Robinson-Andrews-Hoxton House*. National Register of Historic Places Inventory Nomination Form, National Park Service, United States Department of the Interior, April 30, 1988. Accessed via WV SHPO Map Viewer.

Larson, John C. *Carolina I-House*. South Carolina Encyclopedia, University of South Carolina, July 20, 2022. <https://www.scencyclopedia.org/sce/entries/carolina-i-house/>

Owens, Valarie and Mike Dunkum. *Allemong, Christian, House*. National Register of Historic Places Inventory Nomination Form, National Park Service, United States Department of the Interior, January 18, 2003. Accessed via WV SHPO Map Viewer.

Reed, Paula S. et al. *Fulk-Tabler Farm Chain of Title*. Paula S. Reed & Assoc., March 2007.

*Table of Tracts of Land for the Year 1861*. Land tax records for Jefferson County, Virginia. Record provided by John Demer, formerly of the Jefferson County Historic Landmarks Commission.

Taylor, David L. *Hollida, George Washington, House*. National Register of Historic Places Inventory Nomination Form, National Park Service, United States Department of the Interior, February 2003. Accessed via WV SHPO Map Viewer.

Taylor, David L. *Vanmetre, Thomas, House*. National Register of Historic Places Inventory Nomination Form, National Park Service, United States Department of the Interior, March 2009. Accessed via WV SHPO Map Viewer.

United States Census, 1830, 1850 – Jefferson County, Virginia. Accessed via FamilySearch.

United States Census, 1870 – Jefferson County, West Virginia. Accessed via FamilySearch.

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**Previous documentation on file (NPS):**

- preliminary determination of individual listing (36 CFR 67) has been requested  
 previously listed in the National Register  
 previously determined eligible by the National Register  
 designated a National Historic Landmark  
 recorded by Historic American Buildings Survey # \_\_\_\_\_  
 recorded by Historic American Engineering Record # \_\_\_\_\_  
 recorded by Historic American Landscape Survey # \_\_\_\_\_

**Primary location of additional data:**

- State Historic Preservation Office  
 Other State agency  
 Federal agency  
 Local government  
 University  
 Other  
Name of repository: Jefferson County Historic Landmarks Commission

**Historic Resources Survey Number (if assigned):** \_\_\_\_\_

Jacob Folk House  
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### 10. Geographical Data

**Acreage of Property** 7.45

Use either the UTM system or latitude/longitude coordinates

#### Latitude/Longitude Coordinates

Datum if other than WGS84: \_\_\_\_\_  
(enter coordinates to 6 decimal places)

- |              |            |
|--------------|------------|
| 1. Latitude: | Longitude: |
| 2. Latitude: | Longitude: |
| 3. Latitude: | Longitude: |
| 4. Latitude: | Longitude: |

**Or**

#### UTM References

Datum (indicated on USGS map):

NAD 1927 or  NAD 1983

- |               |                 |                   |
|---------------|-----------------|-------------------|
| 1. Zone: 18 N | Easting: 256277 | Northing: 4370165 |
| 2. Zone:      | Easting:        | Northing:         |
| 3. Zone:      | Easting:        | Northing:         |
| 4. Zone:      | Easting :       | Northing:         |

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**Verbal Boundary Description** (Describe the boundaries of the property.)

The boundary of this nomination is coterminous with the property boundary: Jefferson County Map 6 Parcel 0008.0000.

**Boundary Justification** (Explain why the boundaries were selected.)

The parcel includes the extant buildings that belonged to Jacob Folk.

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**11. Form Prepared By**

name/title: Zachary J. Salman  
organization: \_\_\_\_\_  
street & number: 10 Larch Avenue Apt. 1  
city or town: Troy state: NY zip code: 12180  
e-mail: contact@zacharysalman.com  
telephone: 304-620-2676  
date: May 2025

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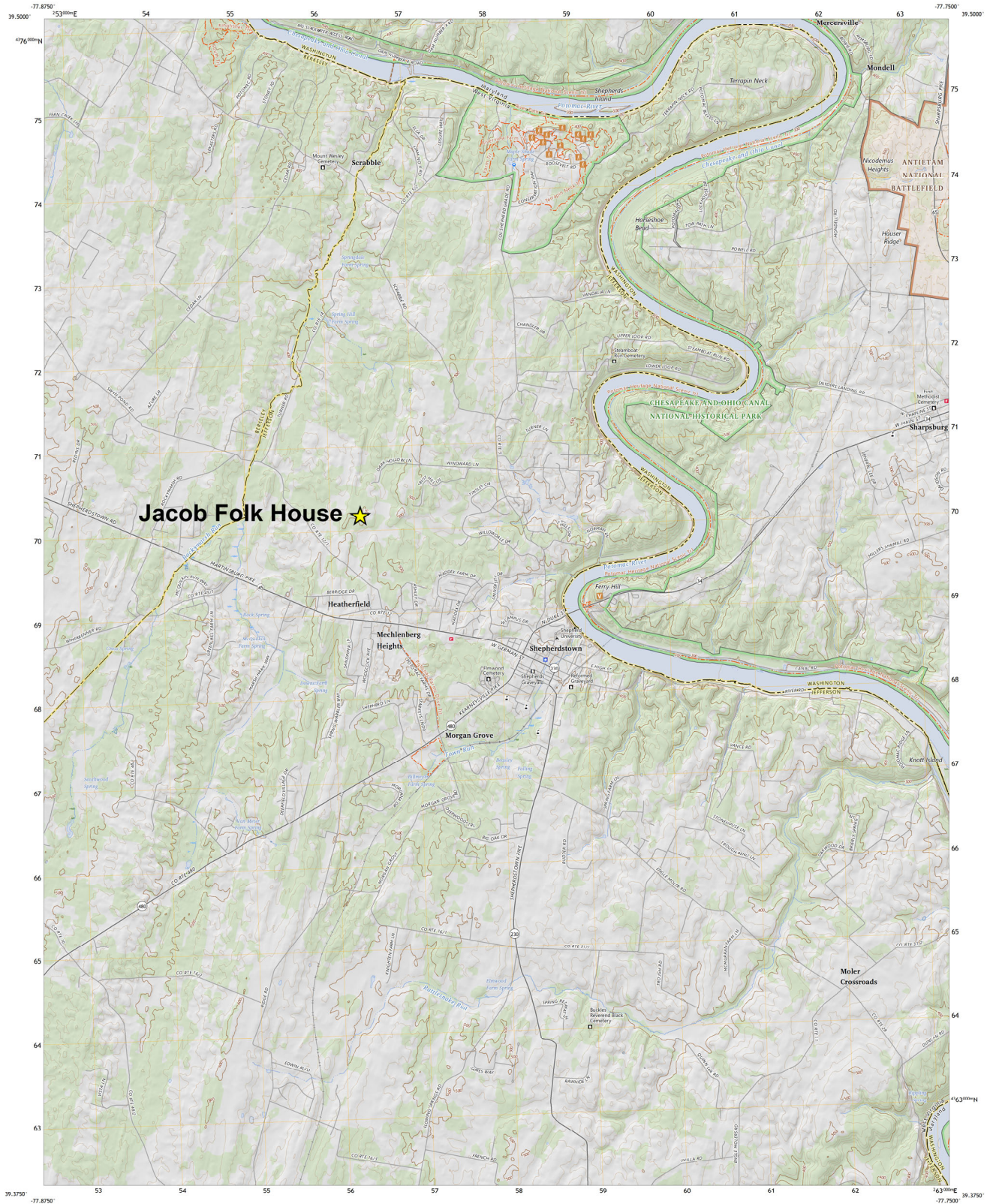
**Additional Documentation**

Submit the following items with the completed form:

- **Maps:** A **USGS map** or equivalent (7.5 or 15 minute series) indicating the property's location.
- **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.
- **Additional items:** (Check with the SHPO, TPO, or FPO for any additional items.)

Jacob Folk House  
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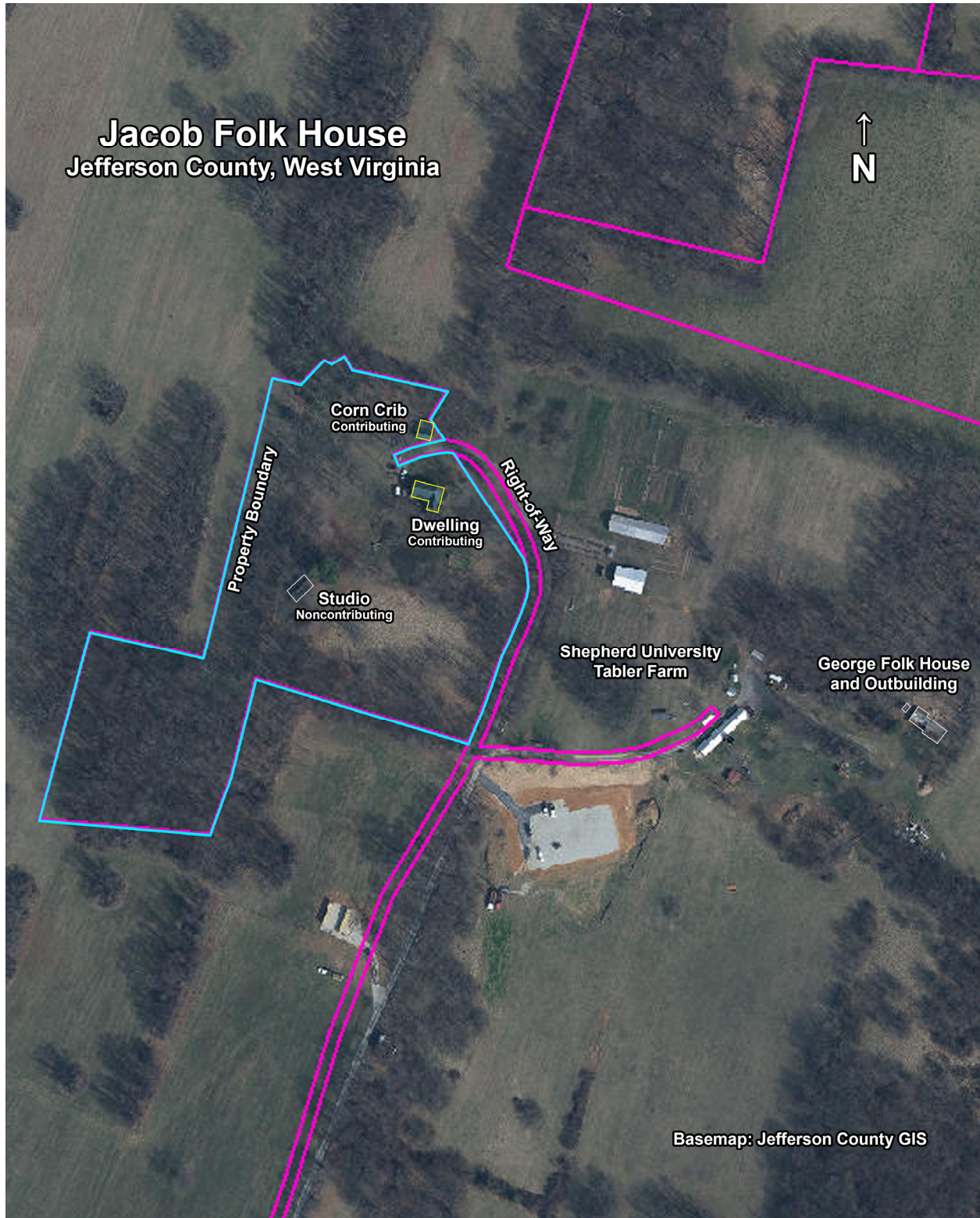
Jefferson, West Virginia  
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USGS Topo Map – Shepherdstown, WV, MD – Scale 1:24,000 – 2025 – From The National Map OnDemand Topo Sections 9-end page 19

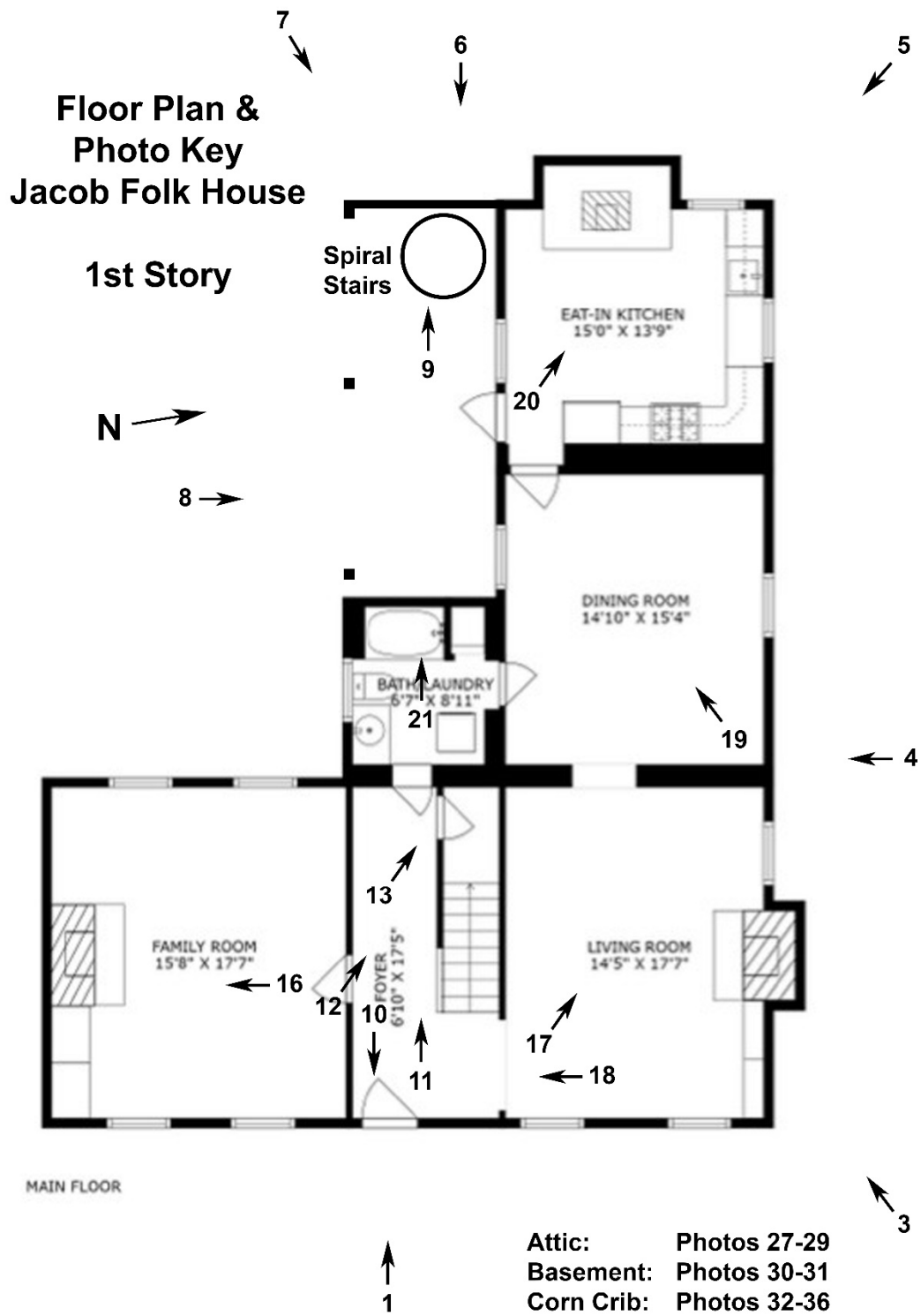
Jacob Folk House  
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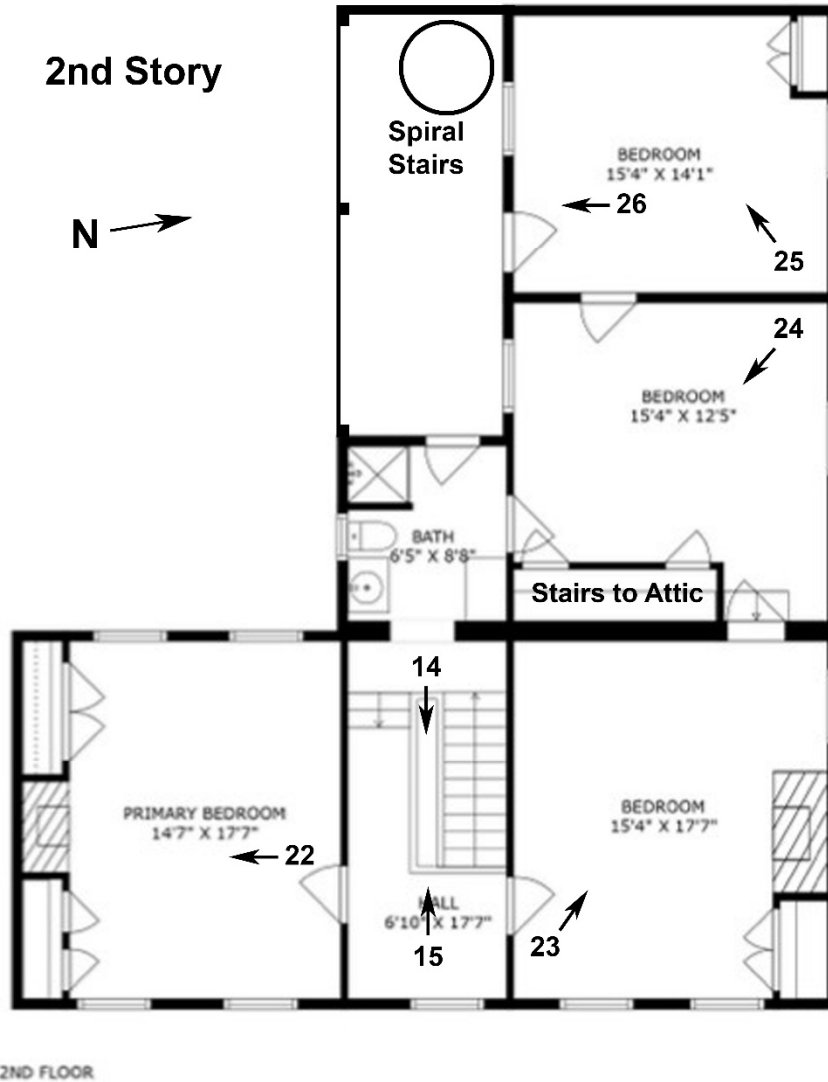


Floor plans by Tara Sanders Lowe, Samson Properties, Charles Town, West Virginia. Used with permission.

Jacob Folk House  
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### Floor Plan & Photo Key Jacob Folk House



Floor plans by Tara Sanders Lowe, Samson Properties, Charles Town, West Virginia. Used with permission.

Jacob Folk House  
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## Photo Log

Name of Property: Jacob Folk House

City or Vicinity: Shepherdstown (Vicinity)

County: Jefferson

State: West Virginia

Photographer: Zachary J. Salman

Date Photographed: December 7, 2024

Description of Photograph(s) and number, include description of view indicating direction of camera:

- 1 of 36. Façade facing west
- 2 of 36. Oblique view facing northwest
- 3 of 36. Oblique view facing southwest
- 4 of 36. North exterior wall facing south
- 5 of 36. Oblique view facing southeast
- 6 of 36. Rear facing east
- 7 of 36. Oblique view facing northeast
- 8 of 36. Rear porch facing north
- 9 of 36. Spiral staircase on porch facing west
- 10 of 36. Center passage and foyer facing east
- 11 of 36. Center passage and main staircase facing west
- 12 of 36. Center passage and staircase facing northwest
- 13 of 36. Detail of moldings on staircase
- 14 of 36. Center passage and staircase landings facing east
- 15 of 36. Center passage and staircase landings facing west
- 16 of 36. First story south room facing south
- 17 of 36. First story north room facing northwest
- 18 of 36. Detail of arched portal between center passage and first story north room
- 19 of 36. First story ell first room facing southwest
- 20 of 36. First story ell second room facing northwest
- 21 of 36. Detail of first story bathroom floor with non-historic homemade tiles
- 22 of 36. Second story south room facing south
- 23 of 36. Second story north room facing north
- 24 of 36. Second story ell first room facing southeast
- 25 of 36. Second story ell second room facing southwest
- 26 of 36. Detail of door to porch in second story ell second room
- 27 of 36. Attic facing southwest
- 28 of 36. Attic facing west

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- 29 of 36. Detail of attic staircase
- 30 of 36. Basement facing north
- 31 of 36. Basement facing south
- 32 of 36. Corn crib facing northwest
- 33 of 36. Corn crib facing northeast
- 34 of 36. Corn crib facing south
- 35 of 36. Corn crib interior facing west
- 36 of 36. Corn crib interior facing east

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1 of 36: Façade facing west (the rear outbuilding is no longer extant)



2 of 36: Oblique view facing northwest

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3 of 36: Oblique view facing southwest



4 of 36: North exterior wall facing south

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5 of 36: Oblique view facing southeast



6 of 36: Rear facing east

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7 of 36: Oblique view facing northeast



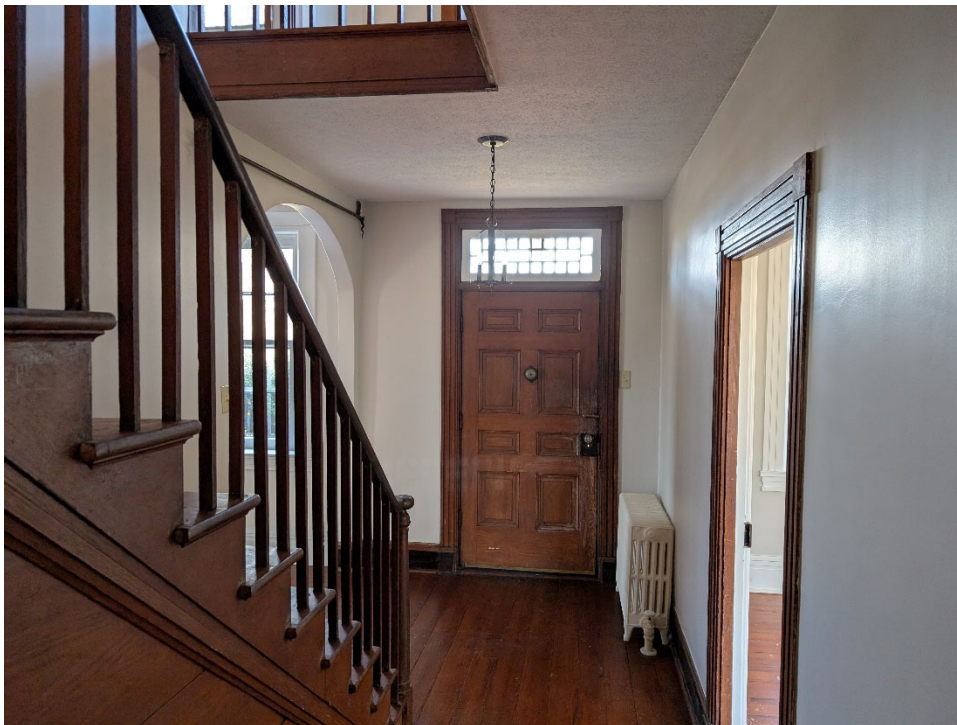
8 of 36: Rear porch facing north

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9 of 36: Spiral staircase on porch facing west



10 of 36: Center passage and foyer facing east

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11 of 36: Center passage and main staircase facing west



12 of 36: Center passage and staircase facing northwest

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13 of 36: Detail of moldings on staircase



14 of 36: Center passage and staircase landings facing east

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15 of 36: Center passage and staircase landings facing west



16 of 36: First story south room facing south

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17 of 36: First story north room facing northwest



18 of 36: Detail of arched portal between center passage and first story north room

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19 of 36: First story ell first room facing southwest



20 of 36: First story ell second room facing northwest

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21 of 36: Detail of first story bathroom floor with non-historic homemade tiles



22 of 36: Second story south room facing south

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23 of 36: Second story north room facing north



24 of 36: Second story ell first room facing southeast

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25 of 36: Second story ell second room facing southwest



26 of 36: Detail of door to porch in second story ell second room

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27 of 36: Attic facing southwest



28 of 36: Attic facing west

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29 of 36: Detail of attic staircase



30 of 36: Basement facing north

Jacob Folk House  
Name of Property

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31 of 36: Basement facing south



32 of 36: Corn crib facing northwest

Jacob Folk House  
Name of Property

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33 of 36: Corn crib facing northeast



34 of 36: Corn crib facing south

Jacob Folk House  
Name of Property

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35 of 36: Corn crib interior facing west



36 of 36: Corn crib interior facing east

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**Paperwork Reduction Act Statement:** This information is being collected for nominations to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.). We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

**Estimated Burden Statement:** Public reporting burden for each response using this form is estimated to be between the Tier 1 and Tier 4 levels with the estimate of the time for each tier as follows:

- Tier 1 – 60-100 hours
- Tier 2 – 120 hours
- Tier 3 – 230 hours
- Tier 4 – 280 hours

The above estimates include time for reviewing instructions, gathering and maintaining data, and preparing and transmitting nominations. Send comments regarding these estimates or any other aspect of the requirement(s) to the Service Information Collection Clearance Officer, National Park Service, 1201 Oakridge Drive Fort Collins, CO 80525.

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Rebecca Hall

Department or Organization: **Prosecuting Attorney's Office Victim Assistance Program**

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: **7/3/25**

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*): VOCA Grant Application Approval and Signature

Please provide the County Commission with a description of your request or presentation, including any background information: The Victim Assistance Program's VOCA (Victims of Crime Act) Grant Application is complete and ready to be submitted. We are requesting approval and signature for the 2025-2026 VOCA Federal Grant Application. This a budget neutral request.

Is this a funding request? No

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):  
Approve and Sign the 2025-2026 VOCA Grant Application

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed?            Projector    N            Internet/Wi Fi    N            Telephone for conference call    N

Contact information: Rebecca Hall

Email address: [rhall@jeffersoncountywv.org](mailto:rhall@jeffersoncountywv.org)

Phone Number: 304-725-6550

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



# JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

**Phone:** (304) 728-3284 **Fax:** (304) 725-7916

**Web:** [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

PRESIDENT

*Pasha Majdi*

COMMISSIONER

*Jack Hefestay*

COMMISSIONER

*Cara Keys*

COMMISSIONER

*Steve Stolipher*

COMMISSIONER

*Mike Mood*

To: Commissioner Pasha Majdi  
Commissioner Jack Hefestay  
Commissioner Cara Keys  
Commissioner Steve Stolipher  
Commissioner Mike Mood

From: David Bound

Date: July 3, 2025

Re: Fiscal Note: Prosecuting Attorney's Victim Assistance Program requesting Victim of Crime Act (VOCA) grant submission

---

The Victim Assistance Program is requesting approval of the (VOCA) grant submission. VOCA grants are federal funded with federal criminal fines, penalties and forfeitures not tax payer dollars. Grant funds are used for victim assistance and compensation programs. VOCA has not requested matching funds in past years.

FY25 County VOCA grant funds awarded	\$114,019
FY26 County VOCA grant funds requested	\$115,968

**JEFFERSON COUNTY COMMISSION  
AGENDA REQUEST FORM**

---

Name: Tom Hansen

Department or Organization: Sheriff and Treasurer

Commission Meeting Date: Next Available

Special Meeting Date (if necessary):

Subject (wording to be placed on agenda):

Tax Deputy New Hire

Auction Approval

Animal Control Officer New Hire

Please provide a description of your request or presentation, including any background information:

- A candidate has been identified to fill a tax deputy vacancy. Requesting authorization to hire.
- An applicant has been found to fill a Animal Control Officer vacancy. Requesting authorization to hire.
- Providing list of County Property to be sold at auction. Requesting approval to proceed.

Type of Request: (Funding/Hiring): hiring

Funding/Salary/Hourly Amount: see below

Name of Hire (if Applicable): see below

Grade/Step/Hours (PT/FT):

Start Date (beginning of pay period): see below

Post Probationary Increase (If applicable):

Any Additional Conditions of Employment or Funding Comments:

Recommended Motion (type out wording of the motion you would like the Commission to approve):

I move to approve the hire of Garima Lodwal as an 80 hour Tax deputy beginning July 7, 2025 with a starting salary of 37,080.

I move to approve the hire of Sherri Farmer as an 80 hour Animal Control Officer beginning July 14, 2025 with a starting salary of 43,940.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed?     Projector     Internet/Wi Fi:     Conference/Video     No

Contact Information:

Phone Number: 304-728-3205

Email Address:

dlowe@jeffersoncountywv.org

**JEFFERSON COUNTY COMMISSION  
AGENDA REQUEST FORM**

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Additional Comments Page:

I move to approve the list of county property to be sold via online auction.



# JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

**Phone:** (304) 728-3284 **Fax:** (304) 725-7916

**Web:** [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

PRESIDENT  
*Pasha Majdi*

COMMISSIONER  
*Jack Hefestay*

COMMISSIONER  
*Cara Keys*

COMMISSIONER  
*Steve Stolipher*

COMMISSIONER  
*Mike Mood*

To: Commissioner Pasha Majdi  
Commissioner Jack Hefestay  
Commissioner Cara Keys  
Commissioner Steve Stolipher  
Commissioner Mike Mood

From: David Bound

Date: July 3, 2025

Re: Fiscal Note: Sheriff and Treasurer Hiring Requests

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The Sheriff is requesting to hire G. Lodwal as a Tax Deputy a budget neutral position.

Starting salary	\$37,080
FY 26 Budget	\$37,080

The Sheriff is requesting to hire S Farmer as an Animal Control Office a budget neutral position.

Starting salary	\$43,940
FY 26 Budget	\$43,940

The purchaser is responsible for delivery and/or selling fees with the online auction process.

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Jennifer Myers

Department or Organization: Jefferson County Parks & Recreation Commission

Estimation of amount of time needed for appointment: 10 min.


Date Requested – 1<sup>st</sup> Choice: **July 3, 2025**

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*): **Jefferson County Parks & Recreation Commission provides an update on parks, programs, and fireworks event.**

**Please provide the County Commission with a description of your request or presentation, including any background information:**

 Jefferson County Parks & Recreation Commission provides an update on parks, programs, and fireworks event.

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

No motion needed.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector  Y/N Internet/Wi Fi  Y/N Telephone for conference call  Y/N

Contact information: Jennifer Myers

Email address: [jmyrs94@gmail.com](mailto:jmyrs94@gmail.com)

Phone Number: 304-620-6203

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Edwina Benites-LM

Department or Organization: Administration

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **July 3, 2025**

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*):

Consider the appointments, membership, and make up of the following boards:

1. Jefferson County Board of Health
2. Jefferson County Parks and Recreation Commission
3. Jefferson County Development Authority

**Please provide the County Commission with a description of your request or presentation, including any background information:**

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector  Y/N Internet/Wi Fi  Y/N Telephone for conference call  Y/N

Contact information:

Email address:

Phone Number:

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable



# JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

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Web: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

PRESIDENT

*Pasha Majdi*

VICE PRESIDENT

*Mike Mood*

COMMISSIONER

*Jack Hefestay*

COMMISSIONER

*Cara Keys*

COMMISSIONER

*Steve Stolipher*

To: Commissioner Pasha Majdi  
Commissioner Steve Stolipher  
Commissioner Mike Mood  
Commissioner Cara Keys  
Commissioner Jack Hefestay

From: Edwina Benites-LM, county administrator

Re: Boards and Commissions, July 3, 2025

---

Consider the appointments, membership, and make up of the following boards:

1. Jefferson County Board of Health
2. Jefferson County Parks and Recreation Commission
3. Jefferson County Development Authority

## **1. Jefferson County Board of Health**

The Commission will consider appointments, membership, and make up of Jefferson County Board of Health:

### Applicants nominated for interview:

- Kathleen Stratton (D) (confirmed resident) Shepherdstown
- Louis Athey (R) (confirmed resident) Kabletown

*Meeting dates:* The Jefferson County Board of Health meets the second Friday of each month at 9:00 am at the Jefferson County Health Department- <https://www.jchdvw.org/our-mission/>

*Bylaws link:*

*Code Links:* <https://code.wvlegislature.gov/16-2-7/>

*Term:* 5-year

A county board of health is composed of five members selected and appointed by vote of the county commission. Each member appointed to the county board of health:

- **Shall be a resident of the county.**
- **No more than two members who reside in the same magisterial district** may be appointed and
- **No more than two members may be appointed who are personally licensed or certified in, engaged in, or actively participating in the same business, profession or occupation.**
- **No more than three members** of a county board of health may belong to the **same political party.**

Name
Elliot Simon (R) Retired manager Harpers Ferry
Karen Bailey-Chapman (R) Government Relations Kabletown
Brandon Blake (I) ???
Charles Town
Ann Smith (I) Business owner Shepherdstown
Dan Caprio (R) Consultant Kabletown
Jack Hefestay- Non-voting Commissioner Liaison

#### Suggested Motions:

- Motion to appoint \_\_\_\_\_ to the Jefferson County Board of Health for a five-year term ending June 30, 2030.

## **2. Jefferson County Park and Recreation Commission**

The Commission will consider appointments, membership, and make up of Jefferson County Parks and Recreation Commission:

#### Applicants nominated for interview:

- Vicky Fields (registered to vote/ owns property)
- Carlos Fonesca (not registered to vote/ owns property)
- Meridith Marshall (registered to vote/ owns property- misspelled on deed)
- Heather McIntyre (registered to vote/ owns property- under maiden name)
- Brandon Miller (registered to vote/ no record of a property deed)

*Meeting dates:* Board meetings are held on the third (3rd) Wednesday of each month (except August & December). Meetings begin at 7:00 p.m. and are held at the Jefferson County Community Center in the Meeting Room.

*Bylaws link:*

<https://www.jeffersoncountywv.org/home/showpublisheddocument/15434/636651665059870000>

*Code Links:* §7-11-1 et sec.

*Term:* 3-years

*Requirements:* Bona fide resident of Jefferson County, owning real estate within the County.

**Suggested Motions:**

- Motion to appoint \_\_\_\_\_ to the Jefferson County Parks and Recreation Commission for a three-year term ending June 30, 2028.
- Motion to appoint \_\_\_\_\_ to the Jefferson County Parks and Recreation Commission for a three-year term ending June 30, 2028.
- Motion to appoint \_\_\_\_\_ to the Jefferson County Parks and Recreation Commission for a three-year term ending June 30, 2028.
- Motion to appoint \_\_\_\_\_ to the Jefferson County Parks and Recreation Commission for a three-year term ending June 30, 2028.

**3. Jefferson County Development Authority**

The Commission will consider appointments, membership, and make up of Jefferson County Development Authority.

**Applicants nominated for interview:**

- Philip Baker-Shenk
- Kelly Brown
- Raymond Goodrich
- Heather McIntyre
- Roberta Meade Curry
- Nick Russo
- Tyler Tummolo
- Todd Wilt

*Meeting dates: Third Tuesday of the month, additional committee meeting dates*

*Bylaws link: [https://jcda.net/images/uploads/By-Laws\\_appd\\_Dec\\_2012\\_by\\_JCDA.pdf](https://jcda.net/images/uploads/By-Laws_appd_Dec_2012_by_JCDA.pdf)*

*Code Links: <https://code.wvlegislature.gov/7-12/> please note, additional Code changes are effective July 11, 2025, regarding membership.*

**Suggested Motions:**

- Motion to appoint \_\_\_\_\_ to the Jefferson County Development Authority for a three-year term ending April 5, 2028- seat 1.
- Motion to appoint \_\_\_\_\_ to the Jefferson County Development Authority for a three-year term ending April 5, 2028- seat 2.
- Motion to appoint \_\_\_\_\_ to the Jefferson County Development Authority for a three-year term ending April 5, 2028- seat 9.
- Motion to appoint \_\_\_\_\_ to the Jefferson County Development Authority for an unexpired term ending April 5, 2026- seat 3.
- Motion to appoint \_\_\_\_\_ to the Jefferson County Development Authority for an unexpired term ending April 5, 2026- seat 4.

AGENDA REQUEST FORM  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: JACK HEFESTAY

Department or Organization: JEFFERSON COUNTY COMMISSION

Estimation of amount of time needed for appointment: 5 MINUTES (OR LESS)

Date Requested – 1<sup>st</sup> Choice:

If a specific date is needed, please provide reason for specific date: 19 JUNE 2025

Date Requested – 2<sup>nd</sup> Choice: 03 JULY 2025

Subject (Wording to be placed on agenda): REVISE WATER ADVISORY COMMITTEE BYLAWS

Please provide the County Commission with a description of your request or presentation, including any background information:

• REVISE WAC BYLAWS TO:

THREE (3) MEMBERS OF THE RESIDENTS OF JEFFERSON TO FIVE (5) MEMBERS

• QUORUM REQUIREMENTS FROM FIVE (5) TO SEVEN (7) MEMBERS

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

MOTION TO:

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address: JHEFESTAY@JEFFERSONCOUNTY.WV.ORG Phone Number: 304-870-4882

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

RESPECTFULLY SUBMITTED:

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: **Mike Sine**

Department or Organization: **ESA**

Estimation of amount of time needed for appointment: 20min

Date Requested – 1<sup>st</sup> Choice: **7/03/2025**

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*):

- 1. Middleway Volunteer Fire Company Ambulance space lease**
- 2. Ambulance Fee update and FY26 billing**

Please provide the County Commission with a description of your request or presentation, including any background information:

1. The addition of the budgeted Flex ambulance requires lease agreement with Middleway VFC.
2. FY25 Ambulance Fees were mailed. ESA requests a delay on sending FY26 bills.

Is this a funding request? **Y/N**

If so, how much?

Provide exact financial impact/request:

1. N/a
2. Budgeted expense for FY26

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

1. Move to approve the application of building permit to construct a storage container pad site on existing ESA property.
2. Move to approve the Ambulance Space Lease Agreement with Middleway Volunteer Fire Company.
3. Move to update the FY26 "Responsibility and Due Date" from "On or before July 31<sup>st</sup>" of 2025, to "On or before October 1, 2025" and update the late fee and dates for FY26 to accounts paid on for after January 1, 2026, to March 31, 2026, shall increase by \$5 for residential or my 10% for non-residential properties; and, for accounts paid on or after April 1, 2026, to June 30, 2026, the fee shall increase by an additional \$10 for residential properties or by an additional 20% for non-residential properties.
4. Move to update the FY25 "Late Fee and Dates" to: accounts paid on for after September 1, 2025, to November 30, 2025, shall increase by \$5 for residential or my 10% for non-residential properties; and, for accounts paid on or after December 1, 2025, to February 28, 2026, the fee shall increase by an additional \$10 for residential properties or by an additional 20% for non-residential properties.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed?      Projector **Y/N**      Internet/Wi Fi **Y/N**      Telephone for conference call **Y/N**

Contact information: Mike Sine

Email address: [msine@jcesa.org](mailto:msine@jcesa.org)

Phone Number: 304-728-3287

# Lease Agreement

This Lease Agreement is entered into by and between Middleway Volunteer Fire Company, a fire company organized under the laws of West Virginia (herein “Landlord”), and the Jefferson County Commission (herein “Tenant”).

**1. Premises.** Landlord leases to Tenant, and Tenant leases from Landlord (the “Premises”) in the Fire Station located at 110 Dark Hill Rd., Middleway, West Virginia (the “Building”), for Tenant’s exclusive use except as otherwise stated herein. A sketch of the Premises (not to scale) is shown on Exhibit A attached hereto for illustrative purposes. The Premises includes parking for Tenant’s employees and assigns, and obstruction free access to the public street that is utilized by Landlord’s fire vehicles. The Landlord also agrees that:

- a. The Premises shall include climate controlled space for parking two (2) ambulances. Tenant may place up to one (1) front-running ambulance in the station and up to one (1) reserve ambulance.
  - i. Due to the need for Tenant to respond to emergencies, each of the front running ambulances must be provided a climate-controlled environment and have immediate access to a bay door without having to move another vehicle or apparatus to exit the premises.
  - ii. Due to the need for Tenant to respond to emergencies, each of the reserve ambulances must be provided a climate-controlled environment and have access to a bay door without having to move a volunteer vehicle or apparatus. A reserve ambulance may be parked behind Tenant’s front-running ambulance or chase vehicle, but not behind Landlord’s fire engine, tankers, or other vehicles.
  - iii. Due to the need for Tenant to respond to emergencies, Landlord agrees to keep the bay doors, areas outside of the bay doors, and other outside areas clear so as to provide Tenant’s ambulances unimpeded access to the State road fronting the Station.
- b. Landlord also grants Tenant the nonexclusive use of the common areas serving the Building (the “Common Areas”) for purposes of accessing the Premises, for purposes of Tenant’s employees and agents to use for work preparation, equipment preparation, drug storage, equipment storage, recreation, and relaxation.
- c. Landlord must also provide:
  - i. 24/7 Access to the premises for all of Tenant’s employees via a key, card, fob, PIN, or biometrics.
  - ii. 24/7 access to the bay, a computer workstation (may be shared) with a functional internet-connected PC, a lounge area (may be shared) equipped with a functioning CAD monitor, comfortable seating, and a television with cable service or capable of streaming, a kitchen (may be shared) equipped with a sink, refrigerator, stove, oven, table or counter suitable for meal preparation, basic cookware and utensils, a clothes washer and dryer, a place to store fire gear for all of Tenant’s employees assigned

to the station, gender-specific sleeping quarters (may be shared with same gender) sufficient for the number of Tenant's employees on-duty, and shall provide gender-specific restrooms and gender-specific showers. The lounge and kitchen area may be combined. The computer workstation may be located within one of the other spaces.

- iii. A lockable climate controlled room or secure area acceptable to Tenant made secure via a key, card, fob, PIN, or biometrics to store EMS supplies, drugs, and small equipment with Tenant and the Fire Chief (or Fire Chief's designee, whose identity shall be disclosed to the Tenant) to have the only access to the secure room or area.
- iv. Wi-Fi internet access.
- v. Janitorial supplies and cleaning products used in the housekeeping of shared spaces.
- vi. Snow and ice removal for premises during inclement weather to allow ambulances and Tenant's employees to enter and exit the building safely.
- vii. A functional electric outlet within reasonable proximity of each ambulance, to charge / maintain batteries of the ambulance and equipment carried on the ambulance.
- viii. Space to park (outside) for each of Tenant's assigned employee's personal vehicles.

2. **Term.** The term of this Lease will commence on August 1, 2025 (the "Commencement Date") and will continue thereafter on a three year term (the "Term") which shall automatically renew for two successive three year terms unless either party sends a notice of termination as set forth herein. Either Landlord or Tenant may terminate this Lease upon one hundred twenty (120) days prior written notice to the other party.

The County Commission of Jefferson County is a governmental entity, and as such, the validity of this contract is based upon the availability of public funding. In the event the Commission does not appropriate sufficient funds in the succeeding fiscal years to meet the financial obligations contained in this Agreement, this Agreement shall be terminated. The Commission shall notify the Lessor at the earliest possible time before such termination. No penalty shall accrue to the Commission in the event this provision is exercised, and the Commission shall not be obligated or liable for any future payments due or for any damages as a result of termination under this section.

3. **Rent.** Monthly rent shall be up to ,but not exceed, \$1,800 per month ("Rent"), payable in advance, on the Commencement Date and on the first (1st) day of each month thereafter. Landlord shall submit an invoice to Tenant on or before the fifteenth day of each month for every month this lease is in effect. Tenant shall submit payment to Landlord by the fifth (5th) day of the following month. The rent shall be allocated as \$1,600 for ambulance parking and other uses as described herein, and \$200 for parking the Ambulance reserve vehicle.
4. **Insurance.** Tenant, at its sole cost and expense, shall secure and maintain throughout the Term (a) commercial general liability insurance, insuring against death and personal injuries to one or more persons and damage to property occurring on the Premises or Common Areas arising out of Tenant's use and occupancy of the Premises and common areas in an amount equal to not less than One Million and 00/100 DOLLARS (\$1,000,000) combined single limit per occurrence, (b) fire, casualty and extended coverage insurance covering all equipment and personal property of Tenant on or about the

Premises, or full insurable value thereof on a replacement cost basis, and (c) worker's compensation insurance required by law. Prior to the Commencement Date, Tenant shall furnish to Landlord a certificate of insurance evidencing such coverage with Landlord named as an additional property.

Landlord, at its sole cost and expense, shall secure and maintain throughout the Term (a) commercial property occurring on the Premises or Common Areas arising out of Tenant's use and occupancy of combined single limit per occurrence, (b) fire, casualty and extended coverage insurance covering the building, all equipment, and personal property of Landlord on or about the Premises, for full insurable value thereof on a replacement cost basis, and (c) worker's compensation insurance required by law for Landlord's volunteers and employees. Prior to the Commencement Date, Landlord shall furnish to Tenant a certificate of insurance evidencing such coverage with Tenant named as an additional insured. Landlord acknowledges Tenant is not responsible for carrying insurance covering Landlord's property.

- 5. Interaction between Volunteer Personnel and Tenant's Employees.** No Volunteer Officers or other personnel shall direct, supervise or discipline Tenant's staff at the Premises. Volunteer Officers or other personnel may request reasonable assistance from Tenant's personnel (who are not otherwise engaged in Tenant's business) for training or for typical duties to maintain cleanliness. Tenant shall be wholly responsible for the direction and scheduling of Tenant's employees and for assigning the employees' duties. Landlord and Tenant agree that the interaction between Volunteer and Tenant's employees shall be respectful and courteous.
- 6. Permitted Use; Alterations.** Tenant will use the Premises solely for the storage of Tenant's vehicles(s) and property, for purposes of Tenant's employees and agents to use for ambulance storage, work preparation, equipment preparation, drug storage, equipment storage, employee recreation and relaxation, food preparation, sleeping in designated areas at appropriate times, and for no other purpose. No alterations, additions or improvements shall be made to the Premises, and no equipment or fixtures shall be installed in the Premises, without Landlord's prior written consent which shall not be unreasonably withheld.
- 7. Tenant's Property.** Landlord agrees that Tenant has the right to store and utilize emergency vehicle(s), medical equipment and devices, electronic equipment, and other items, such as drugs to be used in Tenant's operations, (Tenant's property) on the leased Premises. Landlord further agrees that Landlord will not access or disturb Tenant's property, or interfere with Tenant's use of Tenant's property.
- 8. Compliance with Laws.** Landlord and Tenant shall comply with the terms of any federal, state or local law, statute, regulation, code ordinance or order applicable to Landlord or to Tenant's use of the Premises, the Building and the Common Areas. Landlord shall be responsible its sole expense to bring the premises into legal compliance and Tenant shall bear the costs of bringing its property into compliance (But not the structure or property of the Landlord)
- 9. Compliance with Building Rules.** Tenant shall comply with reasonable building rules established by Landlord, however, Landlord cannot restrict Tenant or Tenant's employees, agents, or assigns from its full intended use of the premises or common areas, parking areas, or other areas necessary for Tenant's lawful use of the premises. Landlord cannot block or place any vehicles or other items in egress paths including exit doors. Tenant and its employees cannot leave any property in any area except their leased space.

**10. Assignment.** Tenant may not assign or transfer this Lease, or sublet the Premises, without Landlord's prior written consent, which may not be unreasonably withheld.

**11. Surrender; Holdover.** On expiration or early termination of this Lease, Tenant shall surrender the Premises broom clean and free of all debris and in the same condition as at the Commencement Date, subject only to reasonable wear from ordinary use.

**12. AS-IS.** The Premises are leased to Tenant AS IS and in the condition now existing, with no alterations or other work to be performed by Landlord, unless mutually agreed on by the parties, with the exception of Landlord satisfying security requirements as set forth in paragraph 1(c)(iii) and legal requirements as set forth in paragraphs 8 and 9 (eight and nine) herein. Tenant has inspected the Premises and is satisfied with the size, location and condition of the Premises.

**13. Right of Entry.** Landlord shall have the right to enter the Premises at any time to make any necessary repairs with the exception of the secure area required in paragraph 1(c)(iii) which may only be entered by Landlord with Tenant's permission.

**14. Complete Agreement.** This Lease constitutes the entire agreement of the parties and supersedes all prior written and oral agreements and representations. There are no implied covenants or other agreements between the parties except as expressly set forth in this Lease.

**15. Jurisdiction and Venue.** Any dispute in relationship to this lease shall be resolved in the Courts of Jefferson County, West Virginia.

**16. Applicable Law.** This Lease shall be construed and interpreted under the laws of West Virginia.

IN WITNESS WHEREOF, this agreement has been duly executed by the parties hereto.

Approved by the County Commission of Jefferson County, West Virginia, by majority vote, at a duly called meeting of the County Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
County Commission of  
Jefferson County, West Virginia  
By: Its President

Approved by Middleway Volunteer Fire Company on \_\_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
Middleway Volunteer Fire Company  
By: Its President

# Exhibit A



# JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

**Phone:** (304) 728-3284 **Fax:** (304) 725-7916

**Web:** [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

PRESIDENT  
*Pasha Majdi*

COMMISSIONER  
*Jack Hefestay*

COMMISSIONER  
*Cara Keys*

COMMISSIONER  
*Steve Stolipher*

COMMISSIONER  
*Mike Mood*

To: Commissioner Pasha Majdi  
Commissioner Jack Hefestay  
Commissioner Cara Keys  
Commissioner Steve Stolipher  
Commissioner Mike Mood

From: David Bound

Date: July 3, 2025

Re: Fiscal Note: Middleway Fire Station Lease

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Funds are budgeted to lease ambulance space in the Middleway fire station.

FY26 funds requested (\$1,600/month Ambulance)	\$19,200
FY26 funds requested (\$ 200/month Reserve truck)	\$ 2,400

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FY26 Budgeted (Rent Middleway VFD)	\$ 19,200
FY26 Budgeted (Contracted Services)	\$370,000

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: **Jessica James, Chief Human Resource Officer**

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: **5 minutes**

Date Requested – 1<sup>st</sup> Choice: **July 3, 2025**

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*):

- 1. Approval of Promotion – Lead Permit Technician – Department of Engineering, Planning, and Zoning**
- 2. Approval of Hire – Office Assistant – Department of Fleet and Facilities Management**
- 3. Approval of Promotion – Firefighter/Advanced EMT II - Emergency Services Agency**
- 4. Approval of COLA/Merit Increases for the Jefferson County Clerk’s Office**

**Please provide the County Commission with a description of your request or presentation, including any background information:**

1. Staff is requesting the approval of the promotion of Madeline Stephenson from Permit Technician to Lead Permit Technician for the Department of Engineering, Planning, and Zoning.
2. Staff has identified a candidate for the position of Office Assistant within the Department of Fleet and Facilities Management and is requesting approval to hire for the Grade 2, full-time, 80-hour position.
3. Current Firefighter/EMT II, Emily Pultz, has successfully met the requirements for promotion from Firefighter/EMT II to Firefighter/Advanced EMT II and is eligible for a pay increase.
4. The County Clerk has submitted her request for staff cost-of-living adjustments and merit increases and is seeking Commission approval, as presented.

Is this a funding request? Y/N - **NO**

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

**Department of Engineering, Planning, and Zoning Request**

- I move to approve the promotion of Madeline Stephenson to the Grade 3, full-time, 80-hour position of Lead Permit Technician for the Jefferson County Department of Engineering, Planning, and Zoning with a salary \$50,490.60, effective July 7, 2025.

**Department of Fleet and Facilities Management Request**

- I move to approve the hire of Ashley Hafley for the Grade 2, full-time, 80-hour position of Office Assistant within the Department of Fleet and Facilities Management, at a salary of \$40,000, effective July 7, 2025.

**Emergency Services Agency Request**

- I move to approve the promotion of Emily Pultz from Firefighter/EMT II to Firefighter/Advanced EMT II for the Jefferson County Emergency Services Agency at a rate of \$ \_\_\_\_\_, effective \_\_\_\_\_.

**COLA Merit Request for the Office of the Jefferson County Clerk**

- I move to approve the cost-of-living adjustments and merit increases for the Office of the Jefferson County Clerk, as presented, effective July 1, 2025.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed?            Projector    Y/N            Internet/Wi Fi    Y/N            Telephone for conference call    Y/N

Contact information: Jessica James

Email address:        jjames@jeffersoncountywv.org

Phone Number:        304-728-3282

<u>FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION</u>
not applicable



# JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

**Phone:** (304) 728-3284 **Fax:** (304) 725-7916

**Web:** [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

PRESIDENT

*Pasha Majdi*

COMMISSIONER

*Jack Hefestay*

COMMISSIONER

*Cara Keys*

COMMISSIONER

*Steve Stolipher*

COMMISSIONER

*Mike Mood*

To: Commissioner Pasha Majdi  
Commissioner Jack Hefestay  
Commissioner Cara Keys  
Commissioner Steve Stolipher  
Commissioner Mike Mood

From: David Bound

Date: July 03, 2025

Re: Fiscal Note: Engineering Promotion to Lead Permit Technician

---

The Department of Engineering, Planning and Zoning is requesting to promote M. Stephenson to Lead Permit Technician

FY26 Adjusted Salary	\$50,490.60
Budgeted amount FY26	<u>\$51,752.87</u>
Savings	\$ 1,262.27



# JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

**Phone:** (304) 728-3284 **Fax:** (304) 725-7916

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PRESIDENT  
*Pasha Majdi*

COMMISSIONER  
*Jack Hefestay*

COMMISSIONER  
*Cara Keys*

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*Steve Stolipher*

COMMISSIONER  
*Mike Mood*

To: Commissioner Pasha Majdi  
Commissioner Jack Hefestay  
Commissioner Cara Keys  
Commissioner Steve Stolipher  
Commissioner Mike Mood

From: David Bound

Date: July 03 2025

Re: Fiscal Note: Fleet and Facilities Hire Request

---

Fleet and Facilities is requesting to hire an office assistant

Wages Grade 2 \$40,000

Budgeted amount FY26 \$42,000

Savings \$ 2,000

JEFFERSON COUNTY COMMISSION  
 FISCAL YEAR 26 COLA AND MERIT  
 ASSESSOR DEPARTMENT 402 413

<u>Employee</u>	<u>Preferred</u>			<u>Job Class</u>	
<u>Number</u>	<u>Last Name</u>	<u>First Name</u>	<u>Name</u>	<u>Middle Name</u>	<u>Code</u>
1056	OLDEN	KAREN		KAY	0432
1064	PAINTER	ALICE	NIKKI	NICOLE	0723
1643	DAY	HEATHER		M	0432
3000	CARR	SHARI		LAVERNE	0537
3175	KEMP	AMANDA		FAITH	0432
3184	CARDEN	MICHAEL		KEVIN	0432
3421	BRANSON	TINA		LYNN	0537
3472	CAMPBELL	KELLY		DANIELLE	0432
3474	BURWELL	JOSEPH		DAVID	0432
1775	BAKER	GIORDANA			0438

1081	CLARK	KATRINA		ANN	0432
3230	HOFFMAN	KAELYN		ANICE	0432

<u>Job Class Code Desc</u>	<u>Department Code</u>	<u>Personnel Status Code</u>	<u>Position Number</u>	<u>Position Number Desc</u>	<u>Annual Pay</u>
DEPUTY CLERK -80HR	402	FT	40233	DEPUTY CLERK-80HR	58,752.72
SR CHIEF DEPUTY CLERK-80HR	402	FT	40235	SR CHF DEP CLK-80HR	82,869.60
DEPUTY CLERK -80HR	402	FT	40234	DEPUTY CLERK-80HR	43,000.10
DEPUTY CLERK-PR/AP -80HR	402	FT	40227	DEP CLK-PR/AP -80HR	72,435.48
DEPUTY CLERK -80HR	402	FT	40232	DEPUTY CLERK-80HR	46,410.00
DEPUTY CLERK -80HR	402	FT	40229	DEPUTY CLERK-80HR	46,478.38
DEPUTY CLERK-PR/AP -80HR	402	FT	40228	DEP CLK-PR/AP -80HR	53,822.86
DEPUTY CLERK -80HR	402	FT	40231	DEPUTY CLERK -80HR	43,659.98
DEPUTY CLERK -80HR	402	FT	40230	DEPUTY CLERK-80HR	56,700.02
CIVIL SERVICE ADMIN ASST PT	402	PT	40236	CIVIL SERVICE ADMIN ASST PT	21,320.00
DEPUTY CLERK -80HR	413	FT	41319	DEPUTY CLERK -80HR	61,155.90
DEPUTY CLERK -80HR	413	FT	41320	DEPUTY CLERK -80HR	43,050.02

COLA 1,2,3%	COLA DEPT TOTAL	MERIT UPTO 5%	MERIT DEPT TOTAL	FY26 Salary
	\$ 15,763		\$ 15,690	
3%	1,762.58	3%	1,762.58	62,277.88
3%	2,486.09	3%	2,486.09	87,841.78
3%	1,290.00	3%	1,290.00	45,580.11
3%	2,173.06	3%	2,173.06	76,781.61
3%	1,392.30	3%	1,392.30	49,194.60
3%	1,394.35	3%	1,394.35	49,267.08
3%	1,614.69	3%	1,614.69	57,052.23
3%	1,309.80	3%	1,309.80	46,279.58
3%	1,701.00	3%	1,701.00	60,102.02
3%	639.60		566.13	22,525.73
	<u>15,763.47</u>		<u>15,690.00</u>	
	\$ (0.00)		\$ (0.00)	

	\$ 3,126		\$ 2,696	
3%	1,834.68	2%	1,223.12	64,213.70
3%	1,291.50	3%	1,472.88	45,814.40
	<u>3,126.18</u>		<u>2,696.00</u>	
	\$ 0.00		\$ 0.00	

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: David Bound

Department or Organization: Administration

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1<sup>st</sup> Choice: **July 3, 2025**

*If a specific date is needed, please provide reason for specific date:*

Subject (*Wording to be placed on agenda*): **Approve COLA and Merit budget transfers from Commission to various departments.**

**Please provide the County Commission with a description of your request or presentation, including any background information:**

**Commissioners approved a 3% Cost Of Living Adjustment (COLA) for full time employees for FY26 with funds housed in the Commission’s FY26 budget- Department 401. I’m requesting these funds be transferred to the applicable County departments in July 2025.**

**The Commission also approved a merit increase up to 5% for county employees for FY26 with funds housed in the Commission’s FY26 budget- Department 401. I’m requesting the funds be transferred to the elected officials County departments in July 2025. Non-elected staff will receive merit increases based on the County merit review policy. I will present budget adjustments for non-elected staff in the winter.**

Is this a funding request? Y/N **Y**

If so, how much? \$1,142,200

Provide exact financial impact/request: Funds are approved for the FY26 Jefferson County budget

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Requested **motion to State budget transfers for COLA funds amounting to \$565,698 to the County departments’ and elected offices’ FY26 budgets as presented.**

Requested **motion to transfer merit funds amounting of \$576,502 to the elected departments’ FY26 budgets as presented.**

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information: David Bound

Email address: [dbound@jeffersoncountywv.org](mailto:dbound@jeffersoncountywv.org)

Phone Number: 304.728.3284

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable



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PRESIDENT  
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COMMISSIONER  
*Jack Hefestay*

COMMISSIONER  
*Cara Keys*

COMMISSIONER  
*Steve Stolipher*

COMMISSIONER  
*Mike Mood*

To: Commissioner Pasha Majdi  
Commissioner Jack Hefestay  
Commissioner Cara Keys  
Commissioner Steve Stolipher  
Commissioner Mike Mood

From: David Bound

Date: July 3, 2025

Re: Fiscal Note: Transfer FY26 County COLA and Merit funds to Departments' Budgets

---

A request to approve the transfer of Commission approved COLA and Merit funds from the Commission's FY26 budget to Jefferson County departments' budgets in July 2025.

