

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA, ex rel.
L. JOE STARCHER

Petitioner,

v.

NATALIE E. TENNANT,
SECRETARY OF STATE OF THE
STATE OF WEST VIRGINIA,
AND WALTER HELMICK

Respondents.

EMERGENCY PETITION FOR WRIT OF MANDAMUS

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CATHY S. GATSON, CLERK
KANAWHA CO. CIRCUIT

Civil Action No.: 12-misc-125
Honorable Kang

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EMERGENCY PETITION FOR WRIT OF MANDAMUS

QUESTION PRESENTED

This petition presents the question of whether W.Va. Code § 19-1-2 requires the Secretary of State to exclude from the ballot a candidate whose filing for office, nomination, and election would violate this provision.

STATEMENT OF THE CASE

The Petitioner is a private citizen who would be voting in the upcoming primary and who is seeking to have Respondent Helmick's name removed from the ballot. The respondent Helmick is seeking the office of Commissioner of Agriculture. The Respondent Helmick does not meet the statutory requirements for the office. The Respondent is not upon information and belief a practical farmer and the learned in the science of agriculture, as W.Va. Code § 19-1-2 requires. Further, the Respondent Helmick did not for the past 10 years immediately preceding his election make agriculture his chief business, as W.Va. Code § 19-1-2 requires. More specifically, the Respondent Helmick owns a business in Pocahontas County that sells bottled water and rents cabins. App. At 5,8,10,12,13 [Exh. 1].

The Petitioner went to the Secretary of State's office, he was informed that they could do nothing remove the Respondent Helmick's name from the ballot, and that he would have to file something in court to have his name removed. The Petitioner understands that March 2, 2012, is the deadline for ballots to be printed, so therefore, the Petitioner requests that this matter be heard in an expedited manner.

SUMMARY OF ARGUMENT

The West Virginia code clearly states that to hold the office of Commissioner of

Agriculture, a party shall be “a practical farmer, learned in the science of agriculture, and shall have made agriculture his chief business for a period of 10 years immediately preceding his election.” See W. Va. Code § 19-1-2. The Respondent Helmick does not meet this requirement. This includes but is not necessarily limited to the fact that he has not made agriculture his chief business for a period of 10 years before what would be his election. No legal doctrine, including but not limited to the doctrine of desuetude, would nullify this law. Case law in West Virginia holds that challenging Respondent Helmick's candidacy using a writ of mandamus is proper.

STATEMENT REGARDING BRIEFING, ORAL ARGUMENT AND DECISION

The Petitioner requests that this Court enter an expedited briefing schedule sufficient to permit the Court to reach a decision prior to March 2, 2012.

The Petitioner believes that the facts and legal arguments will be adequately presented in the briefs and record on appeal. However, should the Court find it helpful in coming to a decision, the Petitioner's counsel will make himself available for a rule 19 or rule 20 argument at any time between now and March 2, 2012.

The Petitioner believes that a published opinion would be appropriate, as no clear precedent other than its statutory authority in and of itself can be found, and therefore this could assist future courts and litigants. A signed decision on the power of the Secretary of State to reject a candidate filing may also be useful in future cases. Given the time frame involved, however, the Petitioner respectfully suggests that the Court entering a summary order and following in due course with an opinion explaining the decision would be proper.

ARGUMENT

I. The West Virginia Code clearly states the qualifications for the office of Commissioner of Agriculture, and the Respondent Helmick does not meet these qualifications.

W. Va. Code § 19-1-2 clearly states requirements to hold the office of Commissioner of Agriculture, which are that the Commissioner shall be “a practical farmer, learned in the science of agriculture, and shall have made agriculture his chief business for a period of 10 years immediately preceding his election.”

The Respondent Helmick is not believed to be a practical farmer. The Respondent Helmick is not believed to be learned in the science of agriculture. The Respondent Helmick states his occupation as being in the West Virginia Senate and owning “Allegheny Lodge Enterprises, LLC,” which is in the business of selling bottled water and renting cabins. App. at 5,8,10,12,13 [Exh. 1]. Owning a business that sells bottled water and rents cabins could not reasonably meet the statutory obligation that a person makes agriculture his chief business for a period of 10 years before his election. Agriculture involves field crops, fruit, livestock, trout and honey, poultry, and so forth. App. at 18 [Exh. 2]. Even the most expansive definition of agriculture could not encompass selling bottled water and renting cabins. Because the Respondent Helmick does not have the statutorily required experience and background for the job, he cannot be placed on the ballot.