FY26 COLA Transfer Requested \$576,502

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FY26 COLA Budgeted \$576,502

FY26 Merit Transfer Requested \$565,698

---

FY26 Merit Budgeted \$565,698

Ora Ash, Deputy State Auditor  
 West Virginia State Auditor's Office  
**200 West Main Street**  
 Clarksburg, WV 26301  
 Phone: 627-2415 ext. 5101 or ext. 5118  
 Fax: 304-340-5090  
 Email: [igs@wvsao.gov](mailto:igs@wvsao.gov)

**REQUEST FOR REVISION TO APPROVED BUDGET**

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER  
 FY: 2026  
 Fund: 001  
 Rev. No. 1  
 Pages: 2

Jefferson County Commission  
 \_\_\_\_\_  
 GOVERNMENT ENTITY

Person To Contact Regarding Request: \_\_\_\_\_ PO Box 250  
 Name: **David Bound** \_\_\_\_\_ STREET OR PO BOX  
 Phone: **304.728.3284** \_\_\_\_\_  
 Fax: \_\_\_\_\_ Charles Town \_\_\_\_\_ 25414  
 Email: [dbound@jeffersoncountywv.org](mailto:dbound@jeffersoncountywv.org) \_\_\_\_\_ CITY ZIP CODE

**COUNTY**  
 Government Type

**REVENUES: (net each acct.)**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

**NET INCREASE/(DECREASE) Revenues (ALL PAGES)**

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
401	County Commission	3,239,130		552,721	2,686,409
402	County Clerk	806,299	18,388		824,687
403	Circuit Clerk	539,298	10,771		550,069
404	Sheriff-Treasurer	593,762	11,545		605,307
405	Prosecuting Attorney	2,055,478	51,793		2,107,271
406	Assessor	501,739	11,960		513,699
407	Assessor's Valuation Fund	697,405	19,244		716,649
413	Elections-County Clerk	350,145	3,646		353,791
700	Sheriff-Law Enforcement	5,460,455	139,681		5,600,136
716	Dog Warden/Humane Society	332,874	4,892		337,766
	#N/A				

**NET INCREASE/(DECREASE) Expenditures**

**APPROVED BY THE STATE AUDITOR**

BY: \_\_\_\_\_  
 Deputy State Auditor, Local Government Services Div. Date

July 3, 2025  
 AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE

Ora Ash, Deputy State Auditor  
 West Virginia State Auditor's Office  
**200 West Main Street**  
 Clarksburg, WV 26301  
 Phone: 627-2415 ext. 5101 or ext. 5118  
 Fax: 304-340-5090  
 Email: [igs@wvsao.gov](mailto:igs@wvsao.gov)

**REQUEST FOR REVISION TO APPROVED BUDGET**

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER  
 FY: 2026  
 Fund: 001  
 Rev. No. 2  
 Pages: 2

Jefferson County Commission  
 \_\_\_\_\_  
 GOVERNMENT ENTITY

Person To Contact Regarding Request: \_\_\_\_\_ PO Box 250  
 Name: **David Bound** \_\_\_\_\_ STREET OR PO BOX  
 Phone: **304.728.3284** \_\_\_\_\_  
 Fax: \_\_\_\_\_ Charles Town \_\_\_\_\_ 25414  
 Email: [dbound@jeffersoncountywv.org](mailto:dbound@jeffersoncountywv.org) \_\_\_\_\_ CITY ZIP CODE

**COUNTY**  
 Government Type

**REVENUES: (net each acct.)**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

**NET INCREASE/(DECREASE) Revenues (ALL PAGES)**

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
401	County Commission	2,686,409		548,351	2,138,058
402	County Clerk	824,687	16,514		841,201
403	Circuit Clerk	550,069	11,292		561,361
404	Sheriff-Treasurer	605,307	10,269		615,576
405	Prosecuting Attorney	2,107,271	63,391		2,170,662
406	Assessor	513,699	7,931		521,630
407	Assessor's Valuation Fund	716,649	18,843		735,492
413	Elections-County Clerk	353,791	3,145		356,936
700	Sheriff-Law Enforcement	5,600,136	136,916		5,737,052
716	Dog Warden/Humane Society	337,766	3,897		341,663
	#N/A				

**NET INCREASE/(DECREASE) Expenditures**

**APPROVED BY THE STATE AUDITOR**

BY: \_\_\_\_\_  
 Deputy State Auditor, Local Government Services Div. Date

July 3, 2025  
 AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: **Nathan Cochran**

Department or Organization: **Prosecuting Attorney's Office**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **July 3, 2025**

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*): **Report by legal counsel**

**Please provide the County Commission with a description of your request or presentation, including any background information:**

**A. Discussion and advice from counsel and possible action on courthouse annex.**

Is this a funding request? **No**

If so, how much? **\$**

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed?      Projector    **No**      Internet/Wi Fi    **No**      Telephone for conference call    **No**

Contact information: **Jaymee Houser**

Email address: **jhouser@jcpawv.org**

Phone Number: **304-728-3318**

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Edwina Benites-LM

Department or Organization: Administration

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **July 3, 2025**

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*):

1. Certificate of Insurance
2. Next steps on the building- build out
3. Community Discussion on Washington Street Properties update
4. Federal Appropriations update
5. Pay to two decimals instead of four
6. Day Report INC.
7. Review of Priorities- Quarter 3 and 4
8. Consider matters involving or affecting the construction, planning, purchase, sale, or lease of property for County office space and/ or courthouse space.

**Please provide the County Commission with a description of your request or presentation, including any background information:**

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector  Y/N Internet/Wi Fi  Y/N Telephone for conference call  Y/N

Contact information:

Email address:

Phone Number:

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable



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PRESIDENT

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VICE PRESIDENT

*Mike Mood*

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COMMISSIONER

*Steve Stolipher*

To: Commissioner Pasha Majdi  
Commissioner Steve Stolipher  
Commissioner Mike Mood  
Commissioner Cara Keys  
Commissioner Jack Hefestay

From: Edwina Benites-LM, county administrator

Re: County Administrator Report, July 3, 2025

---

Summary:

1. Certificate of Insurance
2. Next steps on the building- build out
3. Community Discussion on Washington Street Properties update
4. Federal Appropriations update
5. Pay to two decimals instead of four
6. Day Report INC.
7. Review of Priorities- Quarter 3 and 4
8. Consider matters involving or affecting the construction, planning, purchase, sale, or lease of property for County office space and/ or courthouse space.

## 1. Certificate of Insurance

I submitted requests for Certificates of Insurance (COIs) to the following entities to ensure the Commission is listed as an additional insured: Parks and Recreation Commission, Health Department, Solid Waste Authority, Development Authority, WVU Extension, and the City of Charles Town. Being listed as an additional insured provides the County with protection in the event of an incident involving the use of County property.

As of this memo, I have not received COIs from WVU Extension or the Solid Waste Authority.

## 2. Community Discussion on Washington Street Properties update

I invited a variety of speakers for the July 17<sup>th</sup> community discussion on the Washington Street Properties. Confirmed speakers include:

- Laura Kuhn, director of Fleet and Facilities- regarding current property
- Angie Banks, Jefferson County Assessor- regarding assessed value and assessment process

- Kanette Petry, Conrad and Luttrell- regarding title and deed of the Historic Court House
- Charles Town Now
- Strong Towns
- Charles Town
- Jefferson County Development Authority
- Jefferson County Sheriff
- Jefferson County Museum

I am working to have the meeting room at 393 N. Lawrence available for this meeting.

### **3. Federal appropriations**

We received confirmation from Representative Moore's office that none of Jefferson County's Community Project Funding requests were advanced to a House Appropriations Subcommittee. The only project from the Eastern Panhandle included on Representative Moore's priority list was a Marshall University flight school program. While none of our requests were included for consideration, it's not uncommon given the limited capacity of each congressional office.

We continue to actively engage with our Senate delegation regarding potential funding opportunities on the Senate side of the appropriations process and remain optimistic that one or more of our proposals may still be selected.

### **4. Pay to two decimals instead of four**

There is a request to round employee pay calculations to two decimal places, rather than four, for the following operational reasons:

- Calculating pay to four decimal places results in small variations in gross pay each pay period, making payroll amounts inconsistent.
- Reporting retirement contributions and salaries to the Consolidated Public Retirement Board requires manual adjustments nearly every pay period, as rates fluctuate slightly with four-decimal precision. This creates a time-intensive burden on staff.
- Many Personnel Action Forms (PAFs) are submitted using only two decimal places, requiring staff to manually convert to four decimals.
- The Consolidated Public Retirement Board does not accept pay rates with four decimal places in their system.
- Staff must frequently adjust calculator settings between two and four decimal places, increasing the potential for error and inefficiency.

**Suggested Motion: Motion to approve the calculation and reporting of employee pay to two decimal places instead of four.**

## 5. Day Report INC.

We worked with the State to finalize and approve the Quarter 4 allocations for Berkeley Day Report through the Jefferson County Community Corrections grant. As part of the process to repurpose the remaining grant funds, the State required a full accounting of funds previously distributed to Day Report Inc.

Through this reconciliation, it was confirmed that Day Report Inc. chose not to seek reimbursement for \$22,836.02 in grant funds previously awarded to them.

In addition, the State has approved the following payments for Berkeley Day Report for services rendered in FY25:

- **\$61,586.02** (State funds)
  - **\$38,750.00** (Local match)
- Total: \$100,336.02**

These funds were reserved for payment in June but have since rolled into the County's contingency fund balance due to the timing of the approval.

### Suggested Motions:

Motion to approve the payment of \$100,336.02 from contingency funds to Berkeley Day Report for services rendered in FY25.

Motion to invoice Jefferson County Day Report Inc. in the amount of \$22,836.02, reflecting funds previously awarded to them but for which reimbursement was not sought/ no eligible invoice was provided.

## 7. Review of Priorities- Quarter 3 and 4

Attached are the Commission priorities approved earlier this calendar year. With the purchase of the Jefferson County Government and Judicial Complex now finalized, much of the associated work has been completed. Commissioners are asked to review the attached list and provide any recommended updates or adjustments for Quarters 3 and 4. This review will help ensure alignment on expectations, avoid overextension of staff resources, and confirm consensus on the Commission's strategic focus moving forward.



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*Mike Mood*

To: Commissioner Pasha Majdi  
Commissioner Jack Hefestay  
Commissioner Cara Keys  
Commissioner Steve Stolipher  
Commissioner Mike Mood

From: David Bound

Date: July 3, 2025

Re: Fiscal Note: Request to adjust the hourly pay scale to two decimal places

---

The County's current hourly pay scale is displayed to four decimal places. A request has been made to adjust this format to two decimal places. The financial impact of this change is expected to be minimal, as the rounding difference, from thousandths to hundredths, will result in a variance of less than one cent per hour, amounting to approximately  $\pm\$2$  per year per employee.

The primary benefits of this adjustment are administrative. Reducing the precision to two decimal places will lead to time savings in payroll processing and reduce the risk of calculation or rounding errors. This change aligns with standard payroll practices and supports greater clarity and consistency in employer and employee pay rate communications.



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*Mike Mood*

To: Commissioner Pasha Majdi  
Commissioner Jack Hefestay  
Commissioner Cara Keys  
Commissioner Steve Stolipher  
Commissioner Mike Mood

From: David Bound

Date: July 3, 2025

Re: Fiscal Note: Berkeley County Day Report Grant Moneys Request

The JC Day Report (JCDR) program has received \$116,250 of a \$155,000 grant from the County and has advised that it will not request the remaining \$38,750. The State of West Virginia has notified County Administration that JCDR failed to submit expense documentation totaling \$22,836.02.

To address this issue and ensure compliance with state grant requirements, Administration respectfully requests Commission authorization to invoice JCDR for the \$22,836.02 in non-submitted expenses to resolve the outstanding amount and maintain eligibility for future funding.

Administration respectfully requests Commission authorization to do the following:

Approve the payment of FY26 Day Report funds Payable to Berkeley County Day Report	
<u>amounting to:</u>	<u>\$155,000</u>
Funding Source: FY26 WV Day Report Grant funds	\$155,000

Approve the payment of FY25 Day Report funds Payable to Berkeley County Day Report	
<u>amounting to:</u>	<u>\$ 100,336.02</u>
Funding Source: FY25 Contingency funds	\$4,459,850.00



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COMMISSIONER  
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COMMISSIONER  
*Mike Mood*

COMMISSIONER  
*Steve Stolipher*

## Jefferson County Commission Strategy: 2025 Action Plan

### ***Strategic Focus:***

- Enhancing Professionalism – Strengthening operational efficiency, decision-making, and service delivery.
- Strengthening Constituent Relations – Prioritizing transparency, responsiveness, and accessibility.
- Expanding Engagement
  - Interoffice Collaboration – Encouraging cross-department coordination and efficiency.
  - Constituent Participation – Expanding opportunities for residents to engage with the Commission.

### ***Q1 - Q2 Priorities (January - June 2025)***

1. Finalize the FY25 Budget
  - 1.1 Ensure responsible fiscal planning that aligns with county priorities.
  - 1.2 Engage departments and the public to refine budget allocations.
2. 393 Building: Due Diligence & Financing
  - 2.1 Complete thorough building and property due diligence.
  - 2.2 Solicit and approve financing for the purchase.
3. State & Federal Priorities: Submission & Advocacy
  - 3.1 Submit funding and policy requests to state and federal officials.
  - 3.2 Advocate for Jefferson County's needs through direct engagement with legislators and agencies.

### ***Q3 - Q4 Priorities (July - December 2025)***

1. Future of the Fire Service Study
  - 1.1 Collaborate with the consultant and community to assess current needs, assets, and liabilities.
  - 1.2 The consultant will finalize the report based on community input and collected data.
2. Website Redesign & Implementation
  - 2.1 Solicit and approve an RFP for a comprehensive website redesign.
  - 2.2 Work with the selected consultant to develop a user-friendly, accessible, and transparent online platform.
3. 393 Building: Begin Build-Out
  - 3.1 Coordinate with elected officials and departments to design each office layout.
  - 3.2 Strategically plan department space to enhance constituent access and service efficiency.

4. Coordination with Ranson on ESA Property Expansion
  - 4.1 Explore acquisition of adjoining property to improve emergency services capacity.
  - 4.2 Strengthen collaboration for enhanced public safety infrastructure.



West Virginia Department of  
**ARTS, CULTURE  
AND HISTORY**

**The Culture Center**  
1900 Kanawha Blvd., E.  
Charleston, WV 25305-0300

Phone 304.558.0220 \* [www.wvculture.org](http://www.wvculture.org)  
Fax 304.558.2779 \* TDD 304.558.3562  
EEO/AA Employer

June 4, 2025

Jefferson County Commission  
116 East Washington Street, Suite 201  
Charles Town, WV 25414

Dear Commissioners:

We hereby notify you that the Jacob Folk House (484 Billmyer Mill Road, Shepherdstown, Jefferson Co.) will be considered by the West Virginia Archives and History Commission for nomination to the National Register of Historic Places. The National Register is the Federal government's official list of historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our Nation's heritage.

Listing of the Jacob Folk House provides recognition of the property's historic importance and assures protective review of Federal projects that might adversely affect the character of the historic property. A state income tax credit is also available to owners of buildings that are rehabilitated. If the property is listed in the National Register, certain Federal investment tax credits for rehabilitation and other provisions may apply.

Listing in the National Register does not mean that limitations will be placed on the properties by the Federal government. Public visitation rights are not required of owners. The Federal government will not attach restrictive covenants to the properties or seek to acquire them.

You are invited to attend the WV Archives and History Commission meeting at which the nomination will be considered. The Commission will meet at 9:30 AM on July 15<sup>th</sup>, 2025. The meeting will be held at the Wood County Resiliency Center, 328 2<sup>nd</sup> Street, Parkersburg, WV (Wood Co.). If the meeting must be cancelled due to inclement weather, lack of quorum, or other emergency, it will be rescheduled for a date and location to be determined.

Attached please find a notice that explains, in greater detail, the results of listing in the National Register and that describes the rights and procedures by which an owner may comment on or object to listing in the National Register.

Should you have any questions about this nomination before the Archives and History Commission meeting, please contact Cody Straley, National Register Coordinator, at 304.558.0240.

Sincerely,

A handwritten signature in blue ink that reads "Susan M. Pierce".

Susan M. Pierce  
Deputy State Historic Preservation Officer

enclosure

## **RIGHTS OF OWNERS TO COMMENT AND/OR OBJECT TO LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES**

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing may submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property and objects to the listing or by submitting a declaration of objection under penalty of perjury consistent with 28 U.S.C § 1746. A declaration of objection must take the following form: I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct. Executed on (date), (Signature).” Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility of the property for listing in the National Register. If the property is then determined to be eligible for listing, although not formally listed, Federal agencies will be required to allow for the Advisory Council on Historic Preservation to have an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If you choose to object to the listing of your property, the notarized objection or declaration of objection must be submitted to Ms. Susan M. Pierce, Deputy State Historic Preservation Officer, West Virginia Department of Arts, Culture and History, 1900 Kanawha Boulevard East, Charleston, West Virginia, 25305-0300 by July 15, 2025.

If you wish to comment on the nomination of the property to the National Register, please send your comments to the State Historic Preservation Office before the Archives and History Commission considers this nomination on July 15, 2025. A copy of the nomination and information on the National Register and the Federal tax provisions are available from the above address upon request.

### **FEDERAL RESULTS OF LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES**

**Eligibility for Federal tax provisions:** If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Cut and Jobs Act of 2017 revises the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, the Tax Reform Act of 1984, the Tax Reform Act of 1986, and, as of January 1, 2018, provides for a 4 percent investment tax credit for 5 years with a full adjustment to basis for rehabilitation historic commercial, industrial and rental residential buildings. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

**Consideration in planning for Federal, federally licensed, and federally assisted projects:** Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies take into account the effect of an undertaking on any building, structure, site, or district that is listed in or eligible for inclusion in the National Register of Historic Places. Agencies must also afford the Advisory Council on Historic Preservation the opportunity to comment on all projects affecting historic properties listed in or eligible for inclusion in the National Register. For further information, please refer to 36 CFR 800.

**Consideration in issuing a surface coal mining permit:** In accordance with the Surface Mining and Control Act of 1977, there must be consideration of historic values in the decision to issue a surface coal mining permit where coal is located. For further information, please refer to 30 CFR 700 et. seq.

**Qualification for Federal grants for historic preservation where funds are available:** Presently, funding is unavailable.

## JCCInfo

---

**From:** rebecca phipps <beckyhipps502@gmail.com>  
**Sent:** Thursday, June 5, 2025 4:31 PM  
**To:** JCCInfo  
**Subject:** New space for county employees

Greetings, emailing to express my opposition to plunging the county into debt for new and different office space. Use those funds for other and much more sorely needed county programs, perhaps to strengthen the public school system which continues to be raided at the state level.

Sent an email last night, but was unable to tell if it reached its destination, so just to be certain, sending this. At any rate, a no vote from a county resident about the gigantic building/real estate issue that you will be discussing tonight.

Rebecca Phipps  
Shepherdstown

## JCCInfo

---

**From:** Brant Lowe <brantlowe@gmail.com>  
**Sent:** Tuesday, June 3, 2025 8:17 AM  
**To:** JCCInfo  
**Subject:** Thank you JC Permit Office

To Jefferson County Commission,

Please pass along my sincere appreciation with a huge Thank You to all the staff at the permit office. They were extremely busy at the end of May with the push to get permits in before the increased impact fee went into effect. They were all extremely helpful and took the time to walk me through the permit process to ensure I had everything I needed.

Please share my appreciation for their hard work and dedication to this County.

Brant

David C. Tabb personally and  
Shenandoah Sales & Service, Inc.  
107 Tabb Lane  
Harpers Ferry, WV 25425  
304-676-5976

West Virginia State Auditor  
Attn: Mark Hunt  
1900 Kanawha Blvd E, W100  
Charleston, WV 25305

June 24, 2025

RE: Jefferson County Ambulance Fee

Dear Mr. Hunt,

I, David C. Tabb a lifelong resident of Jefferson County, request your assistance in reviewing the Jefferson County Commission and the Jefferson County Ambulance Authority's calculation of the ambulance fees. Not only are their accounting practices improper, the Ambulance Authority has failed to respond when one appeals the billing.

I have enclosed some of my latest filings to the Jefferson County Commission and the Jefferson County Ambulance Authority. If you need any other documents, my files are available for review.

Sincerely,



David C. Tabb, personally and  
President  
Shenandoah Sales & Service, Inc.

David C. Tabb and  
Shenandoah Sales & Service, Inc.  
107 Tabb Lane  
Harpers Ferry, WV 25425  
304-676-5976

Jefferson County Commission  
Ambulance Fee  
P.O. Box 206  
110 N. George St  
Charles Town, WV 25414  
info@jeffersoncountywv.org

Jefferson County Emergency Services Building  
419 Sixteen Ave  
Ranson, WV 25438

June 24, 2025

Dear Commissioners,

Once again, I am writing to you about Customer Number# *55120 and 54442*.

I received your invoices, dated July 1, 2024, for the above accounts on June 20 and June 23, 2025, respectfully for "Customer Copy- Fiscal Year July 1, 2023 – June 30, 2024". This listed fiscal year was sent in 2023, with Mr. Tabb's objections to the Ambulance Authority, filed on August 22, 2023. It appears that the Ambulance Authority is once again trying to obtain additional fees by billing what has already been filed and illegal. (See attached).

I am also including my response to a Delinquency Notice for Customer Numbers #55120 and #54442 on December 23, 2024, in which the Ambulance Authority failed to respond, that included the billing for 2023/2024.

Within both of these accounts, the JCC Ambulance Fee Authority has ignored the previous response by the customer. Under Section 4 of the Jefferson County Ambulance Fee Ordinance, if the authority disagrees, they are required to initiate a hearing. I have also enclosed my repeated yearly response to the JCC Ambulance Fee Authority of requesting a challenge of your regulations, and the ambulance authority has repletely failed to respond.

Once again, I believe that the JCC Ambulance Fee is improper and possibly illegal. To date, I have been denied the opportunity to challenge your authority within the procedures of your ordinances.

Regardless of the assignment of an account number, since they have changed, the *Ambulance Fee* for the years of: 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2024 is a continual

violation in charging these accounts. Since 2017, including now, I have requested a hearing in accordance with Section 4 of the *Jefferson County Ambulance Fee Ordinance*. To date, you still have not properly addressed and/or followed the rules set forth in the *Ambulance Fee Ordinance*.

The Jefferson County Commission had the full opportunity to address the ambulance fees once and for all, by the way, of an order "*Granting request for Jury Trial and Setting Scheduling Conference*" of July 19, 2018, at 2:30 by Circuit Court Judge Hammer.

It appears, by the way of your counsel on July 9, 2018, declined the opportunity to have a jury trial, where I could show the world how you, the Jefferson County Commission harassed the taxpayer and fail to obey by your own rules.

The Jefferson County Commission relished the right to pursue any further charges on an already illegal fee that one cannot deduct from annual taxes.

After reviewing the statement form, it appears, once you detach remittance stub, customer account number no longer appears for customer record.

I believe that it is time ask the State Auditor to intervene.

Sincerely,



David C. Tabb, personally  
and as  
President  
Shenandoah Sales & Service, Inc.

p.s. How will the Jefferson County Ambulance Authority justify the illegal 2025-2026 billing, when they have failed the 2024-2025 billing?

c.c. West Virginia State Auditor  
Attn: Mark Hunt  
1900 Kanawha Blvd E, W100  
Charleston, WV 25305



Jefferson County Commission  
 Ambulance Fee  
 419 Sixteenth Ave  
 Ranson, WV 25438

Phone Number  
 O: 304-728-5606  
 F: 304-728-4034

# Ambulance Fee Invoice

Customer Copy-Fiscal Year July 1, 2023 - June 30, 2024

Payment Methods: Online at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org); After Hours Drop Box; Mail and In Person M-F 9-4:30

CUSTOMER	INVOICE DATE	INVOICE NUMBER	AMOUNT PAID	DUE DATE	INVOICE TOTAL DUE		
TABB DAVID C	07/01/2024	2417599	\$0.00	08/31/2025	\$50.00		
DESCRIPTION	QUANTITY	PRICE	UOM	ORIGINAL BILL	ADJUSTED	PAID	AMOUNT DUE
RESIDENTIAL-NON OWNER OCCUPIED EMERGENCY AMBULANCE SERVICE FEE	1.00	\$50.000000	UNIT	\$50.00	\$0.00	\$0.00	\$50.00
<b>Invoice Total:</b>					<b>\$50.00</b>		

04 PP17427 MH13; BUSDESC: 60; PERSONAL PROPERTY-MOBILE HOME.

\*WE ACCEPT: CHECK, MONEY ORDER, & CREDIT/DEBIT-A CONVENIENCE FEE APPLIES

\*\*NO PAYMENTS BY PHONE ACCEPTED

\*\*\*SEE REVERSE SIDE FOR VOLUNTARY DONATION RULES AND PAYMENT APPLICATION PRIORITIES, AND INDICATE THE AMOUNT IN THE SPACE BELOW.

✂ DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT ✂



Jefferson County Commission  
 Ambulance Fee  
 419 Sixteenth Ave  
 Ranson, WV 25438

Phone Number  
 O: 304-728-5606  
 F: 304-728-4034

# Ambulance Fee Invoice

Remit Portion

Invoice Date	07/01/2024
Invoice Number	2417599
Customer Number	54442
Parcel Number	04 PP17427 MH13
Amount Paid	
Due Date	08/31/2025
Invoice Total Due	\$50.00

TABB DAVID C  
 TABB NADINE L  
 107 TABB LN  
 HARPERS FERRY, WV 25425

VOLUNTARY DONATION \$  
 MAKE CHECKS PAYABLE TO: JEFFERSON COUNTY COMMISSION  
 Add late fee if paying after September 30th

173

000001&2025502417599400000050005



Jefferson County Commission  
 Ambulance Fee  
 419 Sixteenth Ave  
 Ranson, WV 25438

Phone Number  
 O: 304-728-5606  
 F: 304-728-4034

### Ambulance Fee Invoice

Customer Copy-Fiscal Year July 1, 2023 - June 30, 2024

Payment Methods: Online at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org); After Hours Drop Box; Mail and In Person M-F 9-4:30

CUSTOMER	INVOICE DATE	INVOICE NUMBER	AMOUNT PAID	DUE DATE	INVOICE TOTAL DUE
SHENANDOAH SALES & SERVICE INC	07/01/2024	2400012	\$0.00	08/31/2025	\$90.00

DESCRIPTION	QUANTITY	PRICE	UOM	ORIGINAL BILL	ADJUSTED	PAID	AMOUNT DUE
NON-RESIDENTIAL FEE <10,000SF EMERGENCY AMBULANCE SERVICE FEE	1.00	\$90.000000	UNIT	\$90.00	\$0.00	\$0.00	\$90.00
<b>Invoice Total:</b>							<b>\$90.00</b>

04 10 0008 0000 0000 CARD 1; LUC 105 / CLASS 2; LEGAL: 20.68 A., HALLTOWN, BOYD

\*WE ACCEPT: CHECK, MONEY ORDER, & CREDIT/DEBIT-A CONVENIENCE FEE APPLIES

\*\*NO PAYMENTS BY PHONE ACCEPTED

\*\*\*SEE REVERSE SIDE FOR VOLUNTARY DONATION RULES AND PAYMENT APPLICATION PRIORITIES, AND INDICATE THE AMOUNT IN THE SPACE BELOW.

✂ DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT ✂



Jefferson County Commission  
 Ambulance Fee  
 419 Sixteenth Ave  
 Ranson, WV 25438

Phone Number  
 O: 304-728-5606  
 F: 304-728-4034

### Ambulance Fee Invoice

Remit Portion

Invoice Date	07/01/2024
Invoice Number	2400012
Customer Number	55120
Parcel Number	04 10 0008 0000 0000 1
Amount Paid	
Due Date	08/31/2025
<b>Invoice Total Due</b>	<b>\$90.00</b>

SHENANDOAH SALES & SERVICE  
 INC  
 107 TABB LN  
 HARPERS FERRY, WV 25425

VOLUNTARY DONATION \$ \_\_\_\_\_  
 MAKE CHECKS PAYABLE TO: JEFFERSON COUNTY COMMISSION  
 Add late fee if paying after September 30th

000001&2025502400012700000090001

David C. Tabb  
Shenandoah Sales & Service, Inc.  
107 Tabb Lane  
Harpers Ferry, WV 25425  
304-676-5976

Jefferson County Commission  
Ambulance Fee  
419 Sixteenth Ave  
Ranson, WV 25438  
ambfeeoffice@jcsdvw.com

December 23, 2024

RE: Delinquency Notice for Customer Numbers # 55120 and 54442.

Dear Commissioners,

Upon receiving two letters of delinquency, and with a review, it appears, there are multiple flaws within your accounting procedures/billing even if these charges were valid. Within both of these accounts, the JCC Ambulance Fee Authority has ignored the previous response by the customer. Under Section 4 of the Jefferson County Ambulance Fee Ordinance, if the authority disagrees, they are required to initiate a hearing. I have also enclosed my repeated yearly response to the JCC Ambulance Fee Authority of requesting a challenge of your regulations, and the ambulance authority has repletely failed to respond.

Regardless of the assignment of an account number, since they have changed, the *Ambulance Fee* for the years of: 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2024 is a continual violation in charging these accounts. Since 2017, including now, I have requested a hearing in accordance with Section 4 of the *Jefferson County Ambulance Fee Ordinance*. To date, you still have not properly addressed and/or followed the rules set forth in the *Ambulance Fee Ordinance*.

The invoice lists my last payment date as 12/31/1899 on Customer number #55120. That's right, one hundred and twenty-four (124) years ago. I am asking you to provide me with the last 124 years of invoices so I can verify how much you owe me prior to the implementation of the ambulance fee. If you don't have all of the invoices, I have to assume they were paid prior to 1899 and would appreciate my money back with penalties and interest.

The Jefferson County Commission had the full opportunity to address the ambulance fees once and for all, by the way, of an order "Granting request for Jury Trial and Setting Scheduling Conference" of July 19, 2018, at 2:30 by Circuit Court Judge Hammer.

It appears, by the way of your counsel on July 9, 2018, declined the opportunity to have a jury trial, where I could show the world how you, the Jefferson County Commission harassed the taxpayer and fail to obey by your own rules.

The Jefferson County Commission relished the right to pursue any further charges on an already illegal fee that one cannot deduct from annual taxes.

This matter is at an end.

After reviewing the statement form, it appears, once you detach remittance stub, customer account number no longer appears for customer record.

Any other correspondences, other than the request for prior invoices (1899), will be considered harassment at the highest level.

Sincerely,



David C. Tabb

### Certificate of Service

I, David Tabb, on December 23, 2024, submitted my response to the Delinquency Notice for Customer Numbers # 55120 and # 54442 to the following:

Jefferson County Commission  
Ambulance Fee  
419 Sixteenth Ave  
Ranson, WV 25438  
[ambfeeoffice@jcsdww.com](mailto:ambfeeoffice@jcsdww.com)

Email & First-Class Mail



David C. Tabb

David C. Tabb  
Shenandoah Sales & Service, Inc.  
107 Tabb Lane  
Harpers Ferry, WV 25425  
304-676-5976

Jefferson County Commission  
Ambulance Fee  
419 Sixteenth Ave  
Ranson, WV 25438  
ambfeeoffice@jcsdww.com

December 23, 2024

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Dear Commissioners,

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Sincerely,




David C. Tabb

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Jefferson County Commission  
Ambulance Fee  
419 Sixteenth Ave  
Ranson, WV 25438  
[ambfeeoffice@jcsdww.com](mailto:ambfeeoffice@jcsdww.com)

Email & First-Class Mail



David C. Tabb

David C. Tabb  
Shenandoah Sales & Service, Inc.  
107 Tabb Lane  
Harpers Ferry, WV 25425  
304-676-5976

Jefferson County Commission  
Ambulance Fee  
P.O. Box 206  
110 N. George St  
Charles Town, WV 25414

August 22, 2023

Dear Commissioners,

Once again, I am writing to you about Customer Number# 55120 and 54442.

Regardless of the assignment of an account number, since they have changed, the *Ambulance Fee* for the years of: 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023 is a continual violation in charging these accounts. Since 2017, including now, I have requested a hearing in accordance with Section 4 of the *Jefferson County Ambulance Fee Ordinance*. To date, you still have not properly addressed and/or followed the rules set forth in the *Ambulance Fee Ordinance*.

The invoice lists my last payment date as 12/31/1899 on Customer number #55120. That's right, one hundred and twenty-three (123) years ago. I am asking you to provide me with the last 123 years of invoices so I can verify how much you owe me prior to the implementation of the ambulance fee. If you don't have all of the invoices, I have to assume they were paid prior to 1899 and would appreciate my money back with penalties and interest.

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Any other correspondences, other than the request for prior invoices (1899), will be considered harassment at the highest level.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Tabb', written in a cursive style.

David C. Tabb



Jefferson County Commission  
 Ambulance Fee  
 P.O. Box 206  
 110 N George St  
 Charles Town, WV 25414

Phone Number  
 O: 304-728-5606  
 F: 304-728-4034

# Ambulance Fee Invoice

Customer Copy-Fiscal Year July 1, 2023 - June 30, 2024

Payment Methods: Online at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org); After Hours Drop Box; Mail and In Person M-F 9-4:30

CUSTOMER	INVOICE DATE	INVOICE NUMBER	AMOUNT PAID	DUE DATE	INVOICE TOTAL DUE
SHENANDOAH SALES & SERVICE INC	07/31/2023	2321478	\$0.00	09/30/2023	\$90.00

LAST PAYMENT DATE	LAST PAYMENT AMOUNT	PAST DUE AMOUNT	ACCOUNT BALANCE
12/31/1899	\$0.00	\$333.00	\$423.00

DESCRIPTION	QUANTITY	PRICE	UOM	ORIGINAL BILL	ADJUSTED	PAID	AMOUNT DUE
NON-RESIDENTIAL FEE <10,000SF EMERGENCY AMBULANCE SERVICE FEE	1.00	\$90.000000	UNIT	\$90.00	\$0.00	\$0.00	\$90.00

Invoice Total: **\$90.00**

04 10 0008 0000 0000 CARD 1; LUC 105 / CLASS 2; LEGAL: 20.68 A., HALLTOWN, BOYD

\*WE ACCEPT: CHECK, MONEY ORDER, & CREDIT/DEBIT-A CONVENIENCE FEE APPLIES

\*\*NO PAYMENTS BY PHONE ACCEPTED

\*\*\*SEE REVERSE SIDE FOR VOLUNTARY DONATION RULES AND PAYMENT APPLICATION PRIORITIES, AND INDICATE THE AMOUNT IN THE SPACE BELOW.

✂ DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT ✂



Jefferson County Commission  
 Ambulance Fee  
 P.O. Box 206  
 110 N George St  
 Charles Town, WV 25414

Phone Number  
 O: 304-728-5606  
 F: 304-728-4034

# Ambulance Fee Invoice

Remit Portion

Invoice Date: 07/31/2023  
 Invoice Number: 2321478  
 Customer Number: 55120  
 Parcel Number: 04 10 0008 0000 0000 1  
 Amount Paid:  
 Due Date: 09/30/2023

Invoice Total Due: **\$90.00**

VOLUNTARY DONATION \$  
 MAKE CHECKS PAYABLE TO: JEFFERSON COUNTY COMMISSION  
 Add late fee if paying after September 30th

SHENANDOAH SALES & SERVICE  
 INC  
 107 TABB LN  
 HARPERS FERRY, WV 25425

00000182024802321478600000090001

**Harpers Ferry/ Bolivar PSD**

P. O. BOX 235  
192 LAKE QUIGLEY DRIVE  
HARPERS FERRY, WEST VIRGINIA 25425  
(304)-535-2390 FAX (304)-535-2524  
info@hfbpsd.com

THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE APRIL MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON APRIL 10<sup>th</sup>, 2025.

The meeting was called to order at 7:38 a.m.

Those in attendance were:

Mike Lowrey-Secretary Term 6/30/2026  
Helen Dettmer-Treasurer Term 6/30/2026  
David Simmons-Chairman-Term 6/30/2027

Eddy Tennant-Operations Supervisor

Meeting open to public comment:

Motion by Mr. Lowrey, seconded by Ms. Dettmer to approve the March minutes, approved.

Motion by Mr. Lowrey, seconded by Ms. Dettmer to approve the March revenue checking account financial statement, approved.

Motion by Mr. Lowrey, seconded by Ms. Dettmer to approve the March security deposits financial statement, approved.

Motion by Mr. Lowrey, seconded by Ms. Dettmer to approve the March working capital reserve account, approved.

Motion by Mr. Lowrey, seconded by Ms. Dettmer to approve the March capital replacement account, approved.

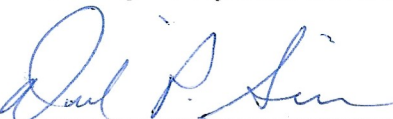
Motion by Ms. Dettmer, seconded by Mr. Lowrey to approve transferring \$3,296.48 from the revenue checking account over to the working capital reserve account, approved.

Discussion on PSD looking into possible Grants to do some projects and improvements to collection system and wastewater treatment plant.

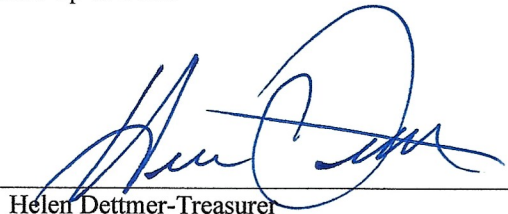
Discussion on leaving our current internet and phone provider to another provider for better service and cheaper monthly costs.

Mr. Tennant to correspond to Mr. Mitchell due to failure to show up to work.

The meeting was adjourned at 8:02 a.m.



David Simmons-Chairman



Helen Dettmer-Treasurer

Mike Lowrey-Secretary

## JCCInfo

---

**From:** Richard Zigler <rzigler01@gmail.com>  
**Sent:** Saturday, June 28, 2025 10:38 AM  
**To:** JCCInfo  
**Subject:** JCDA Agriculture meeting

As a farmer in this county, I think all avenues of income should be supported. People that wanted to preserve farmland did not want solar facilities, yet they are now growling how the county has betrayed because of explosive residential growth.

That when I attended meeting concerning the Comprehensive Plan, the farming community that attended, had less than 15% having someone in their family to carry on the business, but wanted a secure retirement. The 513 acre solar at Kabletown Road/115 intersection generates \$1.7Million in tax revenue and slows the rate of residential growth, which many concerned citizens are complaining about.

Your responsibility, is to support the agricultural community, active and retiring, and help preserve open land from excessive residential growth. Even if we only have limited operations by semi retired and niche farmers. Even if it means farmers having to have solar facilities to aid the cash flow to financially be able to continue their operations. Equipment and labor have gotten so expensive, it is hard to maintain what we have much less purchase new.

So, my request is for you to add your support to solar solutions with commercial facilities in this county. Thank you for your time, and hopefully, support.

Richard Zigler  
1083 Roper North Fork Road  
Charles Town, WV

## JCCInfo

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**From:** Richard Zigler <rzigler01@gmail.com>  
**Sent:** Wednesday, June 25, 2025 8:39 PM  
**To:** JCCInfo  
**Subject:** attention JCDA

I know that the Comprehensive Plan is nearly completed in its restructuring and revisions. I would like to remind you that the current commercial solar array is providing tax revenue in excess of \$1.7Million annually. It requires no new multimillion dollar schools, water and sewer infrastructure, or emergency services that residential growth demands.

I hope that the elitists of this county have not poisoned the well to the point of restricting commercial solar facilities or denying them the opportunity to build here. They can be a vital asset to fund the many services, infrastructure, and amenities, that the citizens of this county need and desire.

Richard Zigler  
1083 Roper North Fork Road  
Charles Town, WV

## JCCInfo

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**From:** Richard Zigler <rzigler01@gmail.com>  
**Sent:** Wednesday, June 25, 2025 8:22 PM  
**To:** JCCInfo  
**Subject:** Attention JCDA

I know there is still a contingent of those that are against solar arrays, and have been misled by a action of elitists, but you have the duty and obligation to look after the county as a whole, and the majority of the citizens therein.

## Lynn Dillow

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Friday, June 13, 2025 2:02 PM  
**To:** Richard A. Sussmann  
**Cc:** Patricia Rucker; Kyle.Thomas@pmpbiz.com; E.Lodge@pmpbiz.com; Keith.Stains@pmpbiz.com; Patrick.Vasold@pmpbiz.com; Lynn Dillow; David Bound; Jessica James; Roger Goodwin; Edwina Benites; Pasha Majdi; Jack Hefestay  
**Subject:** Why is Richard Sussmann employed at Property Management People, Inc.  
**Attachments:** grass01.jpg; grass02.jpg; grass03.jpg

Richard,

You need to get off your sorry, useless, pathetic ass and get this grass cut today. How many times since you have been Community Manager have I had to bring this to your attention on a pretty regular basis, until times I ust give up. I have dreams about your 5 most favorite words to use. "There's nothing I can do." And you are 100% accurate about that. However, that doesn't mean that someone isn't capable of doing something. I would think a half brain nitwit could successfully and effectively be an HOA Community Manager.

Here's the worst part. Now, after 9 years of your sorry, useless, patheitc, weasel ass being Community Manager, it's more egrigiously worse than ever. To make it even more worse, all other common areas are getting mowed on a regular basis. I just returned home from a business trip. It seems they just cut the grass again. This grass behind me hasn't been cut in nearly two months. I almost have every reason to believe that you are doing this purposefully. What other reason could there possibly be? I returned home today, pulled into my community and thought, "Oh nice. They cut the grass." That is until I got to my home.

Do not use the response that you didn't know or I should have brought it to your attention. Don't do that. I have correspondances from you indicating that you routinely make trips through Gap View Village. Unless that wasn't true and instead you make trips to Gap View Village only to target specific people. Get this grass today. I do not care if you have to cut it yourself. I don't care if you have to chew it all with your teeth. You're not part of the solution for Gap View Village Homeowners Association. You're part of the problem. No, you are the problem. None of this crap ever existed when I first purchased my home. That all changed when you became Community Manager. Since then Gap View Village has been in a steady decline to a real live shit show.

In addition to that - Richard, you send messages out to people indicating, "One of the primary goals of Gap View Village Homeowners Association, Inc. is to protect the aesthetic appeal and property values of the neighborhood. In order to accomplish this, certain rules and regulations have been established by which property owners and residents required to abide." Really? Really - Richard?

You get off your sorry, pathetic, dispicable, weasel ass and get this grass cut.

In addition, there will be no HOA membership fee payment from me in July. You want me to, no, you expect me to pay you for dealing with this bullshit? You are crediting me \$59 for the month of July.

Sincerely,

Mark Werner







## Lynn Dillow

---

**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Friday, June 13, 2025 2:08 PM  
**To:** Richard A. Sussmann  
**Cc:** Patricia Rucker; Kyle.Thomas@pmpbiz.com; E.Lodge@pmpbiz.com; Keith.Stains@pmpbiz.com; Patrick.Vasold@pmpbiz.com; Lynn Dillow; David Bound; Jessica James; Roger Goodwin; Edwina Benites; Pasha Majdi; Jack Hefestay  
**Subject:** Re: Why is Richard Sussmann employed at Property Management People, Inc.  
**Attachments:** grass04.jpg

Richard,

Explain to us all why this resident / HOA member is out cutting the grass along the outside of his property fence on property that you are responsible for? Tell us all - Richard.

It's a rhetorical question, Richard. Any human being knows why he is doing it. His mower. His gas. His time. Cutting your grass. He pays you to keep that grass cut. You need to credit that resident \$59.00 too.

Sincerely,

Mark Werner

---

**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Friday, June 13, 2025 2:02 PM  
**To:** Richard A. Sussmann <richard.sussmann@pmpbiz.com>  
**Cc:** Patricia Rucker <patricia.rucker@wvsenate.gov>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>  
**Subject:** Why is Richard Sussmann employed at Property Management People, Inc.

Richard,

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You get off your sorry, pathetic, dispicable, weasel ass and get this grass cut.

In addition, there will be no HOA membership fee payment from me in July. You want me to, no, you expect me to pay you for dealing with this bullshit? You are crediting me \$59 for the month of July.

Sincerely,

Mark Werner



## Lynn Dillow

---

**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Friday, June 13, 2025 2:27 PM  
**To:** Richard A. Sussmann  
**Cc:** Patricia Rucker; Kyle.Thomas@pmpbiz.com; E.Lodge@pmpbiz.com; Keith.Stains@pmpbiz.com; Patrick.Vasold@pmpbiz.com; Lynn Dillow; David Bound; Jessica James; Roger Goodwin; Edwina Benites; Pasha Majdi; Jack Hefestay  
**Subject:** Re: Why is Richard Sussmann employed at Property Management People, Inc.  
**Attachments:** shovel.jpg

Richard,

Tell us why this 50-year-old woman, mother of 4 kids, is out in the middle of winter shoveling snow and breaking up solid ice just barely 24 hours after you had "snow removal" done in the community?

Well, you can see why. Hal of our cul-de-sac wasn't plowed. It turned to solid ice. The road is downhill at the end of our cul-de-sac. None of us could stop at the stop sign. We would slide right through it.

I went down and helped the poor woman because she is my neighbor. Otherwise, it never would have been addressed. Not as long as your sorry, pathetic, despicable, weasel ass is Community Manager. This woman pays you to keep our roads safe and clear of snow and ice.

Do you want to see quotes from your correspondences, how you say safety is important to you?

You should credit that woman \$59 as well.

By the way - Richard, have you told your colleagues at work how you and your HOA hired a snow removal company that had no insurance, and how you were using everybody's membership fees to pay to repair one of your Board of Director's driveway which was apparently damaged by the uninsured snow removal company. And it seems impossible to find anyone else in the community who had driveway damage from this snow removal company.

So, because of your negligence and your HOA staff's negligence, you are making all of the HOA members pay for it. Do I have the correct - Richard?

Property Management People, Inc., we haven't even begun to barely scratch the surface. This is just a very small sample size of "low hanging fruit". This isn't anything yet.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Friday, June 13, 2025 2:07 PM

**To:** Richard A. Sussmann <richard.sussmann@pmpbiz.com>  
**Cc:** Patricia Rucker <patricia.rucker@wvsenate.gov>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>  
**Subject:** Re: Why is Richard Sussmann employed at Property Management People, Inc.

Richard,

Explain to us all why this resident / HOA member is out cutting the grass along the outside of his property fence on property that you are responsible for? Tell us all - Richard.

It's a rhetorical question, Richard. Any human being knows why he is doing it. His mower. His gas. His time. Cutting your grass. He pays you to keep that grass cut. You need to credit that resident \$59.00 too.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Friday, June 13, 2025 2:02 PM  
**To:** Richard A. Sussmann <richard.sussmann@pmpbiz.com>  
**Cc:** Patricia Rucker <patricia.rucker@wvsenate.gov>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>  
**Subject:** Why is Richard Sussmann employed at Property Management People, Inc.

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getting mowed on a regular basis. I just returned home from a business trip. It seems they just cut the grass again. This grass behind me hasn't been cut in nearly two months. I almost have every reason to believe that you are doing this purposefully. What other reason could there possibly be? I returned home today, pulled into my community and thought, "Oh nice. They cut the grass." That is until I got to my home.

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In addition, there will be no HOA membership fee payment from me in July. You want me to, no, you expect me to pay you for dealing with this bullshit? You are crediting me \$59 for the month of July.

Sincerely,

Mark Werner



## Lynn Dillow

---

**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Friday, June 13, 2025 2:54 PM  
**To:** Patricia Rucker  
**Cc:** mike.azinger@wvsenate.gov; jason.barrett@wvsenate.gov; kevan.bartlett@wvsenate.gov; donna.boleyn@wvsenate.gov; laura.chapman@wvsenate.gov; anne.charnock@wvsenate.gov; charles.clements@wvsenate.gov; vince.deeds@wvsenate.gov; scott.fuller@wvsenate.gov; joey.garcia@wvsenate.gov; amy.grady@wvsenate.gov; bill.hamilton@wvsenate.gov; craig.hart@wvsenate.gov; brian.helton@wvsenate.gov; glenn.jeffries@wvsenate.gov; patrick.martin@wvsenate.gov; mark.maynard@wvsenate.gov; robbie.morris@wvsenate.gov; mike.oliverio@wvsenate.gov; rupie.phillips@wvsenate.gov; ben.queen@wvsenate.gov; rollan.roberts@wvsenate.gov; chris.rose@wvsenate.gov; randy.smith@wvsenate.gov; mike.stuart@wvsenate.gov; tom.takubo@wvsenate.gov; darren.thorne@wvsenate.gov; eric.tarr@wvsenate.gov; jay.taylor@wvsenate.gov; jay.taylor@wvsenate.gov; darren.thorne@wvsenate.gov; ryan.weld@wvsenate.gov; tom.willis@wvsenate.gov; mike.woelfel@wvsenate.gov; jack.woodrum@wvsenate.gov; Wayne.Clark@wvhouse.gov; joe.funkhouser@wvhouse.gov; chris.anders@wvhouse.gov; bill.ridenour@wvhouse.gov; David Bound; Lynn Dillow; Jessica James; Roger Goodwin; Edwina Benites; Pasha Majdi; Jack Hefestay; ed.thomas@pmpbiz.com; Patrick.Vasold@pmpbiz.com; Kyle.Thomas@pmpbiz.com; E.Lodge@pmpbiz.com; Keith.Stains@pmpbiz.com; Richard A. Sussmann; info@WVOHOA.org  
**Subject:** Re: Homeowners Associations  
**Attachments:** stop.jpg

Hello,

This is simply a short follow-up in response to the responses that some West Virginia State Senators have made regarding their absurd position on HOAs.

Enjoy the attached photo. This is an incredibly small sample size of things you will see should you find yourself in Gap View Village. This is easy. A blind man could probably find this.

It's a stop sign. By law you have to stop. And this is what you see. When Richard Sussman makes his routine trips through Gap View Village, as he has informed me that he does. He has to stop. If he obeys traffic laws, he does. So, Richard Sussmann has to see this. How many times do you think Richard has seen this? By his own admission, he makes trips through Gap View Village. How long do you think it took for that weed to get that large? How long? How long do you think it has been there? Here's even more. One of the HOA Board of Director's has to stop at that stop sign every day. Probably multiple times a day. He has to stop because he has to make a left turn there to get to his junkyard. So at minimum, at least one of the HOA Board of Directors sees that weed every single day. He's watched it grow. Now that it is so large, he can probably see it while he is inside his home. But there it is.

But hey, "We don't want to dictate what HOAs can and cannot do".

Do you know who needs to have a lien put on their property? Property Management People, Inc.

I've offered the best, easiest solution to Richard several times. Disband the defunct, rouge, absent HOA.

Once last thing. I will bet my life, my entire life savings, that there is no subdivision that you can go to anywhere in this country, whether it has an HOA or doesn't have an HOA, and find a stop sign that resembles that. Not anywhere. I can take all of you to Detroit where I grew up and take you down streets that are nothing but mostly burned down crack houses, empty lots, and abandoned cars, and you will not find a stop sign that looks like that. Not even close. I have never seen anything like that. Not anywhere, ever. It is unprecedented.

Richard Sussmann should be prosecuted, and he should be removed from the West Virginia State Bar.

Sincerely,

Mark Werner

---

**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Friday, June 13, 2025 2:22 AM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>;

Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>  
**Subject:** Re: Homeowners Associations

Ms. Rucker,

Really? These are our WV senators?

*"but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do. "*

Can you please provide me with the names of the state senators who stand by this ideology?

This has nothing to do with a person choosing to live in an HOA. This has to do with a person choosing to live in an HOA, and paying for an HOA for 10 years, only to come to the realization the HOA doesn't exist or has gone rouge or is brazenly negligent and has most likely violated a few laws. This has to do with property management companies that run these HOAs and the useless people that volunteer for the board. I could wipe my butt with the money I pay to an HOA every month and get more value out of it than paying it to my HOA.

And let's be crystal clear about these crooked HOA laws. HOAs are not non-profit. The property management companies that manage these HOAs do it for profit. These property management companies are equally a part of the HOA just as the HOA itself is. Regardless of what any person or any crooked law thinks or says. Common sense will tell you this. The laws are for nothing more than to protect the property management companies from any liability.

The HOA rules / laws are ridiculous and provide no recourse for residents, homeowners, TAXPAYERS!

Would your colleagues like to know how many times I have approached the HOA? Would your colleagues like to know how many times the HOA and the Community Manager completely ignore any effort to meet and discuss with them?

Would your colleagues like to know in detail how HOAs abuse their power and use retaliatory tactics in effort to quiet HOA members expressing concerns (which they refer to as "complaining")? How they lie?

Ma'am, I could go on and on. I've lived here in my home for 10 years. Even better, this is my sixth home in 3 states. All but 1 of those homes had an HOA. Nothing, and I mean nothing could even come close to being as bad, as rogue, as non-existent, as negligent, as useless as the HOA that I am currently a member of and pay ees to.

For one, if an HOA isn't providing the services and management, and meeting the obligations that they are required to, why should a homeowner or HOA member have to pay HOA fees. If they purposely, deliberately, consciencely, continuously ignore the

Covenants, Conditions, and Restrictions? And if the HOA member doesn't pay their fees, then these despicable human beings have the ability and power to put a lien on your home. Let's forget rules or laws. Let's just simply consider ethics and integrity, and common sense.

I have to assume that all of your colleagues believe if they paid money for a service or a product that they never received, no matter how many times they inquired, that is perfectly fine with them. Is that correct? Ask your colleagues and respond to me to confirm this. Because there can be no other answer.

Take a survey from all your colleagues to find out how many of them own a property management company or are even a landlord. Please provide me with the results of that survey. I bet the survey results would be telling.

Tell your colleagues that I pay property tax to Jefferson County. I pay the same rate of property tax as any homeowner in Jefferson County who isn't part of any HOA. This would seemingly provide me access to the same exact county services as tax paying homeowners who are not in an HOA. But as you and every one of your colleagues very well know, I live in a private community that has access to none of those services because it is an HOA. Why do I pay the same tax rate? Seemingly only to fund your and all of your colleague's retirement pension packages. What other reason could there possibly be? Even worse, I pay the same property tax rate, but I also pay considerably more than that because of fees I pay to a negligent HOA. Even further, all the counties and municipalities, as well as you and all your colleagues, know that by continuing this pattern of behavior, the counties and municipalities can wash their hands of any obligation or liability of having to respond to or provide services to their taxpaying residents because their position is, "You have an HOA." "It's a private community." All the while collecting our property taxes. We don't even get police patrol in our "private community" because of this. It is impossible to believe that not all of you know this. You have to know this. It would be impossible for any of you not to know this. It was designed this way. The county isn't going to get involved. They are saving so much money and minimizing so much expense by making themselves "legally" not obligated or liable to provide any services to their taxpaying residents. And every single one of you, every one of you, knows that these HOAs are set up here so they are protected from any recourse from tax paying residents. Even if someone wanted to spend thousands of dollars to take legal action, nothing would come of it. Again, every single one of you knows this. Every single one of you. If a tax paying resident calls attorneys looking for help, do you know what they tell you? Because they work with and support so many HOAs, they do not support the single tax paying resident. Conflict of interest. All of this is nothing short of an illegal crime ring. It is appalling. All of you know this.

My suggestion to the loser that is the community manager of our HOA, is and always has been, disband the HOA. Get rid of the HOA. My HOA has made it abundantly clear for years now they have no desire, they have no interest, in managing the community and / or maintaining and enforcing the Covenants, Conditions, and Restrictions. THAT can be proven to anyone, anytime, anywhere beyond anyone's reasonable doubt. So, get rid of the HOA. Do whatever you want to do on your property. STOP CHARGING ME HOA FEES. That's my solution. Simple. The HOA won't entertain that. The property management company would stop making money hand over foot for doing next to nothing. The county is never going to entertain that. That creates a liability for them. That creates an obligation to provide services and respond to tax paying residents. Which in turn creates more expense for them. Which in turn cuts into the taxpayer funded retirement pension plan for all of you. All of you know this. You have to. Any of you who says they are not aware of this is a liar.

But yet all of you think it is just fine that these crooked property management companies and these rouge, absent, negligent HOAs can charge a tax paying resident like me a monthly fee, and increase it every year, and never, ever be held accountable for responsible for anything, ever. And if a tax paying resident doesn't pay that HOA fee, these corrupt property management companies, who haven't even come close to fulfilling their obligations or responsibilities, can put a lien a tax paying resident's home. That's OK to all of you. That is sick.

But again, all of you, all of you involved know this. You know all of this.

My solution has always been, get rid of the HOA. Simple. Let people live like they want to live. Let them live and act like pigs. That would be fine with me. No one would ever hear from me again. But don't charge me fees for this bullshit.

Do you know who are the worst, most blatant offenders in an HOA, at least mine? The HOA Community Manager and the Board of Directors and the Board of Directors closest neighbors - by a longshot. Your colleagues: "but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA" Didn't these complete failures ON THE BOARD OF DIRECTORS OF THE HOA make that same choice?

To an extent, your colleagues are right. All of us had that choice. We had the opportunity to read the Covenants, Conditions, and Restrictions before purchasing a home in an HOA. At that point we had to make an adult decision as to whether we could live within the compliance of the Covenants, Conditions, and Restrictions or whether we could not. It's that simple. A 6 year old could comprehend that, and based on that, then everyone can make a decision if they want to purchase a home in an HOA. Tell your colleagues the idea isn't an individual decides to purchase a home in an HOA whether or not the Community Manager and the Board of Directors have any interest in governing the HOA in accordance with the Covenants, Conditions, and Restrictions of the HOA. Which, tell your colleagues, IS A LEGAL BINDING DOCUMENT. This is not rocket science.

So here we are today. The straw that broke the camel's back. I have watched new developments everywhere in Jefferson County being built. Ruining the beautiful community that I moved to 10 years ago. I noticed recently that the very first things being built in these new developments are playgrounds, parks, or swimming pools. All this before one nail is pounded into one board on any new residence. I thought to myself, "How stupid is that." And "That sure doesn't seem like any developers I've ever seen or known." Then, I learned today that zoning laws "or something of the sort" were changed to "require" the developers to build all of these promised "extras" first before any residences could be built. The reason for this is so the developers could no longer disappear after building the residences and never building any of the promised "extras". Honestly, I think that was an admirable idea. However, how did that legislation get passed? Did you participate in getting that passed, ma'am? Did your colleagues participate in getting that passed? Was the Jefferson County Commission involved in getting that passed? Do you know what is so disturbingly telling about this, ma'am? Here in West Virginia, specifically Jefferson County, we'll pass legislation to promote the development so that we can attract new residents so we can generate more and more tax revenue so that taxpayer funded retirement pension funds can continue to be generously funded. Here in West Virginia, specifically Jefferson County, after that, who cares? It eventually turns into an HOA. It's a private community. It completely removes any obligation or responsibility or liability to Jefferson County. It saves Jefferson County probably millions

in expense from having to provide any services or having to hire and pay staff to provide those services. It removes any liability from Jefferson County. Meanwhile, the taxpayer residents living in these rouge, absent, negligent HOA communities bear the burden.

This type of governing has also allowed Jefferson County to have so much extra money they are going to build a brand-new Government and Judicial Complex. Isn't that nice? A brand-new concession building at the park. That allows Jefferson County to make even more money from their tax paying residents.

But to hell with the tax paying residents of Jefferson County living in an HOA.

Even more fuel for the fire. Richard Sussman has used money from HOA member fees to pay for membership to West Virginia Organization of Homeowners Associations for him and the HOA Board of Directors. An organization to support the HOAs and the property management companies. Not the homeowners. Not the residents. Not the HOA members. Not the tax payers. Why does this pattern keep repeating itself? Why does this WVHOA organization even exist. Who funds it? Do taxpayers fund this organization? Where is the organization to support the homeowner? The resident? The HOA member? The taxpayer? In any case, WVHOA, an organization with a wealth of support, training, advice, etc. for Richard Sussman and his Board of Directors. Training that there is clearly record that Richard Sussman has taken advantage of. Yet still, STILL, either, a.) They've learned absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify the from being an HOA Community Manager or on the Board of Directors. Or b.) They absolutely 100% do not care at all what their roles and responsibilities are and brazenly neglect nearly all of them. There is no other answer.

So, at this juncture I have a couple requests of you. And please keep in mind, I fund your salary, and I fund your retirement pension. Those are two things you, your colleagues, or any HOA do not do for me.

1.) I live in Gap View Village. 44 General Kershaw CT, Harpers Ferry, WV 25425. The Community Manager for our HOA is Richard Sussman. One of the most despicable, useless, lying, crooked, unethical, weasel, coward human beings I have interacted with in my entire 62 years of life. In my opinion a complete piece of trash human being with zero integrity and zero ethics. A little weasel that is all too aware of the ridiculous, untouchable power someone in his role has. But yet time and time again he has exhibited to me that either, a.) He knows absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify him from being an HOA Community Manager. Or b.) He absolutely 100% does not care at all what his role and responsibilities are and brazenly neglects nearly all of them. There is no other answer. And he certainly could care less about Gap View Village. He doesn't live there.

I realize Richard Sussman is probably a friend of yours and all of your colleagues. We know how you lawyers stick together. The best advice I can offer to you is perhaps consider finding different friends.

Next week, the week of June 16th, I would like you to come and visit me at my home. I will provide you with a copy of my HOA's Covenants, Conditions, and Restrictions. We will take my dog for a walk through the entire community of Gap View Village. We will talk. I will share all the correspondence I have had or have tried to have with Richard Sussman (Your colleagues: "and also that an individual who disagrees can petition their HOA to change the rules.") In addition, Richard Sussman has assured me he has shared all

of my correspondence I have had with him, with the HOA Board of Directors. To that end, all of them too, either a.) Know absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify all of them from being on an HOA Board of Directors. Or b.) They absolutely 100% do not care at all what their role and responsibilities are and brazenly disregard nearly all of them. There is no other answer.

I will share stories with you in detail, ma'am, regarding my experiences and interactions with Richard Sussman over the years as it relates to my HOA that will (should) blow you away. You may even be so taken a back that you refuse to believe me. I assure you, I am an open book. I have nothing to hide. I have nothing to embellish. I have nothing to lie about - and I do not lie. And anything I share with you I will, as they say today, "bring the receipts" for everything. EVERYTHING. Correspondences, hundreds of photos, videos gathered over numerous years of living in Gap View Village. Nothing I share with you can be successfully disputed by anyone. Since you have indicated to me that your colleagues are in need of an education, I encourage you to invite your colleagues to Gap View Village to walk with us. Invite all of them. Three years ago you engaged with The WV Independent Observer to publish an article about "The Burden of Defunct HOAs". We know how that ended. Invite The Observer to come walk-through Gap View Village with us. They can publish a follow-up article. They can publish their article based on a firsthand experience of a defunct, absent, negligent HOA. They can have a detailed interview with me, an HOA member who has experienced a defunct HOA for years. They can write about despicable people like Richard Sussman and his company, Property Management People, Inc., who profit from these defunct HOAs. Please feel free to invite Richard Sussman to walk with us through Gap View Village. Maybe you will have better luck than I have had trying to get him to do this. Richard Sussman's phone number is (681) 252-0217. Richard Sussman' email address is Richard.sussmann@pmpbiz.com. I am all for 100% transparency and communication. Heck, invite the Spirit of Jefferson. Invite the Journal. Invite a television news crew. Most importantly, I am expecting for you to come visit me, walk through Gap View Village with me. See things and hear things that you will absolutely refuse to believe but have no other choice but to believe it. I will even buy you lunch. Choose whatever time and day next week that you would like to come and visit me that is most convenient for you. I will be available. You will be my top priority next week.

2.) I would like for you to explain to me how a tax paying resident like me can go to Charleston, WV and make a presentation to the West Virginia Senate (your colleagues). Heck, the House if I can too. I have spent a considerable amount of time putting together a presentation for the purpose of having Richard Sussman removed from the West Virginia State Bar. After hearing the narrow-minded, absurd, uninformed, misinformed responses from your colleagues, I now want to give my presentation to your colleagues in Charleston, WV. Please guide me on how to go about this.

I look forward to meeting with you next week and sharing an eye-opening experience with you.

Most Sincerely,

Mark Werner

PS - Please tell your colleagues no one ever suggested or indicated they dictate to HOAs what they can or can't do (but someone sure needs to). Simply asking them to be fair to tax paying residents. And by the way. At some point someone passed legislation that dictated how a defunct, absent, negligent HOA

has the power to put a lien on a tax paying resident's home if they don't pay for services that they don't receive. That seems to be OK with your colleagues. Where are we living? China?

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**From:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>  
**Sent:** Tuesday, April 8, 2025 5:50 PM  
**To:** Mark Werner <mark\_werner@outlook.com>  
**Subject:** RE: Homeowners Associations

Mr. Werner, I am so sorry that I didn't respond to you. I tried to do pass a bill this session to help you but it failed. I should have let you know but simply it was so busy trying to get bills through and chair a committee, and I just did not email you.

We do need to do something about HOA's and I can tell you that I will not give up because you are not the only one suffering from injustice, but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do. This is why my bill failed.

There is an organization that represents HOA's, so they are on the side of the HOA's, not yours or mine, but they have offered to help me with what I am trying to do which is rein in HOA's which are not following reasonable rules and respecting homeowner's rights. This organization is called Community Associations Institute, or CAI, and their address is 6402 Arlington Blvd., Suite 500, Falls Church, VA, 22042. The phone number is 888-224-4321. The person I spoke to is Crystal L. Wallace.

Sincerely,

**Senator Patricia Rucker**  
16<sup>th</sup> Senatorial District  
Serving Jefferson and Berkeley Counties  
Room 214-W, State Capitol  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0800

[Patricia.rucker@wvsenate.gov](mailto:Patricia.rucker@wvsenate.gov)



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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Tuesday, April 8, 2025 4:15 PM  
**To:** advocate@homeownersvoice.com; Patricia Rucker <Patricia.Rucker@wvsenate.gov>  
**Subject:** Re: Homeowners Associations

Hello,

I just wanted to take a quick minute to follow-up - 2 months later - and offer some solid, good advice.

Decommission the website at <https://www.homeownersvoice.com/> It serves no purpose and provides no value. It is nothing more than a destination of false hope.

Ms. Rucker, you need to just simply resign. I have lived in Jefferson County for almost 10 years. Simply, you need to resign. You are the epitome of a politician and false hope. Like other initiatives of yours, this one is another dead end. Always looks good in the press - the newspaper articles, doesn't it, Ms. Rucker? Until someone actually attempts to allow through.

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**From:** Mark Werner

**Sent:** Wednesday, January 29, 2025 2:43 PM

**To:** [advocate@homeownersvoice.com](mailto:advocate@homeownersvoice.com); [patricia.rucker@wvsenate.gov](mailto:patricia.rucker@wvsenate.gov)

**Subject:** Homeowners Associations

Hello,

I was curious to know if Homeowners Voice is still active and / or how it has progressed since 2023. I first read about the organization in 2023. At that time there was a survey online to submit concerns or complaints. That is still the survey online "HOA Survey Summer 2023". This is what made me curious to know if Homeowners Voice was still alive and kicking.

I need help. I am at the end of my rope. I have been dealing with a corrupt, dishonest HOA for a long time.

They continue to operate deceitfully, corruptly, dishonestly, not able to provide records, Ignoring their own Covenants, Conditions, Restrictions, & Easements, Operate with "The rules are for thee, not for me." approach. Have retaliatory approaches in effort to silence homeowners raising concerns, etc., etc., etc. I could go on and on and on.

A tax paying, law abiding, Jefferson County resident has absolutely zero recourse. HOAs know this and unfortunately many HOAs exploit this to knowingly, consciencely, behave badly. Nothing can be done. West Virginia should ban HOAs.

Look, I cannot even believe I have reached this place because of an HOA. I moved from Michigan years ago. I have fought and battled major depression for 25 years and have done a lot of hard work to keep myself alive. My move from Michigan was one of the most beneficial things I have done in my fight. Then about 6 years ago I engaged with the despicable Homeowners Association for my community. I had been doing so well. Now, fighting with this negligence, deceitful, ethic less, dishonest, etc. HOA, I am at the end of my rope. The years of being required to endure this bullshit has taken its toll on me. I have no hope, I have no desire to live, I again have suicidal ideologies.

Why is a tax paying resident of Jefferson County required to tolerate this? WHY SHOULD I HAVE TO PAY HOMEOWNERS ASSOCIATION FEES TO TOLERATE THIS. And if I don't pay the fees, the HOA can put a lien on my property. The HOA can act and behave however they choose but if I stop paying my HOA fees because of a disagreement with the services the HOA is providing (or not) and / or the HOA's behavior, the HOA is still allowed to put a lien on my property if I don't pay HOA fees. Where

are we? Why is this allowed to continue? West Virginia should change the name to HOP (Homeowners Prison). For this to be allowed to go on is despicable.

I try to talk to an attorney (Why should I have to do this?) they indicate that they don't support individual HOA members because they work directly with many HOAs. You can't find an attorney to help (Why should I have to?).

I am at the end of my rope. I need help. Is the Homeowners Voice still active and available? Can you provide any guidance on where to get good legal advice or any suggestions for a homeowner? Can Jefferson County or the State of West Virginia help protect their individual taxpaying, HOA fee paying, HOA members, the same way they help to protect Homeowners Associations in West Virginia. West Virginia would be a much better place to live if it banned HOAs.

Are you able to provide any worthwhile, not dead end, help or guidance?

Thank you in advance.

Sincerely,

Mark Werner



## Lynn Dillow

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Friday, June 13, 2025 3:10 PM  
**To:** Patricia Rucker  
**Cc:** mike.azinger@wvsenate.gov; jason.barrett@wvsenate.gov; kevan.bartlett@wvsenate.gov; donna.boleyn@wvsenate.gov; laura.chapman@wvsenate.gov; anne.charnock@wvsenate.gov; charles.clements@wvsenate.gov; vince.deeds@wvsenate.gov; scott.fuller@wvsenate.gov; joey.garcia@wvsenate.gov; amy.grady@wvsenate.gov; bill.hamilton@wvsenate.gov; craig.hart@wvsenate.gov; brian.helton@wvsenate.gov; glenn.jeffries@wvsenate.gov; patrick.martin@wvsenate.gov; mark.maynard@wvsenate.gov; robbie.morris@wvsenate.gov; mike.oliverio@wvsenate.gov; rupie.phillips@wvsenate.gov; ben.queen@wvsenate.gov; rollan.roberts@wvsenate.gov; chris.rose@wvsenate.gov; randy.smith@wvsenate.gov; mike.stuart@wvsenate.gov; tom.takubo@wvsenate.gov; darren.thorne@wvsenate.gov; eric.tarr@wvsenate.gov; jay.taylor@wvsenate.gov; jay.taylor@wvsenate.gov; darren.thorne@wvsenate.gov; ryan.weld@wvsenate.gov; tom.willis@wvsenate.gov; mike.woelfel@wvsenate.gov; jack.woodrum@wvsenate.gov; Wayne.Clark@wvhouse.gov; joe.funkhouser@wvhouse.gov; chris.anders@wvhouse.gov; bill.ridenour@wvhouse.gov; David Bound; Lynn Dillow; Jessica James; Roger Goodwin; Edwina Benites; Pasha Majdi; Jack Hefestay; ed.thomas@pmpbiz.com; Patrick.Vasold@pmpbiz.com; Kyle.Thomas@pmpbiz.com; E.Lodge@pmpbiz.com; Keith.Stains@pmpbiz.com; Richard A. Sussmann; info@WVOHOA.org  
**Subject:** Re: Homeowners Associations

And just wait until you hear the story behind this photo.

Fricking despicable, weasel coward, hiding inside his putt-putt car. With all of the windows up, nonetheless. Hiding in front of my neighbor's house, hiding behind tall ornamental grass. Wait until you hear how this photo came about. What a despicable, coward, weasel of a human being. He's such a coward. Per HOA bylaws, he has full access to anyone's property if he has a requirement or feels there is an HOA non-compliance. That said, If he felt he was doing something honest, something ethical, if he felt he was doing the right thing. Why did he make such an effort to hide? Why didn't he get out of his car to get a good, legible, clear picture. Why didn't his job the way he should do it? He was such a coward he didn't even roll down the window to get a good picture. He probably never even stopped the car.



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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Friday, June 13, 2025 2:54 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>;

Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>  
**Subject:** Re: Homeowners Associations

Hello,

This is simply a short follow-up in response to the responses that some West Virginia State Senators have made regarding their absurd position on HOAs.

Enoy the attached photo. This is an incredibly small sample size of things you will see should you find yourself in Gap View Village. This is easy. A blind man could probably find this.

It's a stop sign. By law you have to stop. And this is what you see. When Richard Sussman makes his routine trips through Gap View Village, as he has informed me that he does. He has to stop. If he obeys traffic laws, he does. So, Richard Sussmann has to see this. How many times do you think Richard has seen this? By his own admission, he makes trips through Gap View Village. How long do you think it took for that weed to get that large? How long? How long do you think it has been there? Here's even more. One of the HOA Board of Director's has to stop at that stop sign every day. Probably multiple times a day. He has to stop because he has to make a left turn there to get to his junkyard. So at minimum, at least one of the HOA Board of Directors sees that weed every single day. He's watched it grow. Now that it is so large, he can probably see it while he is inside his home. But there it is.

But hey, "We don't want to dictate what HOAs can and cannot do".

Do you know who needs to have a lien put on their property? Property Management People, Inc.

I've offered the best, easiest solution to Richard several times. Disband the defunct, rouge, absent HOA.

Once last thing. I will bet my life, my entire life savings, that there is no subdivision that you can go to anywhere in this country, whether it has an HOA or doesn't have an HOA, and find a stop sign that resembles that. Not anywhere. I can take all of you to Detroit where I grew up and take you down streets that are nothing but mostly burned down crack houses, empty lots, and abandoned cars, and you will not find a stop sign that looks like that. Not even close. I have never seen anything like that. Not anywhere, ever. It is unprecedented.

Richard Sussmann should be prosecuted, and he should be removed from the West Virginia State Bar.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Friday, June 13, 2025 2:22 AM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.bolely@wvsenate.gov <donna.bolely@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Ms. Rucker,

Really? These are our WV senators?

*"but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do. "*

Can you please provide me with the names of the state senators who stand by this ideology?

This has nothing to do with a person choosing to live in an HOA. This has to do with a person choosing to live in an HOA, and paying for an HOA for 10 years, only to come to the realization the HOA doesn't exist or has gone rouge or is brazenly negligent and has most likely violated a few laws. This has to do with property management companies that run these HOAs and the useless people that volunteer for the board. I could wipe my butt with the money I pay to an HOA every month and get more value out of it than paying it to my HOA.

And let's be crystal clear about these crooked HOA laws. HOAs are not non-profit. The property management companies that manage these HOAs do it for profit. These property management companies are equally a part of the HOA just as the HOA itself is. Regardless of what any person or any crooked law thinks or says. Common sense will tell you this. The laws are for nothing more than to protect the property management companies from any liability.

The HOA rules / laws are ridiculous and provide no recourse for residents, homeowners, TAXPAYERS!

Would your colleagues like to know how many times I have approached the HOA? Would your colleagues like to know how many times the HOA and the Community Manager completely ignore any effort to meet and discuss with them?

Would your colleagues like to know in detail how HOAs abuse their power and use retaliatory tactics in effort to quiet HOA members expressing concerns (which they refer to as "complaining")? How they lie?

Ma'am, I could go on and on. I've lived here in my home for 10 years. Even better, this is my sixth home in 3 states. All but 1 of those homes had an HOA. Nothing, and I mean nothing could even come close to being as bad, as rogue, as non-existent, as negligent, as useless as the HOA that I am currently a member of and payees to.

For one, if an HOA isn't providing the services and management, and meeting the obligations that they are required to, why should a homeowner or HOA member have to pay HOA fees. If they purposely, deliberately, consciencely, continuously ignore the Covenants, Conditions, and Restrictions? And if the HOA member doesn't pay their fees, then these despicable human beings have the ability and power to put a lien on your home. Let's forget rules or laws. Let's just simply consider ethics and integrity, and common sense.

I have to assume that all of your colleagues believe if they paid money for a service or a product that they never received, no matter how many times they inquired, that is perfectly fine with them. Is that correct? Ask your colleagues and respond to me to confirm this. Because there can be no other answer.

Take a survey from all your colleagues to find out how many of them own a property management company or are even a landlord. Please provide me with the results of that survey. I bet the survey results would be telling.

Tell your colleagues that I pay property tax to Jefferson County. I pay the same rate of property tax as any homeowner in Jefferson County who isn't part of any HOA. This would seemingly provide me access to the same exact county services as tax paying homeowners who are not in an HOA. But as you and every one of your colleagues very well know, I live in a private community that has access to none of those services because it is an HOA. Why do I pay the same tax rate? Seemingly only to fund your and all of your colleague's retirement pension packages. What other reason could there possibly be? Even worse, I pay the same property tax rate, but I also pay considerably more than that because of fees I pay to a negligent HOA. Even further, all the counties and municipalities, as well as you and all your colleagues, know that by continuing this pattern of behavior, the counties and municipalities can wash their hands of any obligation or liability of having to respond to or provide services to their taxpaying

residents because their position is, "You have an HOA." "It's a private community." All the while collecting our property taxes. We don't even get police patrol in our "private community" because of this. It is impossible to believe that not all of you know this. You have to know this. It would be impossible for any of you not to know this. It was designed this way. The county isn't going to get involved. They are saving so much money and minimizing so much expense by making themselves "legally" not obligated or liable to provide any services to their taxpaying residents. And every single one of you, every one of you, knows that these HOAs are set up here so they are protected from any recourse from tax paying residents. Even if someone wanted to spend thousands of dollars to take legal action, nothing would come of it. Again, every single one of you knows this. Every single one of you. If a tax paying resident calls attorneys looking for help, do you know what they tell you? Because they work with and support so many HOAs, they do not support the single tax paying resident. Conflict of interest. All of this is nothing short of an illegal crime ring. It is appalling. All of you know this.

My suggestion to the loser that is the community manager of our HOA, is and always has been, disband the HOA. Get rid of the HOA. My HOA has made it abundantly clear for years now they have no desire, they have no interest, in managing the community and / or maintaining and enforcing the Covenants, Conditions, and Restrictions. THAT, can be proven to anyone, anytime, anywhere beyond anyone's reasonable doubt. So, get rid of the HOA. Do whatever you want to do on your property. STOP CHARGING ME HOA FEES. That's my solution. Simple. The HOA won't entertain that. The property management company would stop making money hand over foot for doing next to nothing. The county is never going to entertain that. That creates a liability for them. That creates an obligation to provide services and respond to tax paying residents. Which in turn creates more expense for them. Which in turn cuts into the taxpayer funded retirement pension plan for all of you. All of you know this. You have to. Any of you who says they are not aware of this is a liar.

But yet all of you think it is just fine that these crooked property management companies and these rouge, absent, negligent HOAs can charge a tax paying resident like me a monthly fee, and increase it every year, and never, ever be held accountable for responsible for anything, ever. And if a tax paying resident doesn't pay that HOA fee, these corrupt property management companies, who haven't even come close to fulfilling their obligations or responsibilities, can put a lien a tax paying resident's home. That's OK to all of you. That is sick.

But again, all of you, all of you involved know this. You know all of this.

My solution has always been, get rid of the HOA. Simple. Let people live like they want to live. Let them live and act like pigs. That would be fine with me. No one would ever hear from me again. But don't charge me fees for this bullshit.

Do you know who are the worst, most blatant offenders in an HOA, at least mine? The HOA Community Manager and the Board of Directors and the Board of Directors closest neighbors - by a longshot. Your colleagues: "but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA" Didn't these complete failures ON THE BOARD OF DIRECTORS OF THE HOA make that same choice?

To an extent, your colleagues are right. All of us had that choice. We had the opportunity to read the Covenants, Conditions, and Restrictions before purchasing a home in an HOA. At that point we had to make an adult decision as to whether we could live within the compliance of the Covenants, Conditions,

and Restrictions or whether we could not. It's that simple. A 6 year old could comprehend that, and based on that, then everyone can make a decision if they want to purchase a home in an HOA. Tell your colleagues the idea isn't an individual decides to purchase a home in an HOA whether or not the Community Manager and the Board of Directors have any interest in governing the HOA in accordance with the Covenants, Conditions, and Restrictions of the HOA. Which, tell your colleagues, IS A LEGAL BINDING DOCUMENT. This is not rocket science.

So here we are today. The straw that broke the camel's back. I have watched new developments everywhere in Jefferson County being built. Ruining the beautiful community that I moved to 10 years ago. I noticed recently that the very first things being built in these new developments are playgrounds, parks, or swimming pools. All this before one nail is pounded into one board on any new residence. I thought to myself, "How stupid is that." And "That sure doesn't seem like any developers I've ever seen or known." Then, I learned today that zoning laws "or something of the sort" were changed to "require" the developers to build all of these promised "extras" first before any residences could be built. The reason for this is so the developers could no longer disappear after building the residences and never building any of the promised "extras". Honestly, I think that was an admirable idea. However, how did that legislation get passed? Did you participate in getting that passed, ma'am? Did your colleagues participate in getting that passed? Was the Jefferson County Commission involved in getting that passed? Do you know what is so disturbingly telling about this, ma'am? Here in West Virginia, specifically Jefferson County, we'll pass legislation to promote the development so that we can attract new residents so we can generate more and more tax revenue so that taxpayer funded retirement pension funds can continue to be generously funded. Here in West Virginia, specifically Jefferson County, after that, who cares? It eventually turns into an HOA. It's a private community. It completely removes any obligation or responsibility or liability to Jefferson County. It saves Jefferson County probably millions in expense from having to provide any services or having to hire and pay staff to provide those services. It removes any liability from Jefferson County. Meanwhile, the taxpayer residents living in these rouge, absent, negligent HOA communities bear the burden.

This type of governing has also allowed Jefferson County to have so much extra money they are going to build a brand-new Government and Judicial Complex. Isn't that nice? A brand-new concession building at the park. That allows Jefferson County to make even more money from their tax paying residents.

But to hell with the tax paying residents of Jefferson County living in an HOA.

Even more fuel for the fire. Richard Sussman has used money from HOA member fees to pay for membership to West Virginia Organization of Homeowners Associations for him and the HOA Board of Directors. An organization to support the HOAs and the property management companies. Not the homeowners. Not the residents. Not the HOA members. Not the tax payers. Why does this pattern keep repeating itself? Why does this WVHOA organization even exist. Who funds it? Do taxpayers fund this organization? Where is the organization to support the homeowner? The resident? The HOA member? The taxpayer? In any case, WVHOA, an organization with a wealth of support, training, advice, etc. for Richard Sussman and his Board of Directors. Training that there is clearly record that Richard Sussman has taken advantage of. Yet still, STILL, either, a.) They've learned absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify the from being an HOA Community Manager or on the Board of Directors. Or b.) They absolutely 100% do not care at all

what their roles and responsibilities are and brazenly neglect nearly all of them. There is no other answer.

So, at this juncture I have a couple requests of you. And please keep in mind, I fund your salary, and I fund your retirement pension. Those are two things you, your colleagues, or any HOA do not do for me.

1.) I live in Gap View Village. 44 General Kershaw CT, Harpers Ferry, WV 25425. The Community Manager for our HOA is Richard Sussman. One of the most despicable, useless, lying, crooked, unethical, weasel, coward human beings I have interacted with in my entire 62 years of life. In my opinion a complete piece of trash human being with zero integrity and zero ethics. A little weasel that is all too aware of the ridiculous, untouchable power someone in his role has. But yet time and time again he has exhibited to me that either, a.) He knows absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify him from being an HOA Community Manager. Or b.) He absolutely 100% does not care at all what his role and responsibilities are and brazenly neglects nearly all of them. There is no other answer. And he certainly could care less about Gap View Village. He doesn't live there.

I realize Richard Sussman is probably a friend of yours and all of your colleagues. We know how you lawyers stick together. The best advice I can offer to you is perhaps consider finding different friends.

Next week, the week of June 16th, I would like you to come and visit me at my home. I will provide you with a copy of my HOA's Covenants, Conditions, and Restrictions. We will take my dog for a walk through the entire community of Gap View Village. We will talk. I will share all the correspondence I have had or have tried to have with Richard Sussman (Your colleagues: "and also that an individual who disagrees can petition their HOA to change the rules.") In addition, Richard Sussman has assured me he has shared all of my correspondence I have had with him, with the HOA Board of Directors. To that end, all of them too, either a.) Know absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify all of them from being on an HOA Board of Directors. Or b.) They absolutely 100% do not care at all what their role and responsibilities are and brazenly disregard nearly all of them. There is no other answer.

I will share stories with you in detail, ma'am, regarding my experiences and interactions with Richard Sussman over the years as it relates to my HOA that will (should) blow you away. You may even be so taken a back that you refuse to believe me. I assure you, I am an open book. I have nothing to hide. I have nothing to embellish. I have nothing to lie about - and I do not lie. And anything I share with you I will, as they say today, "bring the receipts" for everything. EVERYTHING. Correspondences, hundreds of photos, videos gathered over numerous years of living in Gap View Village. Nothing I share with you can be successfully disputed by anyone. Since you have indicated to me that your colleagues are in need of an education, I encourage you to invite your colleagues to Gap View Village to walk with us. Invite all of them. Three years ago you engaged with The WV Independent Observer to publish an article about "The Burden of Defunct HOAs". We know how that ended. Invite The Observer to come walk-through Gap View Village with us. They can publish a follow-up article. They can publish their article based on a firsthand experience of a defunct, absent, negligent HOA. They can have a detailed interview with me, an HOA member who has experienced a defunct HOA for years. They can write about despicable people like Richard Sussman and his company, Property Management People, Inc., who profit from these defunct HOAs. Please feel free to invite Richard Sussman to walk with us through Gap View Village. Maybe you

will have better luck than I have had trying to get him to do this. Richard Sussman's phone number is (681) 252-0217. Richard Sussman' email address is Richard.sussmann@pmpbiz.com. I am all for 100% transparency and communication. Heck, invite the Spirit of Jefferson. Invite the Journal. Invite a television news crew. Most importantly, I am expecting for you to come visit me, walk through Gap View Village with me. See things and hear things that you will absolutely refuse to believe but have no other choice but to believe it. I will even buy you lunch. Choose whatever time and day next week that you would like to come and visit me that is most convenient for you. I will be available. You will be my top priority next week.

2.) I would like for you to explain to me how a tax paying resident like me can go to Charleston, WV and make a presentation to the West Virginia Senate (your colleagues). Heck, the House if I can too. I have spent a considerable amount of time putting together a presentation for the purpose of having Richard Sussman removed from the West Virginia State Bar. After hearing the narrow-minded, absurd, uninformed, misinformed responses from your colleagues, I now want to give my presentation to your colleagues in Charleston, WV. Please guide me on how to go about this.

I look forward to meeting with you next week and sharing an eye-opening experience with you.

Most Sincerely,

Mark Werner

PS - Please tell your colleagues no one ever suggested or indicated they dictate to HOAs what they can or can't do (but someone sure needs to). Simply asking them to be fair to tax paying residents. And by the way. At some point someone passed legislation that dictated how a defunct, absent, negligent HOA has the power to put a lien on a tax paying resident's home if they don't pay for services that they don't receive. That seems to be OK with your colleagues. Where are we living? China?

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**From:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Sent:** Tuesday, April 8, 2025 5:50 PM

**To:** Mark Werner <mark\_werner@outlook.com>

**Subject:** RE: Homeowners Associations

Mr. Werner, I am so sorry that I didn't respond to you. I tried to do pass a bill this session to help you but it failed. I should have let you know but simply it was so busy trying to get bills through and chair a committee, and I just did not email you.

We do need to do something about HOA's and I can tell you that I will not give up because you are not the only one suffering from injustice, but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do. This is why my bill failed.

There is an organization that represents HOA's, so they are on the side of the HOA's, not yours or mine, but they have offered to help me with what I am trying to do which is rein in HOA's which are not following reasonable rules and respecting homeowner's rights. This organization is called Community Associations Institute, or CAI, and their address is 6402 Arlington Blvd., Suite 500, Falls Church, VA, 22042. The phone number is 888-224-4321. The person I spoke to is Crystal L. Wallace.

Sincerely,

Senator Patricia Rucker  
16<sup>th</sup> Senatorial District  
Serving Jefferson and Berkeley Counties  
Room 214-W, State Capitol  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0800

[Patricia.rucker@wvsenate.gov](mailto:Patricia.rucker@wvsenate.gov)



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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Tuesday, April 8, 2025 4:15 PM  
**To:** [advocate@homeownersvoice.com](mailto:advocate@homeownersvoice.com); Patricia Rucker <Patricia.Rucker@wvsenate.gov>  
**Subject:** Re: Homeowners Associations

Hello,

I just wanted to take a quick minute to follow-up - 2 months later - and offer some solid, good advice.

Decommission the website at <https://www.homeownersvoice.com/> It serves no purpose and provides no value. It is nothing more than a destination of false hope.

Ms. Rucker, you need to just simply resign. I have lived in Jefferson County for almost 10 years. Simply, you need to resign. You are the epitome of a politician and false hope. Like other initiatives of yours, this one is another dead end. Always looks good in the press - the newspaper articles, doesn't it, Ms. Rucker? Until someone actually attempts to allow through.

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**From:** Mark Werner  
**Sent:** Wednesday, January 29, 2025 2:43 PM  
**To:** [advocate@homeownersvoice.com](mailto:advocate@homeownersvoice.com); [patricia.rucker@wvsenate.gov](mailto:patricia.rucker@wvsenate.gov)  
**Subject:** Homeowners Associations

Hello,

I was curious to know if Homeowners Voice is still active and / or how it has progressed since 2023. I first read about the organization in 2023. At that time there was a survey online to submit concerns or complaints. That is still the survey online "HOA Survey Summer 2023". This is what made me curious to know if Homeowners Voice was still alive and kicking.

I need help. I am at the end of my rope. I have been dealing with a corrupt, dishonest HOA for a long time.

They continue to operate deceitfully, corruptly, dishonestly, not able to provide records, Ignoring their own Covenants, Conditions, Restrictions, & Easements, Operate with "The rules are for thee, not for me." approach. Have retaliatory approaches in effort to silence homeowners raising concerns, etc., etc., etc. I could go on and on and on.

A tax paying, law abiding, Jefferson County resident has absolutely zero recourse. HOAs know this and unfortunately many HOAs exploit this to knowingly, consciencely, behave badly. Nothing can be done. West Virginia should ban HOAs.

Look, I cannot even believe I have reached this place because of an HOA. I moved from Michigan years ago. I have fought and battled major depression for 25 years and have done a lot of hard work to keep myself alive. My move from Michigan was one of the most beneficial things I have done in my fight. Then about 6 years ago I engaged with the despicable Homeowners Association for my community. I had been doing so well. Now, fighting with this negligence, deceitful, ethic less, dishonest, etc. HOA, I am at the end of my rope. The years of being required to endure this bullshit has taken its toll on me. I have no hope, I have no desire to live, I again have suicidal ideologies.

Why is a tax paying resident of Jefferson County required to tolerate this? WHY SHOULD I HAVE TO PAY HOMEOWNERS ASSOCIATION FEES TO TOLERATE THIS. And if I don't pay the fees, the HOA can put a lien on my property. The HOA can act and behave however they choose but if I stop paying my HOA fees because of a disagreement with the services the HOA is providing (or not) and / or the HOA's behavior, the HOA is still allowed to put a lien on my property if I don't pay HOA fees. Where are we? Why is this allowed to continue? West Virginia should change the name to HOP (Homeowners Prison). For this to be allowed to go on is despicable.

I try to talk to an attorney (Why should I have to do this?) they indicate that they don't support individual HOA members because they work directly with many HOAs. You can't find an attorney to help (Why should I have to?).

I am at the end of my rope. I need help. Is the Homeowners Voice still active and available? Can you provide any guidance on where to get good legal advice or any suggestions for a homeowner? Can Jefferson County or the State of West Virginia help protect their individual taxpaying, HOA fee paying, HOA members, the same way they help to protect Homeowners Associations in West Virginia. West Virginia would be a much better place to live if it banned HOAs.

Are you able to provide any worthwhile, not dead end, help or guidance?

Thank you in advance.

Sincerely,

Mark Werner

## Lynn Dillow

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Friday, June 13, 2025 6:08 PM  
**To:** Richard A. Sussmann  
**Cc:** Patricia Rucker; Kyle.Thomas@pmpbiz.com; E.Lodge@pmpbiz.com; Keith.Stains@pmpbiz.com; Patrick.Vasold@pmpbiz.com; Lynn Dillow; David Bound; Jessica James; Roger Goodwin; Edwina Benites; Pasha Majdi; Jack Hefestay  
**Subject:** Re: Why is Richard Sussmann employed at Property Management People, Inc.  
**Attachments:** grass05.jpg; grass06.jpg

Richard,

It is going to begin getting dark soon.

Also, I had been made aware of a fellow resident, a fellow HOA member, over on General Ponder Court who in the past your HOA has taken it upon themselves to cut that resident's grass and charge them for it because it was exceedingly long. Imagine that, you're cutting other residents' grass, but you can't even cut your own grass.

Whatever it is your HOA charged those residents for cutting their grass, you need to return that money back to them. Hypocrite.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Friday, June 13, 2025 2:02 PM  
**To:** Richard A. Sussmann <richard.sussmann@pmpbiz.com>  
**Cc:** Patricia Rucker <patricia.rucker@wvsenate.gov>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>  
**Subject:** Why is Richard Sussmann employed at Property Management People, Inc.

Richard,

You need to get off your sorry, useless, pathetic ass and get this grass cut today. How many times since you have been Community Manager have I had to bring this to your attention on a pretty regular basis, until times I ust give up. I have dreams about your 5 most favorite words to use. "There's nothing I can do." And you are 100% accurate about that. However, that doesn't mean that someone isn't capable of

doing something. I would think a half brain nitwit could successfully and effectively be an HOA Community Manager.

Here's the worst part. Now, after 9 years of your sorry, useless, pathetic, weasel ass being Community Manager, it's more egregiously worse than ever. To make it even more worse, all other common areas are getting mowed on a regular basis. I just returned home from a business trip. It seems they just cut the grass again. This grass behind me hasn't been cut in nearly two months. I almost have every reason to believe that you are doing this purposefully. What other reason could there possibly be? I returned home today, pulled into my community and thought, "Oh nice. They cut the grass." That is until I got to my home.

Do not use the response that you didn't know or I should have brought it to your attention. Don't do that. I have correspondances from you indicating that you routinely make trips through Gap View Village. Unless that wasn't true and instead you make trips to Gap View Village only to target specific people. Get this grass today. I do not care if you have to cut it yourself. I don't care if you have to chew it all with your teeth. You're not part of the solution for Gap View Village Homeowners Association. You're part of the problem. No, you are the problem. None of this crap ever existed when I first purchased my home. That all changed when you became Community Manager. Since then Gap View Village has been in a steady decline to a real live shit show.

In addition to that - Richard, you send messages out to people indicating, "One of the primary goals of Gap View Village Homeowners Association, Inc. is to protect the aesthetic appeal and property values of the neighborhood. In order to accomplish this, certain rules and regulations have been established by which property owners and residents required to abide." Really? Really - Richard?

You get off your sorry, pathetic, dispicable, weasel ass and get this grass cut.

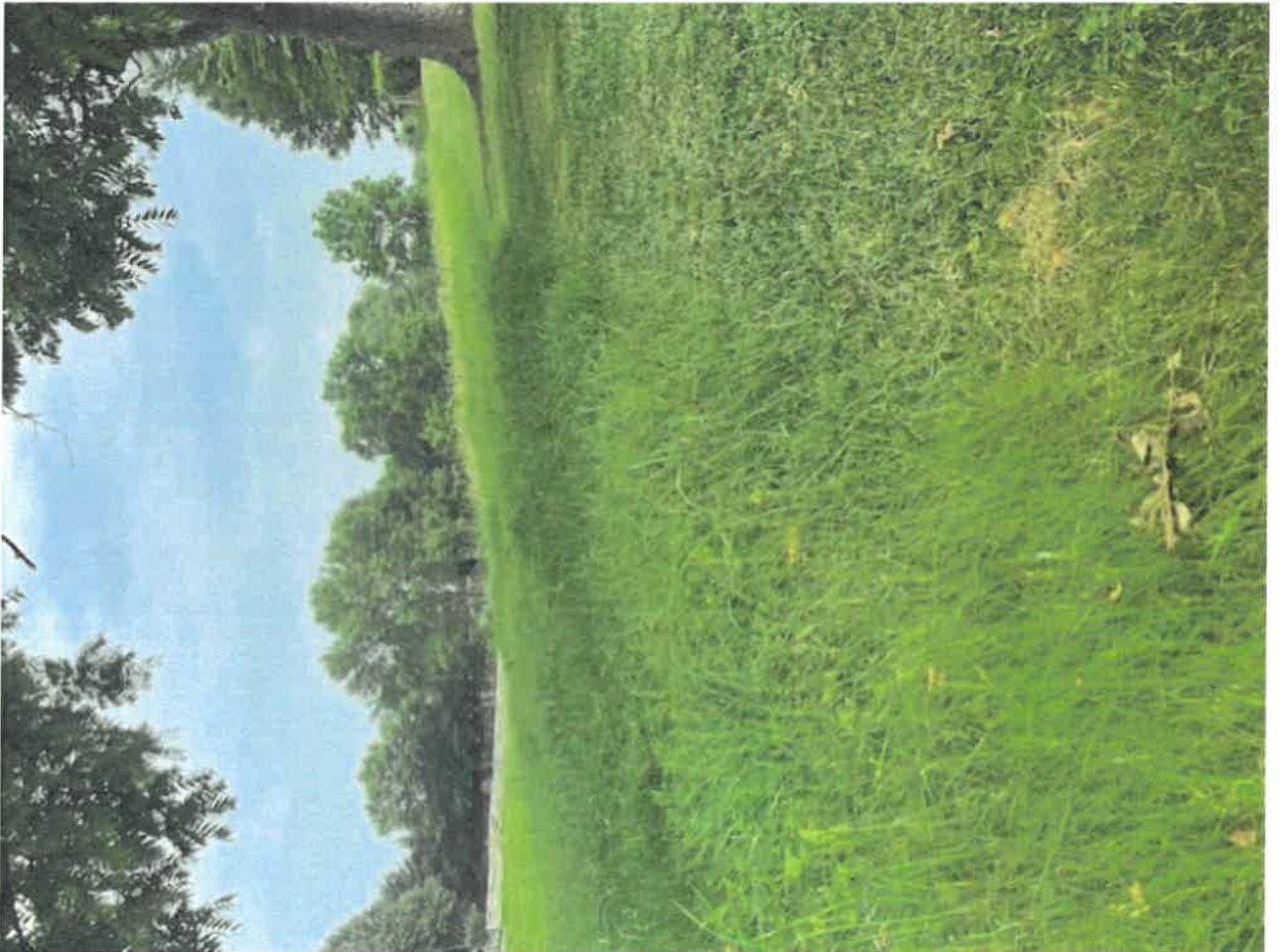
In addition, there will be no HOA membership fee payment from me in July. You want me to, no, you expect me to pay you for dealing with this bullshit? You are crediting me \$59 for the month of July.

Sincerely,

Mark Werner







## Lynn Dillow

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Saturday, June 14, 2025 12:30 PM  
**To:** Richard A. Sussmann  
**Cc:** Kyle.Thomas@pmpbiz.com; Keith.Stains@pmpbiz.com; Patrick.Vasold@pmpbiz.com; ed.thomas@pmpbiz.com; Patricia Rucker; Lynn Dillow; David Bound; Jessica James; Roger Goodwin; Edwina Benites; Pasha Majdi; Jack Hefestay  
**Subject:** Oh My God!  
**Attachments:** forest01.jpg; Forest02.jpg

Richard,

Oh my God! And you came to my home and targeted my property for a 6" corner of my garage that needed painting, which you were informed in detail, was in the process of being painted. You are a despicable, pathetic, sorry, weasel of a human being.

Also, I see now there are 2 properties that have prison walls erected in Gap View Village which are 100% non-compliant with the Covenants, Conditions, and Restrictions of Gap View Village Homeowners Association. And here's the thing, you idiot. Forget the compliance thing. Your HOA claims to have an Architectural Committee. That committee, based on "design and architecture", decides to approve or decline a property modification request from an HOA member. So, what you have communicated to the world - Richard, is architecturally speaking, that your HOA Architectural Committee came to the conclusion that tall 6' solid white prison walls are a sound architectural fit for a community of 178 properties that are entirely all some type of short, open-air, unfinished lumber, rail fencing? Then add that they are 100% non-compliant with the Covenants, Conditions, and Restrictions.

Richard, it is no excuse that people who are HOA Community Managers or on the Board of Directors of an HOA do not comprehend or understand what Covenants, Conditions, and Restrictions of an HOA are or what they mean. That is nobody's fault but their own. Most especially when the compensated HOA Community Manager has a law degree, a background in practicing law relating to HOAs, and has all kinds of HOA management training certifications from WVHOA. That doesn't excuse anything.

Asshole!

Don't worry - Richard. The fence fiasco story is coming too. The motorcycle & ATV story - all the stories are coming. Some just need to be more thorough than others in effort to accurately depict the character of the person that you are.

You feel free to chime in anytime and stop me or correct me anytime you feel I am way out of line or anything I present is not 100% truthful and accurate - Richard.

Again, my best advice to you - Richard, is to disband the HOA. There is no debate, no argument, that you or any of the Board of Directors of this HOA have any desire to manage the HOA in accordance with

the Covenants, Conditions, and Restrictions. You exhibit that none of you even understand the Covenants, Conditions, and Restrictions. What they are or what they mean.

By the way. Grass doesn't cut itself. Maybe that's the misunderstanding. Maybe you think the grass cuts itself. The grass still hasn't been cut - Richard.

So much more to come...

Sincerely,

Mark Werner





## Lynn Dillow

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Sunday, June 15, 2025 9:37 PM  
**To:** Patricia Rucker  
**Cc:** mike.azinger@wvsenate.gov; jason.barrett@wvsenate.gov; kevan.bartlett@wvsenate.gov; donna.boleyn@wvsenate.gov; laura.chapman@wvsenate.gov; anne.charnock@wvsenate.gov; charles.clements@wvsenate.gov; vince.deeds@wvsenate.gov; scott.fuller@wvsenate.gov; joey.garcia@wvsenate.gov; amy.grady@wvsenate.gov; bill.hamilton@wvsenate.gov; craig.hart@wvsenate.gov; brian.helton@wvsenate.gov; glenn.jeffries@wvsenate.gov; patrick.martin@wvsenate.gov; mark.maynard@wvsenate.gov; robbie.morris@wvsenate.gov; mike.oliverio@wvsenate.gov; rupie.phillips@wvsenate.gov; ben.queen@wvsenate.gov; rollan.roberts@wvsenate.gov; chris.rose@wvsenate.gov; randy.smith@wvsenate.gov; mike.stuart@wvsenate.gov; tom.takubo@wvsenate.gov; darren.thorne@wvsenate.gov; eric.tarr@wvsenate.gov; jay.taylor@wvsenate.gov; jay.taylor@wvsenate.gov; darren.thorne@wvsenate.gov; ryan.weld@wvsenate.gov; tom.willis@wvsenate.gov; mike.woelfel@wvsenate.gov; jack.woodrum@wvsenate.gov; Wayne.Clark@wvhouse.gov; joe.funkhouser@wvhouse.gov; chris.anders@wvhouse.gov; bill.ridenour@wvhouse.gov; David Bound; Lynn Dillow; Jessica James; Roger Goodwin; Edwina Benites; Pasha Majdi; Jack Hefestay; ed.thomas@pmpbiz.com; Patrick.Vasold@pmpbiz.com; Kyle.Thomas@pmpbiz.com; E.Lodge@pmpbiz.com; Keith.Stains@pmpbiz.com; Richard A. Sussmann; info@WVOHOA.org  
**Subject:** Re: Homeowners Associations  
**Attachments:** HOA\_071023.pdf; HOA\_081123.pdf; HOA\_091123.pdf; weed\_tree5.jpg

Hello,

A couple of housekeeping items before business of the day. I am really serious to know which senators indicated that the state of West Virginia doesn't need to dictate what Homeowners Associations can or can't. I would like to understand your ideologies. I would like to understand the reasons / examples for this. I would like you to understand my ideologies. I would like you to know the reasons / examples why I disagree. I am also serious to know how zoning laws or building laws were changed to allow Jefferson County or the state of West Virginia to dictate what the builders and developers can and can't do. I would think for sure, at least the Jefferson County Commissioners would know this information. Is this classified information?

Business of the day.

Today's business is in the spirit of Richard's mission statement which he sends out in correspondences with HOA members.

*"One of the primary goals of Gap View Village Homeowners Association, Inc. is to protect the aesthetic appeal and property values of the neighborhood."*

I want to acknowledge that I believe that is an admirable thought.

Taking you back to the summer of 2023. That is now 2 years ago. Attached to this email are 3 notices. Being a Gap View Village homeowner and Gap View Homeowners Association member, I observed something that I felt should be addressed. I thought that what I observed was detrimental to Richard's mission statement.

What I observed was located on property that Richard is responsible for. I prepared and sent a notice to Richard on July 10, 2023. My notice was prepared the exact same way that Richard would prepare the same type of notice. Every single detail of how the notice was prepared was identical to how Richard would have prepared it. Time went by and along came August. I never received any response from Richard. I was still observing what had prompted me to send a notice to Richard. I hadn't heard anything from Richard and what I had observed was still there. I prepared and sent Richard a second notice on August 11, 2023. Again, I prepared and sent the second notice precisely as Richard would do it. Time goes by and what do you know. Here we are in September. Still, I hadn't received any responses from Richard and I still observed what had prompted me to send the first and second notices to Richard. On September 11, 2023, I sent Richard a third notice. Again, I prepared and sent the third notice exactly as Richard would do it.

Today is June 15, 2025. Also attached to this email is a photo. That photo was taken June 14, 2025. The attached photo is of the same thing that I observed in the summer of 2023 when I was prompted to contact Richard.

We are approaching our 2-year anniversary now. To this date, I have never received any kind of response in any way from Richard regarding the 3 notices that I sent to him. I also have never received any kind of response from any of the Gap View Village Homeowners Association Board of Directors. And as we have previously established, Richard shares all of my correspondences with the Board of Directors. I'm not quite sure what to make of it.

To this date, the same exact thing that prompted my concern and had me notify Richard, is still there. It's just a lot bigger.

Senators, I am curious what your thoughts are about this? I am also curious to know how much more all of you think it will cost to remedy this situation now than it would have 2 years ago when Richard first received notice about this? Whatever the difference is that is the extra cost to the HOA members simply because of Richard's negligence and the defunct, non-existent HOA.

Sincerely,

Mark Werner

~PS~ The grass still hasn't been cut, going on 4 days. The grass is over a foot and a half tall. Richard has been notified 4 or 5 times. There has been no response from Richard. And don't forget, the Board of Directors have indicated that they are not interested in speaking with me and that all of my correspondences are to go to the Community Manager.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Friday, June 13, 2025 2:54 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Hello,

This is simply a short follow-up in response to the responses that some West Virginia State Senators have made regarding their absurd position on HOAs.

Enjoy the attached photo. This is an incredibly small sample size of things you will see should you find yourself in Gap View Village. This is easy. A blind man could probably find this.

It's a stop sign. By law you have to stop. And this is what you see. When Richard Sussman makes his routine trips through Gap View Village, as he has informed me that he does. He has to stop. If he obeys traffic laws, he does. So, Richard Sussmann has to see this. How many times do you think Richard has seen this? By his own admission, he makes trips through Gap View Village. How long do you think it took for that weed to get that large? How long? How long do you think it has been there? Here's even more. One of the HOA Board of Director's has to stop at that stop sign every day. Probably multiple times a day. He has to stop because he has to make a left turn there to get to his junkyard. So at minimum, at least one of the HOA Board of Directors sees that weed every single day. He's watched it grow. Now that it is so large, he can probably see it while he is inside his home. But there it is.

But hey, "We don't want to dictate what HOAs can and cannot do".

Do you know who needs to have a lien put on their property? Property Management People, Inc.

I've offered the best, easiest solution to Richard several times. Disband the defunct, rouge, absent HOA.

Once last thing. I will bet my life, my entire life savings, that there is no subdivision that you can go to anywhere in this country, whether it has an HOA or doesn't have an HOA, and find a stop sign that resembles that. Not anywhere. I can take all of you to Detroit where I grew up and take you down streets that are nothing but mostly burned down crack houses, empty lots, and abandoned cars, and you will not find a stop sign that looks like that. Not even close. I have never seen anything like that. Not anywhere, ever. It is unprecedented.

Richard Sussmann should be prosecuted, and he should be removed from the West Virginia State Bar.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Friday, June 13, 2025 2:22 AM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>;

patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>  
**Subject:** Re: Homeowners Associations

Ms. Rucker,

Really? These are our WV senators?

*"but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do. "*

Can you please provide me with the names of the state senators who stand by this ideology?

This has nothing to do with a person choosing to live in an HOA. This has to do with a person choosing to live in an HOA, and paying for an HOA for 10 years, only to come to the realization the HOA doesn't exist or has gone rouge or is brazenly negligent and has most likely violated a few laws. This has to do with property management companies that run these HOAs and the useless people that volunteer for the board. I could wipe my butt with the money I pay to an HOA every month and get more value out of it than paying it to my HOA.

And let's be crystal clear about these crooked HOA laws. HOAs are not non-profit. The property management companies that manage these HOAs do it for profit. These property management companies are equally a part of the HOA just as the HOA itself is. Regardless of what any person or any crooked law thinks or says. Common sense will tell you this. The laws are for nothing more than to protect the property management companies from any liability.

The HOA rules / laws are ridiculous and provide no recourse for residents, homeowners, TAXPAYERS!

Would your colleagues like to know how many times I have approached the HOA? Would your colleagues like to know how many times the HOA and the Community Manager completely ignore any effort to meet and discuss with them?

Would your colleagues like to know in detail how HOAs abuse their power and use retaliatory tactics in effort to quiet HOA members expressing concerns (which they refer to as "complaining")? How they lie?

Ma'am, I could go on and on. I've lived here in my home for 10 years. Even better, this is my sixth home in 3 states. All but 1 of those homes had an HOA. Nothing, and I mean nothing could even come close to being as bad, as rogue, as non-existent, as negligent, as useless as the HOA that I am currently a member of and payees to.

For one, if an HOA isn't providing the services and management, and meeting the obligations that they are required to, why should a homeowner or HOA member have to pay HOA fees. If they purposely, deliberately, consciencely, continuously ignore the Covenants, Conditions, and Restrictions? And if the HOA member doesn't pay their fees, then these despicable human beings have the ability and power to put a lien on your home. Let's forget rules or laws. Let's just simply consider ethics and integrity, and common sense.

I have to assume that all of your colleagues believe if they paid money for a service or a product that they never received, no matter how many times they inquired, that is perfectly fine with them. Is that correct? Ask your colleagues and respond to me to confirm this. Because there can be no other answer.

Take a survey from all your colleagues to find out how many of them own a property management company or are even a landlord. Please provide me with the results of that survey. I bet the survey results would be telling.

Tell your colleagues that I pay property tax to Jefferson County. I pay the same rate of property tax as any homeowner in Jefferson County who isn't part of any HOA. This would seemingly provide me access to the same exact county services as tax paying homeowners who are not in an HOA. But as you and every one of your colleagues very well know, I live in a private community that has access to none of those services because it is an HOA. Why do I pay the same tax rate? Seemingly only to fund your and all of your colleague's retirement pension packages. What other reason could there possibly be? Even worse, I pay the same property tax rate, but I also pay considerably more than that because of fees I pay to a negligent HOA. Even further, all the counties and municipalities, as well as you and all your colleagues, know that by continuing this pattern of behavior, the counties and municipalities can wash their hands of any obligation or liability of having to respond to or provide services to their taxpaying residents because their position is, "You have an HOA." "It's a private community." All the while collecting our property taxes. We don't even get police patrol in our "private community" because of this. It is impossible to believe that not all of you know this. You have to know this. It would be impossible for any of you not to know this. It was designed this way. The county isn't going to get involved. They are saving so much money and minimizing so much expense by making themselves "legally" not obligated or liable to provide any services to their taxpaying residents. And every single one of you, every one of you, knows that these HOAs are set up here so they are protected from any recourse from tax paying residents. Even if someone wanted to spend thousands of dollars to take legal action, nothing would come of it. Again, every single one of you knows this. Every single one of you. If a tax paying

resident calls attorneys looking for help, do you know what they tell you? Because they work with and support so many HOAs, they do not support the single tax paying resident. Conflict of interest. All of this is nothing short of an illegal crime ring. It is appalling. All of you know this.

My suggestion to the loser that is the community manager of our HOA, is and always has been, disband the HOA. Get rid of the HOA. My HOA has made it abundantly clear for years now they have no desire, they have no interest, in managing the community and / or maintaining and enforcing the Covenants, Conditions, and Restrictions. THAT can be proven to anyone, anytime, anywhere beyond anyone's reasonable doubt. So, get rid of the HOA. Do whatever you want to do on your property. STOP CHARGING ME HOA FEES. That's my solution. Simple. The HOA won't entertain that. The property management company would stop making money hand over foot for doing next to nothing. The county is never going to entertain that. That creates a liability for them. That creates an obligation to provide services and respond to tax paying residents. Which in turn creates more expense for them. Which in turn cuts into the taxpayer funded retirement pension plan for all of you. All of you know this. You have to. Any of you who says they are not aware of this is a liar.

But yet all of you think it is just fine that these crooked property management companies and these rouge, absent, negligent HOAs can charge a tax paying resident like me a monthly fee, and increase it every year, and never, ever be held accountable for responsible for anything, ever. And if a tax paying resident doesn't pay that HOA fee, these corrupt property management companies, who haven't even come close to fulfilling their obligations or responsibilities, can put a lien a tax paying resident's home. That's OK to all of you. That is sick.

But again, all of you, all of you involved know this. You know all of this.

My solution has always been, get rid of the HOA. Simple. Let people live like they want to live. Let them live and act like pigs. That would be fine with me. No one would ever hear from me again. But don't charge me fees for this bullshit.

Do you know who are the worst, most blatant offenders in an HOA, at least mine? The HOA Community Manager and the Board of Directors and the Board of Directors closest neighbors - by a longshot. Your colleagues: "but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA" Didn't these complete failures ON THE BOARD OF DIRECTORS OF THE HOA make that same choice?

To an extent, your colleagues are right. All of us had that choice. We had the opportunity to read the Covenants, Conditions, and Restrictions before purchasing a home in an HOA. At that point we had to make an adult decision as to whether we could live within the compliance of the Covenants, Conditions, and Restrictions or whether we could not. It's that simple. A 6 year old could comprehend that, and based on that, then everyone can make a decision if they want to purchase a home in an HOA. Tell your colleagues the idea isn't an individual decides to purchase a home in an HOA whether or not the Community Manager and the Board of Directors have any interest in governing the HOA in accordance with the Covenants, Conditions, and Restrictions of the HOA. Which, tell your colleagues, IS A LEGAL BINDING DOCUMENT. This is not rocket science.

So here we are today. The straw that broke the camel's back. I have watched new developments everywhere in Jefferson County being built. Ruining the beautiful community that I moved to 10 years

ago. I noticed recently that the very first things being built in these new developments are playgrounds, parks, or swimming pools. All this before one nail is pounded into one board on any new residence. I thought to myself, "How stupid is that." And "That sure doesn't seem like any developers I've ever seen or known." Then, I learned today that zoning laws "or something of the sort" were changed to "require" the developers to build all of these promised "extras" first before any residences could be built. The reason for this is so the developers could no longer disappear after building the residences and never building any of the promised "extras". Honestly, I think that was an admirable idea. However, how did that legislation get passed? Did you participate in getting that passed, ma'am? Did your colleagues participate in getting that passed? Was the Jefferson County Commission involved in getting that passed? Do you know what is so disturbingly telling about this, ma'am? Here in West Virginia, specifically Jefferson County, we'll pass legislation to promote the development so that we can attract new residents so we can generate more and more tax revenue so that taxpayer funded retirement pension funds can continue to be generously funded. Here in West Virginia, specifically Jefferson County, after that, who cares? It eventually turns into an HOA. It's a private community. It completely removes any obligation or responsibility or liability to Jefferson County. It saves Jefferson County probably millions in expense from having to provide any services or having to hire and pay staff to provide those services. It removes any liability from Jefferson County. Meanwhile, the taxpayer residents living in these rouge, absent, negligent HOA communities bear the burden.