II. No legal doctrine beyond an application of W.Va. Code § 19-1-2 permits the Respondent Helmick to serve as commissioner of agriculture.

In recent statements to the press, the Respondent Helmick apparently plans to

assert that the law is nullified based on the doctrine of desuetude. App. at 24 [Exh. 3]. Review of the relevant case law suggests that this doctrine applies in the context of a criminal statute. More specifically, this Court has held that “Penal statutes may become void under the doctrine of desuetude if: (1) The statute proscribes only acts that are *malum prohibitum* and not *malum in se*; (2) There has been open, notorious and pervasive violation of the statute for a long period; and (3) There has been a conspicuous policy of nonenforcement of the statute.” Syllabus Point 3, *Comm. on Legal Ethics v. Printz*, 187 W.Va. 182, 416 S.E.2d 720 (1992).

The word “penal” in this holding is critical. “Penal statute” is a law “that defines an offense and prescribes its corresponding fine, penalty, or punishment.” Black’s Law Dictionary (7th ed. 1999). This statute cannot reasonably be considered a penal statute. The statute does not define an offense and does not prescribe a fine, penalty, or punishment.

The Respondents also cannot claim the existence of an open, notorious, and pervasive violation of a statute. Commissioner Gus Douglas has been in office since 1964, and his experience and background upon information and belief have not been reasonably questioned. The Petitioner knows of no articles or publications that have ever questioned qualification of Commissioner Douglas. At least for the past half century, no violation of the statute has occurred.

The Respondents also cannot claim that there has been a conspicuous policy of nonenforcement of the statute. A conspicuous policy nonenforcement will only exist when an issue is presented to the governmental agency responsible for making a decision. For a conspicuous policy to exist, a governmental agency has to make a

decision. Perhaps a contributing factor to this issue never occurring until now is the fact that very few West Virginians are in fact qualified for the position.

How this issue will be decided will have ramifications well beyond a race for Commissioner of Agriculture. A family court judge, for example, based on the West Virginia Code, must be admitted to practice law in West Virginia for at least 5 years and must be a member of good standing of the West Virginia bar. See W.Va. Code 51-2A-4. Though office of Family Court judge has only been in existence for a little over a decade, what if an individual who does not meet the statutory requirements someday decides to run? Does the fact that a newly admitted attorney or even a non-attorney has never sought the office decades after the statute has been passed mean that the Secretary of State's office has a *conspicuous* policy of nonenforcement?

III. Challenging Helmick's candidacy through a petition for Writ of Mandamus is proper.

Precedent of this Court supports the use of a writ of mandamus to challenge the candidacy of a person seeking elected office. This Court has enumerated the elements necessary for granting a writ of mandamus:

This Court has explained that the purpose of mandamus is to enforce “an established right” and a “corresponding imperative duty created or imposed by law.” *State ex rel. Ball v. Cummings*, 208 W.Vz. 393, 398, 540 S.E.2d 917, 922 (1999) (citation omitted). In determining the appropriateness of mandamus in a given case, our law is clear that

A writ of mandamus will not issue unless three elements coexist- (1) a clear legal right in the petitioner to the relief sought; (2) a legal duty on the part of respondent to do the thing which the petitioner seeks to compel; and (3) the absence of another adequate remedy.

Syllabus Point 2, *State ex rel. Kucera v. Wheeling*, 153

W.Va. 538, 170 S.E.2d 367 (1969).

State ex rel. West Virginia Citizen Action Group v. Tomblin, 227 W. Va. 687, 692, 715 S.E.2d 36, 41 (2011).