This type of governing has also allowed Jefferson County to have so much extra money they are going to build a brand-new Government and Judicial Complex. Isn't that nice? A brand-new concession building at the park. That allows Jefferson County to make even more money from their tax paying residents.

But to hell with the tax paying residents of Jefferson County living in an HOA.

Even more fuel for the fire. Richard Sussman has used money from HOA member fees to pay for membership to West Virginia Organization of Homeowners Associations for him and the HOA Board of Directors. An organization to support the HOAs and the property management companies. Not the homeowners. Not the residents. Not the HOA members. Not the tax payers. Why does this pattern keep repeating itself? Why does this WVHOA organization even exist. Who funds it? Do taxpayers fund this organization? Where is the organization to support the homeowner? The resident? The HOA member? The taxpayer? In any case, WVHOA, an organization with a wealth of support, training, advice, etc. for Richard Sussman and his Board of Directors. Training that there is clearly record that Richard Sussman has taken advantage of. Yet still, STILL, either, a.) They've learned absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify the from being an HOA Community Manager or on the Board of Directors. Or b.) They absolutely 100% do not care at all what their roles and responsibilities are and brazenly neglect nearly all of them. There is no other answer.

So, at this juncture I have a couple requests of you. And please keep in mind, I fund your salary, and I fund your retirement pension. Those are two things you, your colleagues, or any HOA do not do for me.

1.) I live in Gap View Village. 44 General Kershaw CT, Harpers Ferry, WV 25425. The Community Manager for our HOA is Richard Sussman. One of the most despicable, useless, lying, crooked, unethical, weasel, coward human beings I have interacted with in my entire 62 years of life. In my opinion a complete piece of trash human being with zero integrity and zero ethics. A little weasel that is all too aware of the

ridiculous, untouchable power someone in his role has. But yet time and time again he has exhibited to me that either, a.) He knows absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify him from being an HOA Community Manager. Or b.) He absolutely 100% does not care at all what his role and responsibilities are and brazenly neglects nearly all of them. There is no other answer. And he certainly could care less about Gap View Village. He doesn't live there.

I realize Richard Sussman is probably a friend of yours and all of your colleagues. We know how you lawyers stick together. The best advice I can offer to you is perhaps consider finding different friends.

Next week, the week of June 16th, I would like you to come and visit me at my home. I will provide you with a copy of my HOA's Covenants, Conditions, and Restrictions. We will take my dog for a walk through the entire community of Gap View Village. We will talk. I will share all the correspondence I have had or have tried to have with Richard Sussman (Your colleagues: *"and also that an individual who disagrees can petition their HOA to change the rules."*) In addition, Richard Sussman has assured me he has shared all of my correspondence I have had with him, with the HOA Board of Directors. To that end, all of them too, either a.) Know absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify all of them from being on an HOA Board of Directors. Or b.) They absolutely 100% do not care at all what their role and responsibilities are and brazenly disregard nearly all of them. There is no other answer.

I will share stories with you in detail, ma'am, regarding my experiences and interactions with Richard Sussman over the years as it relates to my HOA that will (should) blow you away. You may even be so taken a back that you refuse to believe me. I assure you, I am an open book. I have nothing to hide. I have nothing to embellish. I have nothing to lie about - and I do not lie. And anything I share with you I will, as they say today, "bring the receipts" for everything. EVERYTHING. Correspondences, hundreds of photos, videos gathered over numerous years of living in Gap View Village. Nothing I share with you can be successfully disputed by anyone. Since you have indicated to me that your colleagues are in need of an education, I encourage you to invite your colleagues to Gap View Village to walk with us. Invite all of them. Three years ago you engaged with The WV Independent Observer to publish an article about "The Burden of Defunct HOAs". We know how that ended. Invite The Observer to come walk-through Gap View Village with us. They can publish a follow-up article. They can publish their article based on a firsthand experience of a defunct, absent, negligent HOA. They can have a detailed interview with me, an HOA member who has experienced a defunct HOA for years. They can write about despicable people like Richard Sussman and his company, Property Management People, Inc., who profit from these defunct HOAs. Please feel free to invite Richard Sussman to walk with us through Gap View Village. Maybe you will have better luck than I have had trying to get him to do this. Richard Sussman's phone number is (681) 252-0217. Richard Sussman' email address is Richard.sussmann@pmpbiz.com. I am all for 100% transparency and communication. Heck, invite the Spirit of Jefferson. Invite the Journal. Invite a television news crew. Most importantly, I am expecting for you to come visit me, walk through Gap View Village with me. See things and hear things that you will absolutely refuse to believe but have no other choice but to believe it. I will even buy you lunch. Choose whatever time and day next week that you would like to come and visit me that is most convenient for you. I will be available. You will be my top priority next week.

2.) I would like for you to explain to me how a tax paying resident like me can go to Charleston, WV and make a presentation to the West Virginia Senate (your colleagues). Heck, the House if I can too. I have spent a considerable amount of time putting together a presentation for the purpose of having Richard Sussman removed from the West Virginia State Bar. After hearing the narrow-minded, absurd, uninformed, misinformed responses from your colleagues, I now want to give my presentation to your colleagues in Charleston, WV. Please guide me on how to go about this.

I look forward to meeting with you next week and sharing an eye-opening experience with you.

Most Sincerely,

Mark Werner

PS - Please tell your colleagues no one ever suggested or indicated they dictate to HOAs what they can or can't do (but someone sure needs to). Simply asking them to be fair to tax paying residents. And by the way. At some point someone passed legislation that dictated how a defunct, absent, negligent HOA has the power to put a lien on a tax paying resident's home if they don't pay for services that they don't receive. That seems to be OK with your colleagues. Where are we living? China?

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**From:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Sent:** Tuesday, April 8, 2025 5:50 PM

**To:** Mark Werner <mark\_werner@outlook.com>

**Subject:** RE: Homeowners Associations

Mr. Werner, I am so sorry that I didn't respond to you. I tried to do pass a bill this session to help you but it failed. I should have let you know but simply it was so busy trying to get bills through and chair a committee, and I just did not email you.

We do need to do something about HOA's and I can tell you that I will not give up because you are not the only one suffering from injustice, but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do. This is why my bill failed.

There is an organization that represents HOA's, so they are on the side of the HOA's, not yours or mine, but they have offered to help me with what I am trying to do which is rein in HOA's which are not following reasonable rules and respecting homeowner's rights. This organization is called Community Associations Institute, or CAI, and their address is 6402 Arlington Blvd., Suite 500, Falls Church, VA, 22042. The phone number is 888-224-4321. The person I spoke to is Crystal L. Wallace.

Sincerely,

**Senator Patricia Rucker**  
16<sup>th</sup> Senatorial District  
Serving Jefferson and Berkeley Counties  
Room 214-W, State Capitol  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0800

[Patricia.rucker@wvsenate.gov](mailto:Patricia.rucker@wvsenate.gov)



**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Tuesday, April 8, 2025 4:15 PM  
**To:** advocate@homeownersvoice.com; Patricia Rucker <Patricia.Rucker@wvsenate.gov>  
**Subject:** Re: Homeowners Associations

Hello,

I just wanted to take a quick minute to follow-up - 2 months later - and offer some solid, good advice.

Decommission the website at <https://www.homeownersvoice.com/> It serves no purpose and provides no value. It is nothing more than a destination of false hope.

Ms. Rucker, you need to just simply resign. I have lived in Jefferson County for almost 10 years. Simply, you need to resign. You are the epitome of a politician and false hope. Like other initiatives of yours, this one is another dead end. Always looks good in the press - the newspaper articles, doesn't it, Ms. Rucker? Until someone actually attempts to allow through.

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**From:** Mark Werner  
**Sent:** Wednesday, January 29, 2025 2:43 PM  
**To:** [advocate@homeownersvoice.com](mailto:advocate@homeownersvoice.com); [patricia.rucker@wvsenate.gov](mailto:patricia.rucker@wvsenate.gov)  
**Subject:** Homeowners Associations

Hello,

I was curious to know if Homeowners Voice is still active and / or how it has progressed since 2023. I first read about the organization in 2023. At that time there was a survey online to submit concerns or complaints. That is still the survey online "HOA Survey Summer 2023". This is what made me curious to know if Homeowners Voice was still alive and kicking.

I need help. I am at the end of my rope. I have been dealing with a corrupt, dishonest HOA for a long time.

They continue to operate deceitfully, corruptly, dishonestly, not able to provide records, Ignoring their own Covenants, Conditions, Restrictions, & Easements, Operate with "The rules are for thee, not for me." approach. Have retaliatory approaches in effort to silence homeowners raising concerns, etc., etc., etc. I could go on and on and on.

A tax paying, law abiding, Jefferson County resident has absolutely zero recourse. HOAs know this and unfortunately many HOAs exploit this to knowingly, consciencely, behave badly. Nothing can be done. West Virginia should ban HOAs.

Look, I cannot even believe I have reached this place because of an HOA. I moved from Michigan years ago. I have fought and battled major depression for 25 years and have done a lot of hard work to keep myself alive. My move from Michigan was one of the most beneficial things I have done in my fight. Then about 6 years ago I engaged with the despicable Homeowners Association for my community. I had been doing so well. Now, fighting with this negligence, deceitful, ethic less, dishonest, etc. HOA, I am at the end of my rope. The years of being required to endure this bullshit has taken its toll on me. I have no hope, I have no desire to live, I again have suicidal ideologies.

Why is a tax paying resident of Jefferson County required to tolerate this? WHY SHOULD I HAVE TO PAY HOMEOWNERS ASSOCIATION FEES TO TOLERATE THIS. And if I don't pay the fees, the HOA can put a lien on my property. The HOA can act and behave however they choose but if I stop paying my HOA fees because of a disagreement with the services the HOA is providing (or not) and / or the HOA's behavior, the HOA is still allowed to put a lien on my property if I don't pay HOA fees. Where are we? Why is this allowed to continue? West Virginia should change the name to HOP (Homeowners Prison). For this to be allowed to go on is despicable.

I try to talk to an attorney (Why should I have to do this?) they indicate that they don't support individual HOA members because they work directly with many HOAs. You can't find an attorney to help (Why should I have to?).

I am at the end of my rope. I need help. Is the Homeowners Voice still active and available? Can you provide any guidance on where to get good legal advice or any suggestions for a homeowner? Can Jefferson County or the State of West Virginia help protect their individual taxpaying, HOA fee paying, HOA members, the same way they help to protect Homeowners Associations in West Virginia. West Virginia would be a much better place to live if it banned HOAs.

Are you able to provide any worthwhile, not dead end, help or guidance?

Thank you in advance.

Sincerely,

Mark Werner

## Mark Phillip Werner

c/o Concerned Members of Gap View Village Homeowners Association  
44 General Kershaw CT  
Harpers Ferry, WV 25425  
5862149017  
July 10, 2023

Property: OSWM & BUFFER STRIP GAP VIEW VILLAGE  
Parcel ID: 19-04-005D-OSWM-0000  
Violation I: Maintenance - General Location: On Property (near General Early Dr.)  
Richard Sussmann  
340 Edmond Rd  
Kearneysville, WV 25430



Dear Richard Sussmann

One of the primary goals of the members of Gap View Village Homeowners Association, Inc., who are full time residents in Gap View Village, is to protect the aesthetic appeal and property values of their neighborhood. In order to accomplish this, certain rules and regulations have been established by which property owners and residents are required to abide. The following conditions of concern were observed by certain members of the Gap View Homeowners Association who are full time residents. (Pictured above if applicable)

**Please keep property maintained in an attractive condition. Gigantic weed growing out of very large bush.**

**This must be corrected to be in compliance with Item 13 of the Covenants, Conditions, Restrictions & Easements for Gap View Village states: Each owner shall keep all lots owned by him, and all improvements therein or thereon, in good order and repair, including but not limited to the seeding, watering and mowing of all lawns, the pruning and cutting of all trees and shrubbery and the painting (or other appropriate external care) of all buildings and other improvements, all in good manner and with such frequency as is consistent with good property management.**

We understand that many times property managers are unaware that a problem exists or the concerned Gap View Village Homeowners Association members may have observed a temporary situation which the property owner plans to remedy in the near future.

We sincerely appreciate your time and attention to these matters. If you have not done so already, please remedy this situation within 30 days, pursuant to the Association's governing documents. Once completed, please make sure to contact me at [mark\\_werner@outlook.com](mailto:mark_werner@outlook.com) to let me know that this has been completed.

Thank you in advance for your cooperation.

Sincerely,

Mark Werner  
Gap View Village Homeowners Association member  
c/o Concerned Members of Gap View Village Homeowners Association

**Reminder - Second Notice**

**Mark Phillip Werner**

c/o Concerned Members of Gap View Village Homeowners Association  
44 General Kershaw CT  
Harpers Ferry, WV 25425  
5862149017  
August 11, 2023

Property: OSWM & BUFFER STRIP GAP VIEW VILLAGE  
Parcel ID: 19-04-005D-OSWM-0000  
Violation: Maintenance - General Location: On Property (near General  
Early Dr.)  
Richard Sussmann  
340 Edmond Rd  
Kearneysville, WV 25430



Dear Richard Sussmann

One of the primary goals of the members of Gap View Village Homeowners Association, Inc., who are full time residents in Gap View Village, is to protect the aesthetic appeal and property values of their neighborhood. In order to accomplish this, certain rules and regulations have been established by which property owners and residents are required to abide. My how time flies. It has already been 30 days since you were first notified regarding the violation referenced in this memo. Unfortunately, the following conditions of concern still exist and are still observed by members of the Gap View Homeowners Association who are full time residents. (Pictured above if applicable). This is your second notice.

**Please keep property maintained in an attractive condition. Gigantic weed growing out of very large bush.**

**This must be corrected to be in compliance with Item 13 of the Covenants, Conditions, Restrictions & Easements for Gap View Village states: Each owner shall keep all lots owned by him, and all improvements therein or thereon, in good order and repair, including but not limited to the seeding, watering and mowing of all lawns, the pruning and cutting of all trees and shrubbery and the painting (or other appropriate external care) of all buildings and other improvements, all in good manner and with such frequency as is consistent with good property management.**

We sincerely appreciate your time and attention to these matters. If you have not done so already, please remedy this situation at your earliest convenience, pursuant to the Association's governing documents. Once completed, please make sure to contact me at [mark\\_werner@outlook.com](mailto:mark_werner@outlook.com) to let me know that this has been completed.

Thank you in advance for your cooperation.

Sincerely,

Mark Werner  
Gap View Village Homeowners Association member  
c/o Concerned Members of Gap View Village Homeowners Association  
encl: First Notice

**Reminder - Third Notice**

**Mark Phillip Werner**

c/o Concerned Members of Gap View Village Homeowners Association  
44 General Kershaw CT  
Harpers Ferry, WV 25425  
5862149017  
September 11, 2023

Property: OSWM & BUFFER STRIP GAP VIEW VILLAGE  
Parcel ID: 19-04-005D-OSWM-0000  
Violation: Maintenance - General Location: On Property (near General Early Dr.)  
Richard Sussmann  
340 Edmond Rd  
Kearneysville, WV 25430



Dear Richard Sussmann

One of the primary goals of the members of Gap View Village Homeowners Association, Inc., who are full time residents in Gap View Village, is to protect the aesthetic appeal and property values of their neighborhood. In order to accomplish this, certain rules and regulations have been established by which property owners and residents are required to abide. It now has been 60 days since you were first notified regarding the violation referenced in this memo. Unfortunately, the following condition of concern still exist, has only gotten worse, and is still observed daily by members of the Gap View Homeowners Association who are full time residents. This unaesthetic and unappealable violation is also observed by every person that travels past our community on Shepherdstown Pike. Quite embarrassing. This is your third notice. It has been 60 days since you were first notified about this violation. Since the initial violation report it is apparent there has been zero effort on your part to remedy this violation and zero effort on your part to communicate to members of Gap View village Homeowners Association, Inc. as to why you might think this is not a violation. This is not the kind of Community Manager that Gap View Village Homeowners Association Inc. wants or needs. This ongoing, consistent behavior of neglecting your responsibilities as the compensated Community Manager of Gap View Homeowners Association, Inc. is inexcusable and unacceptable. One walk or drive through Gap View Village community by anyone will only further confirm, beyond any person's reasonable doubt, your neglect of your responsibilities as the compensated Community Manager of Gap View Homeowners Association, Inc. At this point you leave members of Gap View Village Homeowners Association Inc. no other choice than to explore other options within the law to address this very concerning, growing problem. This is your third notice.

**Please keep property maintained in an attractive condition. Gigantic weed growing out of very large bush.**

**This must be corrected to be in compliance with Item 13 of the Covenants, Conditions, Restrictions & Easements for Gap View Village states: Each owner shall keep all lots owned by him, and all improvements therein or thereon, in good order and repair, including but not limited to the seeding, watering and mowing of all lawns, the pruning and cutting of all trees and shrubbery and the painting (or other appropriate external care) of all buildings and other improvements, all in good manner and with such frequency as is consistent with good property management.**

Members of Gap View Village Homeowners Association have grown increasingly disappointed with your consistent, ongoing neglect and lack of enforcement of Covenants, Conditions, Restrictions & Easements for Gap View Village. It continues to become increasingly apparent that you are not a part of the solution. You are a part of the problem.

Sincerely,

Mark Werner  
Gap View Village Homeowners Association member  
c/o Concerned Members of Gap View Village Homeowners Association  
encl: First Notice. Second Notice.



## Lynn Dillow

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Monday, June 16, 2025 10:27 AM  
**To:** Lynn Dillow; David Bound; Jessica James; Roger Goodwin; Edwina Benites; Pasha Majdi; Jack Hefestay  
**Cc:** Patricia Rucker; ed.thomas@pmpbiz.com; Patrick.Vasold@pmpbiz.com; Kyle.Thomas@pmpbiz.com; E.Lodge@pmpbiz.com; Richard A. Sussmann; Keith.Stains@pmpbiz.com; info@WVOHOA.org  
**Subject:** Urgent Request for Jefferson County Services  
**Importance:** High

Good Morning Jefferson County,

There is an immediate need for Jefferson County Services at Parcel ID: Parcel ID: 19-04-005D-0SWM-0000.

There is a long ongoing situation that has crept to an out of control, unmanageable situation. Soon to be reaching a crisis situation. The grass on Parcel ID: Parcel ID: 19-04-005D-0SWM-0000 has grown out of control to over 1 and a half feet. The parcel is meant to manage the storm water system for the community that I live in. I cannot imagine that the storm water system can be able to function as it should if the grass is 1 and a half feet long. This is an unsafe situation. This is the result of a defunct, rouge, non-existent Homeowners Association. Can you please send a crew to go and mow this Parcel as soon as possible?

Please submit an invoice for your mowing services to the person on Jefferson County record who is responsible for this parcel of land in Jefferson County. DO NOT SEND AN INVOICE TO THE "HOMEOWNERS ASSOCIATION" FOR THE COMMUNITY WHERE THIS PARCEL EXISTS.

Richard Sussmann  
340 Edmond Rd  
Kearneysville, WV 25430

Your immediate attention to this matter is appreciated very much by many helpless residents of the community.

Sincerely,

Mark Werner

~PS~ It seems as though your Map / Parcel website is not functioning correctly. Maybe take a look at it to confirm. I've tried 3 different web browsers. <https://www.mapwv.gov/>

## Lynn Dillow

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Tuesday, June 17, 2025 10:29 PM  
**To:** Patricia Rucker  
**Cc:** mike.azinger@wvsenate.gov; jason.barrett@wvsenate.gov; kevan.bartlett@wvsenate.gov; donna.boleyn@wvsenate.gov; laura.chapman@wvsenate.gov; anne.charnock@wvsenate.gov; charles.clements@wvsenate.gov; vince.deeds@wvsenate.gov; scott.fuller@wvsenate.gov; joey.garcia@wvsenate.gov; amy.grady@wvsenate.gov; bill.hamilton@wvsenate.gov; craig.hart@wvsenate.gov; brian.helton@wvsenate.gov; glenn.jeffries@wvsenate.gov; patrick.martin@wvsenate.gov; mark.maynard@wvsenate.gov; robbie.morris@wvsenate.gov; mike.oliverio@wvsenate.gov; rupie.phillips@wvsenate.gov; ben.queen@wvsenate.gov; rollan.roberts@wvsenate.gov; chris.rose@wvsenate.gov; randy.smith@wvsenate.gov; mike.stuart@wvsenate.gov; tom.takubo@wvsenate.gov; darren.thorne@wvsenate.gov; eric.tarr@wvsenate.gov; jay.taylor@wvsenate.gov; jay.taylor@wvsenate.gov; darren.thorne@wvsenate.gov; ryan.weld@wvsenate.gov; tom.willis@wvsenate.gov; mike.woelfel@wvsenate.gov; jack.woodrum@wvsenate.gov; Wayne.Clark@wvhouse.gov; joe.funkhouser@wvhouse.gov; chris.anders@wvhouse.gov; bill.ridenour@wvhouse.gov; David Bound; Lynn Dillow; Jessica James; Roger Goodwin; Edwina Benites; Pasha Majdi; Jack Hefestay; ed.thomas@pmpbiz.com; Patrick.Vasold@pmpbiz.com; Kyle.Thomas@pmpbiz.com; E.Lodge@pmpbiz.com; Keith.Stains@pmpbiz.com; Richard A. Sussmann; info@WVOHOA.org  
**Subject:** Re: Homeowners Associations  
**Attachments:** 01.jpg; 02.jpg; 03.jpg; 04.jpg; 05.jpg

Hello,

Today I want to circle back to the senator or senators that feel "It is up to an individual to choose to live in a HOA." That is correct. It is 100 correct.

The owner of the property in the 5 attached photos chose to do that. That property is in Gap View Village. The individual that owns the property in the attached photos is a member of the Gap View Village Homeowners Association Board of Directors.

We cannot expect anyone other than Richard to tell us for sure how many noncompliant violations of the Covenants, Conditions, and Restrictions of Gap View Village Homeowners Association that there are in the attached photos.

The state of West Virginia does not want to dictate what HOAs can and cannot do. Would the state, or even the county, have an interest in how well our HOA Community Managers in West Virginia are performing? Is there any interest?

Let's have a senator, or even a commissioner, ask Richard how many total violations there are in the attached photos. Total count. For a hypothetical example, 1 photo of 10 donkeys is not 1 violation of 10 donkeys. It is 10 separate violations of a donkey.

Or the senators and commissioners can even guess how many total violations that there are.

Who am I kidding? We know nobody is going to ask Richard. I don't anticipate anyone else will respond either. That said, I am confident that we can all agree that whatever the count, the number will be greater than zero (0).

The point being, when an individual chooses to live in this HOA, Gap View Village Homeowners Association, the individual also makes 2 other choices when purchasing a property to live in Gap View Village. The individual, in most all cases, signs a mortgage. Included as part of that mortgage signing is a Planned Unit Development Rider. It is a part of the mortgage or the deed of trust. It is a legal binding document. That document informs the individual that they will also be bound to the homeowner's association "Constituent Documents". For example, the Gap View Village Homeowners Association Constituent Documents are "Bylaws of Gap View Village Homeowners Association" and "Declaration of Covenants, Conditions, Restrictions and Easements for Gap View Village Subdivision". Those documents are also legal binding documents. That's it. Hard stop.

Aside from Constituent Documents and everything else. Am I really the only one that feels that this is all a little bit askew? An individual purchases a home in Gap View Village. Individual has been living here for 15 years. Immediately seemingly begins brazenly disregarding anything in Gap View Village's Constituent Documents. I've never seen anything like it. In the process, the individual pursues becoming a member of the Board of Directors for Gap View Village Homeowners Association. Even better, Richard reviewed the individual's credentials and qualifications and nominated the individual to the Board of the Directors. Am I really the only one that thinks there might be a disconnect here? Nothing to see here? We're all good? Because I have to drive on a road in Gap View Village every day, stop at a stop sign, and see the property in the attached pictures. Something like this might bother some people more than others.

That said, my apologies for rambling on. I felt it was best to share this experience first to help put some things in perspective going forward.

Sincerely,

Mark Werner

~PS~ The grass still has not been cut. The grass is approaching 20" high. Tomorrow will be 6 days since I began contacting Richard and his company (and I assume the Board of the Directors), and Jefferson County. That contact came 6 days after it already hasn't been cut in at least 2 months. Ironically, all the other common areas in Gap View Village have been getting cut all along. In all seriousness, I am trying to see the big picture. If Richard has an axe to grind with me. I don't care. Richard needs to get over it. Richard has already caused enough harm with his games. Big picture. Constituent Documents. Richard Sussman needs to do his job. This grass had grown for 2 months, a foot and a half. Richard never heard about it. I give up. This has been a long continuous problem. This year has been far worse than ever. Until now, I don't even think of contacting Richard anymore. Somebody needs to cut this damn grass. Someone should explain to me why it hasn't been cut for over 2 months.

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Sunday, June 15, 2025 9:37 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Hello,

A couple of housekeeping items before business of the day. I am really serious to know which senators indicated that the state of West Virginia doesn't need to dictate what Homeowners Associations can or can't. I would like to understand your ideologies. I would like to understand the reasons / examples for this. I would like you to understand my ideologies. I would like you to know the reasons / examples why I disagree. I am also serious to know how zoning laws or building laws were changed to allow Jefferson County or the state of West Virginia to dictate what the builders and developers can and can't do. I would think for sure, at least the Jefferson County Commissioners would know this information. Is this classified information?

Business of the day.

Today's business is in the spirit of Richard's mission statement which he sends out in correspondences with HOA members.

*"One of the primary goals of Gap View Village Homeowners Association, Inc. is to protect the aesthetic appeal and property values of the neighborhood."*

I want to acknowledge that I believe that is an admirable thought.

Taking you back to the summer of 2023. That is now 2 years ago. Attached to this email are 3 notices. Being a Gap View Village homeowner and Gap View Homeowners Association member, I observed something that I felt should be addressed. I thought that what I observed was detrimental to Richard's mission statement.

What I observed was located on property that Richard is responsible for. I prepared and sent a notice to Richard on July 10, 2023. My notice was prepared the exact same way that Richard would prepare the same type of notice. Every single detail of how the notice was prepared was identical to how Richard would have prepared it. Time went by and along came August. I never received any response from Richard. I was still observing what had prompted me to send a notice to Richard. I hadn't heard anything from Richard and what I had observed was still there. I prepared and sent Richard a second notice on August 11, 2023. Again, I prepared and sent the second notice precisely as Richard would do it. Time goes by and what do you know. Here we are in September. Still, I hadn't received any responses from Richard and I still observed what had prompted me to send the first and second notices to Richard. On September 11, 2023, I sent Richard a third notice. Again, I prepared and sent the third notice exactly as Richard would do it.

Today is June 15, 2025. Also attached to this email is a photo. That photo was taken June 14, 2025. The attached photo is of the same thing that I observed in the summer of 2023 when I was prompted to contact Richard.

We are approaching our 2-year anniversary now. To this date, I have never received any kind of response in any way from Richard regarding the 3 notices that I sent to him. I also have never received any kind of response from any of the Gap View Village Homeowners Association Board of Directors. And as we have previously established, Richard shares all of my correspondences with the Board of Directors. I'm not quite sure what to make of it.

To this date, the same exact thing that prompted my concern and had me notify Richard, is still there. It's just a lot bigger.

Senators, I am curious what your thoughts are about this? I am also curious to know how much more all of you think it will cost to remedy this situation now than it would have 2 years ago when Richard first received notice about this? Whatever the difference is that is the extra cost to the HOA members simply because of Richard's negligence and the defunct, non-existent HOA.

Sincerely,

Mark Werner

~PS~ The grass still hasn't been cut, going on 4 days. The grass is over a foot and a half tall. Richard has been notified 4 or 5 times. There has been no response from Richard. And don't forget, the Board of Directors have indicated that they are not interested in speaking with me and that all of my correspondences are to go to the Community Manager.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Friday, June 13, 2025 2:54 PM  
**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>  
**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.bolely@wvsenate.gov <donna.bolely@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A.

Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Hello,

This is simply a short follow-up in response to the responses that some West Virginia State Senators have made regarding their absurd position on HOAs.

Enjoy the attached photo. This is an incredibly small sample size of things you will see should you find yourself in Gap View Village. This is easy. A blind man could probably find this.

It's a stop sign. By law you have to stop. And this is what you see. When Richard Sussman makes his routine trips through Gap View Village, as he has informed me that he does. He has to stop. If he obeys traffic laws, he does. So, Richard Sussmann has to see this. How many times do you think Richard has seen this? By his own admission, he makes trips through Gap View Village. How long do you think it took for that weed to get that large? How long? How long do you think it has been there? Here's even more. One of the HOA Board of Director's has to stop at that stop sign every day. Probably multiple times a day. He has to stop because he has to make a left turn there to get to his junkyard. So at minimum, at least one of the HOA Board of Directors sees that weed every single day. He's watched it grow. Now that it is so large, he can probably see it while he is inside his home. But there it is.

But hey, "We don't want to dictate what HOAs can and cannot do".

Do you know who needs to have a lien put on their property? Property Management People, Inc.

I've offered the best, easiest solution to Richard several times. Disband the defunct, rouge, absent HOA.

Once last thing. I will bet my life, my entire life savings, that there is no subdivision that you can go to anywhere in this country, whether it has an HOA or doesn't have an HOA, and find a stop sign that resembles that. Not anywhere. I can take all of you to Detroit where I grew up and take you down streets that are nothing but mostly burned down crack houses, empty lots, and abandoned cars, and you will not find a stop sign that looks like that. Not even close. I have never seen anything like that. Not anywhere, ever. It is unprecedented.

Richard Sussmann should be prosecuted, and he should be removed from the West Virginia State Bar.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Friday, June 13, 2025 2:22 AM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov

<jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>  
**Subject:** Re: Homeowners Associations

Ms. Rucker,

Really? These are our WV senators?

*"but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do. "*

Can you please provide me with the names of the state senators who stand by this ideology?

This has nothing to do with a person choosing to live in an HOA. This has to do with a person choosing to live in an HOA, and paying for an HOA for 10 years, only to come to the realization the HOA doesn't exist or has gone rouge or is brazenly negligent and has most likely violated a few laws. This has to do with property management companies that run these HOAs and the useless people that volunteer for the board. I could wipe my butt with the money I pay to an HOA every month and get more value out of it than paying it to my HOA.

And let's be crystal clear about these crooked HOA laws. HOAs are not non-profit. The property management companies that manage these HOAs do it for profit. These property management companies are equally a part of the HOA just as the HOA itself is. Regardless of what any person or any crooked law thinks or says. Common sense will tell you this. The laws are for nothing more than to protect the property management companies from any liability.

The HOA rules / laws are ridiculous and provide no recourse for residents, homeowners, TAXPAYERS!

Would your colleagues like to know how many times I have approached the HOA? Would your colleagues like to know how many times the HOA and the Community Manager completely ignore any effort to meet and discuss with them?

Would your colleagues like to know in detail how HOAs abuse their power and use retaliatory tactics in effort to quiet HOA members expressing concerns (which they refer to as "complaining")? How they lie?

Ma'am, I could go on and on. I've lived here in my home for 10 years. Even better, this is my sixth home in 3 states. All but 1 of those homes had an HOA. Nothing, and I mean nothing could even come close to being as bad, as rogue, as non-existent, as negligent, as useless as the HOA that I am currently a member of and pay ees to.

For one, if an HOA isn't providing the services and management, and meeting the obligations that they are required to, why should a homeowner or HOA member have to pay HOA fees. If they purposely, deliberately, consciencely, continuously ignore the Covenants, Conditions, and Restrictions? And if the HOA member doesn't pay their fees, then these despicable human beings have the ability and power to put a lien on your home. Let's forget rules or laws. Let's just simply consider ethics and integrity, and common sense.

I have to assume that all of your colleagues believe if they paid money for a service or a product that they never received, no matter how many times they inquired, that is perfectly fine with them. Is that correct? Ask your colleagues and respond to me to confirm this. Because there can be no other answer.

Take a survey from all your colleagues to find out how many of them own a property management company or are even a landlord. Please provide me with the results of that survey. I bet the survey results would be telling.

Tell your colleagues that I pay property tax to Jefferson County. I pay the same rate of property tax as any homeowner in Jefferson County who isn't part of any HOA. This would seemingly provide me access to the same exact county services as tax paying homeowners who are not in an HOA. But as you and every one of your colleagues very well know, I live in a private community that has access to none of those services because it is an HOA. Why do I pay the same tax rate? Seemingly only to fund your and all of your colleague's retirement pension packages. What other reason could there possibly be? Even worse, I pay the same property tax rate, but I also pay considerably more than that because of fees I pay to a negligent HOA. Even further, all the counties and municipalities, as well as you and all your colleagues, know that by continuing this pattern of behavior, the counties and municipalities can wash their hands of any obligation or liability of having to respond to or provide services to their taxpaying residents because their position is, "You have an HOA." "It's a private community." All the while

collecting our property taxes. We don't even get police patrol in our "private community" because of this. It is impossible to believe that not all of you know this. You have to know this. It would be impossible for any of you not to know this. It was designed this way. The county isn't going to get involved. They are saving so much money and minimizing so much expense by making themselves "legally" not obligated or liable to provide any services to their taxpaying residents. And every single one of you, every one of you, knows that these HOAs are set up here so they are protected from any recourse from tax paying residents. Even if someone wanted to spend thousands of dollars to take legal action, nothing would come of it. Again, every single one of you knows this. Every single one of you. If a tax paying resident calls attorneys looking for help, do you know what they tell you? Because they work with and support so many HOAs, they do not support the single tax paying resident. Conflict of interest. All of this is nothing short of an illegal crime ring. It is appalling. All of you know this.

My suggestion to the loser that is the community manager of our HOA, is and always has been, disband the HOA. Get rid of the HOA. My HOA has made it abundantly clear for years now they have no desire, they have no interest, in managing the community and / or maintaining and enforcing the Covenants, Conditions, and Restrictions. THAT, can be proven to anyone, anytime, anywhere beyond anyone's reasonable doubt. So, get rid of the HOA. Do whatever you want to do on your property. STOP CHARGING ME HOA FEES. That's my solution. Simple. The HOA won't entertain that. The property management company would stop making money hand over foot for doing next to nothing. The county is never going to entertain that. That creates a liability for them. That creates an obligation to provide services and respond to tax paying residents. Which in turn creates more expense for them. Which in turn cuts into the taxpayer funded retirement pension plan for all of you. All of you know this. You have to. Any of you who says they are not aware of this is a liar.

But yet all of you think it is just fine that these crooked property management companies and these rouge, absent, negligent HOAs can charge a tax paying resident like me a monthly fee, and increase it every year, and never, ever be held accountable for responsible for anything, ever. And if a tax paying resident doesn't pay that HOA fee, these corrupt property management companies, who haven't even come close to fulfilling their obligations or responsibilities, can put a lien a tax paying resident's home. That's OK to all of you. That is sick.

But again, all of you, all of you involved know this. You know all of this.

My solution has always been, get rid of the HOA. Simple. Let people live like they want to live. Let them live and act like pigs. That would be fine with me. No one would ever hear from me again. But don't charge me fees for this bullshit.

Do you know who are the worst, most blatant offenders in an HOA, at least mine? The HOA Community Manager and the Board of Directors and the Board of Directors closest neighbors - by a longshot. Your colleagues: "but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA" Didn't these complete failures ON THE BOARD OF DIRECTORS OF THE HOA make that same choice?

To an extent, your colleagues are right. All of us had that choice. We had the opportunity to read the Covenants, Conditions, and Restrictions before purchasing a home in an HOA. At that point we had to make an adult decision as to whether we could live within the compliance of the Covenants, Conditions, and Restrictions or whether we could not. It's that simple. A 6 year old could comprehend that, and

based on that, then everyone can make a decision if they want to purchase a home in an HOA. Tell your colleagues the idea isn't an individual decides to purchase a home in an HOA whether or not the Community Manager and the Board of Directors have any interest in governing the HOA in accordance with the Covenants, Conditions, and Restrictions of the HOA. Which, tell your colleagues, IS A LEGAL BINDING DOCUMENT. This is not rocket science.

So here we are today. The straw that broke the camel's back. I have watched new developments everywhere in Jefferson County being built. Ruining the beautiful community that I moved to 10 years ago. I noticed recently that the very first things being built in these new developments are playgrounds, parks, or swimming pools. All this before one nail is pounded into one board on any new residence. I thought to myself, "How stupid is that." And "That sure doesn't seem like any developers I've ever seen or known." Then, I learned today that zoning laws "or something of the sort" were changed to "require" the developers to build all of these promised "extras" first before any residences could be built. The reason for this is so the developers could no longer disappear after building the residences and never building any of the promised "extras". Honestly, I think that was an admirable idea. However, how did that legislation get passed? Did you participate in getting that passed, ma'am? Did your colleagues participate in getting that passed? Was the Jefferson County Commission involved in getting that passed? Do you know what is so disturbingly telling about this, ma'am? Here in West Virginia, specifically Jefferson County, we'll pass legislation to promote the development so that we can attract new residents so we can generate more and more tax revenue so that taxpayer funded retirement pension funds can continue to be generously funded. Here in West Virginia, specifically Jefferson County, after that, who cares? It eventually turns into an HOA. It's a private community. It completely removes any obligation or responsibility or liability to Jefferson County. It saves Jefferson County probably millions in expense from having to provide any services or having to hire and pay staff to provide those services. It removes any liability from Jefferson County. Meanwhile, the taxpayer residents living in these rouge, absent, negligent HOA communities bear the burden.

This type of governing has also allowed Jefferson County to have so much extra money they are going to build a brand-new Government and Judicial Complex. Isn't that nice? A brand-new concession building at the park. That allows Jefferson County to make even more money from their tax paying residents.

But to hell with the tax paying residents of Jefferson County living in an HOA.

Even more fuel for the fire. Richard Sussman has used money from HOA member fees to pay for membership to West Virginia Organization of Homeowners Associations for him and the HOA Board of Directors. An organization to support the HOAs and the property management companies. Not the homeowners. Not the residents. Not the HOA members. Not the tax payers. Why does this pattern keep repeating itself? Why does this WVHOA organization even exist. Who funds it? Do taxpayers fund this organization? Where is the organization to support the homeowner? The resident? The HOA member? The taxpayer? In any case, WVHOA, an organization with a wealth of support, training, advice, etc. for Richard Sussman and his Board of Directors. Training that there is clearly record that Richard Sussman has taken advantage of. Yet still, STILL, either, a.) They've learned absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify the from being an HOA Community Manager or on the Board of Directors. Or b.) They absolutely 100% do not care at all what their roles and responsibilities are and brazenly neglect nearly all of them. There is no other answer.

So, at this juncture I have a couple requests of you. And please keep in mind, I fund your salary, and I fund your retirement pension. Those are two things you, your colleagues, or any HOA do not do for me.

1.) I live in Gap View Village. 44 General Kershaw CT, Harpers Ferry, WV 25425. The Community Manager for our HOA is Richard Sussman. One of the most despicable, useless, lying, crooked, unethical, weasel, coward human beings I have interacted with in my entire 62 years of life. In my opinion a complete piece of trash human being with zero integrity and zero ethics. A little weasel that is all too aware of the ridiculous, untouchable power someone in his role has. But yet time and time again he has exhibited to me that either, a.) He knows absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify him from being an HOA Community Manager. Or b.) He absolutely 100% does not care at all what his role and responsibilities are and brazenly neglects nearly all of them. There is no other answer. And he certainly could care less about Gap View Village. He doesn't live there.

I realize Richard Sussman is probably a friend of yours and all of your colleagues. We know how you lawyers stick together. The best advice I can offer to you is perhaps consider finding different friends.

Next week, the week of June 16th, I would like you to come and visit me at my home. I will provide you with a copy of my HOA's Covenants, Conditions, and Restrictions. We will take my dog for a walk through the entire community of Gap View Village. We will talk. I will share all the correspondence I have had or have tried to have with Richard Sussman (Your colleagues: "and also that an individual who disagrees can petition their HOA to change the rules.") In addition, Richard Sussman has assured me he has shared all of my correspondence I have had with him, with the HOA Board of Directors. To that end, all of them too, either a.) Know absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify all of them from being on an HOA Board of Directors. Or b.) They absolutely 100% do not care at all what their role and responsibilities are and brazenly disregard nearly all of them. There is no other answer.

I will share stories with you in detail, ma'am, regarding my experiences and interactions with Richard Sussman over the years as it relates to my HOA that will (should) blow you away. You may even be so taken a back that you refuse to believe me. I assure you, I am an open book. I have nothing to hide. I have nothing to embellish. I have nothing to lie about - and I do not lie. And anything I share with you I will, as they say today, "bring the receipts" for everything. EVERYTHING. Correspondences, hundreds of photos, videos gathered over numerous years of living in Gap View Village. Nothing I share with you can be successfully disputed by anyone. Since you have indicated to me that your colleagues are in need of an education, I encourage you to invite your colleagues to Gap View Village to walk with us. Invite all of them. Three years ago you engaged with The WV Independent Observer to publish an article about "The Burden of Defunct HOAs". We know how that ended. Invite The Observer to come walk-through Gap View Village with us. They can publish a follow-up article. They can publish their article based on a firsthand experience of a defunct, absent, negligent HOA. They can have a detailed interview with me, an HOA member who has experienced a defunct HOA for years. They can write about despicable people like Richard Sussman and his company, Property Management People, Inc., who profit from these defunct HOAs. Please feel free to invite Richard Sussman to walk with us through Gap View Village. Maybe you will have better luck than I have had trying to get him to do this. Richard Sussman's phone number is (681) 252-0217. Richard Sussman' email address is Richard.sussmann@pmpbiz.com. I am all for 100%

transparency and communication. Heck, invite the Spirit of Jefferson. Invite the Journal. Invite a television news crew. Most importantly, I am expecting for you to come visit me, walk through Gap View Village with me. See things and hear things that you will absolutely refuse to believe but have no other choice but to believe it. I will even buy you lunch. Choose whatever time and day next week that you would like to come and visit me that is most convenient for you. I will be available. You will be my top priority next week.

2.) I would like for you to explain to me how a tax paying resident like me can go to Charleston, WV and make a presentation to the West Virginia Senate (your colleagues). Heck, the House if I can too. I have spent a considerable amount of time putting together a presentation for the purpose of having Richard Sussman removed from the West Virginia State Bar. After hearing the narrow-minded, absurd, uninformed, misinformed responses from your colleagues, I now want to give my presentation to your colleagues in Charleston, WV. Please guide me on how to go about this.

I look forward to meeting with you next week and sharing an eye-opening experience with you.

Most Sincerely,

Mark Werner

PS - Please tell your colleagues no one ever suggested or indicated they dictate to HOAs what they can or can't do (but someone sure needs to). Simply asking them to be fair to tax paying residents. And by the way. At some point someone passed legislation that dictated how a defunct, absent, negligent HOA has the power to put a lien on a tax paying resident's home if they don't pay for services that they don't receive. That seems to be OK with your colleagues. Where are we living? China?

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**From:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Sent:** Tuesday, April 8, 2025 5:50 PM

**To:** Mark Werner <mark\_werner@outlook.com>

**Subject:** RE: Homeowners Associations

Mr. Werner, I am so sorry that I didn't respond to you. I tried to do pass a bill this session to help you but it failed. I should have let you know but simply it was so busy trying to get bills through and chair a committee, and I just did not email you.

We do need to do something about HOA's and I can tell you that I will not give up because you are not the only one suffering from injustice, but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do. This is why my bill failed.

There is an organization that represents HOA's, so they are on the side of the HOA's, not yours or mine, but they have offered to help me with what I am trying to do which is rein in HOA's which are not following reasonable rules and respecting homeowner's rights. This organization is called Community Associations Institute, or CAI, and their address is 6402 Arlington Blvd., Suite 500, Falls Church, VA, 22042. The phone number is 888-224-4321. The person I spoke to is Crystal L. Wallace.

Sincerely,

Senator Patricia Rucker  
16<sup>th</sup> Senatorial District  
Serving Jefferson and Berkeley Counties  
Room 214-W, State Capitol  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0800

[Patricia.rucker@wvsenate.gov](mailto:Patricia.rucker@wvsenate.gov)



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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Tuesday, April 8, 2025 4:15 PM  
**To:** advocate@homeownersvoice.com; Patricia Rucker <Patricia.Rucker@wvsenate.gov>  
**Subject:** Re: Homeowners Associations

Hello,

I just wanted to take a quick minute to follow-up - 2 months later - and offer some solid, good advice.

Decommission the website at <https://www.homeownersvoice.com/> It serves no purpose and provides no value. It is nothing more than a destination of false hope.

Ms. Rucker, you need to just simply resign. I have lived in Jefferson County for almost 10 years. Simply, you need to resign. You are the epitome of a politician and false hope. Like other initiatives of yours, this one is another dead end. Always looks good in the press - the newspaper articles, doesn't it, Ms. Rucker? Until someone actually attempts to allow through.

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**From:** Mark Werner  
**Sent:** Wednesday, January 29, 2025 2:43 PM  
**To:** [advocate@homeownersvoice.com](mailto:advocate@homeownersvoice.com); [patricia.rucker@wvsenate.gov](mailto:patricia.rucker@wvsenate.gov)  
**Subject:** Homeowners Associations

Hello,

I was curious to know if Homeowners Voice is still active and / or how it has progressed since 2023. I first read about the organization in 2023. At that time there was a survey online to submit concerns or complaints. That is still the survey online "HOA Survey Summer 2023". This is what made me curious to know if Homeowners Voice was still alive and kicking.

I need help. I am at the end of my rope. I have been dealing with a corrupt, dishonest HOA for a long time.

They continue to operate deceitfully, corruptly, dishonestly, not able to provide records, Ignoring their own Covenants, Conditions, Restrictions, & Easements, Operate with "The rules are for thee, not for me." approach. Have retaliatory approaches in effort to silence homeowners raising concerns, etc., etc., etc. I could go on and on and on.

A tax paying, law abiding, Jefferson County resident has absolutely zero recourse. HOAs know this and unfortunately many HOAs exploit this to knowingly, consciencely, behave badly. Nothing can be done. West Virginia should ban HOAs.

Look, I cannot even believe I have reached this place because of an HOA. I moved from Michigan years ago. I have fought and battled major depression for 25 years and have done a lot of hard work to keep myself alive. My move from Michigan was one of the most beneficial things I have done in my fight. Then about 6 years ago I engaged with the despicable Homeowners Association for my community. I had been doing so well. Now, fighting with this negligence, deceitful, ethic less, dishonest, etc. HOA, I am at the end of my rope. The years of being required to endure this bullshit has taken its toll on me. I have no hope, I have no desire to live, I again have suicidal ideologies.

Why is a tax paying resident of Jefferson County required to tolerate this? WHY SHOULD I HAVE TO PAY HOMEOWNERS ASSOCIATION FEES TO TOLERATE THIS. And if I don't pay the fees, the HOA can put a lien on my property. The HOA can act and behave however they choose but if I stop paying my HOA fees because of a disagreement with the services the HOA is providing (or not) and / or the HOA's behavior, the HOA is still allowed to put a lien on my property if I don't pay HOA fees. Where are we? Why is this allowed to continue? West Virginia should change the name to HOP (Homeowners Prison). For this to be allowed to go on is despicable.

I try to talk to an attorney (Why should I have to do this?) they indicate that they don't support individual HOA members because they work directly with many HOAs. You can't find an attorney to help (Why should I have to?).

I am at the end of my rope. I need help. Is the Homeowners Voice still active and available? Can you provide any guidance on where to get good legal advice or any suggestions for a homeowner? Can Jefferson County or the State of West Virginia help protect their individual taxpaying, HOA fee paying, HOA members, the same way they help to protect Homeowners Associations in West Virginia. West Virginia would be a much better place to live if it banned HOAs.

Are you able to provide any worthwhile, not dead end, help or guidance?

Thank you in advance.

Sincerely,

Mark Werner











## Lynn Dillow

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Thursday, June 19, 2025 12:28 AM  
**To:** Patricia Rucker  
**Cc:** mike.azinger@wvsenate.gov; jason.barrett@wvsenate.gov; kevan.bartlett@wvsenate.gov; donna.boleyn@wvsenate.gov; laura.chapman@wvsenate.gov; anne.charnock@wvsenate.gov; charles.clements@wvsenate.gov; vince.deeds@wvsenate.gov; scott.fuller@wvsenate.gov; joey.garcia@wvsenate.gov; amy.grady@wvsenate.gov; bill.hamilton@wvsenate.gov; craig.hart@wvsenate.gov; brian.helton@wvsenate.gov; glenn.jeffries@wvsenate.gov; patrick.martin@wvsenate.gov; mark.maynard@wvsenate.gov; robbie.morris@wvsenate.gov; mike.oliverio@wvsenate.gov; rupie.phillips@wvsenate.gov; ben.queen@wvsenate.gov; rollan.roberts@wvsenate.gov; chris.rose@wvsenate.gov; randy.smith@wvsenate.gov; mike.stuart@wvsenate.gov; tom.takubo@wvsenate.gov; darren.thorne@wvsenate.gov; eric.tarr@wvsenate.gov; jay.taylor@wvsenate.gov; jay.taylor@wvsenate.gov; darren.thorne@wvsenate.gov; ryan.weld@wvsenate.gov; tom.willis@wvsenate.gov; mike.woelfel@wvsenate.gov; jack.woodrum@wvsenate.gov; Wayne.Clark@wvhouse.gov; joe.funkhouser@wvhouse.gov; chris.anders@wvhouse.gov; bill.ridenour@wvhouse.gov; David Bound; Lynn Dillow; Jessica James; Roger Goodwin; Edwina Benites; Pasha Majdi; Jack Hefestay; ed.thomas@pmpbiz.com; Patrick.Vasold@pmpbiz.com; Kyle.Thomas@pmpbiz.com; E.Lodge@pmpbiz.com; Keith.Stains@pmpbiz.com; Richard A. Sussmann; info@WVOHOA.org  
**Subject:** Re: Homeowners Associations  
**Attachments:** grass08.jpg; grass00.jpg; trailer05.jpg; trailer04.jpg; bball02.jpg

Hello,

The grass was cut today. Thank you! Doesn't it look beautiful?

I stumbled across something funny today. The attached photo with the long grass was taken May 2nd. Note how long the grass was on May 2nd. How long do you think it had already been growing back then? Maybe 1 month. The beginning of April? It must be approximately 2 ½ months now. I, being the complainer that Richard refers to me as, never mentioned the long grass to Richard until just recently, after 2 1/2 months of growing.

Is there nobody here who feels as though I should be able to know a reason or have an explanation why this common area grass went uncut for 2 1/2 months while the grass in all other common areas was being cut on a regular basis?

Offering a small bit more insight to a pattern of Richard's behavior as HOA Community Manager. When there is a chance of snow in Jefferson County, Richard may send out a message to Gap View Village residents which is from Richard and the HOA Board of Directors. The memo requests that no vehicles park on the roads in Gap View Village and to remove all portable basketball hoops from the roads as well. The message indicates that if vehicles are left parked on the road, they are subject to being towed by the HOA at the owner's expense.

In one photo attached to this message there is a trailer with junk piled in it that was parked on the road in Gap View Village a few days after it snowed. It's important to note that the trailer filled with junk had been parked there in the road for months. The complainer never contacted Richard. Yet every single day the complainer had to circle a roundabout at the main entrance of Gap View Village and view the trailer filled with junk and sitting in the road. I finally contacted Richard after it snowed this past January and brought it to Richard's attention that it has been 3 days since the snow and the trailer still hadn't been towed. I never received any acknowledgement or response from Richard. Although, after some time, finally some small progress was made. The trailer filled with junk was moved and is now parked in a driveway of a residence in Gap View Village. The trailer is still parked there today in June. Everybody that circles the roundabout at the main entrance of Gap View Village sees this trailer. You cannot miss it. I am thinking that maybe moving the trailer filled with junk from the road to a driveway in Gap View Village doesn't quite resolve the noncompliance violation.

In reference to the portable basketball hoop in the attached photo. One time Richard sent out his snow message. It snowed. I can't make this up. Out of all the properties in Gap View Village, only 1 property had left their basketball hoop in the road when it snowed. Ironically, the 1 property that left the basketball hoop out in the road is the same property of the individual who is a member of the HOA Board of Directors that I referenced to you yesterday.

Sincerely,

Mark Werner

**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Tuesday, June 17, 2025 10:28 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>;

bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>  
**Subject:** Re: Homeowners Associations

Hello,

Today I want to circle back to the senator or senators that feel "It is up to an individual to choose to live in a HOA." That is correct. It is 100 correct.

The owner of the property in the 5 attached photos chose to do that. That property is in Gap View Village. The individual that owns the property in the attached photos is a member of the Gap View Village Homeowners Association Board of Directors.

We cannot expect anyone other than Richard to tell us for sure how many noncompliant violations of the Covenants, Conditions, and Restrictions of Gap View Village Homeowners Association that there are in the attached photos.

The state of West Virginia does not want to dictate what HOAs can and cannot do. Would the state, or even the county, have an interest in how well our HOA Community Managers in West Virginia are performing? Is there any interest?

Let's have a senator, or even a commissioner, ask Richard how many total violations there are in the attached photos. Total count. For a hypothetical example, 1 photo of 10 donkeys is not 1 violation of 10 donkeys. It is 10 separate violations of a donkey.

Or the senators and commissioners can even guess how many total violations that there are.

Who am I kidding? We know nobody is going to ask Richard. I don't anticipate anyone else will respond either. That said, I am confident that we can all agree that whatever the count, the number will be greater than zero (0).

The point being, when an individual chooses to live in this HOA, Gap View Village Homeowners Association, the individual also makes 2 other choices when purchasing a property to live in Gap View Village. The individual, in most all cases, signs a mortgage. Included as part of that mortgage signing is a Planned Unit Development Rider. It is a part of the mortgage or the deed of trust. It is a legal binding document. That document informs the individual that they will also be bound to the homeowner's association "Constituent Documents". For example, the Gap View Village Homeowners Association Constituent Documents are "Bylaws of Gap View Village Homeowners Association" and "Declaration of Covenants, Conditions, Restrictions and Easements for Gap View Village Subdivision". Those document are also legal binding documents. That's it. Hard stop.

Aside from Constituent Documents and everything else. Am I really the only one that feels that this is all a little bit askew? An individual purchases a home in Gap View Village. Individual have been living here for 15 years. Immediately seemingly begins brazenly disregarding anything in Gap View Village's Constituent Documents. I've never seen anything like it. In the process, the individual pursues becoming a member of the Board of Directors for Gap View Village Homeowners Association. Even better, Richard reviewed the individual's credentials and qualifications and nominated the individual to the Board of the Directors. Am I really the only one that thinks there might be a disconnect here? Nothing to see here? We're all good? Because I have to drive on a road in Gap View Village every day, stop at a stop sign, and see the property in the attached pictures. Something like this might bother some people more than others.

That said, my apologies for rambling on. I felt it was best to share this experience first to help put some things in perspective going forward.

Sincerely,

Mark Werner

~PS~ The grass still has not been cut. The grass is approaching 20" high. Tomorrow will be 6 days since I began contacting Richard and his company (and I assume the Board of the Directors), and Jefferson County. That contact came 6 days after it already hasn't been cut in at least 2 months. Ironically, all the other common areas in Gap View Village have been getting cut all along. In all seriousness, I am trying to see the big picture. If Richard has an axe to grind with me. I don't care. Richard needs to get over it. Richard has already caused enough harm with his games. Big picture. Constituent Documents. Richard Sussman needs to do his job. This grass had grown for 2 months, a foot and a half. Richard never heard about. I give up. This has been a long continuous problem. This year has been far worse than ever. Until now, I don't even think of contacting Richard anymore. Somebody needs to cut this damn grass. Someone should explain to me why it hasn't been cut for over 2 months.

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Sunday, June 15, 2025 9:37 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov

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**Subject:** Re: Homeowners Associations

Hello,

A couple of housekeeping items before business of the day. I am really serious to know which senators indicated that the state of West Virginia doesn't need to dictate what Homeowners Associations can or can't. I would like to understand your ideologies. I would like to understand the reasons / examples for this. I would like you to understand my ideologies. I would like you to know the reasons / examples why I disagree. I am also serious to know how zoning laws or building laws were changed to allow Jefferson County or the state of West Virginia to dictate what the builders and developers can and can't do. I would think for sure, at least the Jefferson County Commissioners would know this information. Is this classified information?

Business of the day.

Today's business is in the spirit of Richard's mission statement which he sends out in correspondences with HOA members.

*"One of the primary goals of Gap View Village Homeowners Association, Inc. is to protect the aesthetic appeal and property values of the neighborhood."*

I want to acknowledge that I believe that is an admirable thought.

Taking you back to the summer of 2023. That is now 2 years ago. Attached to this email are 3 notices. Being a Gap View Village homeowner and Gap View Homeowners Association member, I observed something that I felt should be addressed. I thought that what I observed was detrimental to Richard's mission statement.

What I observed was located on property that Richard is responsible for. I prepared and sent a notice to Richard on July 10, 2023. My notice was prepared the exact same way that Richard would prepare the

same type of notice. Every single detail of how the notice was prepared was identical to how Richard would have prepared it. Time went by and along came August. I never received any response from Richard. I was still observing what had prompted me to send a notice to Richard. I hadn't heard anything from Richard and what I had observed was still there. I prepared and sent Richard a second notice on August 11, 2023. Again, I prepared and sent the second notice precisely as Richard would do it. Time goes by and what do you know. Here we are in September. Still, I hadn't received any responses from Richard and I still observed what had prompted me to send the first and second notices to Richard. On September 11, 2023, I sent Richard a third notice. Again, I prepared and sent the third notice exactly as Richard would do it.

Today is June 15, 2025. Also attached to this email is a photo. That photo was taken June 14, 2025. The attached photo is of the same thing that I observed in the summer of 2023 when I was prompted to contact Richard.

We are approaching our 2-year anniversary now. To this date, I have never received any kind of response in any way from Richard regarding the 3 notices that I sent to him. I also have never received any kind of response from any of the Gap View Village Homeowners Association Board of Directors. And as we have previously established, Richard shares all of my correspondences with the Board of Directors. I'm not quite sure what to make of it.

To this date, the same exact thing that prompted my concern and had me notify Richard, is still there. It's just a lot bigger.

Senators, I am curious what your thoughts are about this? I am also curious to know how much more all of you think it will cost to remedy this situation now than it would have 2 years ago when Richard first received notice about this? Whatever the difference is that is the extra cost to the HOA members simply because of Richard's negligence and the defunct, non-existent HOA.

Sincerely,

Mark Werner

~PS~ The grass still hasn't been cut, going on 4 days. The grass is over a foot and a half tall. Richard has been notified 4 or 5 times. There has been no response from Richard. And don't forget, the Board of Directors have indicated that they are not interested in speaking with me and that all of my correspondences are to go to the Community Manager.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Friday, June 13, 2025 2:54 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Hello,

This is simply a short follow-up in response to the responses that some West Virginia State Senators have made regarding their absurd position on HOAs.

Enjoy the attached photo. This is an incredibly small sample size of things you will see should you find yourself in Gap View Village. This is easy. A blind man could probably find this.

It's a stop sign. By law you have to stop. And this is what you see. When Richard Sussman makes his routine trips through Gap View Village, as he has informed me that he does. He has to stop. If he obeys traffic laws, he does. So, Richard Sussmann has to see this. How many times do you think Richard has seen this? By his own admission, he makes trips through Gap View Village. How long do you think it took

for that weed to get that large? How long? How long do you think it has been there? Here's even more. One of the HOA Board of Director's has to stop at that stop sign every day. Probably multiple times a day. He has to stop because he has to make a left turn there to get to his junkyard. So at minimum, at least one of the HOA Board of Directors sees that weed every single day. He's watched it grow. Now that it is so large, he can probably see it while he is inside his home. But there it is.

But hey, "We don't want to dictate what HOAs can and cannot do".

Do you know who needs to have a lien put on their property? Property Management People, Inc.

I've offered the best, easiest solution to Richard several times. Disband the defunct, rouge, absent HOA.

Once last thing. I will bet my life, my entire life savings, that there is no subdivision that you can go to anywhere in this country, whether it has an HOA or doesn't have an HOA, and find a stop sign that resembles that. Not anywhere. I can take all of you to Detroit where I grew up and take you down streets that are nothing but mostly burned down crack houses, empty lots, and abandoned cars, and you will not find a stop sign that looks like that. Not even close. I have never seen anything like that. Not anywhere, ever. It is unprecedented.

Richard Sussmann should be prosecuted, and he should be removed from the West Virginia State Bar.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Friday, June 13, 2025 2:22 AM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov

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**Subject:** Re: Homeowners Associations

Ms. Rucker,

Really? These are our WV senators?

*"but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do. "*

Can you please provide me with the names of the state senators who stand by this ideology?

This has nothing to do with a person choosing to live in an HOA. This has to do with a person choosing to live in an HOA, and paying for an HOA for 10 years, only to come to the realization the HOA doesn't exist or has gone rouge or is brazenly negligent and has most likely violated a few laws. This has to do with property management companies that run these HOAs and the useless people that volunteer for the board. I could wipe my butt with the money I pay to an HOA every month and get more value out of it than paying it to my HOA.

And let's be crystal clear about these crooked HOA laws. HOAs are not non-profit. The property management companies that manage these HOAs do it for profit. These property management companies are equally a part of the HOA just as the HOA itself is. Regardless of what any person or any crooked law thinks or says. Common sense will tell you this. The laws are for nothing more than to protect the property management companies from any liability.

The HOA rules / laws are ridiculous and provide no recourse for residents, homeowners, TAXPAYERS!

Would your colleagues like to know how many times I have approached the HOA? Would your colleagues like to know how many times the HOA and the Community Manager completely ignore any effort to meet and discuss with them?

Would your colleagues like to know in detail how HOAs abuse their power and use retaliatory tactics in effort to quiet HOA members expressing concerns (which they refer to as "complaining")? How they lie?

Ma'am, I could go on and on. I've lived here in my home for 10 years. Even better, this is my sixth home in 3 states. All but 1 of those homes had an HOA. Nothing, and I mean nothing could even come close to being as bad, as rogue, as non-existent, as negligent, as useless as the HOA that I am currently a member of and payees to.

For one, if an HOA isn't providing the services and management, and meeting the obligations that they are required to, why should a homeowner or HOA member have to pay HOA fees. If they purposely, deliberately, consciencely, continuously ignore the Covenants, Conditions, and Restrictions? And if the HOA member doesn't pay their fees, then these despicable human beings have the ability and power to put a lien on your home. Let's forget rules or laws. Let's just simply consider ethics and integrity, and common sense.

I have to assume that all of your colleagues believe if they paid money for a service or a product that they never received, no matter how many times they inquired, that is perfectly fine with them. Is that correct? Ask your colleagues and respond to me to confirm this. Because there can be no other answer.

Take a survey from all your colleagues to find out how many of them own a property management company or are even a landlord. Please provide me with the results of that survey. I bet the survey results would be telling.

Tell your colleagues that I pay property tax to Jefferson County. I pay the same rate of property tax as any homeowner in Jefferson County who isn't part of any HOA. This would seemingly provide me access to the same exact county services as tax paying homeowners who are not in an HOA. But as you and every one of your colleagues very well know, I live in a private community that has access to none of those services because it is an HOA. Why do I pay the same tax rate? Seemingly only to fund your and all of your colleague's retirement pension packages. What other reason could there possibly be? Even worse, I pay the same property tax rate, but I also pay considerably more than that because of fees I pay to a negligent HOA. Even further, all the counties and municipalities, as well as you and all your colleagues, know that by continuing this pattern of behavior, the counties and municipalities can wash their hands of any obligation or liability of having to respond to or provide services to their taxpaying residents because their position is, "You have an HOA." "It's a private community." All the while collecting our property taxes. We don't even get police patrol in our "private community" because of this. It is impossible to believe that not all of you know this. You have to know this. It would be impossible for any of you not to know this. It was designed this way. The county isn't going to get involved. They are saving so much money and minimizing so much expense by making themselves "legally" not obligated or liable to provide any services to their taxpaying residents. And every single one of you, every one of you, knows that these HOAs are set up here so they are protected from any recourse from tax paying residents. Even if someone wanted to spend thousands of dollars to take legal action, nothing would come of it. Again, every single one of you knows this. Every single one of you. If a tax paying resident calls attorneys looking for help, do you know what they tell you? Because they work with and support so many HOAs, they do not support the single tax paying resident. Conflict of interest. All of this is nothing short of an illegal crime ring. It is appalling. All of you know this.

My suggestion to the loser that is the community manager of our HOA, is and always has been, disband the HOA. Get rid of the HOA. My HOA has made it abundantly clear for years now they have no desire, they have no interest, in managing the community and / or maintaining and enforcing the Covenants,

Conditions, and Restrictions. THAT, can be proven to anyone, anytime, anywhere beyond anyone's reasonable doubt. So, get rid of the HOA. Do whatever you want to do on your property. STOP CHARGING ME HOA FEES. That's my solution. Simple. The HOA won't entertain that. The property management company would stop making money hand over foot for doing next to nothing. The county is never going to entertain that. That creates a liability for them. That creates an obligation to provide services and respond to tax paying residents. Which in turn creates more expense for them. Which in turn cuts into the taxpayer funded retirement pension plan for all of you. All of you know this. You have to. Any of you who says they are not aware of this is a liar.

But yet all of you think it is just fine that these crooked property management companies and these rouge, absent, negligent HOAs can charge a tax paying resident like me a monthly fee, and increase it every year, and never, ever be held accountable for responsible for anything, ever. And if a tax paying resident doesn't pay that HOA fee, these corrupt property management companies, who haven't even come close to fulfilling their obligations or responsibilities, can put a lien a tax paying resident's home. That's OK to all of you. That is sick.

But again, all of you, all of you involved know this. You know all of this.

My solution has always been, get rid of the HOA. Simple. Let people live like they want to live. Let them live and act like pigs. That would be fine with me. No one would ever hear from me again. But don't charge me fees for this bullshit.

Do you know who are the worst, most blatant offenders in an HOA, at least mine? The HOA Community Manager and the Board of Directors and the Board of Directors closest neighbors - by a longshot. Your colleagues: "but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA" Didn't these complete failures ON THE BOARD OF DIRECTORS OF THE HOA make that same choice?

To an extent, your colleagues are right. All of us had that choice. We had the opportunity to read the Covenants, Conditions, and Restrictions before purchasing a home in an HOA. At that point we had to make an adult decision as to whether we could live within the compliance of the Covenants, Conditions, and Restrictions or whether we could not. It's that simple. A 6 year old could comprehend that, and based on that, then everyone can make a decision if they want to purchase a home in an HOA. Tell your colleagues the idea isn't an individual decides to purchase a home in an HOA whether or not the Community Manager and the Board of Directors have any interest in governing the HOA in accordance with the Covenants, Conditions, and Restrictions of the HOA. Which, tell your colleagues, IS A LEGAL BINDING DOCUMENT. This is not rocket science.

So here we are today. The straw that broke the camel's back. I have watched new developments everywhere in Jefferson County being built. Ruining the beautiful community that I moved to 10 years ago. I noticed recently that the very first things being built in these new developments are playgrounds, parks, or swimming pools. All this before one nail is pounded into one board on any new residence. I thought to myself, "How stupid is that." And "That sure doesn't seem like any developers I've ever seen or known." Then, I learned today that zoning laws "or something of the sort" were changed to "require" the developers to build all of these promised "extras" first before any residences could be built. The reason for this is so the developers could no longer disappear after building the residences and never building any of the promised "extras". Honestly, I think that was an admirable idea. However, how did

that legislation get passed? Did you participate in getting that passed, ma'am? Did your colleagues participate in getting that passed? Was the Jefferson County Commission involved in getting that passed? Do you know what is so disturbingly telling about this, ma'am? Here in West Virginia, specifically Jefferson County, we'll pass legislation to promote the development so that we can attract new residents so we can generate more and more tax revenue so that taxpayer funded retirement pension funds can continue to be generously funded. Here in West Virginia, specifically Jefferson County, after that, who cares? It eventually turns into an HOA. It's a private community. It completely removes any obligation or responsibility or liability to Jefferson County. It saves Jefferson County probably millions in expense from having to provide any services or having to hire and pay staff to provide those services. It removes any liability from Jefferson County. Meanwhile, the taxpayer residents living in these rouge, absent, negligent HOA communities bear the burden.

This type of governing has also allowed Jefferson County to have so much extra money they are going to build a brand-new Government and Judicial Complex. Isn't that nice? A brand-new concession building at the park. That allows Jefferson County to make even more money from their tax paying residents.

But to hell with the tax paying residents of Jefferson County living in an HOA.

Even more fuel for the fire. Richard Sussman has used money from HOA member fees to pay for membership to West Virginia Organization of Homeowners Associations for him and the HOA Board of Directors. An organization to support the HOAs and the property management companies. Not the homeowners. Not the residents. Not the HOA members. Not the tax payers. Why does this pattern keep repeating itself? Why does this WVHOA organization even exist. Who funds it? Do taxpayers fund this organization? Where is the organization to support the homeowner? The resident? The HOA member? The taxpayer? In any case, WVHOA, an organization with a wealth of support, training, advice, etc. for Richard Sussman and his Board of Directors. Training that there is clearly record that Richard Sussman has taken advantage of. Yet still, STILL, either, a.) They've learned absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify the from being an HOA Community Manager or on the Board of Directors. Or b.) They absolutely 100% do not care at all what their roles and responsibilities are and brazenly neglect nearly all of them. There is no other answer.

So, at this juncture I have a couple requests of you. And please keep in mind, I fund your salary, and I fund your retirement pension. Those are two things you, your colleagues, or any HOA do not do for me.

1.) I live in Gap View Village. 44 General Kershaw CT, Harpers Ferry, WV 25425. The Community Manager for our HOA is Richard Sussman. One of the most despicable, useless, lying, crooked, unethical, weasel, coward human beings I have interacted with in my entire 62 years of life. In my opinion a complete piece of trash human being with zero integrity and zero ethics. A little weasel that is all too aware of the ridiculous, untouchable power someone in his role has. But yet time and time again he has exhibited to me that either, a.) He knows absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify him from being an HOA Community Manager. Or b.) He absolutely 100% does not care at all what his role and responsibilities are and brazenly neglects nearly all of them. There is no other answer. And he certainly could care less about Gap View Village. He doesn't live there.

I realize Richard Sussman is probably a friend of yours and all of your colleagues. We know how you lawyers stick together. The best advice I can offer to you is perhaps consider finding different friends.

Next week, the week of June 16th, I would like you to come and visit me at my home. I will provide you with a copy of my HOA's Covenants, Conditions, and Restrictions. We will take my dog for a walk through the entire community of Gap View Village. We will talk. I will share all the correspondence I have had or have tried to have with Richard Sussman (Your colleagues: "and also that an individual who disagrees can petition their HOA to change the rules.") In addition, Richard Sussman has assured me he has shared all of my correspondence I have had with him, with the HOA Board of Directors. To that end, all of them too, either a.) Know absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify all of them from being on an HOA Board of Directors. Or b.) They absolutely 100% do not care at all what their role and responsibilities are and brazenly disregard nearly all of them. There is no other answer.

I will share stories with you in detail, ma'am, regarding my experiences and interactions with Richard Sussman over the years as it relates to my HOA that will (should) blow you away. You may even be so taken a back that you refuse to believe me. I assure you, I am an open book. I have nothing to hide. I have nothing to embellish. I have nothing to lie about - and I do not lie. And anything I share with you I will, as they say today, "bring the receipts" for everything. EVERYTHING. Correspondences, hundreds of photos, videos gathered over numerous years of living in Gap View Village. Nothing I share with you can be successfully disputed by anyone. Since you have indicated to me that your colleagues are in need of an education, I encourage you to invite your colleagues to Gap View Village to walk with us. Invite all of them. Three years ago you engaged with The WV Independent Observer to publish an article about "The Burden of Defunct HOAs". We know how that ended. Invite The Observer to come walk-through Gap View Village with us. They can publish a follow-up article. They can publish their article based on a firsthand experience of a defunct, absent, negligent HOA. They can have a detailed interview with me, an HOA member who has experienced a defunct HOA for years. They can write about despicable people like Richard Sussman and his company, Property Management People, Inc., who profit from these defunct HOAs. Please feel free to invite Richard Sussman to walk with us through Gap View Village. Maybe you will have better luck than I have had trying to get him to do this. Richard Sussman's phone number is (681) 252-0217. Richard Sussman' email address is Richard.sussmann@pmpbiz.com. I am all for 100% transparency and communication. Heck, invite the Spirit of Jefferson. Invite the Journal. Invite a television news crew. Most importantly, I am expecting for you to come visit me, walk through Gap View Village with me. See things and hear things that you will absolutely refuse to believe but have no other choice but to believe it. I will even buy you lunch. Choose whatever time and day next week that you would like to come and visit me that is most convenient for you. I will be available. You will be my top priority next week.

2.) I would like for you to explain to me how a tax paying resident like me can go to Charleston, WV and make a presentation to the West Virginia Senate (your colleagues). Heck, the House if I can too. I have spent a considerable amount of time putting together a presentation for the purpose of having Richard Sussman removed from the West Virginia State Bar. After hearing the narrow-minded, absurd, uninformed, misinformed responses from your colleagues, I now want to give my presentation to your colleagues in Charleston, WV. Please guide me on how to go about this.

I look forward to meeting with you next week and sharing an eye-opening experience with you.

Most Sincerely,

Mark Werner

PS - Please tell your colleagues no one ever suggested or indicated they dictate to HOAs what they can or can't do (but someone sure needs to). Simply asking them to be fair to tax paying residents. And by the way. At some point someone passed legislation that dictated how a defunct, absent, negligent HOA has the power to put a lien on a tax paying resident's home if they don't pay for services that they don't receive. That seems to be OK with your colleagues. Where are we living? China?

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**From:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Sent:** Tuesday, April 8, 2025 5:50 PM

**To:** Mark Werner <mark\_werner@outlook.com>

**Subject:** RE: Homeowners Associations

Mr. Werner, I am so sorry that I didn't respond to you. I tried to do pass a bill this session to help you but it failed. I should have let you know but simply it was so busy trying to get bills through and chair a committee, and I just did not email you.

We do need to do something about HOA's and I can tell you that I will not give up because you are not the only one suffering from injustice, but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do. This is why my bill failed.

There is an organization that represents HOA's, so they are on the side of the HOA's, not yours or mine, but they have offered to help me with what I am trying to do which is rein in HOA's which are not following reasonable rules and respecting homeowner's rights. This organization is called Community Associations Institute, or CAI, and their address is 6402 Arlington Blvd., Suite 500, Falls Church, VA, 22042. The phone number is 888-224-4321. The person I spoke to is Crystal L. Wallace.

Sincerely,

**Senator Patricia Rucker**  
16<sup>th</sup> Senatorial District  
Serving Jefferson and Berkeley Counties  
Room 214-W, State Capitol  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0800

[Patricia.rucker@wvsenate.gov](mailto:Patricia.rucker@wvsenate.gov)



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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Tuesday, April 8, 2025 4:15 PM

**To:** advocate@homeownersvoice.com; Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Subject:** Re: Homeowners Associations

Hello,

I just wanted to take a quick minute to follow-up - 2 months later - and offer some solid, good advice.

Decommission the website at <https://www.homeownersvoice.com/> It serves no purpose and provides no value. It is nothing more than a destination of false hope.

Ms. Rucker, you need to just simply resign. I have lived in Jefferson County for almost 10 years. Simply, you need to resign. You are the epitome of a politician and false hope. Like other initiatives of yours, this one is another dead end. Always looks good in the press - the newspaper articles, doesn't it, Ms. Rucker? Until someone actually attempts to allow through.

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**From:** Mark Werner

**Sent:** Wednesday, January 29, 2025 2:43 PM

**To:** [advocate@homeownersvoice.com](mailto:advocate@homeownersvoice.com); [patricia.rucker@wvsenate.gov](mailto:patricia.rucker@wvsenate.gov)

**Subject:** Homeowners Associations

Hello,

I was curious to know if Homeowners Voice is still active and / or how it has progressed since 2023. I first read about the organization in 2023. At that time there was a survey online to submit concerns or complaints. That is still the survey online "HOA Survey Summer 2023". This is what made me curious to know if Homeowners Voice was still alive and kicking.

I need help. I am at the end of my rope. I have been dealing with a corrupt, dishonest HOA for a long time.

They continue to operate deceitfully, corruptly, dishonestly, not able to provide records, Ignoring their own Covenants, Conditions, Restrictions, & Easements, Operate with "The rules are for thee, not for me." approach. Have retaliatory approaches in effort to silence homeowners raising concerns, etc., etc., etc. I could go on and on and on.

A tax paying, law abiding, Jefferson County resident has absolutely zero recourse. HOAs know this and unfortunately many HOAs exploit this to knowingly, consciencely, behave badly. Nothing can be done. West Virginia should ban HOAs.

Look, I cannot even believe I have reached this place because of an HOA. I moved from Michigan years ago. I have fought and battled major depression for 25 years and have done a lot of hard work to keep myself alive. My move from Michigan was one of the most beneficial things I have done in my fight. Then about 6 years ago I engaged with the despicable Homeowners Association for my community. I had been doing so well. Now, fighting with this negligence, deceitful, ethic less, dishonest, etc. HOA, I am at the

end of my rope. The years of being required to endure this bullshit has taken its toll on me. I have no hope, I have no desire to live, I again have suicidal ideologies.

Why is a tax paying resident of Jefferson County required to tolerate this? WHY SHOULD I HAVE TO PAY HOMEOWNERS ASSOCIATION FEES TO TOLERATE THIS. And if I don't pay the fees, the HOA can put a lien on my property. The HOA can act and behave however they choose but if I stop paying my HOA fees because of a disagreement with the services the HOA is providing (or not) and / or the HOA's behavior, the HOA is still allowed to put a lien on my property if I don't pay HOA fees. Where are we? Why is this allowed to continue? West Virginia should change the name to HOP (Homeowners Prison). For this to be allowed to go on is despicable.

I try to talk to an attorney (Why should I have to do this?) they indicate that they don't support individual HOA members because they work directly with many HOAs. You can't find an attorney to help (Why should I have to?).

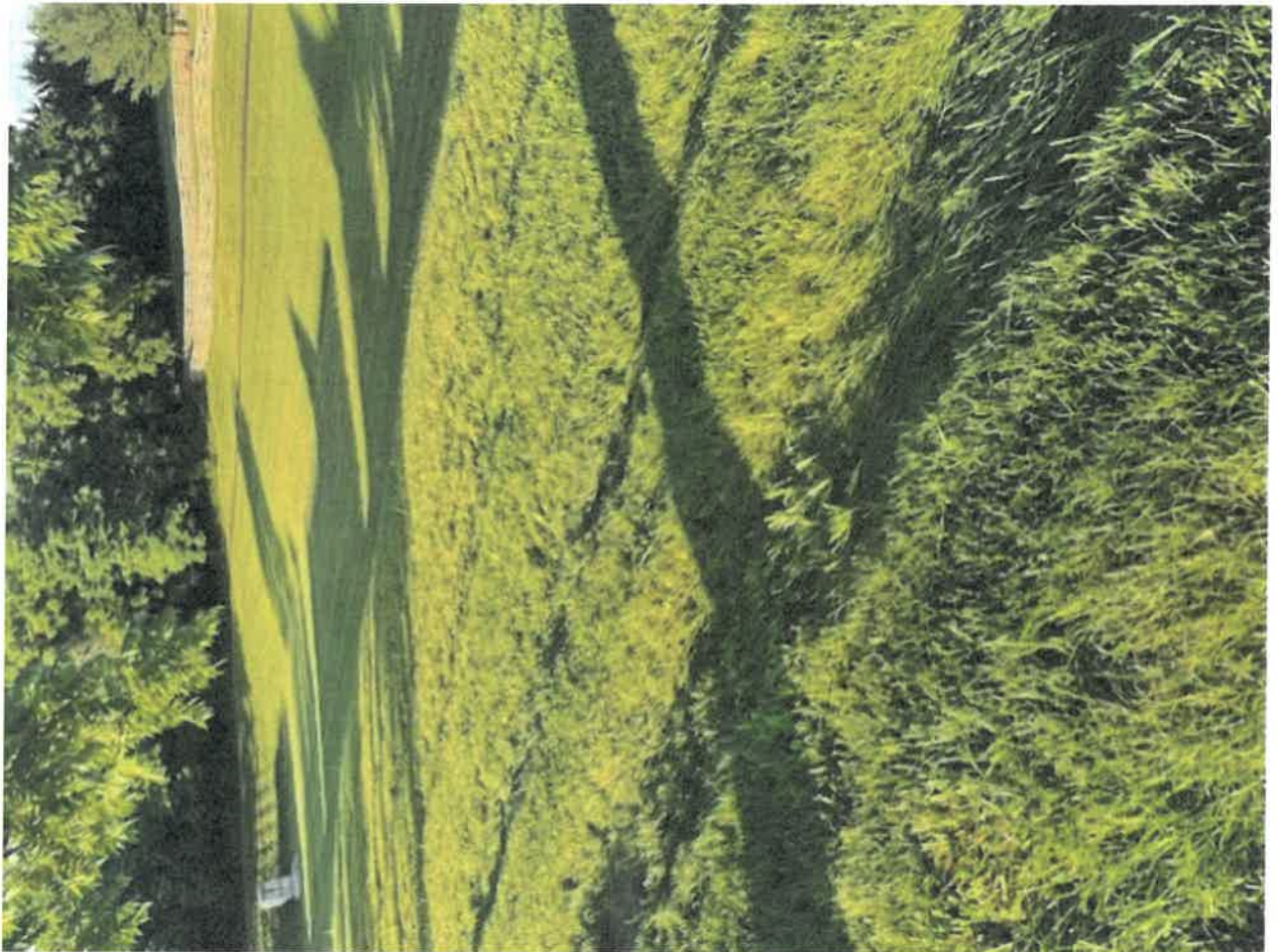
I am at the end of my rope. I need help. Is the Homeowners Voice still active and available? Can you provide any guidance on where to get good legal advice or any suggestions for a homeowner? Can Jefferson County or the State of West Virginia help protect their individual taxpaying, HOA fee paying, HOA members, the same way they help to protect Homeowners Associations in West Virginia. West Virginia would be a much better place to live if it banned HOAs.

Are you able to provide any worthwhile, not dead end, help or guidance?

Thank you in advance.

Sincerely,

Mark Werner











## Lynn Dillow

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Tuesday, June 24, 2025 1:25 PM  
**To:** Patricia Rucker  
**Cc:** mike.azinge@wvsenate.gov; jason.barrett@wvsenate.gov; kevan.bartlett@wvsenate.gov; donna.bole@wvsenate.gov; laura.chapman@wvsenate.gov; anne.charnock@wvsenate.gov; charles.clements@wvsenate.gov; vince.deeds@wvsenate.gov; scott.fuller@wvsenate.gov; joey.garcia@wvsenate.gov; amy.grady@wvsenate.gov; bill.hamilton@wvsenate.gov; craig.hart@wvsenate.gov; brian.helton@wvsenate.gov; glenn.jeffries@wvsenate.gov; patrick.martin@wvsenate.gov; mark.maynard@wvsenate.gov; robbie.morris@wvsenate.gov; mike.oliverio@wvsenate.gov; rupie.phillips@wvsenate.gov; ben.queen@wvsenate.gov; rollan.roberts@wvsenate.gov; chris.rose@wvsenate.gov; randy.smith@wvsenate.gov; mike.stuart@wvsenate.gov; tom.takubo@wvsenate.gov; darren.thorne@wvsenate.gov; eric.tarr@wvsenate.gov; jay.taylor@wvsenate.gov; jay.taylor@wvsenate.gov; darren.thorne@wvsenate.gov; ryan.weld@wvsenate.gov; tom.willis@wvsenate.gov; mike.woelfel@wvsenate.gov; jack.woodrum@wvsenate.gov; Wayne.Clark@wvhouse.gov; joe.funkhouser@wvhouse.gov; chris.anders@wvhouse.gov; bill.ridenour@wvhouse.gov; David Bound; Lynn Dillow; Jessica James; Roger Goodwin; Edwina Benites; Pasha Majdi; Jack Hefestay; ed.thomas@pmpbiz.com; Patrick.Vasold@pmpbiz.com; Kyle.Thomas@pmpbiz.com; E.Lodge@pmpbiz.com; Keith.Stains@pmpbiz.com; Richard A. Sussmann; info@WVOHOA.org  
**Subject:** Re: Homeowners Associations  
**Attachments:** HOA Correspondance.pdf; common\_area.jpg

Hello,

I hope I have been able to begin to shed at least a little bit of light on the culture and behaviors of Richard and Gap View Village Homeowners Association.

Senators, I really do need to get some understanding as to what is the foundation or the basis that allows the state of West Virginia to choose to believe, "It is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do."

Attached to this message is a correspondence that took place between Richard and I regarding ongoing violations of items 19 & 20 of the Gap View Homeowners Association's Declaration of Covenants, Conditions & Restrictions. Also attached is an image to allow a better understanding of the violation. My property is outlined in red. The area of the ongoing violations is outlined in yellow. Incidentally, the area outlined in yellow is also the area where the grass seemingly never gets cut.

The attached correspondence is in chronological order from the oldest correspondence to the most recent correspondence. The first correspondence happens on April 9, 2022, when I contacted Richard regarding the violations. Richard had been the Community Manager for approximately 5 years at this point. You can see how my frustration has increased with the status / presence of any HOA at Gap View Village. I presented my concerns to Richard and asked him to address it.

Richard responded with a long-winded message about what "I" can do. Richard went on to imply I should become Deputy Barney Fife of Gap View Village and investigate further. Nowhere in Richard's response did he give any indication that he was interested in engaging to put a stop to the violations. Richard did not even exhibit any interest to investigate the violations for himself. I did what I needed to do. I acknowledged the violation. I reported the violation to my HOA's Community Manager. I wasn't looking to hunt people down and prosecute them. I wasn't interested in knowing anyone's name. I wanted the violations to stop. Not just then at that particular time but going forward too. Not just chase down some kids to get them in trouble. Only to find myself doing it again, and again. I am not the Community Manager. I am not on the Board of Directors of the HOA. My position is and always has been, most especially since Richard became Community Manager, to dissolve the HOA. Richard could have just simply said "Thank you for bringing it to my attention" and sent out a reminder correspondence to all the residents / members of the HOA regarding the violation. Richard could have done "something". Instead, Richard wants to imply as though he requires pictures, names, addresses, police reports, fingerprints, mugshots, etc., before he is able or allowed to engage as the Community Manager for the HOA to enforce the HOA's Covenants, Conditions & Restrictions and / or bylaws.

Does everybody reading this understand the structure of an HOA? What it is? What it means? Does everybody reading this understand what an HOA Declaration of Covenants, Conditions and Restrictions is? What it represents? What it means? What its significance is? What about HOA bylaws? Does everybody reading this understand the roles, responsibilities, and obligations of an HOA Community Manager?


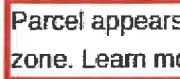
I feel it is important to add. When these violations first began, after Richard had become Community Manager, I did try talking to the offender. The first offender. A boy in a go-kart. I walked to the back of my property. I asked the boy to stop when he came by. I was very polite to the boy. I asked him where he lived. I explained to the boy he can't be riding in this area. I explained to him about my dog and how it was bothering her. I asked him to go ride the go-kart over by his house. So again, I am not looking to prosecute anyone or get kids in trouble. I just want the violations behind my property to stop. To make matters worse. It wasn't even 30 minutes later, the boy on the go-kart was back, stopped on my property revving up the engine. Senators, what would your next move be in this situation? There are reasons that I purchased the property at Gap View Village that I did. One of those reasons was the open property behind me. I looked into this property, what it was, who's it was, what can or cannot be done to / on the property, etc.

Further, let's say I pursued Richard's ridiculous suggestions. Let's say the police were to come and investigate. At some point the police would ask who's property it is.

Toggle Highlight: ON

 Copy Link

Parcel ID: 19-04-005D-OSWM-0000

Owner(s):	GAP VIEW VILLAGE HOA ASSOC INC	Community:	JEFFERSON
Address:	GENERAL KERSHAW CT	E-911 Address:	N/A
Class Type:	Residential	External Links:	
Legal Description:	OSWM & BUFFER STRIP GAP VIEW; VILLAGE (12.22 A)	Flood Info:	 Parcel appears zone. Learn mc

Best I can tell, according to Jefferson County, Gap View Village Homeowners Association owns the property. I guess that would be Richard. The police would suggest that I need to talk to the owners of the property. Back to Richard. Not only that, according to Jefferson County, the property appears to be in a HIGH RISK flood hazard zone. Makes you wonder why Richard would allow anything to go on at that property.

Richard and the HOA are known to send out correspondence to the Gap View Village residents / members if a doggie goes poo-poo on the side of the road. They send out correspondence when there is a chance that we might get 2" of snow. Why do you suppose Richard and the HOA would fight and resist sending out a correspondence to the Gap View Village residents / members regarding these clear violations? If for nothing else, in the name of safety.

The next correspondence regarding these violations came on June 26, 2023. I contacted Richard again. This is now over 1 year since the first correspondence on April 9, 2022. Since April 9, 2022, there has been no further correspondence about these violations. The violations hadn't stopped. Richard took no actions whatsoever. At this point, this was out of control, just as the rest of the Gap View Community was getting. The violations were every day, day and night. I tried to implore Richard to do "something". I have a dog at my property and an invisible fence that separates her from the common area property. It works well unless you have minibikes, ATVs, motorcycles, etc. racing around near her, making her anxious and aggravated enough to go through the invisible fence. I ended up having to re-flag the invisible fence and re-train my dog. I work at home many times if I am not out of town. I was not even able attend meetings or have meetings from my property with the windows in my house open because of the noise from the motorbikes.. If it was a nice day I could not even think about working outside on my patio because of the noise of the motorbikes. Richard could have pursued installing safety bollards at the walking trail entrances. Richard could have pursued installing signs at walking trail entrances indicating what is prohibited. I see these type of safety precautions in place at most every walking trail I see. That leads me to believe that it must be a good idea. Certainly proactive. When you think about the world we live in today, frequently hearing about vehicles driving through pedestrians, etc., you would think that this would be a no brainer for an HOA Community Manager. As noted in my correspondence to Richard, a kid crashed through a residence's fence. Who didn't see this coming? This common area property is like a bowl. The motorbikes could race up the sides and go airborne at top of hill. That is how the kid crashed. The kid was very fortunate that he was not hurt worse. I don't know how he wasn't. His bike hit the fence. His bike stopped immediately. He didn't. So, Richard, what if that kid was hurt worse? What if that kid died? What if they raced up the hill went airborne, landed on my dog and killed her? What about that, Richard? You could have been proactive over 1 year earlier and have done "something". Instead, you have done "nothing". Sooner or later that accident will happen somewhere in

Gap View Village. Just by the way people drive and the types of unauthorized vehicles on the roads. It's going to happen sooner or later. It's inevitable. When it does happen, Richard's negligence as HOA Community Manager will be at least part of the cause.

On June 27, 2023, Richard responded indicating my feedback was duly noted by the Board of Directors.

On June 27, 2023, Richard sent out a communication to all of the Gap View Village residents / HOA members regarding the violations.

At this juncture it gets interesting.

June 26, 2023 10:16 AM - I send a correspondence to Richard regarding these ongoing violations.

June 27, 2023 8:40 AM - Richard sends correspondence to me indicating my feedback is duly noted.

June 27, 2023 11:18 PM - Richard sends out correspondence to Gap View Village regarding violations.

June 28, 2023 10:50 AM - Richard creeps over near my property to take a picture and proceeds to write a violation on my property.

June 29, 2023 1:51 AM - Richard submits the compliance violation on my property into the HOA management website database.

June 29, 2023 5:22 AM - I respond to Richard regarding the ridiculous violation.

June 29, 2023 - I receive the compliance violation in the mail.

June 30, 2023 9:23 AM - No response received to my previous correspondence to Richard, I sent a follow-up response to Richard.

July 18, 2023 - I sent a violation notice in Gap View Village Homeowners Association official format to Richard, informing Richard the violations were occurring again.

July 21, 2023 - Per Richard's request, I contacted him to inform him that I finished my painting project and to arrange to visit my property to re-inspect my property violation issued on June 28, 2023.

After June 27, 2023, when Richard sent me a correspondence indicating that my feedback was duly noted, I have not received any response or correspondence in any way from Richard regarding this matter. Still to do this day, June 23, 2025, I have heard nothing from Richard. This, even though I sent multiple correspondences to Richard indicating that I want to meet with him to discuss the property violations. This, even though I sent multiple messages informing Richard that I had recently purchased all the materials for a painting project that I was starting. I informed Richard I had the receipts from purchasing the materials. I informed Richard everything is on my kitchen counter. This, after I contacted Richard to inform him my painting project was completed and I was ready for inspection. To this day, June 23, 2025, nothing at all from Richard.

Who behaves like this?

Richard sees my 3rd correspondence regarding these violations on June 27, 2023. Late night on June 27, 2023, Richard sends out correspondence to the residents / members of Gap View Village. The very next morning, June 28, 2023, Richard is near my property taking a picture to create a violation for my property. In the wee hours of the next morning, June 29, 2023, Richard enters the record for my property violation into the HOA system database. Apparently, Richard had already taken the time to mail the violation on June 28, 2023, as I also received the violation in the mail on June 29, 2023. Then I

attempt to connect with Richard, he disappears. Nothing. Richard, the HOA Community Manager, completely ignores me. Read through the attached correspondences.

Who behaves like this?

Everybody feel free to look at my appalling property violation in the photo on the violation letter in the attached HOA correspondence. Feel free to let me know what you see or what you think. Enlarge the photo if you need to. I had to enlarge it.

Then take a ride through Gap View Village. Or review some of the previous correspondences I have sent to all of you. Or take the time to read and view any of my future correspondences. Everyone is entitled to have their own opinion or draw their own conclusions. I have. I conclude that Richard's ridiculous behavior noted above was retaliatory behavior and abuse of his power as community Manager in response to what Richard refers to as, "complaining". Nobody could honestly, truthfully, convince me to believe anything else. Just look at the pattern of behavior. Look at the time frames. Richard indicated in the violation notice that he made a recent visit to my community. During that visit, Richard had to pass numerous glaring violations on his way to my property. We won't find any violations recorded for them.

That day Richard came to my property, June 28, 2023, every property on my cul-de-sac had at least 1 violation as "egregious" as mine. None of those properties received a violation letter. I believe they all still have those violations today, June 23, 2023. Important note: This is not to be interpreted as a complaint on my neighbors. Richard nor the HOA should use this as a reason to attack my neighbors for violations. The violations on my cul-de-sac are minimal compared to most of the rest of Gap View Village. In addition, a good number of my neighbors are nearly 90 years old. Get all of the other egregious violations in the community rooted out, then feel free to treat my neighbors equally and fairly.

But the bar has been set. It has been set by the HOA Community Manager. Any violation of the HOA Covenants, Conditions and Restrictions as equally egregious as the violation on my property, or worse, needs to be enforced. Correct? Please explain to me if that is just crazy thinking. I have correspondence from Richard indicating that "the Association" will equally enforce the Covenants against all units. It is not even open for debate whether or not that approach to enforcement is being applied in Gap View Village. Today. Right now. If you were to drive into Gap View Village's main entrance, before you even exited the entry roundabout, you would see no less than 5 HOA Covenant, Conditions, and Restrictions violations.

And think about this, Senators. I would expect that Richard would have to share with, if not get approval from, the Board of Directors of the HOA, to submit that violation on my property. Obviously, they agreed that was a good, sound, fair decision. Think about that and what I have presented to you so far. Think about that when you read anything I present to you in the future. Look at the photo of my property violation. Take a drive through Gap View Village.

It's almost as if was targeted too.

Please help me to understand. " "It is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do."

I disagree.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Thursday, June 19, 2025 12:28 AM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org

<jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>  
**Subject:** Re: Homeowners Associations

Hello,

The grass was cut today. Thank you! Doesn't it look beautiful?

I stumbled across something funny today. The attached photo with the long grass was taken May 2nd. Note how long the grass was on May 2nd. How long do you think it had already been growing back then? Maybe 1 month. The beginning of April? It must be approximately  $2 \frac{1}{2}$  months now. I, being the complainer that Richard refers to me as, never mentioned the long grass to Richard until just recently, after 2 1/2 months of growing.

Is there nobody here who feels as though I should be able to know a reason or have an explanation why this common area grass went uncut for 2 1/2 months while the grass in all other common areas was being cut on a regular basis?

Offering a small bit more insight to a pattern of Richard's behavior as HOA Community Manager. When there is a chance of snow in Jefferson County, Richard may send out a message to Gap View Village residents which is from Richard and the HOA Board of Directors. The memo requests that no vehicles park on the roads in Gap View Village and to remove all portable basketball hoops from the roads as well. The message indicates that if vehicles are left parked on the road, they are subject to being towed by the HOA at the owner's expense.

In one photo attached to this message there is a trailer with junk piled in it that was parked on the road in Gap View Village a few days after it snowed. It's important to note that the trailer filled with junk had been parked there in the road for months. The complainer never contacted Richard. Yet every single day the complainer had to circle a roundabout at the main entrance of Gap View Village and view the trailer filled with junk and sitting in the road. I finally contacted Richard after it snowed this past January and brought it to Richard's attention that it has been 3 days since the snow and the trailer still hadn't been towed. I never received any acknowledgement or response from Richard. Although, after some time, finally some small progress was made. The trailer filled with junk was moved and is now parked in a driveway of a residence in Gap View Village. The trailer is still parked there today in June. Everybody that circles the roundabout at the main entrance of Gap View Village sees this trailer. You cannot miss it. I am thinking that maybe moving the trailer filled with junk from the road to a driveway in Gap View Village doesn't quite resolve the noncompliance violation.

In reference to the portable basketball hoop in the attached photo. One time Richard sent out his snow message. It snowed. I can't make this up. Out of all the properties in Gap View Village, only 1 property had left their basketball hoop in the road when it snowed. Ironically, the 1 property that left the basketball hoop out in the road is the same property of the individual who is a member of the HOA Board of Directors that I referenced to you yesterday.

Sincerely,

Mark Werner

**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Tuesday, June 17, 2025 10:28 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Hello,

Today I want to circle back to the senator or senators that feel "It is up to an individual to choose to live in a HOA." That is correct. It is 100 correct.

The owner of the property in the 5 attached photos chose to do that. That property is in Gap View Village. The individual that owns the property in the attached photos is a member of the Gap View Village Homeowners Association Board of Directors.

We cannot expect anyone other than Richard to tell us for sure how many noncompliant violations of the Covenants, Conditions, and Restrictions of Gap View Village Homeowners Association that there are in the attached photos.

The state of West Virginia does not want to dictate what HOAs can and cannot do. Would the state, or even the county, have an interest in how well our HOA Community Managers in West Virginia are performing? Is there any interest?

Let's have a senator, or even a commissioner, ask Richard how many total violations there are in the attached photos. Total count. For a hypothetical example, 1 photo of 10 donkeys is not 1 violation of 10 donkeys. It is 10 separate violations of a donkey.

Or the senators and commissioners can even guess how many total violations that there are.

Who am I kidding? We know nobody is going to ask Richard. I don't anticipate anyone else will respond either. That said, I am confident that we can all agree that whatever the count, the number will be greater than zero (0).

The point being, when an individual chooses to live in this HOA, Gap View Village Homeowners Association, the individual also makes 2 other choices when purchasing a property to live in Gap View Village. The individual, in most all cases, signs a mortgage. Included as part of that mortgage signing is a Planned Unit Development Rider. It is a part of the mortgage or the deed of trust. It is a legal binding document. That document informs the individual that they will also be bound to the homeowner's association "Constituent Documents". For example, the Gap View Village Homeowners Association Constituent Documents are "Bylaws of Gap View Village Homeowners Association" and "Declaration of Covenants, Conditions, Restrictions and Easements for Gap View Village Subdivision". Those document are also legal binding documents. That's it. Hard stop.

Aside from Constituent Documents and everything else. Am I really the only that feels that this is all a little bit askew? An individual purchases a home in Gap View Village. Individual have been living here for 15 years. Immediately seemingly begins brazenly disregarding anything in Gap View Village's Constituent Documents. I've never seen anything like it. In the process, the individual pursues becoming a member of the Board of Directors for Gap View Village Homeowners Association. Even better, Richard reviewed the individual's credentials and qualifications and nominated the individual to the Board of the Directors. Am I really the only one that thinks there might be a disconnect here? Nothing to see here? We're all good? Because I have to drive on a road in Gap View Village every day, stop at a stop sign, and see the property in the attached pictures. Something like this might bother some people more than others.

That said, my apologies for rambling on. I felt it was best to share this experience first to help put some things in perspective going forward.

Sincerely,

Mark Werner

~PS~ The grass still has not been cut. The grass is approaching 20" high. Tomorrow will be 6 days since I began contacting Richard and his company (and I assume the Board of the Directors), and Jefferson County. That contact came 6 days after it already hasn't been cut in at least 2 months. Ironically, all the other common areas in Gap View Village have been getting cut all along. In all seriousness, I am trying to see the big picture. If Richard has an axe to grind with me. I don't care. Richard needs to get over it. Richard has already caused enough harm with his games. Big picture. Constituent Documents. Richard Sussman needs to do his job. This grass had grown for 2 months, a foot and a half. Richard never heard about. I give up. This has been a long continuous problem. This year has been far worse than ever. Until now, I don't even think of contacting Richard anymore. Somebody needs to cut this damn grass. Someone should explain to me why it hasn't been cut for over 2 months.

---

**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Sunday, June 15, 2025 9:37 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Hello,

A couple of housekeeping items before business of the day. I am really serious to know which senators indicated that the state of West Virginia doesn't need to dictate what Homeowners Associations can or can't. I would like to understand your ideologies. I would like to understand the reasons / examples for this. I would like you to understand my ideologies. I would like you to know the reasons / examples why I disagree. I am also serious to know how zoning laws or building laws were changed to allow Jefferson County or the state of West Virginia to dictate what the builders and developers can and can't do. I would think for sure, at least the Jefferson County Commissioners would know this information. Is this classified information?

Business of the day.

Today's business is in the spirit of Richard's mission statement which he sends out in correspondences with HOA members.

*"One of the primary goals of Gap View Village Homeowners Association, Inc. is to protect the aesthetic appeal and property values of the neighborhood."*

I want to acknowledge that I believe that is an admirable thought.

Taking you back to the summer of 2023. That is now 2 years ago. Attached to this email are 3 notices. Being a Gap View Village homeowner and Gap View Homeowners Association member, I observed something that I felt should be addressed. I thought that what I observed was detrimental to Richard's mission statement.

What I observed was located on property that Richard is responsible for. I prepared and sent a notice to Richard on July 10, 2023. My notice was prepared the exact same way that Richard would prepare the same type of notice. Every single detail of how the notice was prepared was identical to how Richard would have prepared it. Time went by and along came August. I never received any response from Richard. I was still observing what had prompted me to send a notice to Richard. I hadn't heard anything from Richard and what I had observed was still there. I prepared and sent Richard a second notice on August 11, 2023. Again, I prepared and sent the second notice precisely as Richard would do it. Time goes by and what do you know. Here we are in September. Still, I hadn't received any responses from Richard and I still observed what had prompted me to send the first and second notices to Richard. On September 11, 2023, I sent Richard a third notice. Again, I prepared and sent the third notice exactly as Richard would do it.

Today is June 15, 2025. Also attached to this email is a photo. That photo was taken June 14, 2025. The attached photo is of the same thing that I observed in the summer of 2023 when I was prompted to contact Richard.

We are approaching our 2-year anniversary now. To this date, I have never received any kind of response in any way from Richard regarding the 3 notices that I sent to him. I also have never received any kind of response from any of the Gap View Village Homeowners Association Board of Directors. And as we

have previously established, Richard shares all of my correspondences with the Board of Directors. I'm not quite sure what to make of it.

To this date, the same exact thing that prompted my concern and had me notify Richard, is still there. It's just a lot bigger.

Senators, I am curious what your thoughts are about this? I am also curious to know how much more all of you think it will cost to remedy this situation now than it would have 2 years ago when Richard first received notice about this? Whatever the difference is that is the extra cost to the HOA members simply because of Richard's negligence and the defunct, non-existent HOA.

Sincerely,

Mark Werner

~PS~ The grass still hasn't been cut, going on 4 days. The grass is over a foot and a half tall. Richard has been notified 4 or 5 times. There has been no response from Richard. And don't forget, the Board of Directors have indicated that they are not interested in speaking with me and that all of my correspondences are to go to the Community Manager.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Friday, June 13, 2025 2:54 PM  
**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>  
**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.bolely@wvsenate.gov <donna.bolely@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov

<randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>  
**Subject:** Re: Homeowners Associations

Hello,

This is simply a short follow-up in response to the responses that some West Virginia State Senators have made regarding their absurd position on HOAs.

Enjoy the attached photo. This is an incredibly small sample size of things you will see should you find yourself in Gap View Village. This is easy. A blind man could probably find this.

It's a stop sign. By law you have to stop. And this is what you see. When Richard Sussman makes his routine trips through Gap View Village, as he has informed me that he does. He has to stop. If he obeys traffic laws, he does. So, Richard Sussmann has to see this. How many times do you think Richard has seen this? By his own admission, he makes trips through Gap View Village. How long do you think it took for that weed to get that large? How long? How long do you think it has been there? Here's even more. One of the HOA Board of Director's has to stop at that stop sign every day. Probably multiple times a day. He has to stop because he has to make a left turn there to get to his junkyard. So at minimum, at least one of the HOA Board of Directors sees that weed every single day. He's watched it grow. Now that it is so large, he can probably see it while he is inside his home. But there it is.

But hey, "We don't want to dictate what HOAs can and cannot do".

Do you know who needs to have a lien put on their property? Property Management People, Inc.

I've offered the best, easiest solution to Richard several times. Disband the defunct, rouge, absent HOA.

Once last thing. I will bet my life, my entire life savings, that there is no subdivision that you can go to anywhere in this country, whether it has an HOA or doesn't have an HOA, and find a stop sign that resembles that. Not anywhere. I can take all of you to Detroit where I grew up and take you down streets that are nothing but mostly burned down crack houses, empty lots, and abandoned cars, and you

will not find a stop sign that looks like that. Not even close. I have never seen anything like that. Not anywhere, ever. It is unprecedented.

Richard Sussmann should be prosecuted, and he should be removed from the West Virginia State Bar.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Friday, June 13, 2025 2:22 AM  
**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>  
**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>  
**Subject:** Re: Homeowners Associations

Ms. Rucker,

Really? These are our WV senators?

*"but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do. "*

Can you please provide me with the names of the state senators who stand by this ideology?

This has nothing to do with a person choosing to live in an HOA. This has to do with a person choosing to live in an HOA, and paying for an HOA for 10 years, only to come to the realization the HOA doesn't exist or has gone rouge or is brazenly negligent and has most likely violated a few laws. This has to do with property management companies that run these HOAs and the useless people that volunteer for the board. I could wipe my butt with the money I pay to an HOA every month and get more value out of it than paying it to my HOA.

And let's be crystal clear about these crooked HOA laws. HOAs are not non-profit. The property management companies that manage these HOAs do it for profit. These property management companies are equally a part of the HOA just as the HOA itself is. Regardless of what any person or any crooked law thinks or says. Common sense will tell you this. The laws are for nothing more than to protect the property management companies from any liability.

The HOA rules / laws are ridiculous and provide no recourse for residents, homeowners, TAXPAYERS!

Would your colleagues like to know how many times I have approached the HOA? Would your colleagues like to know how many times the HOA and the Community Manager completely ignore any effort to meet and discuss with them?

Would your colleagues like to know in detail how HOAs abuse their power and use retaliatory tactics in effort to quiet HOA members expressing concerns (which they refer to as "complaining")? How they lie?

Ma'am, I could go on and on. I've lived here in my home for 10 years. Even better, this is my sixth home in 3 states. All but 1 of those homes had an HOA. Nothing, and I mean nothing could even come close to being as bad, as rogue, as non-existent, as negligent, as useless as the HOA that I am currently a member of and pay ees to.

For one, if an HOA isn't providing the services and management, and meeting the obligations that they are required to, why should a homeowner or HOA member have to pay HOA fees. If they purposely, deliberately, consciencely, continuously ignore the Covenants, Conditions, and Restrictions? And if the HOA member doesn't pay their fees, then these despicable human beings have the ability and power to put a lien on your home. Let's forget rules or laws. Let's just simply consider ethics and integrity, and common sense.

I have to assume that all of your colleagues believe if they paid money for a service or a product that they never received, no matter how many times they inquired, that is perfectly fine with them. Is that correct? Ask your colleagues and respond to me to confirm this. Because there can be no other answer.

Take a survey from all your colleagues to find out how many of them own a property management company or are even a landlord. Please provide me with the results of that survey. I bet the survey results would be telling.

Tell your colleagues that I pay property tax to Jefferson County. I pay the same rate of property tax as any homeowner in Jefferson County who isn't part of any HOA. This would seemingly provide me access to the same exact county services as tax paying homeowners who are not in an HOA. But as you and every one of your colleagues very well know, I live in a private community that has access to none of those services because it is an HOA. Why do I pay the same tax rate? Seemingly only to fund your and all of your colleague's retirement pension packages. What other reason could there possibly be? Even worse, I pay the same property tax rate, but I also pay considerably more than that because of fees I pay to a negligent HOA. Even further, all the counties and municipalities, as well as you and all your colleagues, know that by continuing this pattern of behavior, the counties and municipalities can wash their hands of any obligation or liability of having to respond to or provide services to their taxpaying residents because their position is, "You have an HOA." "It's a private community." All the while collecting our property taxes. We don't even get police patrol in our "private community" because of this. It is impossible to believe that not all of you know this. You have to know this. It would be impossible for any of you not to know this. It was designed this way. The county isn't going to get involved. They are saving so much money and minimizing so much expense by making themselves "legally" not obligated or liable to provide any services to their taxpaying residents. And every single one of you, every one of you, knows that these HOAs are set up here so they are protected from any recourse from tax paying residents. Even if someone wanted to spend thousands of dollars to take legal action, nothing would come of it. Again, every single one of you knows this. Every single one of you. If a tax paying resident calls attorneys looking for help, do you know what they tell you? Because they work with and support so many HOAs, they do not support the single tax paying resident. Conflict of interest. All of this is nothing short of an illegal crime ring. It is appalling. All of you know this.

My suggestion to the loser that is the community manager of our HOA, is and always has been, disband the HOA. Get rid of the HOA. My HOA has made it abundantly clear for years now they have no desire, they have no interest, in managing the community and / or maintaining and enforcing the Covenants, Conditions, and Restrictions. THAT can be proven to anyone, anytime, anywhere beyond anyone's reasonable doubt. So, get rid of the HOA. Do whatever you want to do on your property. STOP CHARGING ME HOA FEES. That's my solution. Simple. The HOA won't entertain that. The property management company would stop making money hand over foot for doing next to nothing. The county is never going to entertain that. That creates a liability for them. That creates an obligation to provide services and respond to tax paying residents. Which in turn creates more expense for them. Which in turn cuts into the taxpayer funded retirement pension plan for all of you. All of you know this. You have to. Any of you who says they are not aware of this is a liar.

But yet all of you think it is just fine that these crooked property management companies and these rouge, absent, negligent HOAs can charge a tax paying resident like me a monthly fee, and increase it every year, and never, ever be held accountable for responsible for anything, ever. And if a tax paying resident doesn't pay that HOA fee, these corrupt property management companies, who haven't even come close to fulfilling their obligations or responsibilities, can put a lien a tax paying resident's home. That's OK to all of you. That is sick.

But again, all of you, all of you involved know this. You know all of this.

My solution has always been, get rid of the HOA. Simple. Let people live like they want to live. Let them live and act like pigs. That would be fine with me. No one would ever hear from me again. But don't charge me fees for this bullshit.

Do you know who are the worst, most blatant offenders in an HOA, at least mine? The HOA Community Manager and the Board of Directors and the Board of Directors closest neighbors - by a longshot. Your colleagues: "but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA" Didn't these complete failures ON THE BOARD OF DIRECTORS OF THE HOA make that same choice?

To an extent, your colleagues are right. All of us had that choice. We had the opportunity to read the Covenants, Conditions, and Restrictions before purchasing a home in an HOA. At that point we had to make an adult decision as to whether we could live within the compliance of the Covenants, Conditions, and Restrictions or whether we could not. It's that simple. A 6 year old could comprehend that, and based on that, then everyone can make a decision if they want to purchase a home in an HOA. Tell your colleagues the idea isn't an individual decides to purchase a home in an HOA whether or not the Community Manager and the Board of Directors have any interest in governing the HOA in accordance with the Covenants, Conditions, and Restrictions of the HOA. Which, tell your colleagues, IS A LEGAL BINDING DOCUMENT. This is not rocket science.

So here we are today. The straw that broke the camel's back. I have watched new developments everywhere in Jefferson County being built. Ruining the beautiful community that I moved to 10 years ago. I noticed recently that the very first things being built in these new developments are playgrounds, parks, or swimming pools. All this before one nail is pounded into one board on any new residence. I thought to myself, "How stupid is that." And "That sure doesn't seem like any developers I've ever seen or known." Then, I learned today that zoning laws "or something of the sort" were changed to "require" the developers to build all of these promised "extras" first before any residences could be built. The reason for this is so the developers could no longer disappear after building the residences and never building any of the promised "extras". Honestly, I think that was an admirable idea. However, how did that legislation get passed? Did you participate in getting that passed, ma'am? Did your colleagues participate in getting that passed? Was the Jefferson County Commission involved in getting that passed? Do you know what is so disturbingly telling about this, ma'am? Here in West Virginia, specifically Jefferson County, we'll pass legislation to promote the development so that we can attract new residents so we can generate more and more tax revenue so that taxpayer funded retirement pension funds can continue to be generously funded. Here in West Virginia, specifically Jefferson County, after that, who cares? It eventually turns into an HOA. It's a private community. It completely removes any obligation or responsibility or liability to Jefferson County. It saves Jefferson County probably millions in expense from having to provide any services or having to hire and pay staff to provide those services. It removes any liability from Jefferson County. Meanwhile, the taxpayer residents living in these rouge, absent, negligent HOA communities bear the burden.

This type of governing has also allowed Jefferson County to have so much extra money they are going to build a brand-new Government and Judicial Complex. Isn't that nice? A brand-new concession building at the park. That allows Jefferson County to make even more money from their tax paying residents.

But to hell with the tax paying residents of Jefferson County living in an HOA.

Even more fuel for the fire. Richard Sussman has used money from HOA member fees to pay for membership to West Virginia Organization of Homeowners Associations for him and the HOA Board of Directors. An organization to support the HOAs and the property management companies. Not the homeowners. Not the residents. Not the HOA members. Not the tax payers. Why does this pattern keep repeating itself? Why does this WVHOA organization even exist. Who funds it? Do taxpayers fund this organization? Where is the organization to support the homeowner? The resident? The HOA member? The taxpayer? In any case, WVHOA, an organization with a wealth of support, training, advice, etc. for Richard Sussman and his Board of Directors. Training that there is clearly record that Richard Sussman has taken advantage of. Yet still, STILL, either, a.) They've learned absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify the from being an HOA Community Manager or on the Board of Directors. Or b.) They absolutely 100% do not care at all what their roles and responsibilities are and brazenly neglect nearly all of them. There is no other answer.

So, at this juncture I have a couple requests of you. And please keep in mind, I fund your salary, and I fund your retirement pension. Those are two things you, your colleagues, or any HOA do not do for me.

1.) I live in Gap View Village. 44 General Kershaw CT, Harpers Ferry, WV 25425. The Community Manager for our HOA is Richard Sussman. One of the most despicable, useless, lying, crooked, unethical, weasel, coward human beings I have interacted with in my entire 62 years of life. In my opinion a complete piece of trash human being with zero integrity and zero ethics. A little weasel that is all too aware of the ridiculous, untouchable power someone in his role has. But yet time and time again he has exhibited to me that either, a.) He knows absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify him from being an HOA Community Manager. Or b.) He absolutely 100% does not care at all what his role and responsibilities are and brazenly neglects nearly all of them. There is no other answer. And he certainly could care less about Gap View Village. He doesn't live there.

I realize Richard Sussman is probably a friend of yours and all of your colleagues. We know how you lawyers stick together. The best advice I can offer to you is perhaps consider finding different friends.

Next week, the week of June 16th, I would like you to come and visit me at my home. I will provide you with a copy of my HOA's Covenants, Conditions, and Restrictions. We will take my dog for a walk through the entire community of Gap View Village. We will talk. I will share all the correspondence I have had or have tried to have with Richard Sussman (Your colleagues: *"and also that an individual who disagrees can petition their HOA to change the rules."*) In addition, Richard Sussman has assured me he has shared all of my correspondence I have had with him, with the HOA Board of Directors. To that end, all of them too, either a.) Know absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify all of them from being on an HOA Board of Directors. Or b.) They absolutely 100% do not care at all what their role and responsibilities are and brazenly disregard nearly all of them. There is no other answer.

I will share stories with you in detail, ma'am, regarding my experiences and interactions with Richard Sussman over the years as it relates to my HOA that will (should) blow you away. You may even be so

taken a back that you refuse to believe me. I assure you, I am an open book. I have nothing to hide. I have nothing to embellish. I have nothing to lie about - and I do not lie. And anything I share with you I will, as they say today, "bring the receipts" for everything. EVERYTHING. Correspondences, hundreds of photos, videos gathered over numerous years of living in Gap View Village. Nothing I share with you can be successfully disputed by anyone. Since you have indicated to me that your colleagues are in need of an education, I encourage you to invite your colleagues to Gap View Village to walk with us. Invite all of them. Three years ago you engaged with The WV Independent Observer to publish an article about "The Burden of Defunct HOAs". We know how that ended. Invite The Observer to come walk-through Gap View Village with us. They can publish a follow-up article. They can publish their article based on a firsthand experience of a defunct, absent, negligent HOA. They can have a detailed interview with me, an HOA member who has experienced a defunct HOA for years. They can write about despicable people like Richard Sussman and his company, Property Management People, Inc., who profit from these defunct HOAs. Please feel free to invite Richard Sussman to walk with us through Gap View Village. Maybe you will have better luck than I have had trying to get him to do this. Richard Sussman's phone number is (681) 252-0217. Richard Sussman' email address is Richard.sussmann@pmpbiz.com. I am all for 100% transparency and communication. Heck, invite the Spirit of Jefferson. Invite the Journal. Invite a television news crew. Most importantly, I am expecting for you to come visit me, walk through Gap View Village with me. See things and hear things that you will absolutely refuse to believe but have no other choice but to believe it. I will even buy you lunch. Choose whatever time and day next week that you would like to come and visit me that is most convenient for you. I will be available. You will be my top priority next week.

2.) I would like for you to explain to me how a tax paying resident like me can go to Charleston, WV and make a presentation to the West Virginia Senate (your colleagues). Heck, the House if I can too. I have spent a considerable amount of time putting together a presentation for the purpose of having Richard Sussman removed from the West Virginia State Bar. After hearing the narrow-minded, absurd, uninformed, misinformed responses from your colleagues, I now want to give my presentation to your colleagues in Charleston, WV. Please guide me on how to go about this.

I look forward to meeting with you next week and sharing an eye-opening experience with you.

Most Sincerely,

Mark Werner

PS - Please tell your colleagues no one ever suggested or indicated they dictate to HOAs what they can or can't do (but someone sure needs to). Simply asking them to be fair to tax paying residents. And by the way. At some point someone passed legislation that dictated how a defunct, absent, negligent HOA has the power to put a lien on a tax paying resident's home if they don't pay for services that they don't receive. That seems to be OK with your colleagues. Where are we living? China?

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**From:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Sent:** Tuesday, April 8, 2025 5:50 PM

**To:** Mark Werner <mark\_werner@outlook.com>

**Subject:** RE: Homeowners Associations

Mr. Werner, I am so sorry that I didn't respond to you. I tried to do pass a bill this session to help you but it failed. I should have let you know but simply it was so busy trying to get bills through and chair a committee, and I just did not email you.

We do need to do something about HOA's and I can tell you that I will not give up because you are not the only one suffering from injustice, but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do. This is why my bill failed.

There is an organization that represents HOA's, so they are on the side of the HOA's, not yours or mine, but they have offered to help me with what I am trying to do which is rein in HOA's which are not following reasonable rules and respecting homeowner's rights. This organization is called Community Associations Institute, or CAI, and their address is 6402 Arlington Blvd., Suite 500, Falls Church, VA, 22042. The phone number is 888-224-4321. The person I spoke to is Crystal L. Wallace.

Sincerely,

**Senator Patricia Rucker**  
16<sup>th</sup> Senatorial District  
Serving Jefferson and Berkeley Counties  
Room 214-W, State Capitol  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0800

[Patricia.rucker@wvsenate.gov](mailto:Patricia.rucker@wvsenate.gov)



**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Tuesday, April 8, 2025 4:15 PM

**To:** advocate@homeownersvoice.com; Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Subject:** Re: Homeowners Associations

Hello,

I just wanted to take a quick minute to follow-up - 2 months later - and offer some solid, good advice.

Decommission the website at <https://www.homeownersvoice.com/> It serves no purpose and provides no value. It is nothing more than a destination of false hope.

Ms. Rucker, you need to just simply resign. I have lived in Jefferson County for almost 10 years. Simply, you need to resign. You are the epitome of a politician and false hope. Like other initiatives of yours, this one is another dead end. Always looks good in the press - the newspaper articles, doesn't it, Ms. Rucker? Until someone actually attempts to allow through.

**From:** Mark Werner

**Sent:** Wednesday, January 29, 2025 2:43 PM

**To:** [advocate@homeownersvoice.com](mailto:advocate@homeownersvoice.com); [patricia.rucker@wvsenate.gov](mailto:patricia.rucker@wvsenate.gov)

**Subject:** Homeowners Associations

Hello,

I was curious to know if Homeowners Voice is still active and / or how it has progressed since 2023. I first read about the organization in 2023. At that time there was a survey online to submit concerns or complaints. That is still the survey online "HOA Survey Summer 2023". This is what made me curious to know if Homeowners Voice was still alive and kicking.

I need help. I am at the end of my rope. I have been dealing with a corrupt, dishonest HOA for a long time.

They continue to operate deceitfully, corruptly, dishonestly, not able to provide records, Ignoring their own Covenants, Conditions, Restrictions, & Easements, Operate with "The rules are for thee, not for me." approach. Have retaliatory approaches in effort to silence homeowners raising concerns, etc., etc., etc. I could go on and on and on.

A tax paying, law abiding, Jefferson County resident has absolutely zero recourse. HOAs know this and unfortunately many HOAs exploit this to knowingly, consciencely, behave badly. Nothing can be done. West Virginia should ban HOAs.

Look, I cannot even believe I have reached this place because of an HOA. I moved from Michigan years ago. I have fought and battled major depression for 25 years and have done a lot of hard work to keep myself alive. My move from Michigan was one of the most beneficial things I have done in my fight. Then about 6 years ago I engaged with the despicable Homeowners Association for my community. I had been doing so well. Now, fighting with this negligence, deceitful, ethic less, dishonest, etc. HOA, I am at the end of my rope. The years of being required to endure this bullshit has taken its toll on me. I have no hope, I have no desire to live, I again have suicidal ideologies.

Why is a tax paying resident of Jefferson County required to tolerate this? WHY SHOULD I HAVE TO PAY HOMEOWNERS ASSOCIATION FEES TO TOLERATE THIS. And if I don't pay the fees, the HOA can put a lien on my property. The HOA can act and behave however they choose but if I stop paying my HOA fees because of a disagreement with the services the HOA is providing (or not) and / or the HOA's behavior, the HOA is still allowed to put a lien on my property if I don't pay HOA fees. Where are we? Why is this allowed to continue? West Virginia should change the name to HOP (Homeowners Prison). For this to be allowed to go on is despicable.

I try to talk to an attorney (Why should I have to do this?) they indicate that they don't support individual HOA members because they work directly with many HOAs. You can't find an attorney to help (Why should I have to?).

I am at the end of my rope. I need help. Is the Homeowners Voice still active and available? Can you provide any guidance on where to get good legal advice or any suggestions for a homeowner? Can

Jefferson County or the State of West Virginia help protect their individual taxpaying, HOA fee paying, HOA members, the same way they help to protect Homeowners Associations in West Virginia. West Virginia would be a much better place to live if it banned HOAs.

Are you able to provide any worthwhile, not dead end, help or guidance?

Thank you in advance.

Sincerely,

Mark Werner

**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Saturday, April 9, 2022 7:11 PM  
**To:** Richard A. Sussmann <richard.sussmann@pmpbiz.com>  
**Subject:** Gap View Village

**Caution: This email originated from outside the organization. Do not click on links or open attachments unless you recognize the sender and know the content is safe.**

Hello Richard,

This neighborhood / HOA is really something. I've owned 6 homes - 6 HOAs. Never experienced anything like living here. I have absolutely no idea what I pay \$55 a month for, And the neighborhood seems to just continually decline.

In any case, specifically, there are go-karts racing around the common areas behind my house. Even more, it's 7 o'clock in the evening. In addition, the back of my yard has no fence and I also have a dog.

Regardless, if you could please put a stop to this I'd appreciate it. Tell them to go race their go-karts at their house.

My gosh, I've seen motorcycles, cars, golf carts, now go-karts back there.

Also, I believe I saw in a spring newsletter that the association was going to be walking through the neighborhood looking for non-compliance to the by-laws of the HOA. Please send me a copy of the report / findings and the plan of action.

Thank you,

Mark Werner

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**From:** Richard A. Sussmann <richard.sussmann@pmpbiz.com>  
**Sent:** Monday, April 11, 2022 9:37 AM  
**To:** Mark Werner <mark\_werner@outlook.com>  
**Subject:** RE: Gap View Village

Greetings Ms. Werner,

Thank you for your email. While the Association's Covenants do prohibit unlicensed vehicles from being operated within the community, holding the offenders accountable requires 1) the offending individuals be members of the association (or guests of the owners), 2) identification of the offending individuals, and 3) proof (pictures, video, or testimony). Assuming the individuals are residents or guest of owners (and not from one of several adjacent subdivisions), the Association needs to know which home or homes the offending individuals are from to take enforcement action. If you know which homes the individuals belong to, please provide the address(es). Additionally, please forward any pictures or videos you may have, so the association can include the evidence in the enforcement file.

If you do not know who they are, or you do not have any evidence (or are not willing to testify), then the Association cannot begin enforcement action (due process). Absent the required identification and proof, the Association can send a general reminder to all residents, but that will only help if the individuals are residents of Gap View Village.

Alternatively, you can report the offending individuals (when the activities are occurring) to the Jefferson County Police Department, and let them handle the offending parties through the ATV Ordinance and/or the County's Noise Ordinance. This alternative is not mutually exclusive, as the Association (with identification and proof) and the Police can take simultaneous action. Please advise, and the Association will take appropriate action.

Regarding the compliance review, only the Board members are privy to the specific details due to privacy reasons, and their duties of fiduciary and confidentiality. What we can say is that all units will be reviewed from the common areas for any violations of the governing documents. When violations are found, they will be photographed (from the common areas) and individual violation letters will be sent to the respective owners.

Let us know if you have any other questions or concerns.

Sincerely,

Richard A. Sussmann, CMCA, AMS, PCAM ®  
Community Manager  
Property Management People, Inc.  
340 Edmond Road, Suite E  
Kearneysville, WV 25430  
Phone: 681-252-0217 x1902  
Fax: 304-725-5986  
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Mark Werner  
To: Richard A. Sussmann  
Cc: Jesse.James@pmpbiz.com; Steve.Shugarts@pmpbiz.com; +3 others

Mon 6/26/2023 10:16 AM

So, it just continues to get worse. There are 3 or 4 motorcycles / minibikes racing in the common area behind my house every day. There are days I am in bed sometimes after 10:00 PM and they are out there. They will come up to my property and use the trees as an obstacle course. I also have a dog in my yard that gets spooked and aggravated by this.

This weekend one of them crashed through a home's wooden fence. The kid is lucky he was able to get up and is not dead. And none of them wear helmets. They also race up and down the walking path. This path is not for motor vehicles. It is for families to walk, run, or bicycle.

There are times they will race up and down the main roads too.

Yes, they are all from Gap View Village.

I did not purchase my home and property so that I can listen to motorcycles, minibikes, cars, or go-karts race back and forth behind my home all day and night. 99% of the neighborhood doesn't not have to deal with this.

I do not own any motorcycles, minibikes or go-karts. I do not go behind other homes and race them.

Why don't the kids stay and race behind their houses?

I don't care if you need to install Bollards (Like every other walking path has.) at the entrances of all walking paths and / or fencing. Post signs that say no motor vehicles. Whatever it takes.

I mean someone came up with the brilliant idea to spend money and pour black rocks on the road shoulder for selected homes. Yes, you had to be a specially selected home to get these black rocks. My entire cul-de-sac got them except 1 house. I wonder how that was decided. I paid my HOA dues paid on time, every time, since I have lived here. I am so glad my home was skipped. SO GLAD. Like

everyone else says'. It looks like hell. It's just the point as to how the HOA operates. In any case, so maybe the HOA can find it within them to spend money on something worthwhile.

Furthermore, the area behind my home is for storms and floods. Didn't we already have to spend money to repair areas there? Yes, we did. They are tearing up the area. At some point you will just take money from the HOA to fix it again.

You really need to do something.

I have been here 8 years. I will be leaving next spring, like so many other people have left Gap View Village. It is eye opening how the livability and quality of life has declined in Gap View Village in 8 years. Every time I drive into the neighborhood it looks like a rundown, redneck, trailer park. It is sad.

Allow me to offer my points of reference. This is the 6<sup>th</sup> home that I have owned. The 6<sup>th</sup> HOA. In comparison, Gap View Village HOA is by far the worst HOA I have ever experienced. And it's not even close.

**"Property Management People, Inc. has earned an A+ rating with the Better Business Bureau as a result of a long-standing record of customer satisfaction and a commitment to conduct business with the highest standards of integrity and trust."** Yeah, BS! I am about to do my part to change that. Somebody has to hold PMP accountable.

How about this. Send a survey out to all the residents in Gap View Village. Use an independent survey company so that PMP does not have access to manipulate the results. Then post those results for all Gap View Residents to see.

Why is it I have lived here 8 years and PMP has never done anything to get real feedback from the residents as to how PMP is doing?

You ought to take a minute if you can, to read the Google reviews about PMP and that 2.7 star rating. How that equates to a BBB A+ rating is concerning.

Or maybe we could get one of the individuals cc'd on this email to take over the management of Gap View Village. Something needs to change because it is clear it is not working with you.

Or maybe we can pursue getting Gap View Village annexed into Charles Town, Harpers Ferry, Ranson, anything. And get rid of the HOA.

And finally, Mr. Sussman. I am Mr. Werner, not Ms. Werner. Are we required to include our pronouns for clarity when we communicate with you?

Mark Werner

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Richard A. Sussmann

To: You

Tue 6/27/2023 8:40 AM

Greetings,

Your feedback has been duly noted by the board of Directors.

Sincerely,

Richard A. Sussmann, CMCA, AMS, PCAM ®

Community Manager

Property Management People, Inc.

340 Edmond Road, Suite E

Kearneysville, WV 25430

Phone: 681-252-0217 x1902

Fax: 304-725-5986

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richard.sussmann@pmpbiz.com  
To:You

Tue 6/27/2023 11:18 PM

Greetings, Residents of Gap View Village:

The Association has received complaints that several juveniles are trespassing across the privately owned lots within the community while riding min-bikes, ATVs, and other recreational vehicles without helmets.

Aside from the well documented risks of serious injury or death, this kind of behavior could result in financial, legal, and/or criminal consequences for everyone involved (See Chapter 17F of the West Virginia Code). Additionally, Paragraph 19 of the Gap View Village Covenants prohibits any unregistered vehicles within the community.

Parents, please ensure your children refrain from using any such prohibited vehicles anywhere within the Gap View subdivision (i.e., private lots or common areas).

Thank you,  
The Board of Directors  
Gap View Village Homeowners Association, Inc.



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Website: [www.pmpbiz.com](http://www.pmpbiz.com)

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**We value customer feedback, please  
take a moment to review our service.**

**Gap View Village Homeowners Association, Inc.**

c/o Property Management People Inc.

340 Edmond Rd  
Kearneysville, WV 25430  
6812520217

June 28, 2023

Property: 44 General Kershaw Ct  
Violation: Maintenance -General  
Location: On Property

Mark Phillip Werner  
44 General Kershaw Ct  
Harpers Ferry WV 25425

**Friendly Reminder- First Notice**



Dear Mark Phillip Werner:

One of the primary goals of Gap View Village Homeowners Association, Inc. is to protect the aesthetic appeal and property values of the neighborhood. In order to accomplish this, certain rules and regulations have been established by which property owners and residents required to abide. During a recent visit to your community, the following condition of concern was observed. (Pictured above if applicable)

**Please keep property maintained in an attractive condition. Garage door trim needs repair and/or paint**

**This must be corrected to be in compliance with Item 13 of the Covenants, Conditions, Restrictions & Easements for Gap View Village states: Each owner shall keep all lots owned by him, and all improvements therein or thereon, in good order and repair, including but not limited to the seeding, watering and mowing of all lawns, the pruning and cutting of all trees and shrubbery and the painting (or other appropriate external care) of all buildings and other improvements, all in good manner and with such frequency as is consistent with good property management.**

We understand that many times residents are unaware that a problem exists or the compliance reviewer(s) may have observed a temporary situation which the property owner plans to remedy in the near future.

We sincerely appreciate your time and attention to this matter. If you have not done so already, please remedy this situation within 30 days, pursuant to the Association's governing documents. Once completed, please make sure to contact me at richard.sussmann@ppmpbiz.com to let us know that this has been completed.

Thank you in advance for your cooperation.

Sincerely,

Richard Sussmann  
Community Manager  
On Behalf of Gap View Village Homeowners Association, Inc.

webmaster@pmpbiz.com  
To: You

Thu 6/29/2023 1:51 AM

You replied on Thu 6/29/2023 5:22 AM

062923

Gap View Village message: Website compliance information

Dear Mark Phillip Werner,

Account: 103399

A compliance record has been updated for your unit.

Date: 06/28/23

Issue: Maintenance General

Violation: Please keep property maintained in an attractive condition. MAINTENANCE OF LOTS Item 13 of the Covenants, Conditions,

Restrictions & Easements for Gap View Village states: Each owner shall keep all lots owned by him, and all improvements therein or thereon, in good order and repair, including but not limited to the seeding, watering and mowing of all lawns, the pruning and cutting of all trees and shrubbery and the painting (or other appropriate external care) of all buildings and other improvements, all in good manner and with such frequency as is consistent with good property management.

Click the link to view the compliance information posted to the account: <https://myaccount.pmpbiz.com>

Thank you for your participation in receiving this notification



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340 Edmond Road, Suite E  
Kearneysville, WV 25430**

Office: 681-252-0217

Fax: 304-725-5986

Website: [www.pmpbiz.com](http://www.pmpbiz.com)

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**We value customer feedback, please  
take a moment to review our service.**

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Mark Werner  
To:richard.sussmann@pmpbiz.com  
Cc:Jesse.James@pmpbiz.com;Steve.Shugarts@pmpbiz.com;+3 others

Thu 6/29/2023 5:22 AM



You replied on Fri 6/30/2023 9:23 AM

**Mr. Sussman,**

The response link feature on the PMP website doesn't work. You might want to get that working.

My home? My property? Your serious? Any person in the world could come through Gap View Village, daily, weekly, monthly - whenever. Any person in the world. I assure you it is not my home or my property that would stand out in regard to being in violation. Not to any person in the world.

Then, every once in a while someone like Mr. Sussmann comes along.

I expect you don't even have enough self-awareness to even grasp what an idiot you present yourself as.

You should have knocked on my door. I was home. We could have discussed the violations in detail. We could have gotten some exercise and took a walk through the neighborhood and talked.

Better yet, since you were in Gap View Village on 6/28 taking violation pictures, How many pictures did you take in Gap View Village on 6/28? How many Gap View Village pictures can you show me with a date of 6/28 on them, like mine?

I am sorry that it upsets you when people you work for contact you and expect you to do your job.

I am sorry I don't appreciate motorcycles, minibikes, go-karts etc. racing behind my house all hours of the day and night - every day and night.

I am sorry to be concerned that the fence the kid recently crashed through could have been my dog or a child.

I am sorry that because of the nuisance / disturbance the motorbikes create, my dog became curious and / or spooked and began trying to cross her invisible fence towards the motorbikes, so I had to re-flag it and re-retrain her - twice.

I am sorry it upsets you when an HOA member / resident expresses to you their frustrations about the neighborhood they live in, which you are the property management for.

Look, I am in my 6<sup>th</sup> home, 6<sup>th</sup> HOA. Gap View Village HOA is by far the worst. And it is not even close. And they're all bad. I am sorry if that hurts your feelings.

I am sorry that it makes you angry that people who are members in good standing of Gap View Village HOA have any expectations of the HOA, or of the property management company.

I know I have told you a few times in the past - stop charging me HOA fees and you won't even know I am here. I could care less what people do here in Gap View Village. However, so long as I do pay my HOA fees on time every month and the HOA has covenants and by-laws, I expect something in return. And all the while my home and property will be more compliant than 99% of all the other homes & properties in Gap View Village. As it is today.

My vote is for researching annexing Gap View Village into one of the municipalities and disbanding the HOA. Let them raise our taxes to takeover, and then disband the HOA.

You are more than welcome to stop by my home again on Thursday, 6/29. I will be home most of the day. We can discuss violations in detail. I would like that,

I can show you the wood filler, sandpaper, tape, paintbrushes, paint rollers, paint scrapers, paint, new tracks for my back sliding door, new hardware for the back door, etc. I already just finished painting my front entry door and put all new hardware on it too. Did you see it when you were at my home? If you had knocked on my door you would have seen it. You could have taken a picture of it. I could have taken a picture of you standing next to it. It looks really nice. At least all the neighbors think it looks really nice. I am on vacation next week, which is why I have all of these supplies I mentioned that I would love to show you. I'll show you the receipts too, showing when they were purchased. I have planned on painting my garage, French Doors and frame in back, and the rest of the front entry system frame. AND, my shutters too.

I have been working on the lawn too. It's been a bit harder this year because some contractors came through and tore my yard apart and made zero effort to put it back the way it was. I tried to let my HOA know about it, but it was a similar, typical response. Something along the lines of nothing we can do.

But we're getting there. I'd still say my lawn is kept looking in the top best 5 lawns in all Gap View Village, as it is every year.

Did you notice how nice all my flowers looked when you were at my home. Or how nice all of my shrubs and trees were trimmed. And no weeds anywhere. Wow, I wonder how that compares in pictures to other Gap View Village homes and properties.

Did you see that brand new, premium, upgraded roof? Did you see how that white vinyl house sparkled from being power washed? And actually, ding-dong, that is why the area around the garage door looks as it does. It is being prepped for painting.

But now we have a problem. You see I have pictures too. Lots of pictures. You're the one that tells me to take pictures. So, I take picture every time I walk my dog. My "violation" will be remedied within a week of being notified. The pictures I have will show violations in Gap View Village that go on for weeks, months, years.

Obviously, now I will be taking many more pictures in Gap View Village. I expect you and I will be communicating quite often going forward.

Grow up, Mr. Sussmann. I encourage you to start doing your job.

As a member of the Gap View Village HOA, I am suggesting that PMP initiate an independent company to provide a survey to all Gap View village residents, and then those survey results be shared with the HOA members with no redactions. It will go a long way in helping PMP understand where / how they are failing and where / how they are succeeding. Then they can develop an improvement plan and present it to the residents of Gap View Village..

As a member of the Gap View Village HOA I also think it would be a good idea if the Board researched other options for a property management company to at least compare. This should be being done on a regular basis, if for nothing else, for the best interest of the residents of Gap View Village.

I believe it is pretty obvious with one drive through Gap View Village that you and / or PMP have lost interest in their role and responsibilities. I do not believe that is even open for debate. Maybe it is time for a change.

Go read PMP's reviews online. Those are your customers. Real reviews from real experiences. The same is true for the complaints logged on the BBB website.

I have lived in Gap View Village for 8 years. Every year the quality of living declines and every year the disregard for compliance with the HOA covenants and bylaws grows and grows.

I am really sorry that it upsets you so much when members of the HOA that you manage communicate their 8 years of observations and frustrations to you, to the extent you pull the childish, retaliatory, unprofessional stunt that you pulled today.

Come by Thursday, Mr. Sussman,, I'll be looking for you. Bring your camera.

Very Sincerely,

Mark Werner

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Mark Werner  
To:richard.sussmann@pmpbiz.com  
Cc:Jesse.James@pmpbiz.com;Steve.Shugarts@pmpbiz.com;+3 others

Fri 6/30/2023 9:23 AM

Mr. Sussmann,

I am sorry that I missed you yesterday. I was hoping you would come by so that I could meet you.

I have some other requests / concerns I will be submitting to you later on. However, short term, I am heading out now (9:00 am Friday) to the dentist. Is your office at 340 Edmond Rd E, Kearneysville, WV 25430? If so, I would like to stop by after the dentist.

I have taken some photos. Just really quick along the route you would take, that would be the shortest route to my home. I just have photos of glaring issues for now. There will be more to come. Initially, I want to compare my photos to the photos that you took in Gap View Village on 6/28. I think it is important that we are on the same page as it relates to HOA violations. It is also important all paying members / residents of the HOA are treated equally and fairly.

The photos I have are glaring HOA violations. They are violations that would be impossible for anyone to miss, including you, if someone was coming off of the main road and driving to my home. I have some troubling concerns that perhaps my home was purposely, deliberately, maliciously, angrily, and retaliatory targeted. I hope this is not the case. However, right now it is bothersome to me.

Please let me know what time that you are in the office this morning and confirm that your office address is 340 Edmond Rd E, Kearneysville, WV 25430.

What I will be looking for is confirmation that you have similar photos that I have of the glaring HOA violations, some more than 1 year standing, that you passed on the way to my home. To that end, I will also be looking for confirmation that written violations were also submitted on 6/28 for those glaring violations.

In addition, attached is one violation photo from Gap View Village. I would expect you have a similar photo already but if you do not, I am providing for you. But again, I would expect you already have a similar photo considering how long this has been a violation. I would also expect that you would have written and submitted a violation, or in this particular case, "violations" I need to see confirmation of this.

Please let me know when you are available this morning.

Very Sincerely,

Mark Werner

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Mark Phillip Werner

c/o Concerned Members of Gap View Village Homeowners Association  
44 General Kershaw CT  
Harpers Ferry, WV 25425  
5862149017  
July 18, 2023

Property: OSWM & BUFFER STRIP GAP VIEW VILLAGE  
Parcel ID: 19-04-005D-OSWM-0000  
Violation: Unregistered Motorbikes - General Location: On Property  
Richard Sussmann  
340 Edmond Rd  
Kearneysville, WV 25430

Dear Richard Sussmann

One of the primary goals of the members of Gap View Village Homeowners Association, Inc., who are full time residents in Gap View Village, is to protect the aesthetic appeal and property values of their neighborhood. In order to accomplish this, certain rules and regulations have been established by which property owners and residents are required to abide.

The following conditions of concern were observed by certain members of the Gap View Homeowners Association who are full time residents. (Pictured below if applicable)

**Unregistered motorbikes riding on OSWM & Buffer Strip Area & trails. Additional, more effective action needs to be taken.**

**This requires your immediate attention and must be put to a stop to be in compliance with Items 19 & 20 of the Covenants, Conditions, Restrictions & Easements for Gap View Village.**

**Item 19 states: No unregistered automobiles, trucks, motorcycles, motorbikes, or other vehicles, whether motorized or self-propelled, shall be parked or placed anywhere within the subdivision; nor shall the same be driven or ridden upon any streets, roadway, alleys or sidewalks within the subdivision, nor upon any lot, open area or trail within the subdivision. No on-street parking shall be permitted of any vehicles, nor shall unlicensed or unused vehicles or commercial vehicles be parked or abandoned on any lot.**

**Item 20 states: No motorbikes, trail bikes, motor scooters or the like, nor any snowmobile shall be driven or ridden anywhere within the subdivision.**

**In addition, the afore mentioned violations, as well as all previously reported violations of like kind, are also in violation of the following rules and regulations from Resolution P10-002, Rules & Regulations for Hiker/Biker Trails.**

- **The trails are NOT located on common property. Pedestrian traffic and Bicycle riding is permitted only on roads or hiker/biker trails. These areas are designated for that purpose. Crossing or otherwise utilizing resident driveways, lawns and other property is considered trespassing.**

- Please respect private property and stay on the trail.
- Use of any motorized vehicle on the trail is prohibited. Exceptions include motorized wheelchairs, maintenance vehicles and lawn mowers mowing grass on or adjacent to the trail.
- Wheeled modes of transportation must travel at a reasonable speed in a consistent and predictable manner.
- Hiker/Biker trails are considered to be "Public Bicycle Areas" and as such are subject to regulations in the West Virginia Vehicle Code

Furthermore, Resolution P10-002, Rules & Regulations for Hiker/Biker Trails states: Homeowners, residents and their guests who violate the rules of the hiker/biker trails are subject to the enforcement process laid out in Violation Policy Resolution P07-001 effective January 17, 2007, to include suspension of use and privilege of the trails.

**July 11, 2023**



**July 18, 2023**



Jefferson County, West Virginia recognizes the owners of Parcel ID: 19-04-005D-0SWM-0000 to be located at 92 Thomas Johnson Dr. Ste 170, Frederick MD 21072.

We understand that many times property managers are unaware that a problem exists or the concerned Gap View Village Homeowners Association members may have observed a temporary situation which the property owner plans to remedy in the near future. However, that certainly is not the case for these ongoing violations.

We sincerely appreciate your time and attention to these matters. Please remedy this situation immediately, pursuant to the Association's governing documents. Once you have implemented an effective remedy, please make sure to contact me at mark\_werner@outlook.com to let me know that these ongoing violations have been successfully remedied.

Thank you in advance for your cooperation.

Sincerely,

Mark Werner  
Gap View Village Homeowners Association member  
c/o Concerned Members of Gap View Village Homeowners Association

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Mark Phillip Werner  
44 General Kershaw CT  
Harpers Ferry, WV 25425  
July 21, 2023

Richard Sussmann  
Gap View Homeowner Association, Inc.  
340 Edmond Rd, Suite E  
Kearneysville, WV 25430  
Re: Response to HOA Violation Notice

Dear Richard Sussmann

This letter is in response to the HOA violation notice dated June 28, 2023, that I received from you where you noted that "During a recent visit to your community the following condition of concern was observed":

**Please keep property maintained in an attractive condition. Garage door trim needs repair and/or paint.**

Lets go with that. As you stated, during a recent visit to my community on June 28, 2023, you just so happened to observe this violation condition on my property located at 44 General Kershaw CT.

I am sorry for the inconvenience that the Gap View Village neighborhood has had to experience because of the egregious violation on my property.

As was indicated to you immediately after receiving the HOA violation notice, all supplies and materials had already been purchased and work was set begin the following week of 7/3 while I was on vacation. As was also indicated to you immediately after my receiving of the HOA violation notice, I requested to meet with you to discuss violations as well as allow you to review the supplies, materials, and the purchase receipts for same, that had long ago been purchased for work to be performed around my property while on vacation the week Of 7/3. As you recall, you did not accept my requests to meet with you. You did not deny my requests to meet with you. You simply ignored and discarded my request to meet with you.

Excerpt from Gap View Homeowner Association Inc. Policy Resolution P10-004, HOMEOWNER INVOLVEMENT IN COMMUNITY ASSOCIATIONS: **"An open communication process must be maintained on a continuous basis and should encourage information flow between the board, committees, and individual residents."**

All work has now been completed. Please contact me within 7 days to schedule a time and date for us to meet at the property where the HOA violation was observed so that we can re-inspect and discuss the violation.

Sincerely,  
Mark Werner  
Gap View Village Homeowners Association member  
44 General Kershaw CT, Harpers Ferry, WV 25425

Enclosure: Violation Notice

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## Lynn Dillow

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Tuesday, June 24, 2025 1:48 PM  
**To:** Patricia Rucker  
**Cc:** mike.azinger@wvsenate.gov; jason.barrett@wvsenate.gov; kevan.bartlett@wvsenate.gov; donna.bolely@wvsenate.gov; laura.chapman@wvsenate.gov; anne.charnock@wvsenate.gov; charles.clements@wvsenate.gov; vince.deeds@wvsenate.gov; scott.fuller@wvsenate.gov; joey.garcia@wvsenate.gov; amy.grady@wvsenate.gov; bill.hamilton@wvsenate.gov; craig.hart@wvsenate.gov; brian.helton@wvsenate.gov; glenn.jeffries@wvsenate.gov; patrick.martin@wvsenate.gov; mark.maynard@wvsenate.gov; robbie.morris@wvsenate.gov; mike.oliverio@wvsenate.gov; rupie.phillips@wvsenate.gov; ben.queen@wvsenate.gov; rollan.roberts@wvsenate.gov; chris.rose@wvsenate.gov; randy.smith@wvsenate.gov; mike.stuart@wvsenate.gov; tom.takubo@wvsenate.gov; darren.thorne@wvsenate.gov; eric.tarr@wvsenate.gov; jay.taylor@wvsenate.gov; jay.taylor@wvsenate.gov; darren.thorne@wvsenate.gov; ryan.weld@wvsenate.gov; tom.willis@wvsenate.gov; mike.woelfel@wvsenate.gov; jack.woodrum@wvsenate.gov; Wayne.Clark@wvhouse.gov; joe.funkhouser@wvhouse.gov; chris.anders@wvhouse.gov; bill.ridenour@wvhouse.gov; David Bound; Lynn Dillow; Jessica James; Roger Goodwin; Edwina Benites; Pasha Majdi; Jack Hefestay; ed.thomas@pmpbiz.com; Patrick.Vasold@pmpbiz.com; Kyle.Thomas@pmpbiz.com; E.Lodge@pmpbiz.com; Keith.Stains@pmpbiz.com; Richard A. Sussmann; info@WVOHOA.org  
**Subject:** Re: Homeowners Associations  
**Attachments:** house01.jpg; house02.jpg; house03.jpg; house04.jpg; house05.jpg

In effort to be as clear as I can to everyone.

Attached photos:

House01 - This is about where Richard would have taken up hiding when he took the picture of my property. You can see in his photo where his nose is seemingly almost pressed against the windshield of his car from leaning up forward so far. He had to, to see over that tall grass. Why didn't he just get out of the car. Richard, as Community Manager, has authority to access any resident's property without permission if there is good reason or to inspect any violations. Seems if he was doing something honest and ethical, he would have just gotten out of the car.

House02 - This is the property in Gap View Village on record for being in violation of HOA Covenants, Conditions, and Restrictions.

House03 - This is the property in Gap View Village on record for being in violation of HOA Covenants, Conditions, and Restrictions.

House04 - When Richard was "recently in the community" he would have stopped at this stop sign. From there would have been Richard's first opportunity to see my property violations, as well as other property violations on the same cul-de-sac that my property is on. Richard must have spotted my violation at this point. If I were to guess, being generous, I would guess Richard passed by at least 10 property violations more egregious than my property violation by the time he arrived at that stop sign. Disregard the shoulder of our roads showing up in the picture. There will be a day in the near future focused on that epic failure of a project.

House05 - Just a photo from ground zero of my property violation looking down the hill where Richard would have been parked behind the tall grass when taking his picture.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Tuesday, June 24, 2025 1:25 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Hello,

I hope I have been able to begin to shed at least a little bit of light on the culture and behaviors of Richard and Gap View Village Homeowners Association.

Senators, I really do need to get some understanding as to what is the foundation or the basis that allows the state of West Virginia to choose to believe, "It is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do."

Attached to this message is a correspondence that took place between Richard and I regarding ongoing violations of items 19 & 20 of the Gap View Homeowners Association's Declaration of Covenants, Conditions & Restrictions. Also attached is an image to allow a better understanding of the violation. My property is outlined in red. The area of the ongoing violations is outlined in yellow. Incidentally, the area outlined in yellow is also the area where the grass seemingly never gets cut.

The attached correspondence is in chronological order from the oldest correspondence to the most recent correspondence. The first correspondence happens on April 9, 2022, when I contacted Richard regarding the violations. Richard had been the Community Manager for approximately 5 years at this point. You can see how my frustration has increased with the status / presence of any HOA at Gap View Village. I presented my concerns to Richard and asked him to address it.


Richard responded with a long-winded message about what "I" can do. Richard went on to imply I should become Deputy Barney Fife of Gap View Village and investigate further. Nowhere in Richard's response did he give any indication that he was interested in engaging to put a stop to the violations. Richard did not even exhibit any interest to investigate the violations for himself. I did what I needed to do. I acknowledged the violation. I reported the violation to my HOA's Community Manager. I wasn't looking to hunt people down and prosecute them. I wasn't interested in knowing anyone's name. I wanted the violations to stop. Not just then at that particular time but going forward too. Not just chase down some kids to get them in trouble. Only to find myself doing it again, and again. I am not the Community Manager. I am not on the Board of Directors of the HOA. My position is and always has been, most especially since Richard became Community Manager, to dissolve the HOA. Richard could have just simply said "Thank you for bringing it to my attention" and sent out a reminder correspondence to all the residents / members of the HOA regarding the violation. Richard could have done "something". Instead, Richard wants to imply as though he requires pictures, names, addresses, police reports, fingerprints, mugshots, etc., before he is able or allowed to engage as the Community Manager for the HOA to enforce the HOA's Covenants, Conditions & Restrictions and / or bylaws.

Does everybody reading this understand the structure of an HOA? What it is? What it means? Does everybody reading this understand what an HOA Declaration of Covenants, Conditions and Restrictions is? What it represents? What it means? What its significance is? What about HOA bylaws? Does everybody reading this understand the roles, responsibilities, and obligations of an HOA Community Manager?

I feel it is important to add. When these violations first began, after Richard had become Community Manager, I did try talking to the offender. The first offender. A boy in a go-kart. I walked to the back of my property. I asked the boy to stop when he came by. I was very polite to the boy. I asked him where he lived. I explained to the boy he can't be riding in this area. I explained to him about my dog and how it was bothering her. I asked him to go ride the go-kart over by his house. So again, I am not looking to prosecute anyone or get kids in trouble. I just want the violations behind my property to stop. To make matters worse. It wasn't even 30 minutes later, the boy on the go-kart was back, stopped on my

property revving up the engine. Senators, what would your next move be in this situation? There are reasons that I purchased the property at Gap View Village that I did. One of those reasons was the open property behind me. I looked into this property, what it was, who's it was, what can or cannot be done to / on the property, etc.

Further, let's say I pursued Richard's ridiculous suggestions. Let's say the police were to come and investigate. At some point the police would ask who's property it is.

Toggle Highlight: ON		Copy Link		Parcel ID: 19-04-005D-0SWM-0000	
Owner(s):	GAP VIEW VILLAGE HOA ASSOC INC	Community:	JEFFERSON		
Address:	GENERAL KERSHAW CT	E-911 Address:	N/A		
Class Type:	Residential	External Links:			
Legal Description:	OSWM & BUFFER STRIP GAP VIEW; VILLAGE (12.22 A)	Flood Info:	<div style="border: 1px solid red; padding: 2px;">Parcel appears zone. Learn mc</div>		

Best I can tell, according to Jefferson County, Gap View Village Homeowners Association owns the property. I guess that would be Richard. The police would suggest that I need to talk to the owners of the property. Back to Richard. Not only that, according to Jefferson County, the property appears to be in a HIGH RISK flood hazard zone. Makes you wonder why Richard would allow anything to go on at that property.

Richard and the HOA are known to send out correspondence to the Gap View Village residents / members if a doggie goes poo-poo on the side of the road. They send out correspondence when there is a chance that we might get 2" of snow. Why do you suppose Richard and the HOA would fight and resist sending out a correspondence to the Gap View Village residents / members regarding these clear violations? If for nothing else, in the name of safety.

The next correspondence regarding these violations came on June 26, 2023. I contacted Richard again. This is now over 1 year since the first correspondence on April 9, 2022. Since April 9, 2022, there has been no further correspondence about these violations. The violations hadn't stopped. Richard took no actions whatsoever. At this point, this was out of control, just as the rest of the Gap View Community was getting. The violations were every day, day and night. I tried to implore Richard to do "something". I have a dog at my property and an invisible fence that separates her from the common area property. It works well unless you have minibikes, ATVs, motorcycles, etc. racing around near her, making her anxious and aggravated enough to go through the invisible fence. I ended up having to re-flag the invisible fence and re-train my dog. I work at home many times if I am not out of town. I was not even able attend meetings or have meetings from my property with the windows in my house open because of the noise from the motorbikes.. If it was a nice day I could not even think about working outside on my patio because of the noise of the motorbikes. Richard could have pursued installing safety bollards at the walking trail entrances. Richard could have pursued installing signs at walking trail entrances indicating what is prohibited. I see these type of safety precautions in place at most every walking trail I see. That leads me to believe that it must be a good idea. Certainly proactive. When you think about the world we live in today, frequently hearing about vehicles driving through pedestrians, etc., you would think that this would be a no brainer for an HOA Community Manager. As noted in my correspondence to

Richard, a kid crashed through a residence's fence. Who didn't see this coming? This common area property is like a bowl. The motorbikes could race up the sides and go airborne at top of hill. That is how the kid crashed. The kid was very fortunate that he was not hurt worse. I don't know how he wasn't. His bike hit the fence. His bike stopped immediately. He didn't. So, Richard, what if that kid was hurt worse? What if that kid died? What if they raced up the hill went airborne, landed on my dog and killed her? What about that, Richard? You could have been proactive over 1 year earlier and have done "something". Instead, you have done "nothing". Sooner or later that accident will happen somewhere in Gap View Village. Just by the way people drive and the types of unauthorized vehicles on the roads. It's going to happen sooner or later. It's inevitable. When it does happen, Richard's negligence as HOA Community Manager will be at least part of the cause.

On June 27, 2023, Richard responded indicating my feedback was duly noted by the Board of Directors.

On June 27, 2023, Richard sent out a communication to all of the Gap View Village residents / HOA members regarding the violations.

At this juncture it gets interesting.

June 26, 2023 10:16 AM - I send a correspondence to Richard regarding these ongoing violations.  
June 27, 2023 8:40 AM - Richard sends correspondence to me indicating my feedback is duly noted.  
June 27, 2023 11:18 PM - Richard sends out correspondence to Gap View Village regarding violations.  
June 28, 2023 10:50 AM - Richard creeps over near my property to take a picture and proceeds to write a violation on my property.  
June 29, 2023 1:51 AM - Richard submits the compliance violation on my property into the HOA management website database.  
June 29, 2023 5:22 AM - I respond to Richard regarding the ridiculous violation.  
June 29, 2023 - I receive the compliance violation in the mail.  
June 30, 2023 9:23 AM - No response received to my previous correspondence to Richard, I sent a follow-up response to Richard.  
July 18, 2023 - I sent a violation notice in Gap View Village Homeowners Association official format to Richard, informing Richard the violations were occurring again.  
July 21, 2023 - Per Richard's request, I contacted him to inform him that I finished my painting project and to arrange to visit my property to re-inspect my property violation issued on June 28, 2023.

After June 27, 2023, when Richard sent me a correspondence indicating that my feedback was duly noted, I have not received any response or correspondence in any way from Richard regarding this matter. Still to do this day, June 23, 2025, I have heard nothing from Richard. This, even though I sent multiple correspondences to Richard indicating that I want to meet with him to discuss the property violations. This, even though I sent multiple messages informing Richard that I had recently purchased all the materials for a painting project that I was starting. I informed Richard I had the receipts from purchasing the materials. I informed Richard everything is on my kitchen counter. This, after I contacted Richard to inform him my painting project was completed and I was ready for inspection. To this day, June 23, 2025, nothing at all from Richard.

Who behaves like this?

Richard sees my 3rd correspondence regarding these violations on June 27, 2023. Late night on June 27, 2023, Richard sends out correspondence to the residents / members of Gap View Village. The very next morning, June 28, 2023, Richard is near my property taking a picture to create a violation for my property. In the wee hours of the next morning, June 29, 2023, Richard enters the record for my property violation into the HOA system database. Apparently, Richard had already taken the time to mail the violation on June 28, 2023, as I also received the violation in the mail on June 29, 2023. Then I attempt to connect with Richard, he disappears. Nothing. Richard, the HOA Community Manager, completely ignores me. Read through the attached correspondences.

Who behaves like this?

Everybody feel free to look at my appalling property violation in the photo on the violation letter in the attached HOA correspondence. Feel free to let me know what you see or what you think. Enlarge the photo if you need to. I had to enlarge it.

Then take a ride through Gap View Village. Or review some of the previous correspondences I have sent to all of you. Or take the time to read and view any of my future correspondences. Everyone is entitled to have their own opinion or draw their own conclusions. I have. I conclude that Richard's ridiculous behavior noted above was retaliatory behavior and abuse of his power as community Manager in response to what Richard refers to as, "complaining". Nobody could honestly, truthfully, convince me to believe anything else. Just look at the pattern of behavior. Look at the time frames. Richard indicated in the violation notice that he made a recent visit to my community. During that visit, Richard had to pass numerous glaring violations on his way to my property. We won't find any violations recorded for them.

That day Richard came to my property, June 28, 2023, every property on my cul-de-sac had at least 1 violation as "egregious" as mine. None of those properties received a violation letter. I believe they all still have those violations today, June 23, 2023. Important note: This is not to be interpreted as a complaint on my neighbors. Richard nor the HOA should use this as a reason to attack my neighbors for violations. The violations on my cul-de-sac are minimal compared to most of the rest of Gap View Village. In addition, a good number of my neighbors are nearly 90 years old. Get all of the other egregious violations in the community rooted out, then feel free to treat my neighbors equally and fairly.

But the bar has been set. It has been set by the HOA Community Manager. Any violation of the HOA Covenants, Conditions and Restrictions as equally egregious as the violation on my property, or worse, needs to be enforced. Correct? Please explain to me if that is just crazy thinking. I have correspondence from Richard indicating that "the Association" will equally enforce the Covenants against all units. It is not even open for debate whether or not that approach to enforcement is being applied in Gap View Village. Today. Right now. If you were to drive into Gap View Village's main entrance, before you even exited the entry roundabout, you would see no less than 5 HOA Covenant, Conditions, and Restrictions violations.

And think about this, Senators. I would expect that Richard would have to share with, if not get approval from, the Board of Directors of the HOA, to submit that violation on my property. Obviously, they agreed that was a good, sound, fair decision. Think about that and what I have presented to you so far. Think about that when you read anything I present to you in the future. Look at the photo of my property violation. Take a drive through Gap View Village.

It's almost as if was targeted too.

Please help me to understand. "It is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do."

I disagree.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Thursday, June 19, 2025 12:28 AM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>;

Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>  
**Subject:** Re: Homeowners Associations

Hello,

The grass was cut today. Thank you! Doesn't it look beautiful?

I stumbled across something funny today. The attached photo with the long grass was taken May 2nd. Note how long the grass was on May 2nd. How long do you think it had already been growing back then? Maybe 1 month. The beginning of April? It must be approximately 2 ½ months now. I, being the complainer that Richard refers to me as, never mentioned the long grass to Richard until just recently, after 2 1/2 months of growing.

Is there nobody here who feels as though I should be able to know a reason or have an explanation why this common area grass went uncut for 2 1/2 months while the grass in all other common areas was being cut on a regular basis?

Offering a small bit more insight to a pattern of Richard's behavior as HOA Community Manager. When there is a chance of snow in Jefferson County, Richard may send out a message to Gap View Village residents which is from Richard and the HOA Board of Directors. The memo requests that no vehicles park on the roads in Gap View Village and to remove all portable basketball hoops from the roads as well. The message indicates that if vehicles are left parked on the road, they are subject to being towed by the HOA at the owner's expense.

In one photo attached to this message there is a trailer with junk piled in it that was parked on the road in Gap View Village a few days after it snowed. It's important to note that the trailer filled with junk had been parked there in the road for months. The complainer never contacted Richard. Yet every single day the complainer had to circle a roundabout at the main entrance of Gap View Village and view the trailer filled with junk and sitting in the road. I finally contacted Richard after it snowed this past January and brought it to Richard's attention that it has been 3 days since the snow and the trailer still hadn't been towed. I never received any acknowledgement or response from Richard. Although, after some time, finally some small progress was made. The trailer filled with junk was moved and is now parked in a driveway of a residence in Gap View Village. The trailer is still parked there today in June. Everybody that circles the roundabout at the main entrance of Gap View Village sees this trailer. You cannot miss it. I am thinking that maybe moving the trailer filled with junk from the road to a driveway in Gap View Village doesn't quite resolve the noncompliance violation.

In reference to the portable basketball hoop in the attached photo. One time Richard sent out his snow message. It snowed. I can't make this up. Out of all the properties in Gap View Village, only 1 property had left their basketball hoop in the road when it snowed. Ironically, the 1 property that left the basketball hoop out in the road is the same property of the individual who is a member of the HOA Board of Directors that I referenced to you yesterday.

Sincerely,

Mark Werner

**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Tuesday, June 17, 2025 10:28 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Hello,

Today I want to circle back to the senator or senators that feel "It is up to an individual to choose to live in a HOA." That is correct. It is 100 correct.

The owner of the property in the 5 attached photos chose to do that. That property is in Gap View Village. The individual that owns the property in the attached photos is a member of the Gap View Village Homeowners Association Board of Directors.

We cannot expect anyone other than Richard to tell us for sure how many noncompliant violations of the Covenants, Conditions, and Restrictions of Gap View Village Homeowners Association that there are in the attached photos.

The state of West Virginia does not want to dictate what HOAs can and cannot do. Would the state, or even the county, have an interest in how well our HOA Community Managers in West Virginia are performing? Is there any interest?

Let's have a senator, or even a commissioner, ask Richard how many total violations there are in the attached photos. Total count. For a hypothetical example, 1 photo of 10 donkeys is not 1 violation of 10 donkeys. It is 10 separate violations of a donkey.

Or the senators and commissioners can even guess how many total violations that there are.

Who am I kidding? We know nobody is going to ask Richard. I don't anticipate anyone else will respond either. That said, I am confident that we can all agree that whatever the count, the number will be greater than zero (0).

The point being, when an individual chooses to live in this HOA, Gap View Village Homeowners Association, the individual also makes 2 other choices when purchasing a property to live in Gap View Village. The individual, in most all cases, signs a mortgage. Included as part of that mortgage signing is a Planned Unit Development Rider. It is a part of the mortgage or the deed of trust. It is a legal binding document. That document informs the individual that they will also be bound to the homeowner's association "Constituent Documents". For example, the Gap View Village Homeowners Association Constituent Documents are "Bylaws of Gap View Village Homeowners Association" and "Declaration of Covenants, Conditions, Restrictions and Easements for Gap View Village Subdivision". Those document are also legal binding documents. That's it. Hard stop.

Aside from Constituent Documents and everything else. Am I really the only that feels that this is all a little bit askew? An individual purchases a home in Gap View Village. Individual have been living here for 15 years. Immediately seemingly begins brazenly disregarding anything in Gap View Village's Constituent Documents. I've never seen anything like it. In the process, the individual pursues becoming a member of the Board of Directors for Gap View Village Homeowners Association. Even better, Richard reviewed the individual's credentials and qualifications and nominated the individual to the Board of the Directors. Am I really the only one that thinks there might be a disconnect here? Nothing to see here? We're all good? Because I have to drive on a road in Gap View Village every day, stop at a stop sign, and see the property in the attached pictures. Something like this might bother some people more than others.

That said, my apologies for rambling on. I felt it was best to share this experience first to help put some things in perspective going forward.

Sincerely,

Mark Werner

~PS~ The grass still has not been cut. The grass is approaching 20" high. Tomorrow will be 6 days since I began contacting Richard and his company (and I assume the Board of the Directors), and Jefferson County. That contact came 6 days after it already hasn't been cut in at least 2 months. Ironically, all the other common areas in Gap View Village have been getting cut all along. In all seriousness, I am trying to see the big picture. If Richard has an axe to grind with me. I don't care. Richard needs to get over it. Richard has already caused enough harm with his games. Big picture. Constituent Documents. Richard Sussman needs to do his job. This grass had grown for 2 months, a foot and a half. Richard never heard about. I give up. This has been a long continuous problem. This year has been far worse than ever. Until now, I don't even think of contacting Richard anymore. Somebody needs to cut this damn grass. Someone should explain to me why it hasn't been cut for over 2 months.

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Sunday, June 15, 2025 9:37 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org

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**Subject:** Re: Homeowners Associations

Hello,

A couple of housekeeping items before business of the day. I am really serious to know which senators indicated that the state of West Virginia doesn't need to dictate what Homeowners Associations can or can't. I would like to understand your ideologies. I would like to understand the reasons / examples for this. I would like you to understand my ideologies. I would like you to know the reasons / examples why I disagree. I am also serious to know how zoning laws or building laws were changed to allow Jefferson County or the state of West Virginia to dictate what the builders and developers can and can't do. I would think for sure, at least the Jefferson County Commissioners would know this information. Is this classified information?

Business of the day.

Today's business is in the spirit of Richard's mission statement which he sends out in correspondences with HOA members.

*"One of the primary goals of Gap View Village Homeowners Association, Inc. is to protect the aesthetic appeal and property values of the neighborhood."*

I want to acknowledge that I believe that is an admirable thought.

Taking you back to the summer of 2023. That is now 2 years ago. Attached to this email are 3 notices. Being a Gap View Village homeowner and Gap View Homeowners Association member, I observed something that I felt should be addressed. I thought that what I observed was detrimental to Richard's mission statement.

What I observed was located on property that Richard is responsible for. I prepared and sent a notice to Richard on July 10, 2023. My notice was prepared the exact same way that Richard would prepare the same type of notice. Every single detail of how the notice was prepared was identical to how Richard would have prepared it. Time went by and along came August. I never received any response from Richard. I was still observing what had prompted me to send a notice to Richard. I hadn't heard anything from Richard and what I had observed was still there. I prepared and sent Richard a second notice on August 11, 2023. Again, I prepared and sent the second notice precisely as Richard would do it. Time goes by and what do you know. Here we are in September. Still, I hadn't received any responses from Richard and I still observed what had prompted me to send the first and second notices to Richard. On September 11, 2023, I sent Richard a third notice. Again, I prepared and sent the third notice exactly as Richard would do it.

Today is June 15, 2025. Also attached to this email is a photo. That photo was taken June 14, 2025. The attached photo is of the same thing that I observed in the summer of 2023 when I was prompted to contact Richard.

We are approaching our 2-year anniversary now. To this date, I have never received any kind of response in any way from Richard regarding the 3 notices that I sent to him. I also have never received any kind of response from any of the Gap View Village Homeowners Association Board of Directors. And as we have previously established, Richard shares all of my correspondences with the Board of Directors. I'm not quite sure what to make of it.

To this date, the same exact thing that prompted my concern and had me notify Richard, is still there. It's just a lot bigger.

Senators, I am curious what your thoughts are about this? I am also curious to know how much more all of you think it will cost to remedy this situation now than it would have 2 years ago when Richard first received notice about this? Whatever the difference is that is the extra cost to the HOA members simply because of Richard's negligence and the defunct, non-existent HOA.

Sincerely,

Mark Werner

~PS~ The grass still hasn't been cut, going on 4 days. The grass is over a foot and a half tall. Richard has been notified 4 or 5 times. There has been no response from Richard. And don't forget, the Board of Directors have indicated that they are not interested in speaking with me and that all of my correspondences are to go to the Community Manager.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Friday, June 13, 2025 2:54 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.bolely@wvsenate.gov <donna.bolely@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov

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**Subject:** Re: Homeowners Associations

Hello,

This is simply a short follow-up in response to the responses that some West Virginia State Senators have made regarding their absurd position on HOAs.

Enjoy the attached photo. This is an incredibly small sample size of things you will see should you find yourself in Gap View Village. This is easy. A blind man could probably find this.

It's a stop sign. By law you have to stop. And this is what you see. When Richard Sussman makes his routine trips through Gap View Village, as he has informed me that he does. He has to stop. If he obeys traffic laws, he does. So, Richard Sussmann has to see this. How many times do you think Richard has seen this? By his own admission, he makes trips through Gap View Village. How long do you think it took for that weed to get that large? How long? How long do you think it has been there? Here's even more. One of the HOA Board of Director's has to stop at that stop sign every day. Probably multiple times a day. He has to stop because he has to make a left turn there to get to his junkyard. So at minimum, at least one of the HOA Board of Directors sees that weed every single day. He's watched it grow. Now that it is so large, he can probably see it while he is inside his home. But there it is.

But hey, "We don't want to dictate what HOAs can and cannot do".

Do you know who needs to have a lien put on their property? Property Management People, Inc.

I've offered the best, easiest solution to Richard several times. Disband the defunct, rouge, absent HOA.

Once last thing. I will bet my life, my entire life savings, that there is no subdivision that you can go to anywhere in this country, whether it has an HOA or doesn't have an HOA, and find a stop sign that resembles that. Not anywhere. I can take all of you to Detroit where I grew up and take you down streets that are nothing but mostly burned down crack houses, empty lots, and abandoned cars, and you will not find a stop sign that looks like that. Not even close. I have never seen anything like that. Not anywhere, ever. It is unprecedented.

Richard Sussmann should be prosecuted, and he should be removed from the West Virginia State Bar.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Friday, June 13, 2025 2:22 AM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>;

E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>  
**Subject:** Re: Homeowners Associations

Ms. Rucker,

Really? These are our WV senators?

*"but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do. "*

Can you please provide me with the names of the state senators who stand by this ideology?

This has nothing to do with a person choosing to live in an HOA. This has to do with a person choosing to live in an HOA, and paying for an HOA for 10 years, only to come to the realization the HOA doesn't exist or has gone rouge or is brazenly negligent and has most likely violated a few laws. This has to do with property management companies that run these HOAs and the useless people that volunteer for the board. I could wipe my butt with the money I pay to an HOA every month and get more value out of it than paying it to my HOA.

And let's be crystal clear about these crooked HOA laws. HOAs are not non-profit. The property management companies that manage these HOAs do it for profit. These property management companies are equally a part of the HOA just as the HOA itself is. Regardless of what any person or any crooked law thinks or says. Common sense will tell you this. The laws are for nothing more than to protect the property management companies from any liability.

The HOA rules / laws are ridiculous and provide no recourse for residents, homeowners, TAXPAYERS!

Would your colleagues like to know how many times I have approached the HOA? Would your colleagues like to know how many times the HOA and the Community Manager completely ignore any effort to meet and discuss with them?

Would your colleagues like to know in detail how HOAs abuse their power and use retaliatory tactics in effort to quiet HOA members expressing concerns (which they refer to as "complaining")? How they lie?

Ma'am, I could go on and on. I've lived here in my home for 10 years. Even better, this is my sixth home in 3 states. All but 1 of those homes had an HOA. Nothing, and I mean nothing could even come close to being as bad, as rogue, as non-existent, as negligent, as useless as the HOA that I am currently a member of and pay ees to.

For one, if an HOA isn't providing the services and management, and meeting the obligations that they are required to, why should a homeowner or HOA member have to pay HOA fees. If they purposely, deliberately, consciencely, continuously ignore the

Covenants, Conditions, and Restrictions? And if the HOA member doesn't pay their fees, then these despicable human beings have the ability and power to put a lien on your home. Let's forget rules or laws. Let's just simply consider ethics and integrity, and common sense.

I have to assume that all of your colleagues believe if they paid money for a service or a product that they never received, no matter how many times they inquired, that is perfectly fine with them. Is that correct? Ask your colleagues and respond to me to confirm this. Because there can be no other answer.

Take a survey from all your colleagues to find out how many of them own a property management company or are even a landlord. Please provide me with the results of that survey. I bet the survey results would be telling.

Tell your colleagues that I pay property tax to Jefferson County. I pay the same rate of property tax as any homeowner in Jefferson County who isn't part of any HOA. This would seemingly provide me access to the same exact county services as tax paying homeowners who are not in an HOA. But as you and every one of your colleagues very well know, I live in a private community that has access to none of those services because it is an HOA. Why do I pay the same tax rate? Seemingly only to fund your and all of your colleague's retirement pension packages. What other reason could there possibly be? Even worse, I pay the same property tax rate, but I also pay considerably more than that because of fees I pay to a negligent HOA. Even further, all the counties and municipalities, as well as you and all your colleagues, know that by continuing this pattern of behavior, the counties and municipalities can wash their hands of any obligation or liability of having to respond to or provide services to their taxpaying residents because their position is, "You have an HOA." "It's a private community." All the while collecting our property taxes. We don't even get police patrol in our "private community" because of this. It is impossible to believe that not all of you know this. You have to know this. It would be impossible for any of you not to know this. It was designed this way. The county isn't going to get involved. They are saving so much money and minimizing so much expense by making themselves "legally" not obligated or liable to provide any services to their taxpaying residents. And every single one of you, every one of you, knows that these HOAs are set up here so they are protected from any recourse from tax paying residents. Even if someone wanted to spend thousands of dollars to take legal action, nothing would come of it. Again, every single one of you knows this. Every single one of you. If a tax paying resident calls attorneys looking for help, do you know what they tell you? Because they work with and support so many HOAs, they do not support the single tax paying resident. Conflict of interest. All of this is nothing short of an illegal crime ring. It is appalling. All of you know this.

My suggestion to the loser that is the community manager of our HOA, is and always has been, disband the HOA. Get rid of the HOA. My HOA has made it abundantly clear for years now they have no desire, they have no interest, in managing the community and / or maintaining and enforcing the Covenants, Conditions, and Restrictions. THAT, can be proven to anyone, anytime, anywhere beyond anyone's reasonable doubt. So, get rid of the HOA. Do whatever you want to do on your property. STOP CHARGING ME HOA FEES. That's my solution. Simple. The HOA won't entertain that. The property management company would stop making money hand over foot for doing next to nothing. The county is never going to entertain that. That creates a liability for them. That creates an obligation to provide services and respond to tax paying residents. Which in turn creates more expense for them. Which in turn cuts into the taxpayer funded retirement pension plan for all of you. All of you know this. You have to. Any of you who says they are not aware of this is a liar.

But yet all of you think it is just fine that these crooked property management companies and these rouge, absent, negligent HOAs can charge a tax paying resident like me a monthly fee, and increase it every year, and never, ever be held accountable for responsible for anything, ever. And if a tax paying resident doesn't pay that HOA fee, these corrupt property management companies, who haven't even come close to fulfilling their obligations or responsibilities, can put a lien a tax paying resident's home. That's OK to all of you. That is sick.

But again, all of you, all of you involved know this. You know all of this.

My solution has always been, get rid of the HOA. Simple. Let people live like they want to live. Let them live and act like pigs. That would be fine with me. No one would ever hear from me again. But don't charge me fees for this bullshit.

Do you know who are the worst, most blatant offenders in an HOA, at least mine? The HOA Community Manager and the Board of Directors and the Board of Directors closest neighbors - by a longshot. Your colleagues: "but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA" Didn't these complete failures ON THE BOARD OF DIRECTORS OF THE HOA make that same choice?

To an extent, your colleagues are right. All of us had that choice. We had the opportunity to read the Covenants, Conditions, and Restrictions before purchasing a home in an HOA. At that point we had to make an adult decision as to whether we could live within the compliance of the Covenants, Conditions, and Restrictions or whether we could not. It's that simple. A 6 year old could comprehend that, and based on that, then everyone can make a decision if they want to purchase a home in an HOA. Tell your colleagues the idea isn't an individual decides to purchase a home in an HOA whether or not the Community Manager and the Board of Directors have any interest in governing the HOA in accordance with the Covenants, Conditions, and Restrictions of the HOA. Which, tell your colleagues, IS A LEGAL BINDING DOCUMENT. This is not rocket science.

So here we are today. The straw that broke the camel's back. I have watched new developments everywhere in Jefferson County being built. Ruining the beautiful community that I moved to 10 years ago. I noticed recently that the very first things being built in these new developments are playgrounds, parks, or swimming pools. All this before one nail is pounded into one board on any new residence. I thought to myself, "How stupid is that." And "That sure doesn't seem like any developers I've ever seen or known." Then, I learned today that zoning laws "or something of the sort" were changed to "require" the developers to build all of these promised "extras" first before any residences could be built. The reason for this is so the developers could no longer disappear after building the residences and never building any of the promised "extras". Honestly, I think that was an admirable idea. However, how did that legislation get passed? Did you participate in getting that passed, ma'am? Did your colleagues participate in getting that passed? Was the Jefferson County Commission involved in getting that passed? Do you know what is so disturbingly telling about this, ma'am? Here in West Virginia, specifically Jefferson County, we'll pass legislation to promote the development so that we can attract new residents so we can generate more and more tax revenue so that taxpayer funded retirement pension funds can continue to be generously funded. Here in West Virginia, specifically Jefferson County, after that, who cares? It eventually turns into an HOA. It's a private community. It completely removes any obligation or responsibility or liability to Jefferson County. It saves Jefferson County probably millions

in expense from having to provide any services or having to hire and pay staff to provide those services. It removes any liability from Jefferson County. Meanwhile, the taxpayer residents living in these rouge, absent, negligent HOA communities bear the burden.

This type of governing has also allowed Jefferson County to have so much extra money they are going to build a brand-new Government and Judicial Complex. Isn't that nice? A brand-new concession building at the park. That allows Jefferson County to make even more money from their tax paying residents.

But to hell with the tax paying residents of Jefferson County living in an HOA.

Even more fuel for the fire. Richard Sussman has used money from HOA member fees to pay for membership to West Virginia Organization of Homeowners Associations for him and the HOA Board of Directors. An organization to support the HOAs and the property management companies. Not the homeowners. Not the residents. Not the HOA members. Not the tax payers. Why does this pattern keep repeating itself? Why does this WVHOA organization even exist. Who funds it? Do taxpayers fund this organization? Where is the organization to support the homeowner? The resident? The HOA member? The taxpayer? In any case, WVHOA, an organization with a wealth of support, training, advice, etc. for Richard Sussman and his Board of Directors. Training that there is clearly record that Richard Sussman has taken advantage of. Yet still, STILL, either, a.) They've learned absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify the from being an HOA Community Manager or on the Board of Directors. Or b.) They absolutely 100% do not care at all what their roles and responsibilities are and brazenly neglect nearly all of them. There is no other answer.

So, at this juncture I have a couple requests of you. And please keep in mind, I fund your salary, and I fund your retirement pension. Those are two things you, your colleagues, or any HOA do not do for me.

1.) I live in Gap View Village. 44 General Kershaw CT, Harpers Ferry, WV 25425. The Community Manager for our HOA is Richard Sussman. One of the most despicable, useless, lying, crooked, unethical, weasel, coward human beings I have interacted with in my entire 62 years of life. In my opinion a complete piece of trash human being with zero integrity and zero ethics. A little weasel that is all too aware of the ridiculous, untouchable power someone in his role has. But yet time and time again he has exhibited to me that either, a.) He knows absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify him from being an HOA Community Manager. Or b.) He absolutely 100% does not care at all what his role and responsibilities are and brazenly neglects nearly all of them. There is no other answer. And he certainly could care less about Gap View Village. He doesn't live there.

I realize Richard Sussman is probably a friend of yours and all of your colleagues. We know how you lawyers stick together. The best advice I can offer to you is perhaps consider finding different friends.

Next week, the week of June 16th, I would like you to come and visit me at my home. I will provide you with a copy of my HOA's Covenants, Conditions, and Restrictions. We will take my dog for a walk through the entire community of Gap View Village. We will talk. I will share all the correspondence I have had or have tried to have with Richard Sussman (Your colleagues: "and also that an individual who disagrees can petition their HOA to change the rules.") In addition, Richard Sussman has assured me he has shared all

of my correspondence I have had with him, with the HOA Board of Directors. To that end, all of them too, either a.) Know absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify all of them from being on an HOA Board of Directors. Or b.) They absolutely 100% do not care at all what their role and responsibilities are and brazenly disregard nearly all of them. There is no other answer.

I will share stories with you in detail, ma'am, regarding my experiences and interactions with Richard Sussman over the years as it relates to my HOA that will (should) blow you away. You may even be so taken a back that you refuse to believe me. I assure you, I am an open book. I have nothing to hide. I have nothing to embellish. I have nothing to lie about - and I do not lie. And anything I share with you I will, as they say today, "bring the receipts" for everything. EVERYTHING. Correspondences, hundreds of photos, videos gathered over numerous years of living in Gap View Village. Nothing I share with you can be successfully disputed by anyone. Since you have indicated to me that your colleagues are in need of an education, I encourage you to invite your colleagues to Gap View Village to walk with us. Invite all of them. Three years ago you engaged with The WV Independent Observer to publish an article about "The Burden of Defunct HOAs". We know how that ended. Invite The Observer to come walk-through Gap View Village with us. They can publish a follow-up article. They can publish their article based on a firsthand experience of a defunct, absent, negligent HOA. They can have a detailed interview with me, an HOA member who has experienced a defunct HOA for years. They can write about despicable people like Richard Sussman and his company, Property Management People, Inc., who profit from these defunct HOAs. Please feel free to invite Richard Sussman to walk with us through Gap View Village. Maybe you will have better luck than I have had trying to get him to do this. Richard Sussman's phone number is (681) 252-0217. Richard Sussman' email address is Richard.sussmann@pmpbiz.com. I am all for 100% transparency and communication. Heck, invite the Spirit of Jefferson. Invite the Journal. Invite a television news crew. Most importantly, I am expecting for you to come visit me, walk through Gap View Village with me. See things and hear things that you will absolutely refuse to believe but have no other choice but to believe it. I will even buy you lunch. Choose whatever time and day next week that you would like to come and visit me that is most convenient for you. I will be available. You will be my top priority next week.

2.) I would like for you to explain to me how a tax paying resident like me can go to Charleston, WV and make a presentation to the West Virginia Senate (your colleagues). Heck, the House if I can too. I have spent a considerable amount of time putting together a presentation for the purpose of having Richard Sussman removed from the West Virginia State Bar. After hearing the narrow-minded, absurd, uninformed, misinformed responses from your colleagues, I now want to give my presentation to your colleagues in Charleston, WV. Please guide me on how to go about this.

I look forward to meeting with you next week and sharing an eye-opening experience with you.

Most Sincerely,

Mark Werner

PS - Please tell your colleagues no one ever suggested or indicated they dictate to HOAs what they can or can't do (but someone sure needs to). Simply asking them to be fair to tax paying residents. And by the way. At some point someone passed legislation that dictated how a defunct, absent, negligent HOA

has the power to put a lien on a tax paying resident's home if they don't pay for services that they don't receive. That seems to be OK with your colleagues. Where are we living? China?

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**From:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>  
**Sent:** Tuesday, April 8, 2025 5:50 PM  
**To:** Mark Werner <mark\_werner@outlook.com>  
**Subject:** RE: Homeowners Associations

Mr. Werner, I am so sorry that I didn't respond to you. I tried to do pass a bill this session to help you but it failed. I should have let you know but simply it was so busy trying to get bills through and chair a committee, and I just did not email you.

We do need to do something about HOA's and I can tell you that I will not give up because you are not the only one suffering from injustice, but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do. This is why my bill failed.

There is an organization that represents HOA's, so they are on the side of the HOA's, not yours or mine, but they have offered to help me with what I am trying to do which is rein in HOA's which are not following reasonable rules and respecting homeowner's rights. This organization is called Community Associations Institute, or CAI, and their address is 6402 Arlington Blvd., Suite 500, Falls Church, VA, 22042. The phone number is 888-224-4321. The person I spoke to is Crystal L. Wallace.

Sincerely,

**Senator Patricia Rucker**  
16<sup>th</sup> Senatorial District  
Serving Jefferson and Berkeley Counties  
Room 214-W, State Capitol  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0800

[Patricia.rucker@wvsenate.gov](mailto:Patricia.rucker@wvsenate.gov)



**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Tuesday, April 8, 2025 4:15 PM  
**To:** advocate@homeownersvoice.com; Patricia Rucker <Patricia.Rucker@wvsenate.gov>  
**Subject:** Re: Homeowners Associations

Hello,

I just wanted to take a quick minute to follow-up - 2 months later - and offer some solid, good advice.

Decommission the website at <https://www.homeownersvoice.com/> It serves no purpose and provides no value. It is nothing more than a destination of false hope.

Ms. Rucker, you need to just simply resign. I have lived in Jefferson County for almost 10 years. Simply, you need to resign. You are the epitome of a politician and false hope. Like other initiatives of yours, this one is another dead end. Always looks good in the press - the newspaper articles, doesn't it, Ms. Rucker? Until someone actually attempts to allow through.

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**From:** Mark Werner

**Sent:** Wednesday, January 29, 2025 2:43 PM

**To:** [advocate@homeownersvoice.com](mailto:advocate@homeownersvoice.com); [patricia.rucker@wvsenate.gov](mailto:patricia.rucker@wvsenate.gov)

**Subject:** Homeowners Associations

Hello,

I was curious to know if Homeowners Voice is still active and / or how it has progressed since 2023. I first read about the organization in 2023. At that time there was a survey online to submit concerns or complaints. That is still the survey online "HOA Survey Summer 2023". This is what made me curious to know if Homeowners Voice was still alive and kicking.

I need help. I am at the end of my rope. I have been dealing with a corrupt, dishonest HOA for a long time.

They continue to operate deceitfully, corruptly, dishonestly, not able to provide records, Ignoring their own Covenants, Conditions, Restrictions, & Easements, Operate with "The rules are for thee, not for me." approach. Have retaliatory approaches in effort to silence homeowners raising concerns, etc., etc., etc. I could go on and on and on.

A tax paying, law abiding, Jefferson County resident has absolutely zero recourse. HOAs know this and unfortunately many HOAs exploit this to knowingly, consciencely, behave badly. Nothing can be done. West Virginia should ban HOAs.

Look, I cannot even believe I have reached this place because of an HOA. I moved from Michigan years ago. I have fought and battled major depression for 25 years and have done a lot of hard work to keep myself alive. My move from Michigan was one of the most beneficial things I have done in my fight. Then about 6 years ago I engaged with the despicable Homeowners Association for my community. I had been doing so well. Now, fighting with this negligence, deceitful, ethic less, dishonest, etc. HOA, I am at the end of my rope. The years of being required to endure this bullshit has taken its toll on me. I have no hope, I have no desire to live, I again have suicidal ideologies.

Why is a tax paying resident of Jefferson County required to tolerate this? WHY SHOULD I HAVE TO PAY HOMEOWNERS ASSOCIATION FEES TO TOLERATE THIS. And if I don't pay the fees, the HOA can put a lien on my property. The HOA can act and behave however they choose but if I stop paying my HOA fees because of a disagreement with the services the HOA is providing (or not) and / or the HOA's behavior, the HOA is still allowed to put a lien on my property if I don't pay HOA fees. Where

are we? Why is this allowed to continue? West Virginia should change the name to HOP (Homeowners Prison). For this to be allowed to go on is despicable.

I try to talk to an attorney (Why should I have to do this?) they indicate that they don't support individual HOA members because they work directly with many HOAs. You can't find an attorney to help (Why should I have to?).

I am at the end of my rope. I need help. Is the Homeowners Voice still active and available? Can you provide any guidance on where to get good legal advice or any suggestions for a homeowner? Can Jefferson County or the State of West Virginia help protect their individual taxpaying, HOA fee paying, HOA members, the same way they help to protect Homeowners Associations in West Virginia. West Virginia would be a much better place to live if it banned HOAs.

Are you able to provide any worthwhile, not dead end, help or guidance?

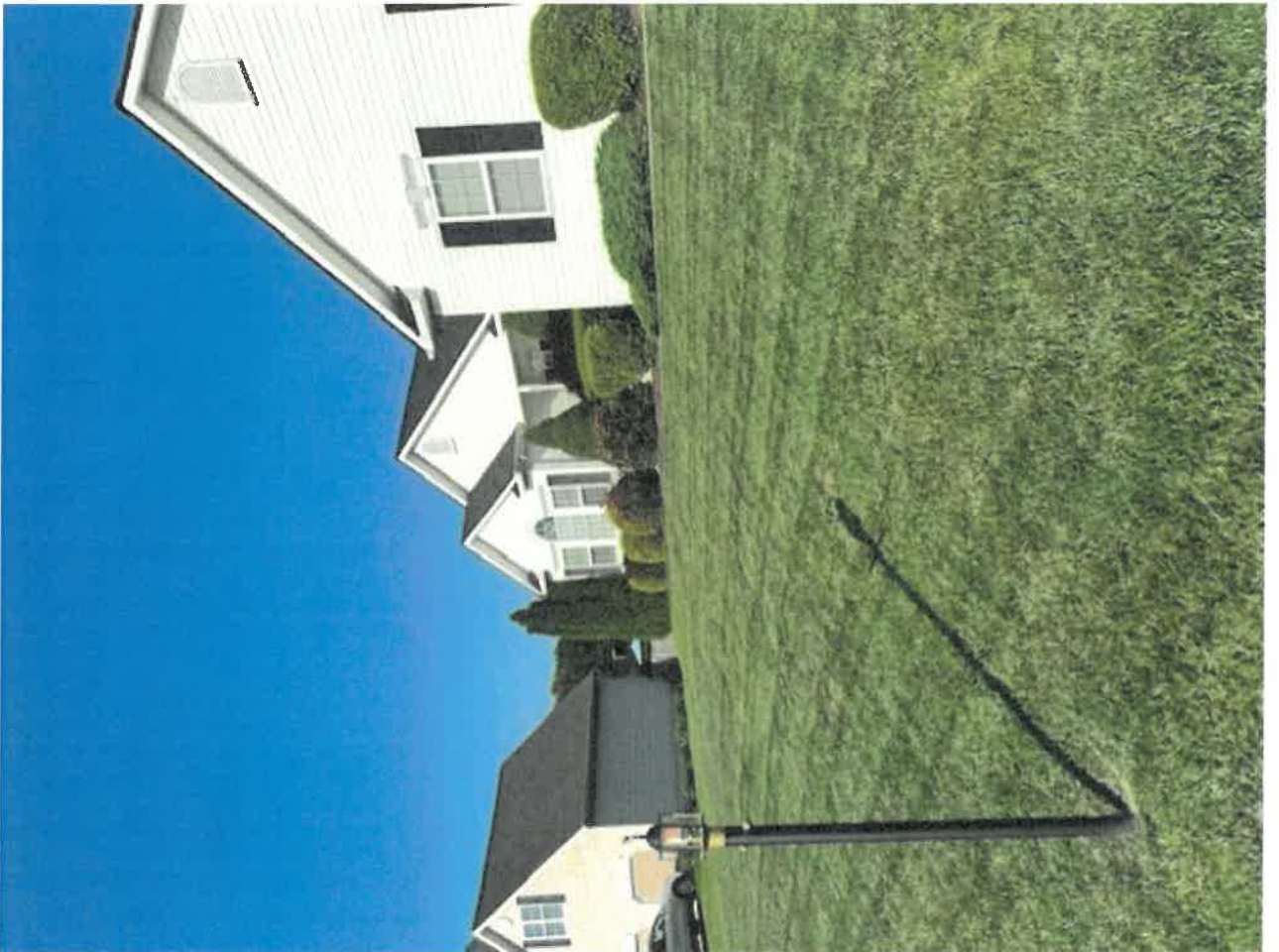
Thank you in advance.

Sincerely,

Mark Werner











## Lynn Dillow

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Wednesday, June 25, 2025 1:40 PM  
**To:** Patricia Rucker  
**Cc:** mike.azinger@wvsenate.gov; jason.barrett@wvsenate.gov; kevan.bartlett@wvsenate.gov; donna.boleyn@wvsenate.gov; laura.chapman@wvsenate.gov; anne.charnock@wvsenate.gov; charles.clements@wvsenate.gov; vince.deeds@wvsenate.gov; scott.fuller@wvsenate.gov; joey.garcia@wvsenate.gov; amy.grady@wvsenate.gov; bill.hamilton@wvsenate.gov; craig.hart@wvsenate.gov; brian.helton@wvsenate.gov; glenn.jeffries@wvsenate.gov; patrick.martin@wvsenate.gov; mark.maynard@wvsenate.gov; robbie.morris@wvsenate.gov; mike.oliverio@wvsenate.gov; rupie.phillips@wvsenate.gov; ben.queen@wvsenate.gov; rollan.roberts@wvsenate.gov; chris.rose@wvsenate.gov; randy.smith@wvsenate.gov; mike.stuart@wvsenate.gov; tom.takubo@wvsenate.gov; darren.thorne@wvsenate.gov; eric.tarr@wvsenate.gov; jay.taylor@wvsenate.gov; jay.taylor@wvsenate.gov; darren.thorne@wvsenate.gov; ryan.weld@wvsenate.gov; tom.willis@wvsenate.gov; mike.woelfel@wvsenate.gov; jack.woodrum@wvsenate.gov; Wayne.Clark@wvhouse.gov; joe.funkhouser@wvhouse.gov; chris.anders@wvhouse.gov; bill.ridenour@wvhouse.gov; David Bound; Lynn Dillow; Jessica James; Roger Goodwin; Edwina Benites; Pasha Majdi; Jack Hefestay; ed.thomas@pmpbiz.com; Patrick.Vasold@pmpbiz.com; Kyle.Thomas@pmpbiz.com; E.Lodge@pmpbiz.com; Keith.Stains@pmpbiz.com; Richard A. Sussmann; info@WVOHOA.org  
**Subject:** Re: Homeowners Associations  
**Attachments:** Windows.jpg

Hello,

I live in a community where 100% of the windows in 100% of the homes have grids in the windows. Grilles, Muntins, whatever you like to call them. In Gap View Village, 100% of the windows, front, sides, back, in 100% of the homes have grids in the windows. Gap View Village has an HOA. Gap View Village has an Architectural Committee. Yet still, a resident in Gap View Village, a member of the HOA Board of Directors, recently had new windows installed. No grids on any windows.

The property stood out like a sore thumb in the community to me because every other property in Gap View Village has windows with grids in them. I stop at a stop sign and it is impossible to not notice how this 1 property stands out differently than every other property in the community.

I had new windows installed in my home a while back. My new windows were installed with grids in them. Since 100% of the homes in Gap View Village have grids in their windows, I didn't want to have my property to have a violation recorded against it.

Senators! Somebody! Anybody! Why do we have an HOA? Why do we have an Architectural Committee?

I don't know. Can we ask the Architectural Committee what architectural ideology brought them to the decision to allow these new windows? I guess we could. We'll never get an answer. You can't even get or

expect a simple answer as to why property that you pay property tax on and pay to keep maintained, went nearly 3 months without cutting the grass as it grew to 2' long.

Why are there HOAs? Why does Gap View Village have an HOA? Why do Senators in West Virginia believe, "It is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do."

Did the taxpaying residents in West Virginia elect you to your positions or did Property Management People, Inc. and Richard elect you to your positions?

More to come on Architectual Committees and Covenants, Conditions and Restrictions in the future... But come on now. What in the hell are we doing here?

It is seemingly crystal clear, isn't it? Richard doesn't want an HOA. The Board of Directors don't want an HOA. Property Management People, Inc. don't want an HOA. Disband the HOA. Put whatever windows you want in your homes. Live free. But stop charging people money for this racket. The whole function, all the different entities involved with or supporting this racket. Nothing to support or protect the tax paying resident. It's like a legal crime was established. This whole ideology of HOAs today, and Richard is the poster example, is a broken system. It's like a tyranny.

Or pass legislation in West Virginia to hold these Community Managers, Property Management companies, and HOAs accountable.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Tuesday, June 24, 2025 1:47 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov

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**Subject:** Re: Homeowners Associations

In effort to be as clear as I can to everyone.

Attached photos:

House01 - This is about where Richard would have taken up hiding when he took the picture of my property. You can see in his photo where his nose is seemingly almost pressed against the windshield of his car from leaning up forward so far. He had to, to see over that tall grass. Why didn't he just get out of the car. Richard, as Community Manager, has authority to access any resident's property without permission if there is good reason or to inspect any violations. Seems if he was doing something honest and ethical, he would have just gotten out of the car.

House02 - This is the property in Gap View Village on record for being in violation of HOA Covenants, Conditions, and Restrictions.

House03 - This is the property in Gap View Village on record for being in violation of HOA Covenants, Conditions, and Restrictions.

House04 - When Richard was "recently in the community" he would have stopped at this stop sign. From there would have been Richard's first opportunity to see my property violations, as well as other property violations on the same cul-de-sac that my property is on. Richard must have spotted my violation at this point. If I were to guess, being generous, I would guess Richard passed by at least 10 property violations more egregious than my property violation by the time he arrived at that stop sign. Disregard the shoulder of our roads showing up in the picture. There will be a day in the near future focused on that epic failure of a project.

House05 - Just a photo from ground zero of my property violation looking down the hill where Richard would have been parked behind the tall grass when taking his picture.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Tuesday, June 24, 2025 1:25 PM  
**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Hello,

I hope I have been able to begin to shed at least a little bit of light on the culture and behaviors of Richard and Gap View Village Homeowners Association.

Senators, I really do need to get some understanding as to what is the foundation or the basis that allows the state of West Virginia to choose to believe, "It is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do."

Attached to this message is a correspondence that took place between Richard and I regarding ongoing violations of items 19 & 20 of the Gap View Homeowners Association's Declaration of Covenants, Conditions & Restrictions. Also attached is an image to allow a better understanding of the violation. My property is outlined in red. The area of the ongoing violations is outlined in yellow. Incidentally, the area outlined in yellow is also the area where the grass seemingly never gets cut.

The attached correspondence is in chronological order from the oldest correspondence to the most recent correspondence. The first correspondence happens on April 9, 2022, when I contacted Richard regarding the violations. Richard had been the Community Manager for approximately 5 years at this point. You can see how my frustration has increased with the status / presence of any HOA at Gap View Village. I presented my concerns to Richard and asked him to address it.

Richard responded with a long-winded message about what "I" can do. Richard went on to imply I should become Deputy Barney Fife of Gap View Village and investigate further. Nowhere in Richard's response did he give any indication that he was interested in engaging to put a stop to the violations. Richard did not even exhibit any interest to investigate the violations for himself. I did what I needed to do. I acknowledged the violation. I reported the violation to my HOA's Community Manager. I wasn't looking to hunt people down and prosecute them. I wasn't interested in knowing anyone's name. I wanted the violations to stop. Not just then at that particular time but going forward too. Not just chase down some kids to get them in trouble. Only to find myself doing it again, and again. I am not the Community Manager. I am not on the Board of Directors of the HOA. My position is and always has been, most especially since Richard became Community Manager, to dissolve the HOA. Richard could have just simply said "Thank you for bringing it to my attention" and sent out a reminder correspondence to all the residents / members of the HOA regarding the violation. Richard could have done "something". Instead, Richard wants to imply as though he requires pictures, names, addresses, police reports, fingerprints, mugshots, etc., before he is able or allowed to engage as the Community Manager for the HOA to enforce the HOA's Covenants, Conditions & Restrictions and / or bylaws.

Does everybody reading this understand the structure of an HOA? What it is? What it means? Does everybody reading this understand what an HOA Declaration of Covenants, Conditions and Restrictions is? What it represents? What it means? What its significance is? What about HOA bylaws? Does everybody reading this understand the roles, responsibilities, and obligations of an HOA Community Manager?



I feel it is important to add. When these violations first began, after Richard had become Community Manager, I did try talking to the offender. The first offender. A boy in a go-kart. I walked to the back of my property. I asked the boy to stop when he came by. I was very polite to the boy. I asked him where he lived. I explained to the boy he can't be riding in this area. I explained to him about my dog and how it was bothering her. I asked him to go ride the go-kart over by his house. So again, I am not looking to prosecute anyone or get kids in trouble. I just want the violations behind my property to stop. To make matters worse. It wasn't even 30 minutes later, the boy on the go-kart was back, stopped on my property revving up the engine. Senators, what would your next move be in this situation? There are reasons that I purchased the property at Gap View Village that I did. One of those reasons was the open property behind me. I looked into this property, what it was, who's it was, what can or cannot be done to / on the property, etc.

Further, let's say I pursued Richard's ridiculous suggestions. Let's say the police were to come and investigate. At some point the police would ask who's property it is.

Toggle Highlight: ON

 Copy Link

Parcel ID: 19-04-005D-0SWM-0000

<b>Owner(s):</b>	GAP VIEW VILLAGE HOA ASSOC INC	<b>Community:</b>	JEFFERSON
<b>Address:</b>	GENERAL KERSHAW CT	<b>E-911 Address:</b>	N/A
<b>Class Type:</b>	Residential	<b>External Links:</b>	
<b>Legal Description:</b>	OSWM & BUFFER STRIP GAP VIEW; VILLAGE (12.22 A)	<b>Flood Info:</b>	 Parcel appears zone. Learn more

Best I can tell, according to Jefferson County, Gap View Village Homeowners Association owns the property. I guess that would be Richard. The police would suggest that I need to talk to the owners of the property. Back to Richard. Not only that, according to Jefferson County, the property appears to be in a HIGH RISK flood hazard zone. Makes you wonder why Richard would allow anything to go on at that property.

Richard and the HOA are known to send out correspondence to the Gap View Village residents / members if a doggie goes poo-poo on the side of the road. They send out correspondence when there is a chance that we might get 2" of snow. Why do you suppose Richard and the HOA would fight and resist sending out a correspondence to the Gap View Village residents / members regarding these clear violations? If for nothing else, in the name of safety.

The next correspondence regarding these violations came on June 26, 2023. I contacted Richard again. This is now over 1 year since the first correspondence on April 9, 2022. Since April 9, 2022, there has been no further correspondence about these violations. The violations hadn't stopped. Richard took no actions whatsoever. At this point, this was out of control, just as the rest of the Gap View Community was getting. The violations were every day, day and night. I tried to implore Richard to do "something". I have a dog at my property and an invisible fence that separates her from the common area property. It works well unless you have minibikes, ATVs, motorcycles, etc. racing around near her, making her anxious and aggravated enough to go through the invisible fence. I ended up having to re-flag the invisible fence and re-train my dog. I work at home many times if I am not out of town. I was not even able attend meetings or have meetings from my property with the windows in my house open because of the noise from the motorbikes.. If it was a nice day I could not even think about working outside on my patio because of the noise of the motorbikes. Richard could have pursued installing safety bollards at the walking trail entrances. Richard could have pursued installing signs at walking trail entrances indicating what is prohibited. I see these type of safety precautions in place at most every walking trail I see. That leads me to believe that it must be a good idea. Certainly proactive. When you think about the world we live in today, frequently hearing about vehicles driving through pedestrians, etc., you would think that this would be a no brainer for an HOA Community Manager. As noted in my correspondence to Richard, a kid crashed through a residence's fence. Who didn't see this coming? This common area property is like a bowl. The motorbikes could race up the sides and go airborne at top of hill. That is how the kid crashed. The kid was very fortunate that he was not hurt worse. I don't know how he wasn't. His bike hit the fence. His bike stopped immediately. He didn't. So, Richard, what if that kid was hurt worse? What if that kid died? What if they raced up the hill went airborne, landed on my dog and killed her? What about that, Richard? You could have been proactive over 1 year earlier and have done "something". Instead, you have done "nothing". Sooner or later that accident will happen somewhere in

Gap View Village. Just by the way people drive and the types of unauthorized vehicles on the roads. It's going to happen sooner or later. It's inevitable. When it does happen, Richard's negligence as HOA Community Manager will be at least part of the cause.

On June 27, 2023, Richard responded indicating my feedback was duly noted by the Board of Directors.

On June 27, 2023, Richard sent out a communication to all of the Gap View Village residents / HOA members regarding the violations.

At this juncture it gets interesting.

June 26, 2023 10:16 AM - I send a correspondence to Richard regarding these ongoing violations.  
June 27, 2023 8:40 AM - Richard sends correspondence to me indicating my feedback is duly noted.  
June 27, 2023 11:18 PM - Richard sends out correspondence to Gap View Village regarding violations.  
June 28, 2023 10:50 AM - Richard creeps over near my property to take a picture and proceeds to write a violation on my property.  
June 29, 2023 1:51 AM - Richard submits the compliance violation on my property into the HOA management website database.  
June 29, 2023 5:22 AM - I respond to Richard regarding the ridiculous violation.  
June 29, 2023 - I receive the compliance violation in the mail.  
June 30, 2023 9:23 AM - No response received to my previous correspondence to Richard, I sent a follow-up response to Richard.  
July 18, 2023 - I sent a violation notice in Gap View Village Homeowners Association official format to Richard, informing Richard the violations were occurring again.  
July 21, 2023 - Per Richard's request, I contacted him to inform him that I finished my painting project and to arrange to visit my property to re-inspect my property violation issued on June 28, 2023.

After June 27, 2023, when Richard sent me a correspondence indicating that my feedback was duly noted, I have not received any response or correspondence in any way from Richard regarding this matter. Still to do this day, June 23, 2025, I have heard nothing from Richard. This, even though I sent multiple correspondences to Richard indicating that I want to meet with him to discuss the property violations. This, even though I sent multiple messages informing Richard that I had recently purchased all the materials for a painting project that I was starting. I informed Richard I had the receipts from purchasing the materials. I informed Richard everything is on my kitchen counter. This, after I contacted Richard to inform him my painting project was completed and I was ready for inspection. To this day, June 23, 2025, nothing at all from Richard.

Who behaves like this?

Richard sees my 3rd correspondence regarding these violations on June 27, 2023. Late night on June 27, 2023, Richard sends out correspondence to the residents / members of Gap View Village. The very next morning, June 28, 2023, Richard is near my property taking a picture to create a violation for my property. In the wee hours of the next morning, June 29, 2023, Richard enters the record for my property violation into the HOA system database. Apparently, Richard had already taken the time to mail the violation on June 28, 2023, as I also received the violation in the mail on June 29, 2023. Then I

attempt to connect with Richard, he disappears. Nothing. Richard, the HOA Community Manager, completely ignores me. Read through the attached correspondences.

Who behaves like this?

Everybody feel free to look at my appalling property violation in the photo on the violation letter in the attached HOA correspondence. Feel free to let me know what you see or what you think. Enlarge the photo if you need to. I had to enlarge it.

Then take a ride through Gap View Village. Or review some of the previous correspondences I have sent to all of you. Or take the time to read and view any of my future correspondences. Everyone is entitled to have their own opinion or draw their own conclusions. I have. I conclude that Richard's ridiculous behavior noted above was retaliatory behavior and abuse of his power as community Manager in response to what Richard refers to as, "complaining". Nobody could honestly, truthfully, convince me to believe anything else. Just look at the pattern of behavior. Look at the time frames. Richard indicated in the violation notice that he made a recent visit to my community. During that visit, Richard had to pass numerous glaring violations on his way to my property. We won't find any violations recorded for them.

That day Richard came to my property, June 28, 2023, every property on my cul-de-sac had at least 1 violation as "egregious" as mine. None of those properties received a violation letter. I believe they all still have those violations today, June 23, 2023. Important note: This is not to be interpreted as a complaint on my neighbors. Richard nor the HOA should use this as a reason to attack my neighbors for violations. The violations on my cul-de-sac are minimal compared to most of the rest of Gap View Village. In addition, a good number of my neighbors are nearly 90 years old. Get all of the other egregious violations in the community rooted out, then feel free to treat my neighbors equally and fairly.

But the bar has been set. It has been set by the HOA Community Manager. Any violation of the HOA Covenants, Conditions and Restrictions as equally egregious as the violation on my property, or worse, needs to be enforced. Correct? Please explain to me if that is just crazy thinking. I have correspondence from Richard indicating that "the Association" will equally enforce the Covenants against all units. It is not even open for debate whether or not that approach to enforcement is being applied in Gap View Village. Today. Right now. If you were to drive into Gap View Village's main entrance, before you even exited the entry roundabout, you would see no less than 5 HOA Covenant, Conditions, and Restrictions violations.

And think about this, Senators. I would expect that Richard would have to share with, if not get approval from, the Board of Directors of the HOA, to submit that violation on my property. Obviously, they agreed that was a good, sound, fair decision. Think about that and what I have presented to you so far. Think about that when you read anything I present to you in the future. Look at the photo of my property violation. Take a drive through Gap View Village.

It's almost as if was targeted too.

Please help me to understand. "It is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do."

I disagree.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Thursday, June 19, 2025 12:28 AM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org

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**Subject:** Re: Homeowners Associations

Hello,

The grass was cut today. Thank you! Doesn't it look beautiful?

I stumbled across something funny today. The attached photo with the long grass was taken May 2nd. Note how long the grass was on May 2nd. How long do you think it had already been growing back then? Maybe 1 month. The beginning of April? It must be approximately  $2 \frac{1}{2}$  months now. I, being the complainer that Richard refers to me as, never mentioned the long grass to Richard until just recently, after 2 1/2 months of growing.

Is there nobody here who feels as though I should be able to know a reason or have an explanation why this common area grass went uncut for 2 1/2 months while the grass in all other common areas was being cut on a regular basis?

Offering a small bit more insight to a pattern of Richard's behavior as HOA Community Manager. When there is a chance of snow in Jefferson County, Richard may send out a message to Gap View Village residents which is from Richard and the HOA Board of Directors. The memo requests that no vehicles park on the roads in Gap View Village and to remove all portable basketball hoops from the roads as well. The message indicates that if vehicles are left parked on the road, they are subject to being towed by the HOA at the owner's expense.

In one photo attached to this message there is a trailer with junk piled in it that was parked on the road in Gap View Village a few days after it snowed. It's important to note that the trailer filled with junk had been parked there in the road for months. The complainer never contacted Richard. Yet every single day the complainer had to circle a roundabout at the main entrance of Gap View Village and view the trailer filled with junk and sitting in the road. I finally contacted Richard after it snowed this past January and brought it to Richard's attention that it has been 3 days since the snow and the trailer still hadn't been towed. I never received any acknowledgement or response from Richard. Although, after some time, finally some small progress was made. The trailer filled with junk was moved and is now parked in a driveway of a residence in Gap View Village. The trailer is still parked there today in June. Everybody that circles the roundabout at the main entrance of Gap View Village sees this trailer. You cannot miss it. I am thinking that maybe moving the trailer filled with junk from the road to a driveway in Gap View Village doesn't quite resolve the noncompliance violation.

In reference to the portable basketball hoop in the attached photo. One time Richard sent out his snow message. It snowed. I can't make this up. Out of all the properties in Gap View Village, only 1 property had left their basketball hoop in the road when it snowed. Ironically, the 1 property that left the basketball hoop out in the road is the same property of the individual who is a member of the HOA Board of Directors that I referenced to you yesterday.

Sincerely,

Mark Werner

**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Tuesday, June 17, 2025 10:28 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Hello,

Today I want to circle back to the senator or senators that feel "It is up to an individual to choose to live in a HOA." That is correct. It is 100 correct.

The owner of the property in the 5 attached photos chose to do that. That property is in Gap View Village. The individual that owns the property in the attached photos is a member of the Gap View Village Homeowners Association Board of Directors.

We cannot expect anyone other than Richard to tell us for sure how many noncompliant violations of the Covenants, Conditions, and Restrictions of Gap View Village Homeowners Association that there are in the attached photos.

The state of West Virginia does not want to dictate what HOAs can and cannot do. Would the state, or even the county, have an interest in how well our HOA Community Managers in West Virginia are performing? Is there any interest?

Let's have a senator, or even a commissioner, ask Richard how many total violations there are in the attached photos. Total count. For a hypothetical example, 1 photo of 10 donkeys is not 1 violation of 10 donkeys. It is 10 separate violations of a donkey.

Or the senators and commissioners can even guess how many total violations that there are.

Who am I kidding? We know nobody is going to ask Richard. I don't anticipate anyone else will respond either. That said, I am confident that we can all agree that whatever the count, the number will be greater than zero (0).

The point being, when an individual chooses to live in this HOA, Gap View Village Homeowners Association, the individual also makes 2 other choices when purchasing a property to live in Gap View Village. The individual, in most all cases, signs a mortgage. Included as part of that mortgage signing is a Planned Unit Development Rider. It is a part of the mortgage or the deed of trust. It is a legal binding document. That document informs the individual that they will also be bound to the homeowner's association "Constituent Documents". For example, the Gap View Village Homeowners Association Constituent Documents are "Bylaws of Gap View Village Homeowners Association" and "Declaration of Covenants, Conditions, Restrictions and Easements for Gap View Village Subdivision". Those document are also legal binding documents. That's it. Hard stop.

Aside from Constituent Documents and everything else. Am I really the only that feels that this is all a little bit askew? An individual purchases a home in Gap View Village. Individual have been living here for 15 years. Immediately seemingly begins brazenly disregarding anything in Gap View Village's Constituent Documents. I've never seen anything like it. In the process, the individual pursues becoming a member of the Board of Directors for Gap View Village Homeowners Association. Even better, Richard reviewed the individual's credentials and qualifications and nominated the individual to the Board of the Directors. Am I really the only one that thinks there might be a disconnect here? Nothing to see here? We're all good? Because I have to drive on a road in Gap View Village every day, stop at a stop sign, and see the property in the attached pictures. Something like this might bother some people more than others.

That said, my apologies for rambling on. I felt it was best to share this experience first to help put some things in perspective going forward.

Sincerely,

Mark Werner

~PS~ The grass still has not been cut. The grass is approaching 20" high. Tomorrow will be 6 days since I began contacting Richard and his company (and I assume the Board of the Directors), and Jefferson County. That contact came 6 days after it already hasn't been cut in at least 2 months. Ironically, all the other common areas in Gap View Village have been getting cut all along. In all seriousness, I am trying to see the big picture. If Richard has an axe to grind with me. I don't care. Richard needs to get over it. Richard has already caused enough harm with his games. Big picture. Constituent Documents. Richard Sussman needs to do his job. This grass had grown for 2 months, a foot and a half. Richard never heard about. I give up. This has been a long continuous problem. This year has been far worse than ever. Until now, I don't even think of contacting Richard anymore. Somebody needs to cut this damn grass. Someone should explain to me why it hasn't been cut for over 2 months.

---

**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Sunday, June 15, 2025 9:37 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Hello,

A couple of housekeeping items before business of the day. I am really serious to know which senators indicated that the state of West Virginia doesn't need to dictate what Homeowners Associations can or can't. I would like to understand your ideologies. I would like to understand the reasons / examples for this. I would like you to understand my ideologies. I would like you to know the reasons / examples why I disagree. I am also serious to know how zoning laws or building laws were changed to allow Jefferson County or the state of West Virginia to dictate what the builders and developers can and can't do. I would think for sure, at least the Jefferson County Commissioners would know this information. Is this classified information?

Business of the day.

Today's business is in the spirit of Richard's mission statement which he sends out in correspondences with HOA members.

*"One of the primary goals of Gap View Village Homeowners Association, Inc. is to protect the aesthetic appeal and property values of the neighborhood."*

I want to acknowledge that I believe that is an admirable thought.

Taking you back to the summer of 2023. That is now 2 years ago. Attached to this email are 3 notices. Being a Gap View Village homeowner and Gap View Homeowners Association member, I observed something that I felt should be addressed. I thought that what I observed was detrimental to Richard's mission statement.

What I observed was located on property that Richard is responsible for. I prepared and sent a notice to Richard on July 10, 2023. My notice was prepared the exact same way that Richard would prepare the same type of notice. Every single detail of how the notice was prepared was identical to how Richard would have prepared it. Time went by and along came August. I never received any response from Richard. I was still observing what had prompted me to send a notice to Richard. I hadn't heard anything from Richard and what I had observed was still there. I prepared and sent Richard a second notice on August 11, 2023. Again, I prepared and sent the second notice precisely as Richard would do it. Time goes by and what do you know. Here we are in September. Still, I hadn't received any responses from Richard and I still observed what had prompted me to send the first and second notices to Richard. On September 11, 2023, I sent Richard a third notice. Again, I prepared and sent the third notice exactly as Richard would do it.

Today is June 15, 2025. Also attached to this email is a photo. That photo was taken June 14, 2025. The attached photo is of the same thing that I observed in the summer of 2023 when I was prompted to contact Richard.

We are approaching our 2-year anniversary now. To this date, I have never received any kind of response in any way from Richard regarding the 3 notices that I sent to him. I also have never received any kind of response from any of the Gap View Village Homeowners Association Board of Directors. And as we

have previously established, Richard shares all of my correspondences with the Board of Directors. I'm not quite sure what to make of it.

To this date, the same exact thing that prompted my concern and had me notify Richard, is still there. It's just a lot bigger.

Senators, I am curious what your thoughts are about this? I am also curious to know how much more all of you think it will cost to remedy this situation now than it would have 2 years ago when Richard first received notice about this? Whatever the difference is that is the extra cost to the HOA members simply because of Richard's negligence and the defunct, non-existent HOA.

Sincerely,

Mark Werner

~PS~ The grass still hasn't been cut, going on 4 days. The grass is over a foot and a half tall. Richard has been notified 4 or 5 times. There has been no response from Richard. And don't forget, the Board of Directors have indicated that they are not interested in speaking with me and that all of my correspondences are to go to the Community Manager.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Friday, June 13, 2025 2:54 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov

<randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Hello,

This is simply a short follow-up in response to the responses that some West Virginia State Senators have made regarding their absurd position on HOAs.

Enjoy the attached photo. This is an incredibly small sample size of things you will see should you find yourself in Gap View Village. This is easy. A blind man could probably find this.

It's a stop sign. By law you have to stop. And this is what you see. When Richard Sussman makes his routine trips through Gap View Village, as he has informed me that he does. He has to stop. If he obeys traffic laws, he does. So, Richard Sussmann has to see this. How many times do you think Richard has seen this? By his own admission, he makes trips through Gap View Village. How long do you think it took for that weed to get that large? How long? How long do you think it has been there? Here's even more. One of the HOA Board of Director's has to stop at that stop sign every day. Probably multiple times a day. He has to stop because he has to make a left turn there to get to his junkyard. So at minimum, at least one of the HOA Board of Directors sees that weed every single day. He's watched it grow. Now that it is so large, he can probably see it while he is inside his home. But there it is.

But hey, "We don't want to dictate what HOAs can and cannot do".

Do you know who needs to have a lien put on their property? Property Management People, Inc.

I've offered the best, easiest solution to Richard several times. Disband the defunct, rouge, absent HOA.

Once last thing. I will bet my life, my entire life savings, that there is no subdivision that you can go to anywhere in this country, whether it has an HOA or doesn't have an HOA, and find a stop sign that resembles that. Not anywhere. I can take all of you to Detroit where I grew up and take you down streets that are nothing but mostly burned down crack houses, empty lots, and abandoned cars, and you

will not find a stop sign that looks like that. Not even close. I have never seen anything like that. Not anywhere, ever. It is unprecedented.

Richard Sussmann should be prosecuted, and he should be removed from the West Virginia State Bar.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Friday, June 13, 2025 2:22 AM  
**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>  
**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>  
**Subject:** Re: Homeowners Associations

Ms. Rucker,

Really? These are our WV senators?

*"but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do. "*

Can you please provide me with the names of the state senators who stand by this ideology?

This has nothing to do with a person choosing to live in an HOA. This has to do with a person choosing to live in an HOA, and paying for an HOA for 10 years, only to come to the realization the HOA doesn't exist or has gone rouge or is brazenly negligent and has most likely violated a few laws. This has to do with property management companies that run these HOAs and the useless people that volunteer for the board. I could wipe my butt with the money I pay to an HOA every month and get more value out of it than paying it to my HOA.

And let's be crystal clear about these crooked HOA laws. HOAs are not non-profit. The property management companies that manage these HOAs do it for profit. These property management companies are equally a part of the HOA just as the HOA itself is. Regardless of what any person or any crooked law thinks or says. Common sense will tell you this. The laws are for nothing more than to protect the property management companies from any liability.

The HOA rules / laws are ridiculous and provide no recourse for residents, homeowners, TAXPAYERS!

Would your colleagues like to know how many times I have approached the HOA? Would your colleagues like to know how many times the HOA and the Community Manager completely ignore any effort to meet and discuss with them?

Would your colleagues like to know in detail how HOAs abuse their power and use retaliatory tactics in effort to quiet HOA members expressing concerns (which they refer to as "complaining")? How they lie?

Ma'am, I could go on and on. I've lived here in my home for 10 years. Even better, this is my sixth home in 3 states. All but 1 of those homes had an HOA. Nothing, and I mean nothing could even come close to being as bad, as rogue, as non-existent, as negligent, as useless as the HOA that I am currently a member of and pay ees to.

For one, if an HOA isn't providing the services and management, and meeting the obligations that they are required to, why should a homeowner or HOA member have to pay HOA fees. If they purposely, deliberately, consciencely, continuously ignore the Covenants, Conditions, and Restrictions? And if the HOA member doesn't pay their fees, then these despicable human beings have the ability and power to put a lien on your home. Let's forget rules or laws. Let's just simply consider ethics and integrity, and common sense.

I have to assume that all of your colleagues believe if they paid money for a service or a product that they never received, no matter how many times they inquired, that is perfectly fine with them. Is that correct? Ask your colleagues and respond to me to confirm this. Because there can be no other answer.

Take a survey from all your colleagues to find out how many of them own a property management company or are even a landlord. Please provide me with the results of that survey. I bet the survey results would be telling.

Tell your colleagues that I pay property tax to Jefferson County. I pay the same rate of property tax as any homeowner in Jefferson County who isn't part of any HOA. This would seemingly provide me access to the same exact county services as tax paying homeowners who are not in an HOA. But as you and every one of your colleagues very well know, I live in a private community that has access to none of those services because it is an HOA. Why do I pay the same tax rate? Seemingly only to fund your and all of your colleague's retirement pension packages. What other reason could there possibly be? Even worse, I pay the same property tax rate, but I also pay considerably more than that because of fees I pay to a negligent HOA. Even further, all the counties and municipalities, as well as you and all your colleagues, know that by continuing this pattern of behavior, the counties and municipalities can wash their hands of any obligation or liability of having to respond to or provide services to their taxpaying residents because their position is, "You have an HOA." "It's a private community." All the while collecting our property taxes. We don't even get police patrol in our "private community" because of this. It is impossible to believe that not all of you know this. You have to know this. It would be impossible for any of you not to know this. It was designed this way. The county isn't going to get involved. They are saving so much money and minimizing so much expense by making themselves "legally" not obligated or liable to provide any services to their taxpaying residents. And every single one of you, every one of you, knows that these HOAs are set up here so they are protected from any recourse from tax paying residents. Even if someone wanted to spend thousands of dollars to take legal action, nothing would come of it. Again, every single one of you knows this. Every single one of you. If a tax paying resident calls attorneys looking for help, do you know what they tell you? Because they work with and support so many HOAs, they do not support the single tax paying resident. Conflict of interest. All of this is nothing short of an illegal crime ring. It is appalling. All of you know this.

My suggestion to the loser that is the community manager of our HOA, is and always has been, disband the HOA. Get rid of the HOA. My HOA has made it abundantly clear for years now they have no desire, they have no interest, in managing the community and / or maintaining and enforcing the Covenants, Conditions, and Restrictions. THAT, can be proven to anyone, anytime, anywhere beyond anyone's reasonable doubt. So, get rid of the HOA. Do whatever you want to do on your property. STOP CHARGING ME HOA FEES. That's my solution. Simple. The HOA won't entertain that. The property management company would stop making money hand over foot for doing next to nothing. The county is never going to entertain that. That creates a liability for them. That creates an obligation to provide services and respond to tax paying residents. Which in turn creates more expense for them. Which in turn cuts into the taxpayer funded retirement pension plan for all of you. All of you know this. You have to. Any of you who says they are not aware of this is a liar.

But yet all of you think it is just fine that these crooked property management companies and these rouge, absent, negligent HOAs can charge a tax paying resident like me a monthly fee, and increase it every year, and never, ever be held accountable for responsible for anything, ever. And if a tax paying resident doesn't pay that HOA fee, these corrupt property management companies, who haven't even come close to fulfilling their obligations or responsibilities, can put a lien a tax paying resident's home. That's OK to all of you. That is sick.

But again, all of you, all of you involved know this. You know all of this.

My solution has always been, get rid of the HOA. Simple. Let people live like they want to live. Let them live and act like pigs. That would be fine with me. No one would ever hear from me again. But don't charge me fees for this bullshit.

Do you know who are the worst, most blatant offenders in an HOA, at least mine? The HOA Community Manager and the Board of Directors and the Board of Directors closest neighbors - by a longshot. Your colleagues: "but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA" Didn't these complete failures ON THE BOARD OF DIRECTORS OF THE HOA make that same choice?

To an extent, your colleagues are right. All of us had that choice. We had the opportunity to read the Covenants, Conditions, and Restrictions before purchasing a home in an HOA. At that point we had to make an adult decision as to whether we could live within the compliance of the Covenants, Conditions, and Restrictions or whether we could not. It's that simple. A 6 year old could comprehend that, and based on that, then everyone can make a decision if they want to purchase a home in an HOA. Tell your colleagues the idea isn't an individual decides to purchase a home in an HOA whether or not the Community Manager and the Board of Directors have any interest in governing the HOA in accordance with the Covenants, Conditions, and Restrictions of the HOA. Which, tell your colleagues, IS A LEGAL BINDING DOCUMENT. This is not rocket science.

So here we are today. The straw that broke the camel's back. I have watched new developments everywhere in Jefferson County being built. Ruining the beautiful community that I moved to 10 years ago. I noticed recently that the very first things being built in these new developments are playgrounds, parks, or swimming pools. All this before one nail is pounded into one board on any new residence. I thought to myself, "How stupid is that." And "That sure doesn't seem like any developers I've ever seen or known." Then, I learned today that zoning laws "or something of the sort" were changed to "require" the developers to build all of these promised "extras" first before any residences could be built. The reason for this is so the developers could no longer disappear after building the residences and never building any of the promised "extras". Honestly, I think that was an admirable idea. However, how did that legislation get passed? Did you participate in getting that passed, ma'am? Did your colleagues participate in getting that passed? Was the Jefferson County Commission involved in getting that passed? Do you know what is so disturbingly telling about this, ma'am? Here in West Virginia, specifically Jefferson County, we'll pass legislation to promote the development so that we can attract new residents so we can generate more and more tax revenue so that taxpayer funded retirement pension funds can continue to be generously funded. Here in West Virginia, specifically Jefferson County, after that, who cares? It eventually turns into an HOA. It's a private community. It completely removes any obligation or responsibility or liability to Jefferson County. It saves Jefferson County probably millions in expense from having to provide any services or having to hire and pay staff to provide those services. It removes any liability from Jefferson County. Meanwhile, the taxpayer residents living in these rouge, absent, negligent HOA communities bear the burden.

This type of governing has also allowed Jefferson County to have so much extra money they are going to build a brand-new Government and Judicial Complex. Isn't that nice? A brand-new concession building at the park. That allows Jefferson County to make even more money from their tax paying residents.

But to hell with the tax paying residents of Jefferson County living in an HOA.

Even more fuel for the fire. Richard Sussman has used money from HOA member fees to pay for membership to West Virginia Organization of Homeowners Associations for him and the HOA Board of Directors. An organization to support the HOAs and the property management companies. Not the homeowners. Not the residents. Not the HOA members. Not the tax payers. Why does this pattern keep repeating itself? Why does this WVHOA organization even exist. Who funds it? Do taxpayers fund this organization? Where is the organization to support the homeowner? The resident? The HOA member? The taxpayer? In any case, WVHOA, an organization with a wealth of support, training, advice, etc. for Richard Sussman and his Board of Directors. Training that there is clearly record that Richard Sussman has taken advantage of. Yet still, STILL, either, a.) They've learned absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify the from being an HOA Community Manager or on the Board of Directors. Or b.) They absolutely 100% do not care at all what their roles and responsibilities are and brazenly neglect nearly all of them. There is no other answer.

So, at this juncture I have a couple requests of you. And please keep in mind, I fund your salary, and I fund your retirement pension. Those are two things you, your colleagues, or any HOA do not do for me.

1.) I live in Gap View Village. 44 General Kershaw CT, Harpers Ferry, WV 25425. The Community Manager for our HOA is Richard Sussman. One of the most despicable, useless, lying, crooked, unethical, weasel, coward human beings I have interacted with in my entire 62 years of life. In my opinion a complete piece of trash human being with zero integrity and zero ethics. A little weasel that is all too aware of the ridiculous, untouchable power someone in his role has. But yet time and time again he has exhibited to me that either, a.) He knows absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify him from being an HOA Community Manager. Or b.) He absolutely 100% does not care at all what his role and responsibilities are and brazenly neglects nearly all of them. There is no other answer. And he certainly could care less about Gap View Village. He doesn't live there.

I realize Richard Sussman is probably a friend of yours and all of your colleagues. We know how you lawyers stick together. The best advice I can offer to you is perhaps consider finding different friends.

Next week, the week of June 16th, I would like you to come and visit me at my home. I will provide you with a copy of my HOA's Covenants, Conditions, and Restrictions. We will take my dog for a walk through the entire community of Gap View Village. We will talk. I will share all the correspondence I have had or have tried to have with Richard Sussman (Your colleagues: *"and also that an individual who disagrees can petition their HOA to change the rules."*) In addition, Richard Sussman has assured me he has shared all of my correspondence I have had with him, with the HOA Board of Directors. To that end, all of them too, either a.) Know absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify all of them from being on an HOA Board of Directors. Or b.) They absolutely 100% do not care at all what their role and responsibilities are and brazenly disregard nearly all of them. There is no other answer.

I will share stories with you in detail, ma'am, regarding my experiences and interactions with Richard Sussman over the years as it relates to my HOA that will (should) blow you away. You may even be so

taken a back that you refuse to believe me. I assure you, I am an open book. I have nothing to hide. I have nothing to embellish. I have nothing to lie about - and I do not lie. And anything I share with you I will, as they say today, "bring the receipts" for everything. EVERYTHING. Correspondences, hundreds of photos, videos gathered over numerous years of living in Gap View Village. Nothing I share with you can be successfully disputed by anyone. Since you have indicated to me that your colleagues are in need of an education, I encourage you to invite your colleagues to Gap View Village to walk with us. Invite all of them. Three years ago you engaged with The WV Independent Observer to publish an article about "The Burden of Defunct HOAs". We know how that ended. Invite The Observer to come walk-through Gap View Village with us. They can publish a follow-up article. They can publish their article based on a firsthand experience of a defunct, absent, negligent HOA. They can have a detailed interview with me, an HOA member who has experienced a defunct HOA for years. They can write about despicable people like Richard Sussman and his company, Property Management People, Inc., who profit from these defunct HOAs. Please feel free to invite Richard Sussman to walk with us through Gap View Village. Maybe you will have better luck than I have had trying to get him to do this. Richard Sussman's phone number is (681) 252-0217. Richard Sussman' email address is Richard.sussmann@pmpbiz.com. I am all for 100% transparency and communication. Heck, invite the Spirit of Jefferson. Invite the Journal. Invite a television news crew. Most importantly, I am expecting for you to come visit me, walk through Gap View Village with me. See things and hear things that you will absolutely refuse to believe but have no other choice but to believe it. I will even buy you lunch. Choose whatever time and day next week that you would like to come and visit me that is most convenient for you. I will be available. You will be my top priority next week.

2.) I would like for you to explain to me how a tax paying resident like me can go to Charleston, WV and make a presentation to the West Virginia Senate (your colleagues). Heck, the House if I can too. I have spent a considerable amount of time putting together a presentation for the purpose of having Richard Sussman removed from the West Virginia State Bar. After hearing the narrow-minded, absurd, uninformed, misinformed responses from your colleagues, I now want to give my presentation to your colleagues in Charleston, WV. Please guide me on how to go about this.

I look forward to meeting with you next week and sharing an eye-opening experience with you.

Most Sincerely,

Mark Werner

PS - Please tell your colleagues no one ever suggested or indicated they dictate to HOAs what they can or can't do (but someone sure needs to). Simply asking them to be fair to tax paying residents. And by the way. At some point someone passed legislation that dictated how a defunct, absent, negligent HOA has the power to put a lien on a tax paying resident's home if they don't pay for services that they don't receive. That seems to be OK with your colleagues. Where are we living? China?

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**From:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Sent:** Tuesday, April 8, 2025 5:50 PM

**To:** Mark Werner <mark\_werner@outlook.com>

**Subject:** RE: Homeowners Associations

Mr. Werner, I am so sorry that I didn't respond to you. I tried to do pass a bill this session to help you but it failed. I should have let you know but simply it was so busy trying to get bills through and chair a committee, and I just did not email you.

We do need to do something about HOA's and I can tell you that I will not give up because you are not the only one suffering from injustice, but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do. This is why my bill failed.

There is an organization that represents HOA's, so they are on the side of the HOA's, not yours or mine, but they have offered to help me with what I am trying to do which is rein in HOA's which are not following reasonable rules and respecting homeowner's rights. This organization is called Community Associations Institute, or CAI, and their address is 6402 Arlington Blvd., Suite 500, Falls Church, VA, 22042. The phone number is 888-224-4321. The person I spoke to is Crystal L. Wallace.

Sincerely,

**Senator Patricia Rucker**  
16<sup>th</sup> Senatorial District  
Serving Jefferson and Berkeley Counties  
Room 214-W, State Capitol  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0800

[Patricia.rucker@wvsenate.gov](mailto:Patricia.rucker@wvsenate.gov)



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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Tuesday, April 8, 2025 4:15 PM  
**To:** advocate@homeownersvoice.com; Patricia Rucker <Patricia.Rucker@wvsenate.gov>  
**Subject:** Re: Homeowners Associations

Hello,

I just wanted to take a quick minute to follow-up - 2 months later - and offer some solid, good advice.

Decommission the website at <https://www.homeownersvoice.com/> It serves no purpose and provides no value. It is nothing more than a destination of false hope.

Ms. Rucker, you need to just simply resign. I have lived in Jefferson County for almost 10 years. Simply, you need to resign. You are the epitome of a politician and false hope. Like other initiatives of yours, this one is another dead end. Always looks good in the press - the newspaper articles, doesn't it, Ms. Rucker? Until someone actually attempts to allow through.

**From:** Mark Werner

**Sent:** Wednesday, January 29, 2025 2:43 PM

**To:** [advocate@homeownersvoice.com](mailto:advocate@homeownersvoice.com); [patricia.rucker@wvsenate.gov](mailto:patricia.rucker@wvsenate.gov)

**Subject:** Homeowners Associations

Hello,

I was curious to know if Homeowners Voice is still active and / or how it has progressed since 2023. I first read about the organization in 2023. At that time there was a survey online to submit concerns or complaints. That is still the survey online "HOA Survey Summer 2023". This is what made me curious to know if Homeowners Voice was still alive and kicking.

I need help. I am at the end of my rope. I have been dealing with a corrupt, dishonest HOA for a long time.

They continue to operate deceitfully, corruptly, dishonestly, not able to provide records, Ignoring their own Covenants, Conditions, Restrictions, & Easements, Operate with "The rules are for thee, not for me." approach. Have retaliatory approaches in effort to silence homeowners raising concerns, etc., etc., etc. I could go on and on and on.

A tax paying, law abiding, Jefferson County resident has absolutely zero recourse. HOAs know this and unfortunately many HOAs exploit this to knowingly, consciencely, behave badly. Nothing can be done. West Virginia should ban HOAs.

Look, I cannot even believe I have reached this place because of an HOA. I moved from Michigan years ago. I have fought and battled major depression for 25 years and have done a lot of hard work to keep myself alive. My move from Michigan was one of the most beneficial things I have done in my fight. Then about 6 years ago I engaged with the despicable Homeowners Association for my community. I had been doing so well. Now, fighting with this negligence, deceitful, ethic less, dishonest, etc. HOA, I am at the end of my rope. The years of being required to endure this bullshit has taken its toll on me. I have no hope, I have no desire to live, I again have suicidal ideologies.

Why is a tax paying resident of Jefferson County required to tolerate this? WHY SHOULD I HAVE TO PAY HOMEOWNERS ASSOCIATION FEES TO TOLERATE THIS. And if I don't pay the fees, the HOA can put a lien on my property. The HOA can act and behave however they choose but if I stop paying my HOA fees because of a disagreement with the services the HOA is providing (or not) and / or the HOA's behavior, the HOA is still allowed to put a lien on my property if I don't pay HOA fees. Where are we? Why is this allowed to continue? West Virginia should change the name to HOP (Homeowners Prison). For this to be allowed to go on is despicable.

I try to talk to an attorney (Why should I have to do this?) they indicate that they don't support individual HOA members because they work directly with many HOAs. You can't find an attorney to help (Why should I have to?).

I am at the end of my rope. I need help. Is the Homeowners Voice still active and available? Can you provide any guidance on where to get good legal advice or any suggestions for a homeowner? Can

Jefferson County or the State of West Virginia help protect their individual taxpaying, HOA fee paying, HOA members, the same way they help to protect Homeowners Associations in West Virginia. West Virginia would be a much better place to live if it banned HOAs.

Are you able to provide any worthwhile, not dead end, help or guidance?

Thank you in advance.

Sincerely,

Mark Werner



## Lynn Dillow

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Wednesday, June 25, 2025 2:14 PM  
**To:** Patricia Rucker  
**Cc:** mike.azinger@wvsenate.gov; jason.barrett@wvsenate.gov;  
kevan.bartlett@wvsenate.gov; donna.boleyn@wvsenate.gov;  
laura.chapman@wvsenate.gov; anne.charnock@wvsenate.gov;  
charles.clements@wvsenate.gov; vince.deeds@wvsenate.gov; scott.fuller@wvsenate.gov;  
joey.garcia@wvsenate.gov; amy.grady@wvsenate.gov; bill.hamilton@wvsenate.gov;  
craig.hart@wvsenate.gov; brian.helton@wvsenate.gov; glenn.jeffries@wvsenate.gov;  
patrick.martin@wvsenate.gov; mark.maynard@wvsenate.gov;  
robbie.morris@wvsenate.gov; mike.oliverio@wvsenate.gov;  
rupie.phillips@wvsenate.gov; ben.queen@wvsenate.gov; rollan.roberts@wvsenate.gov;  
chris.rose@wvsenate.gov; randy.smith@wvsenate.gov; mike.stuart@wvsenate.gov;  
tom.takubo@wvsenate.gov; darren.thorne@wvsenate.gov; eric.tarr@wvsenate.gov;  
jay.taylor@wvsenate.gov; jay.taylor@wvsenate.gov; darren.thorne@wvsenate.gov;  
ryan.weld@wvsenate.gov; tom.willis@wvsenate.gov; mike.woelfel@wvsenate.gov;  
jack.woodrum@wvsenate.gov; Wayne.Clark@wvhouse.gov;  
joe.funkhouser@wvhouse.gov; chris.anders@wvhouse.gov; bill.ridenour@wvhouse.gov;  
David Bound; Lynn Dillow; Jessica James; Roger Goodwin; Edwina Benites; Pasha Majdi;  
Jack Hefestay; ed.thomas@pmpbiz.com; Patrick.Vasold@pmpbiz.com;  
Kyle.Thomas@pmpbiz.com; E.Lodge@pmpbiz.com; Keith.Stains@pmpbiz.com; Richard  
A. Sussmann; info@WVOHOA.org  
**Subject:** Re: Homeowners Associations  
**Attachments:** shed.jpg

Even my neighbor's shed has grids in all of the windows. You don't suppose they were required to install windows with grids when they built their shed?

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Wednesday, June 25, 2025 1:40 PM  
**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>  
**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov  
<jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>;  
donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov  
<laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>;  
charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov  
<vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov  
<joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov  
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patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov  
<mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>;  
mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov

<rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Hello,

I live in a community where 100% of the windows in 100% of the homes have grids in the windows. Grilles, Muntins, whatever you like to call them. In Gap View Village, 100% of the windows, front, sides, back, in 100% of the homes have grids in the windows. Gap View Village has an HOA. Gap View Village has an Architectural Committee. Yet still, a resident in Gap View Village, a member of the HOA Board of Directors, recently had new windows installed. No grids on any windows.

The property stood out like a sore thumb in the community to me because every other property in Gap View Village has windows with grids in them. I stop at a stop sign and it is impossible to not notice how this 1 property stands out differently than every other property in the community.

I had new windows installed in my home a while back. My new windows were installed with grids in them. Since 100% of the homes in Gap View Village have grids in their windows, I didn't want to have my property to have a violation recorded against it.

Senators! Somebody! Anybody! Why do we have an HOA? Why do we have an Architectural Committee?

I don't know. Can we ask the Architectural Committee what architectural ideology brought them to the decision to allow these new windows? I guess we could. We'll never get an answer. You can't even get or expect a simple answer as to why property that you pay property tax on and pay to keep maintained, went nearly 3 months without cutting the grass as it grew to 2' long.

Why are there HOAs? Why does Gap View Village have an HOA? Why do Senators in West Virginia believe, "It is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do."

Did the taxpaying residents in West Virginia elect you to your positions or did Property Management People, Inc. and Richard elect you to your positions?

More to come on Architectual Committees and Covenants, Conditions and Restrictions in the future... But come on now. What in the hell are we doing here?

It is seemingly crystal clear, isn't it? Richard doesn't want an HOA. The Board of Directors don't want an HOA. Property Management People, Inc. don't want an HOA. Disband the HOA. Put whatever windows you want in your homes. Live free. But stop charging people money for this racket. The whole function, all the different entities involved with or supporting this racket. Nothing to support or protect the tax paying resident. It's like a legal crime was established. This whole ideology of HOAs today, and Richard is the poster example, is a broken system. It's like a tyranny.

Or pass legislation in West Virginia to hold these Community Managers, Property Management companies, and HOAs accountable.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Tuesday, June 24, 2025 1:47 PM  
**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>  
**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org

<rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>  
**Subject:** Re: Homeowners Associations

In effort to be as clear as I can to everyone.

Attached photos:

House01 - This is about where Richard would have taken up hiding when he took the picture of my property. You can see in his photo where his nose is seemingly almost pressed against the windshield of his car from leaning up forward so far. He had to, to see over that tall grass. Why didn't he just get out of the car. Richard, as Community Manager, has authority to access any resident's property without permission if there is good reason or to inspect any violations. Seems if he was doing something honest and ethical, he would have just gotten out of the car.

House02 - This is the property in Gap View Village on record for being in violation of HOA Covenants, Conditions, and Restrictions.

House03 - This is the property in Gap View Village on record for being in violation of HOA Covenants, Conditions, and Restrictions.

House04 - When Richard was "recently in the community" he would have stopped at this stop sign. From there would have been Richard's first opportunity to see my property violations, as well as other property violations on the same cul-de-sac that my property is on. Richard must have spotted my violation at this point. If I were to guess, being generous, I would guess Richard passed by at least 10 property violations more egregious than my property violation by the time he arrived at that stop sign. Disregard the shoulder of our roads showing up in the picture. There will be a day in the near future focused on that epic failure of a project.

House05 - Just a photo from ground zero of my property violation looking down the hill where Richard would have been parked behind the tall grass when taking his picture.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Tuesday, June 24, 2025 1:25 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>

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patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov  
<mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>;  
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Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov  
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bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org  
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pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org  
<jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>;  
Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>;  
E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A.  
Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Hello,

I hope I have been able to begin to shed at least a little bit of light on the culture and behaviors of Richard and Gap View Village Homeowners Association.

Senators, I really do need to get some understanding as to what is the foundation or the basis that allows the state of West Virginia to choose to believe, "It is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do."

Attached to this message is a correspondence that took place between Richard and I regarding ongoing violations of items 19 & 20 of the Gap View Homeowners Association's Declaration of Covenants, Conditions & Restrictions. Also attached is an image to allow a better understanding of the violation. My property is outlined in red. The area of the ongoing violations is outlined in yellow. Incidentally, the area outlined in yellow is also the area where the grass seemingly never gets cut.

The attached correspondence is in chronological order from the oldest correspondence to the most recent correspondence. The first correspondence happens on April 9, 2022, when I contacted Richard regarding the violations. Richard had been the Community Manager for approximately 5 years at this point. You can see how my frustration has increased with the status / presence of any HOA at Gap View Village. I presented my concerns to Richard and asked him to address it.

Richard responded with a long-winded message about what "I" can do. Richard went on to imply I should become Deputy Barney Fife of Gap View Village and investigate further. Nowhere in Richard's response

did he give any indication that he was interested in engaging to put a stop to the violations. Richard did not even exhibit any interest to investigate the violations for himself. I did what I needed to do. I acknowledged the violation. I reported the violation to my HOA's Community Manager. I wasn't looking to hunt people down and prosecute them. I wasn't interested in knowing anyone's name. I wanted the violations to stop. Not just then at that particular time but going forward too. Not just chase down some kids to get them in trouble. Only to find myself doing it again, and again. I am not the Community Manager. I am not on the Board of Directors of the HOA. My position is and always has been, most especially since Richard became Community Manager, to dissolve the HOA. Richard could have just simply said "Thank you for bringing it to my attention" and sent out a reminder correspondence to all the residents / members of the HOA regarding the violation. Richard could have done "something". Instead, Richard wants to imply as though he requires pictures, names, addresses, police reports, fingerprints, mugshots, etc., before he is able or allowed to engage as the Community Manager for the HOA to enforce the HOA's Covenants, Conditions & Restrictions and / or bylaws.

Does everybody reading this understand the structure of an HOA? What it is? What it means? Does everybody reading this understand what an HOA Declaration of Covenants, Conditions and Restrictions is? What it represents? What it means? What its significance is? What about HOA bylaws? Does everybody reading this understand the roles, responsibilities, and obligations of an HOA Community Manager?

I feel it is important to add. When these violations first began, after Richard had become Community Manager, I did try talking to the offender. The first offender. A boy in a go-kart. I walked to the back of my property. I asked the boy to stop when he came by. I was very polite to the boy. I asked him where he lived. I explained to the boy he can't be riding in this area. I explained to him about my dog and how it was bothering her. I asked him to go ride the go-kart over by his house. So again, I am not looking to prosecute anyone or get kids in trouble. I just want the violations behind my property to stop. To make matters worse. It wasn't even 30 minutes later, the boy on the go-kart was back, stopped on my property revving up the engine. Senators, what would your next move be in this situation? There are reasons that I purchased the property at Gap View Village that I did. One of those reasons was the open property behind me. I looked into this property, what it was, who's it was, what can or cannot be done to / on the property, etc.

Further, let's say I pursued Richard's ridiculous suggestions. Let's say the police were to come and investigate. At some point the police would ask who's property it is.

Toggle Highlight: ON
 Copy Link
Parcel ID: 19-04-005D-OSWM-0000

<b>Owner(s):</b>	GAP VIEW VILLAGE HOA ASSOC INC	<b>Community:</b>	JEFFERSON
<b>Address:</b>	GENERAL KERSHAW CT	<b>E-911 Address:</b>	N/A
<b>Class Type:</b>	Residential	<b>External Links:</b>	
<b>Legal Description:</b>	OSWM & BUFFER STRIP GAP VIEW; VILLAGE (12.22 A)	<b>Flood Info:</b>	Parcel appears zone. Learn mc

Best I can tell, according to Jefferson County, Gap View Village Homeowners Association owns the property. I guess that would be Richard. The police would suggest that I need to talk to the owners of

the property. Back to Richard. Not only that, according to Jefferson County, the property appears to be in a HIGH RISK flood hazard zone. Makes you wonder why Richard would allow anything to go on at that property.

Richard and the HOA are known to send out correspondence to the Gap View Village residents / members if a doggie goes poo-poo on the side of the road. They send out correspondence when there is a chance that we might get 2" of snow. Why do you suppose Richard and the HOA would fight and resist sending out a correspondence to the Gap View Village residents / members regarding these clear violations? If for nothing else, in the name of safety.

The next correspondence regarding these violations came on June 26, 2023. I contacted Richard again. This is now over 1 year since the first correspondence on April 9, 2022. Since April 9, 2022, there has been no further correspondence about these violations. The violations hadn't stopped. Richard took no actions whatsoever. At this point, this was out of control, just as the rest of the Gap View Community was getting. The violations were every day, day and night. I tried to implore Richard to do "something". I have a dog at my property and an invisible fence that separates her from the common area property. It works well unless you have minibikes, ATVs, motorcycles, etc. racing around near her, making her anxious and aggravated enough to go through the invisible fence. I ended up having to re-flag the invisible fence and re-train my dog. I work at home many times if I am not out of town. I was not even able attend meetings or have meetings from my property with the windows in my house open because of the noise from the motorbikes.. If it was a nice day I could not even think about working outside on my patio because of the noise of the motorbikes. Richard could have pursued installing safety bollards at the walking trail entrances. Richard could have pursued installing signs at walking trail entrances indicating what is prohibited. I see these type of safety precautions in place at most every walking trail I see. That leads me to believe that it must be a good idea. Certainly proactive. When you think about the world we live in today, frequently hearing about vehicles driving through pedestrians, etc., you would think that this would be a no brainer for an HOA Community Manager. As noted in my correspondence to Richard, a kid crashed through a residence's fence. Who didn't see this coming? This common area property is like a bowl. The motorbikes could race up the sides and go airborne at top of hill. That is how the kid crashed. The kid was very fortunate that he was not hurt worse. I don't know how he wasn't. His bike hit the fence. His bike stopped immediately. He didn't. So, Richard, what if that kid was hurt worse? What if that kid died? What if they raced up the hill went airborne, landed on my dog and killed her? What about that, Richard? You could have been proactive over 1 year earlier and have done "something". Instead, you have done "nothing". Sooner or later that accident will happen somewhere in Gap View Village. Just by the way people drive and the types of unauthorized vehicles on the roads. It's going to happen sooner or later. It's inevitable. When it does happen, Richard's negligence as HOA Community Manager will be at least part of the cause.

On June 27, 2023, Richard responded indicating my feedback was duly noted by the Board of Directors.

On June 27, 2023, Richard sent out a communication to all of the Gap View Village residents / HOA members regarding the violations.

At this juncture it gets interesting.

June 26, 2023 10:16 AM - I send a correspondence to Richard regarding these ongoing violations.

June 27, 2023 8:40 AM - Richard sends correspondence to me indicating my feedback is duly noted.  
June 27, 2023 11:18 PM - Richard sends out correspondence to Gap View Village regarding violations.  
June 28, 2023 10:50 AM - Richard creeps over near my property to take a picture and proceeds to write a violation on my property.  
June 29, 2023 1:51 AM - Richard submits the compliance violation on my property into the HOA management website database.  
June 29, 2023 5:22 AM - I respond to Richard regarding the ridiculous violation.  
June 29, 2023 - I receive the compliance violation in the mail.  
June 30, 2023 9:23 AM - No response received to my previous correspondence to Richard, I sent a follow-up response to Richard.  
July 18, 2023 - I sent a violation notice in Gap View Village Homeowners Association official format to Richard, informing Richard the violations were occurring again.  
July 21, 2023 - Per Richard's request, I contacted him to inform him that I finished my painting project and to arrange to visit my property to re-inspect my property violation issued on June 28, 2023.

After June 27, 2023, when Richard sent me a correspondence indicating that my feedback was duly noted, I have not received any response or correspondence in any way from Richard regarding this matter. Still to do this day, June 23, 2025, I have heard nothing from Richard. This, even though I sent multiple correspondences to Richard indicating that I want to meet with him to discuss the property violations. This, even though I sent multiple messages informing Richard that I had recently purchased all the materials for a painting project that I was starting. I informed Richard I had the receipts from purchasing the materials. I informed Richard everything is on my kitchen counter. This, after I contacted Richard to inform him my painting project was completed and I was ready for inspection. To this day, June 23, 2025, nothing at all from Richard.

Who behaves like this?

Richard sees my 3rd correspondence regarding these violations on June 27, 2023. Late night on June 27, 2023, Richard sends out correspondence to the residents / members of Gap View Village. The very next morning, June 28, 2023, Richard is near my property taking a picture to create a violation for my property. In the wee hours of the next morning, June 29, 2023, Richard enters the record for my property violation into the HOA system database. Apparently, Richard had already taken the time to mail the violation on June 28, 2023, as I also received the violation in the mail on June 29, 2023. Then I attempt to connect with Richard, he disappears. Nothing. Richard, the HOA Community Manager, completely ignores me. Read through the attached correspondences.

Who behaves like this?

Everybody feel free to look at my appalling property violation in the photo on the violation letter in the attached HOA correspondence. Feel free to let me know what you see or what you think. Enlarge the photo if you need to. I had to enlarge it.

Then take a ride through Gap View Village. Or review some of the previous correspondences I have sent to all of you. Or take the time to read and view any of my future correspondences. Everyone is entitled to have their own opinion or draw their own conclusions. I have. I conclude that Richard's ridiculous behavior noted above was retaliatory behavior and abuse of his power as community Manager in response

to what Richard refers to as, "complaining". Nobody could honestly, truthfully, convince me to believe anything else. Just look at the pattern of behavior. Look at the time frames. Richard indicated in the violation notice that he made a recent visit to my community. During that visit, Richard had to pass numerous glaring violations on his way to my property. We won't find any violations recorded for them.

That day Richard came to my property, June 28, 2023, every property on my cul-de-sac had at least 1 violation as "egregious" as mine. None of those properties received a violation letter. I believe they all still have those violations today, June 23, 2023. Important note: This is not to be interpreted as a complaint on my neighbors. Richard nor the HOA should use this as a reason to attack my neighbors for violations. The violations on my cul-de-sac are minimal compared to most of the rest of Gap View Village. In addition, a good number of my neighbors are nearly 90 years old. Get all of the other egregious violations in the community rooted out, then feel free to treat my neighbors equally and fairly.

But the bar has been set. It has been set by the HOA Community Manager. Any violation of the HOA Covenants, Conditions and Restrictions as equally egregious as the violation on my property, or worse, needs to be enforced. Correct? Please explain to me if that is just crazy thinking. I have correspondence from Richard indicating that "the Association" will equally enforce the Covenants against all units. It is not even open for debate whether or not that approach to enforcement is being applied in Gap View Village. Today. Right now. If you were to drive into Gap View Village's main entrance, before you even exited the entry roundabout, you would see no less than 5 HOA Covenant, Conditions, and Restrictions violations.

And think about this, Senators. I would expect that Richard would have to share with, if not get approval from, the Board of Directors of the HOA, to submit that violation on my property. Obviously, they agreed that was a good, sound, fair decision. Think about that and what I have presented to you so far. Think about that when you read anything I present to you in the future. Look at the photo of my property violation. Take a drive through Gap View Village.

It's almost as if was targeted too.

Please help me to understand. "It is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do."

I disagree.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Thursday, June 19, 2025 12:28 AM  
**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>  
**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>  
**Subject:** Re: Homeowners Associations

Hello,

The grass was cut today. Thank you! Doesn't it look beautiful?

I stumbled across something funny today. The attached photo with the long grass was taken May 2nd. Note how long the grass was on May 2nd. How long do you think it had already been growing back then?

Maybe 1 month. The beginning of April? It must be approximately 2 ½ months now. I, being the complainer that Richard refers to me as, never mentioned the long grass to Richard until just recently, after 2 1/2 months of growing.

Is there nobody here who feels as though I should be able to know a reason or have an explanation why this common area grass went uncut for 2 1/2 months while the grass in all other common areas was being cut on a regular basis?

Offering a small bit more insight to a pattern of Richard's behavior as HOA Community Manager. When there is a chance of snow in Jefferson County, Richard may send out a message to Gap View Village residents which is from Richard and the HOA Board of Directors. The memo requests that no vehicles park on the roads in Gap View Village and to remove all portable basketball hoops from the roads as well. The message indicates that if vehicles are left parked on the road, they are subject to being towed by the HOA at the owner's expense.

In one photo attached to this message there is a trailer with junk piled in it that was parked on the road in Gap View Village a few days after it snowed. It's important to note that the trailer filled with junk had been parked there in the road for months. The complainer never contacted Richard. Yet every single day the complainer had to circle a roundabout at the main entrance of Gap View Village and view the trailer filled with junk and sitting in the road. I finally contacted Richard after it snowed this past January and brought it to Richard's attention that it has been 3 days since the snow and the trailer still hadn't been towed. I never received any acknowledgement or response from Richard. Although, after some time, finally some small progress was made. The trailer filled with junk was moved and is now parked in a driveway of a residence in Gap View Village. The trailer is still parked there today in June. Everybody that circles the roundabout at the main entrance of Gap View Village sees this trailer. You cannot miss it. I am thinking that maybe moving the trailer filled with junk from the road to a driveway in Gap View Village doesn't quite resolve the noncompliance violation.

In reference to the portable basketball hoop in the attached photo. One time Richard sent out his snow message. It snowed. I can't make this up. Out of all the properties in Gap View Village, only 1 property had left their basketball hoop in the road when it snowed. Ironically, the 1 property that left the basketball hoop out in the road is the same property of the individual who is a member of the HOA Board of Directors that I referenced to you yesterday.

Sincerely,

Mark Werner

**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Tuesday, June 17, 2025 10:28 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov

<joe.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Hello,

Today I want to circle back to the senator or senators that feel "It is up to an individual to choose to live in a HOA." That is correct. It is 100 correct.

The owner of the property in the 5 attached photos chose to do that. That property is in Gap View Village. The individual that owns the property in the attached photos is a member of the Gap View Village Homeowners Association Board of Directors.

We cannot expect anyone other than Richard to tell us for sure how many noncompliant violations of the Covenants, Conditions, and Restrictions of Gap View Village Homeowners Association that there are in the attached photos.

The state of West Virginia does not want to dictate what HOAs can and cannot do. Would the state, or even the county, have an interest in how well our HOA Community Managers in West Virginia are performing? Is there any interest?

Let's have a senator, or even a commissioner, ask Richard how many total violations there are in the attached photos. Total count. For a hypothetical example, 1 photo of 10 donkeys is not 1 violation of 10 donkeys. It is 10 separate violations of a donkey.

Or the senators and commissioners can even guess how many total violations that there are.

Who am I kidding? We know nobody is going to ask Richard. I don't anticipate anyone else will respond either. That said, I am confident that we can all agree that whatever the count, the number will be greater than zero (0).

The point being, when an individual chooses to live in this HOA, Gap View Village Homeowners Association, the individual also makes 2 other choices when purchasing a property to live in Gap View Village. The individual, in most all cases, signs a mortgage. Included as part of that mortgage signing is a Planned Unit Development Rider. It is a part of the mortgage or the deed of trust. It is a legal binding document. That document informs the individual that they will also be bound to the homeowner's association "Constituent Documents". For example, the Gap View Village Homeowners Association Constituent Documents are "Bylaws of Gap View Village Homeowners Association" and "Declaration of Covenants, Conditions, Restrictions and Easements for Gap View Village Subdivision". Those document are also legal binding documents. That's it. Hard stop.

Aside from Constituent Documents and everything else. Am I really the only that feels that this is all a little bit askew? An individual purchases a home in Gap View Village. Individual have been living here for 15 years. Immediately seemingly begins brazenly disregarding anything in Gap View Village's Constituent Documents. I've never seen anything like it. In the process, the individual pursues becoming a member of the Board of Directors for Gap View Village Homeowners Association. Even better, Richard reviewed the individual's credentials and qualifications and nominated the individual to the Board of the Directors. Am I really the only one that thinks there might be a disconnect here? Nothing to see here? We're all good? Because I have to drive on a road in Gap View Village every day, stop at a stop sign, and see the property in the attached pictures. Something like this might bother some people more than others.

That said, my apologies for rambling on. I felt it was best to share this experience first to help put some things in perspective going forward.

Sincerely,

Mark Werner

~PS~ The grass still has not been cut. The grass is approaching 20" high. Tomorrow will be 6 days since I began contacting Richard and his company (and I assume the Board of the Directors), and Jefferson County. That contact came 6 days after it already hasn't been cut in at least 2 months. Ironically, all the other common areas in Gap View Village have been getting cut all along. In all seriousness, I am trying to see the big picture. If Richard has an axe to grind with me. I don't care. Richard needs to get over it. Richard has already caused enough harm with his games. Big picture. Constituent Documents. Richard Sussman needs to do his job. This grass had grown for 2 months, a foot and a half. Richard never heard about. I give up. This has been a long continuous problem. This year has been far worse than ever. Until now, I don't even think of contacting Richard anymore. Somebody needs to cut this damn grass. Someone should explain to me why it hasn't been cut for over 2 months.

**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Sunday, June 15, 2025 9:37 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Hello,

A couple of housekeeping items before business of the day. I am really serious to know which senators indicated that the state of West Virginia doesn't need to dictate what Homeowners Associations can or can't. I would like to understand your ideologies. I would like to understand the reasons / examples for this. I would like you to understand my ideologies. I would like you to know the reasons / examples why I disagree. I am also serious to know how zoning laws or building laws were changed to allow Jefferson County or the state of West Virginia to dictate what the builders and developers can and can't do. I would think for sure, at least the Jefferson County Commissioners would know this information. Is this classified information?

Business of the day.

Today's business is in the spirit of Richard's mission statement which he sends out in correspondences with HOA members.

*"One of the primary goals of Gap View Village Homeowners Association, Inc. is to protect the aesthetic appeal and property values of the neighborhood."*

I want to acknowledge that I believe that is an admirable thought.

Taking you back to the summer of 2023. That is now 2 years ago. Attached to this email are 3 notices. Being a Gap View Village homeowner and Gap View Homeowners Association member, I observed something that I felt should be addressed. I thought that what I observed was detrimental to Richard's mission statement.

What I observed was located on property that Richard is responsible for. I prepared and sent a notice to Richard on July 10, 2023. My notice was prepared the exact same way that Richard would prepare the same type of notice. Every single detail of how the notice was prepared was identical to how Richard would have prepared it. Time went by and along came August. I never received any response from Richard. I was still observing what had prompted me to send a notice to Richard. I hadn't heard anything from Richard and what I had observed was still there. I prepared and sent Richard a second notice on August 11, 2023. Again, I prepared and sent the second notice precisely as Richard would do it. Time goes by and what do you know. Here we are in September. Still, I hadn't received any responses from Richard and I still observed what had prompted me to send the first and second notices to Richard. On September 11, 2023, I sent Richard a third notice. Again, I prepared and sent the third notice exactly as Richard would do it.

Today is June 15, 2025. Also attached to this email is a photo. That photo was taken June 14, 2025. The attached photo is of the same thing that I observed in the summer of 2023 when I was prompted to contact Richard.

We are approaching our 2-year anniversary now. To this date, I have never received any kind of response in any way from Richard regarding the 3 notices that I sent to him. I also have never received any kind of response from any of the Gap View Village Homeowners Association Board of Directors. And as we have previously established, Richard shares all of my correspondences with the Board of Directors. I'm not quite sure what to make of it.

To this date, the same exact thing that prompted my concern and had me notify Richard, is still there. It's just a lot bigger.

Senators, I am curious what your thoughts are about this? I am also curious to know how much more all of you think it will cost to remedy this situation now than it would have 2 years ago when Richard first received notice about this? Whatever the difference is that is the extra cost to the HOA members simply because of Richard's negligence and the defunct, non-existent HOA.

Sincerely,

Mark Werner

~PS~ The grass still hasn't been cut, going on 4 days. The grass is over a foot and a half tall. Richard has been notified 4 or 5 times. There has been no response from Richard. And don't forget, the Board of Directors have indicated that they are not interested in speaking with me and that all of my correspondences are to go to the Community Manager.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Friday, June 13, 2025 2:54 PM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov <jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A.

Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Hello,

This is simply a short follow-up in response to the responses that some West Virginia State Senators have made regarding their absurd position on HOAs.

Enjoy the attached photo. This is an incredibly small sample size of things you will see should you find yourself in Gap View Village. This is easy. A blind man could probably find this.

It's a stop sign. By law you have to stop. And this is what you see. When Richard Sussman makes his routine trips through Gap View Village, as he has informed me that he does. He has to stop. If he obeys traffic laws, he does. So, Richard Sussmann has to see this. How many times do you think Richard has seen this? By his own admission, he makes trips through Gap View Village. How long do you think it took for that weed to get that large? How long? How long do you think it has been there? Here's even more. One of the HOA Board of Director's has to stop at that stop sign every day. Probably multiple times a day. He has to stop because he has to make a left turn there to get to his junkyard. So at minimum, at least one of the HOA Board of Directors sees that weed every single day. He's watched it grow. Now that it is so large, he can probably see it while he is inside his home. But there it is.

But hey, "We don't want to dictate what HOAs can and cannot do".

Do you know who needs to have a lien put on their property? Property Management People, Inc.

I've offered the best, easiest solution to Richard several times. Disband the defunct, rouge, absent HOA.

Once last thing. I will bet my life, my entire life savings, that there is no subdivision that you can go to anywhere in this country, whether it has an HOA or doesn't have an HOA, and find a stop sign that resembles that. Not anywhere. I can take all of you to Detroit where I grew up and take you down streets that are nothing but mostly burned down crack houses, empty lots, and abandoned cars, and you will not find a stop sign that looks like that. Not even close. I have never seen anything like that. Not anywhere, ever. It is unprecedented.

Richard Sussmann should be prosecuted, and he should be removed from the West Virginia State Bar.

Sincerely,

Mark Werner

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**From:** Mark Werner <mark\_werner@outlook.com>

**Sent:** Friday, June 13, 2025 2:22 AM

**To:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Cc:** mike.azinger@wvsenate.gov <mike.azinger@wvsenate.gov>; jason.barrett@wvsenate.gov

<jason.barrett@wvsenate.gov>; kevan.bartlett@wvsenate.gov <kevan.bartlett@wvsenate.gov>; donna.boleyn@wvsenate.gov <donna.boleyn@wvsenate.gov>; laura.chapman@wvsenate.gov <laura.chapman@wvsenate.gov>; anne.charnock@wvsenate.gov <anne.charnock@wvsenate.gov>; charles.clements@wvsenate.gov <charles.clements@wvsenate.gov>; vince.deeds@wvsenate.gov <vince.deeds@wvsenate.gov>; scott.fuller@wvsenate.gov <scott.fuller@wvsenate.gov>; joey.garcia@wvsenate.gov <joey.garcia@wvsenate.gov>; amy.grady@wvsenate.gov <amy.grady@wvsenate.gov>; bill.hamilton@wvsenate.gov <bill.hamilton@wvsenate.gov>; craig.hart@wvsenate.gov <craig.hart@wvsenate.gov>; brian.helton@wvsenate.gov <brian.helton@wvsenate.gov>; glenn.jeffries@wvsenate.gov <glenn.jeffries@wvsenate.gov>; patrick.martin@wvsenate.gov <patrick.martin@wvsenate.gov>; mark.maynard@wvsenate.gov <mark.maynard@wvsenate.gov>; robbie.morris@wvsenate.gov <robbie.morris@wvsenate.gov>; mike.oliverio@wvsenate.gov <mike.oliverio@wvsenate.gov>; rupie.phillips@wvsenate.gov <rupie.phillips@wvsenate.gov>; ben.queen@wvsenate.gov <ben.queen@wvsenate.gov>; rollan.roberts@wvsenate.gov <rollan.roberts@wvsenate.gov>; chris.rose@wvsenate.gov <chris.rose@wvsenate.gov>; randy.smith@wvsenate.gov <randy.smith@wvsenate.gov>; mike.stuart@wvsenate.gov <mike.stuart@wvsenate.gov>; tom.takubo@wvsenate.gov <tom.takubo@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; eric.tarr@wvsenate.gov <eric.tarr@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; jay.taylor@wvsenate.gov <jay.taylor@wvsenate.gov>; darren.thorne@wvsenate.gov <darren.thorne@wvsenate.gov>; ryan.weld@wvsenate.gov <ryan.weld@wvsenate.gov>; tom.willis@wvsenate.gov <tom.willis@wvsenate.gov>; mike.woelfel@wvsenate.gov <mike.woelfel@wvsenate.gov>; jack.woodrum@wvsenate.gov <jack.woodrum@wvsenate.gov>; Wayne.Clark@wvhouse.gov <Wayne.Clark@wvhouse.gov>; joe.funkhouser@wvhouse.gov <joe.funkhouser@wvhouse.gov>; chris.anders@wvhouse.gov <chris.anders@wvhouse.gov>; bill.ridenour@wvhouse.gov <bill.ridenour@wvhouse.gov>; dbound@jeffersoncountywv.org <dbound@jeffersoncountywv.org>; ldillow@jeffersoncountywv.org <ldillow@jeffersoncountywv.org>; jjames@jeffersoncountywv.org <jjames@jeffersoncountywv.org>; rgoodwin@jeffersoncountywv.org <rgoodwin@jeffersoncountywv.org>; ebenites@jeffersoncountywv.org <ebenites@jeffersoncountywv.org>; pmajdi@jeffersoncountywv.org <pmajdi@jeffersoncountywv.org>; jhefestay@jeffersoncountywv.org <jhefestay@jeffersoncountywv.org>; ed.thomas@pmpbiz.com <ed.thomas@pmpbiz.com>; Patrick.Vasold@pmpbiz.com <Patrick.Vasold@pmpbiz.com>; Kyle.Thomas@pmpbiz.com <Kyle.Thomas@pmpbiz.com>; E.Lodge@pmpbiz.com <E.Lodge@pmpbiz.com>; Keith.Stains@pmpbiz.com <Keith.Stains@pmpbiz.com>; Richard A. Sussmann <richard.sussmann@pmpbiz.com>; info@WVOHOA.org <info@WVOHOA.org>

**Subject:** Re: Homeowners Associations

Ms. Rucker,

Really? These are our WV senators?

*"but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do. "*

Can you please provide me with the names of the state senators who stand by this ideology?

This has nothing to do with a person choosing to live in an HOA. This has to do with a person choosing to live in an HOA, and paying for an HOA for 10 years, only to come to the realization the HOA doesn't exist or has gone rouge or is brazenly negligent and has most likely violated a few laws. This has to do with property management companies that run these HOAs and the useless people that volunteer for the board. I could wipe my butt with the money I pay to an HOA every month and get more value out of it than paying it to my HOA.

And let's be crystal clear about these crooked HOA laws. HOAs are not non-profit. The property management companies that manage these HOAs do it for profit. These property management companies are equally a part of the HOA just as the HOA itself is. Regardless of what any person or any crooked law thinks or says. Common sense will tell you this. The laws are for nothing more than to protect the property management companies from any liability.

The HOA rules / laws are ridiculous and provide no recourse for residents, homeowners, TAXPAYERS!

Would your colleagues like to know how many times I have approached the HOA? Would your colleagues like to know how many times the HOA and the Community Manager completely ignore any effort to meet and discuss with them?

Would your colleagues like to know in detail how HOAs abuse their power and use retaliatory tactics in effort to quiet HOA members expressing concerns (which they refer to as "complaining")? How they lie?

Ma'am, I could go on and on. I've lived here in my home for 10 years. Even better, this is my sixth home in 3 states. All but 1 of those homes had an HOA. Nothing, and I mean nothing could even come close to being as bad, as rogue, as non-existent, as negligent, as useless as the HOA that I am currently a member of and payees to.

For one, if an HOA isn't providing the services and management, and meeting the obligations that they are required to, why should a homeowner or HOA member have to pay HOA fees. If they purposely, deliberately, consciencely, continuously ignore the Covenants, Conditions, and Restrictions? And if the HOA member doesn't pay their fees, then these despicable human beings have the ability and power to put a lien on your home. Let's forget rules or laws. Let's just simply consider ethics and integrity, and common sense.

I have to assume that all of your colleagues believe if they paid money for a service or a product that they never received, no matter how many times they inquired, that is perfectly fine with them. Is that correct? Ask your colleagues and respond to me to confirm this. Because there can be no other answer.

Take a survey from all your colleagues to find out how many of them own a property management company or are even a landlord. Please provide me with the results of that survey. I bet the survey results would be telling.

Tell your colleagues that I pay property tax to Jefferson County. I pay the same rate of property tax as any homeowner in Jefferson County who isn't part of any HOA. This would seemingly provide me access to the same exact county services as tax paying homeowners who are not in an HOA. But as you and every one of your colleagues very well know, I live in a private community that has access to none of those services because it is an HOA. Why do I pay the same tax rate? Seemingly only to fund your and all of your colleague's retirement pension packages. What other reason could there possibly be? Even worse, I pay the same property tax rate, but I also pay considerably more than that because of fees I pay to a negligent HOA. Even further, all the counties and municipalities, as well as you and all your colleagues, know that by continuing this pattern of behavior, the counties and municipalities can wash their hands of any obligation or liability of having to respond to or provide services to their taxpaying residents because their position is, "You have an HOA." "It's a private community." All the while

collecting our property taxes. We don't even get police patrol in our "private community" because of this. It is impossible to believe that not all of you know this. You have to know this. It would be impossible for any of you not to know this. It was designed this way. The county isn't going to get involved. They are saving so much money and minimizing so much expense by making themselves "legally" not obligated or liable to provide any services to their taxpaying residents. And every single one of you, every one of you, knows that these HOAs are set up here so they are protected from any recourse from tax paying residents. Even if someone wanted to spend thousands of dollars to take legal action, nothing would come of it. Again, every single one of you knows this. Every single one of you. If a tax paying resident calls attorneys looking for help, do you know what they tell you? Because they work with and support so many HOAs, they do not support the single tax paying resident. Conflict of interest. All of this is nothing short of an illegal crime ring. It is appalling. All of you know this.

My suggestion to the loser that is the community manager of our HOA, is and always has been, disband the HOA. Get rid of the HOA. My HOA has made it abundantly clear for years now they have no desire, they have no interest, in managing the community and / or maintaining and enforcing the Covenants, Conditions, and Restrictions. THAT, can be proven to anyone, anytime, anywhere beyond anyone's reasonable doubt. So, get rid of the HOA. Do whatever you want to do on your property. STOP CHARGING ME HOA FEES. That's my solution. Simple. The HOA won't entertain that. The property management company would stop making money hand over foot for doing next to nothing. The county is never going to entertain that. That creates a liability for them. That creates an obligation to provide services and respond to tax paying residents. Which in turn creates more expense for them. Which in turn cuts into the taxpayer funded retirement pension plan for all of you. All of you know this. You have to. Any of you who says they are not aware of this is a liar.

But yet all of you think it is just fine that these crooked property management companies and these rouge, absent, negligent HOAs can charge a tax paying resident like me a monthly fee, and increase it every year, and never, ever be held accountable for responsible for anything, ever. And if a tax paying resident doesn't pay that HOA fee, these corrupt property management companies, who haven't even come close to fulfilling their obligations or responsibilities, can put a lien a tax paying resident's home. That's OK to all of you. That is sick.

But again, all of you, all of you involved know this. You know all of this.

My solution has always been, get rid of the HOA. Simple. Let people live like they want to live. Let them live and act like pigs. That would be fine with me. No one would ever hear from me again. But don't charge me fees for this bullshit.

Do you know who are the worst, most blatant offenders in an HOA, at least mine? The HOA Community Manager and the Board of Directors and the Board of Directors closest neighbors - by a longshot. Your colleagues: "but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA" Didn't these complete failures ON THE BOARD OF DIRECTORS OF THE HOA make that same choice?

To an extent, your colleagues are right. All of us had that choice. We had the opportunity to read the Covenants, Conditions, and Restrictions before purchasing a home in an HOA. At that point we had to make an adult decision as to whether we could live within the compliance of the Covenants, Conditions, and Restrictions or whether we could not. It's that simple. A 6 year old could comprehend that, and

based on that, then everyone can make a decision if they want to purchase a home in an HOA. Tell your colleagues the idea isn't an individual decides to purchase a home in an HOA whether or not the Community Manager and the Board of Directors have any interest in governing the HOA in accordance with the Covenants, Conditions, and Restrictions of the HOA. Which, tell your colleagues, IS A LEGAL BINDING DOCUMENT. This is not rocket science.

So here we are today. The straw that broke the camel's back. I have watched new developments everywhere in Jefferson County being built. Ruining the beautiful community that I moved to 10 years ago. I noticed recently that the very first things being built in these new developments are playgrounds, parks, or swimming pools. All this before one nail is pounded into one board on any new residence. I thought to myself, "How stupid is that." And "That sure doesn't seem like any developers I've ever seen or known." Then, I learned today that zoning laws "or something of the sort" were changed to "require" the developers to build all of these promised "extras" first before any residences could be built. The reason for this is so the developers could no longer disappear after building the residences and never building any of the promised "extras". Honestly, I think that was an admirable idea. However, how did that legislation get passed? Did you participate in getting that passed, ma'am? Did your colleagues participate in getting that passed? Was the Jefferson County Commission involved in getting that passed? Do you know what is so disturbingly telling about this, ma'am? Here in West Virginia, specifically Jefferson County, we'll pass legislation to promote the development so that we can attract new residents so we can generate more and more tax revenue so that taxpayer funded retirement pension funds can continue to be generously funded. Here in West Virginia, specifically Jefferson County, after that, who cares? It eventually turns into an HOA. It's a private community. It completely removes any obligation or responsibility or liability to Jefferson County. It saves Jefferson County probably millions in expense from having to provide any services or having to hire and pay staff to provide those services. It removes any liability from Jefferson County. Meanwhile, the taxpayer residents living in these rouge, absent, negligent HOA communities bear the burden.

This type of governing has also allowed Jefferson County to have so much extra money they are going to build a brand-new Government and Judicial Complex. Isn't that nice? A brand-new concession building at the park. That allows Jefferson County to make even more money from their tax paying residents.

But to hell with the tax paying residents of Jefferson County living in an HOA.

Even more fuel for the fire. Richard Sussman has used money from HOA member fees to pay for membership to West Virginia Organization of Homeowners Associations for him and the HOA Board of Directors. An organization to support the HOAs and the property management companies. Not the homeowners. Not the residents. Not the HOA members. Not the tax payers. Why does this pattern keep repeating itself? Why does this WVHOA organization even exist. Who funds it? Do taxpayers fund this organization? Where is the organization to support the homeowner? The resident? The HOA member? The taxpayer? In any case, WVHOA, an organization with a wealth of support, training, advice, etc. for Richard Sussman and his Board of Directors. Training that there is clearly record that Richard Sussman has taken advantage of. Yet still, STILL, either, a.) They've learned absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify the from being an HOA Community Manager or on the Board of Directors. Or b.) They absolutely 100% do not care at all what their roles and responsibilities are and brazenly neglect nearly all of them. There is no other answer.

So, at this juncture I have a couple requests of you. And please keep in mind, I fund your salary, and I fund your retirement pension. Those are two things you, your colleagues, or any HOA do not do for me.

1.) I live in Gap View Village. 44 General Kershaw CT, Harpers Ferry, WV 25425. The Community Manager for our HOA is Richard Sussman. One of the most despicable, useless, lying, crooked, unethical, weasel, coward human beings I have interacted with in my entire 62 years of life. In my opinion a complete piece of trash human being with zero integrity and zero ethics. A little weasel that is all too aware of the ridiculous, untouchable power someone in his role has. But yet time and time again he has exhibited to me that either, a.) He knows absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify him from being an HOA Community Manager. Or b.) He absolutely 100% does not care at all what his role and responsibilities are and brazenly neglects nearly all of them. There is no other answer. And he certainly could care less about Gap View Village. He doesn't live there.

I realize Richard Sussman is probably a friend of yours and all of your colleagues. We know how you lawyers stick together. The best advice I can offer to you is perhaps consider finding different friends.

Next week, the week of June 16th, I would like you to come and visit me at my home. I will provide you with a copy of my HOA's Covenants, Conditions, and Restrictions. We will take my dog for a walk through the entire community of Gap View Village. We will talk. I will share all the correspondence I have had or have tried to have with Richard Sussman (Your colleagues: *"and also that an individual who disagrees can petition their HOA to change the rules."*) In addition, Richard Sussman has assured me he has shared all of my correspondence I have had with him, with the HOA Board of Directors. To that end, all of them too, either a.) Know absolutely nothing about Covenants, Conditions, and Restrictions. What they are or what they mean. Which should disqualify all of them from being on an HOA Board of Directors. Or b.) They absolutely 100% do not care at all what their role and responsibilities are and brazenly disregard nearly all of them. There is no other answer.

I will share stories with you in detail, ma'am, regarding my experiences and interactions with Richard Sussman over the years as it relates to my HOA that will (should) blow you away. You may even be so taken a back that you refuse to believe me. I assure you, I am an open book. I have nothing to hide. I have nothing to embellish. I have nothing to lie about - and I do not lie. And anything I share with you I will, as they say today, "bring the receipts" for everything. EVERYTHING. Correspondences, hundreds of photos, videos gathered over numerous years of living in Gap View Village. Nothing I share with you can be successfully disputed by anyone. Since you have indicated to me that your colleagues are in need of an education, I encourage you to invite your colleagues to Gap View Village to walk with us. Invite all of them. Three years ago you engaged with The WV Independent Observer to publish an article about "The Burden of Defunct HOAs". We know how that ended. Invite The Observer to come walk-through Gap View Village with us. They can publish a follow-up article. They can publish their article based on a firsthand experience of a defunct, absent, negligent HOA. They can have a detailed interview with me, an HOA member who has experienced a defunct HOA for years. They can write about despicable people like Richard Sussman and his company, Property Management People, Inc., who profit from these defunct HOAs. Please feel free to invite Richard Sussman to walk with us through Gap View Village. Maybe you will have better luck than I have had trying to get him to do this. Richard Sussman's phone number is (681) 252-0217. Richard Sussman' email address is Richard.sussmann@pmpbiz.com. I am all for 100%

transparency and communication. Heck, invite the Spirit of Jefferson. Invite the Journal. Invite a television news crew. Most importantly, I am expecting for you to come visit me, walk through Gap View Village with me. See things and hear things that you will absolutely refuse to believe but have no other choice but to believe it. I will even buy you lunch. Choose whatever time and day next week that you would like to come and visit me that is most convenient for you. I will be available. You will be my top priority next week.

2.) I would like for you to explain to me how a tax paying resident like me can go to Charleston, WV and make a presentation to the West Virginia Senate (your colleagues). Heck, the House if I can too. I have spent a considerable amount of time putting together a presentation for the purpose of having Richard Sussman removed from the West Virginia State Bar. After hearing the narrow-minded, absurd, uninformed, misinformed responses from your colleagues, I now want to give my presentation to your colleagues in Charleston, WV. Please guide me on how to go about this.

I look forward to meeting with you next week and sharing an eye-opening experience with you.

Most Sincerely,

Mark Werner

PS - Please tell your colleagues no one ever suggested or indicated they dictate to HOAs what they can or can't do (but someone sure needs to). Simply asking them to be fair to tax paying residents. And by the way. At some point someone passed legislation that dictated how a defunct, absent, negligent HOA has the power to put a lien on a tax paying resident's home if they don't pay for services that they don't receive. That seems to be OK with your colleagues. Where are we living? China?

---

**From:** Patricia Rucker <Patricia.Rucker@wvsenate.gov>

**Sent:** Tuesday, April 8, 2025 5:50 PM

**To:** Mark Werner <mark\_werner@outlook.com>

**Subject:** RE: Homeowners Associations

Mr. Werner, I am so sorry that I didn't respond to you. I tried to do pass a bill this session to help you but it failed. I should have let you know but simply it was so busy trying to get bills through and chair a committee, and I just did not email you.

We do need to do something about HOA's and I can tell you that I will not give up because you are not the only one suffering from injustice, but my colleagues in the Senate believe it is up to an individual to choose to live in a HOA and also that an individual who disagrees can petition their HOA to change the rules. They do not believe the state should dictate what HOA's can or cannot do. This is why my bill failed.

There is an organization that represents HOA's, so they are on the side of the HOA's, not yours or mine, but they have offered to help me with what I am trying to do which is rein in HOA's which are not following reasonable rules and respecting homeowner's rights. This organization is called Community Associations Institute, or CAI, and their address is 6402 Arlington Blvd., Suite 500, Falls Church, VA, 22042. The phone number is 888-224-4321. The person I spoke to is Crystal L. Wallace.

Sincerely,

Senator Patricia Rucker  
16<sup>th</sup> Senatorial District  
Serving Jefferson and Berkeley Counties  
Room 214-W, State Capitol  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0800

[Patricia.rucker@wvsenate.gov](mailto:Patricia.rucker@wvsenate.gov)



**From:** Mark Werner <mark\_werner@outlook.com>  
**Sent:** Tuesday, April 8, 2025 4:15 PM  
**To:** advocate@homeownersvoice.com; Patricia Rucker <Patricia.Rucker@wvsenate.gov>  
**Subject:** Re: Homeowners Associations

Hello,

I just wanted to take a quick minute to follow-up - 2 months later - and offer some solid, good advice.

Decommission the website at <https://www.homeownersvoice.com/> It serves no purpose and provides no value. It is nothing more than a destination of false hope.

Ms. Rucker, you need to just simply resign. I have lived in Jefferson County for almost 10 years. Simply, you need to resign. You are the epitome of a politician and false hope. Like other initiatives of yours, this one is another dead end. Always looks good in the press - the newspaper articles, doesn't it, Ms. Rucker? Until someone actually attempts to allow through.

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**From:** Mark Werner  
**Sent:** Wednesday, January 29, 2025 2:43 PM  
**To:** [advocate@homeownersvoice.com](mailto:advocate@homeownersvoice.com); [patricia.rucker@wvsenate.gov](mailto:patricia.rucker@wvsenate.gov)  
**Subject:** Homeowners Associations

Hello,

I was curious to know if Homeowners Voice is still active and / or how it has progressed since 2023. I first read about the organization in 2023. At that time there was a survey online to submit concerns or complaints. That is still the survey online "HOA Survey Summer 2023". This is what made me curious to know if Homeowners Voice was still alive and kicking.

I need help. I am at the end of my rope. I have been dealing with a corrupt, dishonest HOA for a long time.

They continue to operate deceitfully, corruptly, dishonestly, not able to provide records, Ignoring their own Covenants, Conditions, Restrictions, & Easements, Operate with "The rules are for thee, not for me." approach. Have retaliatory approaches in effort to silence homeowners raising concerns, etc., etc., etc. I could go on and on and on.

A tax paying, law abiding, Jefferson County resident has absolutely zero recourse. HOAs know this and unfortunately many HOAs exploit this to knowingly, consciencely, behave badly. Nothing can be done. West Virginia should ban HOAs.

Look, I cannot even believe I have reached this place because of an HOA. I moved from Michigan years ago. I have fought and battled major depression for 25 years and have done a lot of hard work to keep myself alive. My move from Michigan was one of the most beneficial things I have done in my fight. Then about 6 years ago I engaged with the despicable Homeowners Association for my community. I had been doing so well. Now, fighting with this negligence, deceitful, ethic less, dishonest, etc. HOA, I am at the end of my rope. The years of being required to endure this bullshit has taken its toll on me. I have no hope, I have no desire to live, I again have suicidal ideologies.

Why is a tax paying resident of Jefferson County required to tolerate this? WHY SHOULD I HAVE TO PAY HOMEOWNERS ASSOCIATION FEES TO TOLERATE THIS. And if I don't pay the fees, the HOA can put a lien on my property. The HOA can act and behave however they choose but if I stop paying my HOA fees because of a disagreement with the services the HOA is providing (or not) and / or the HOA's behavior, the HOA is still allowed to put a lien on my property if I don't pay HOA fees. Where are we? Why is this allowed to continue? West Virginia should change the name to HOP (Homeowners Prison). For this to be allowed to go on is despicable.

I try to talk to an attorney (Why should I have to do this?) they indicate that they don't support individual HOA members because they work directly with many HOAs. You can't find an attorney to help (Why should I have to?).

I am at the end of my rope. I need help. Is the Homeowners Voice still active and available? Can you provide any guidance on where to get good legal advice or any suggestions for a homeowner? Can Jefferson County or the State of West Virginia help protect their individual taxpaying, HOA fee paying, HOA members, the same way they help to protect Homeowners Associations in West Virginia. West Virginia would be a much better place to live if it banned HOAs.

Are you able to provide any worthwhile, not dead end, help or guidance?

Thank you in advance.

Sincerely,

Mark Werner