“In West Virginia a special form of mandamus exists to test the eligibility to office of a candidate in either a primary or general election.” Syl. pt. 5, in part, *State ex rel. Maloney v. McCartney*, 159 W.Va. 513, 223 S. E.2d 607 (1976). Thus, “[b]ecause there is an important public policy interest in determining the qualifications of candidates in advance of an election, this Court does not hold an election mandamus proceeding to the same degree of procedural rigor as an ordinary mandamus case.” Syl. pt. 2, *State ex rel. Bromelow v. Daniel*, 163 W. Va. 532, 258 S.E.2d 119 (1979); syl. pt. 3, *State ex rel. Carenbauer v. Hechler*, 208 W. Va. 584, 585, 542 S.E.2d 405, 406 (2000). This relaxed standard was first adopted with cases where a Petitioner sought to preserve the right to vote or to run for political office. See, e.g., syl. pt 3, *State ex rel. Sowards v. County Comm’n of Lincoln Co.*, 196 W. Va. 739, 474 S. e. 2d 919 (1996); *State ex rel. Sandy v. Johnson*, 212 W. Va. 343, 348, 571 S. E. 2d 333, 338 (2002). This precedent been expanded to cases seeking to prohibit a candidate from running:

While we countenanced easing the standard for issuing extraordinary relief in the context of “preserving” the right to run for political office in *Sowards*, the issues raised in this case, although aimed at prohibiting a candidacy, suggest similar exigencies which require immediate, rather than deferred, resolution. Moreover, as we explained in *Bromelow*, “[t]he principal purpose of the liberalized election mandamus proceeding is to provide an expeditious

pre-election hearing to resolve eligibility of candidates, so that voters can exercise their fundamental rights as to all eligible candidates.” *Id.* at 536, 258 S. E. 2d at 122; *see also State ex rel. Maloney v. McCartney*, 159 W. Va. 513, 527, 223 S. E 2d 607, 616 (1976) (stating that “intelligent and meaningful exercise of the franchise requires some method of averting a void or voidable election” and recognizing that “some form of proceeding must be available by which interested parties may challenge in advance of a primary or general election the eligibility of questionable candidates in order to assure that elections will not become a mockery....”).

State ex rel. Carenbauer v. Hechler, 208 W. Va. at 588, 542 S. E. 2d at 409. This Court recognized that prompt resolution of candidate eligibility disputes furthers important public policies when it said:

A consistent line of decisions of this Court during the last fifteen years clearly recognizes that the intelligent and meaningful exercise of the franchise requires some method of averting a void or voidable election. Consequently this Court has recognized that some form of proceeding must be available by which interested parties may challenge in advance of a primary or general election the eligibility of questionable candidates in order to assure that elections will not become a mockery.

State ex rel. Maloney v. McCartney, 159 W. Va. at 526-27, 223 S. E. 2d at 616; *see also White v. Manchin*, 173 W. Va. 526, 532-534, 318 S. E. 2d 470, 476-478 (1984).

Pursuant to *White v. Manchin*, *supra*, Petitioner Starcher has joined the Secretary of State and Helmick as original party Respondents to avoid any delay to receive a motion to intervene.

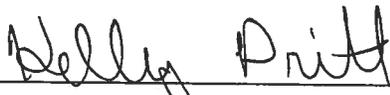
The Petitioner is entitled to a writ. When a candidate for elected office is ineligible, a writ of mandamus lies against the Secretary of State.¹ *White v. Manchin*, 173 W. Va. at 547, 318 S. E. 2d at 491; *State ex rel. Maloney v. McCartney*, 158 W. Va. at 527, 223 S. W. 2d at 616 (granting writ against respondent Secretary of State); see also *State ex rel. Carenbauer v. Hechler*, 208 W. Va. at 600, 542 S. E. 2d at 421 (applying election mandamus standards and granting writ of prohibition prohibiting Justice serving after election to an unexpired term to run for a full twelve year term).

CONCLUSION

For the reasons noted herein, Petitioner Starcher prays that this Court grant a rule to show cause, enter an expedited briefing schedule, and after due consideration, grant Petitioner a writ of mandamus. Petitioner believes that the writ should (1) direct the Respondent Secretary of States to withdraw her certification of candidacy of Respondent Helmick declaring him ineligible to run for Commissioner of Agriculture in 2012; (2) further direct the Secretary of State to, pursuant to her authority granted by W. Va. Code § 3-1A-6(a), herself direct the ballot commissioners for the counties of West Virginia to strike, omit, or otherwise remove the name of Respondent Helmick from the official ballots to be used in the primary election to be conducted on May 8, 2012, as candidate for the Democratic Party nomination to the office of Commissioner of Agriculture; and (3) further direct Secretary of State, pursuant to W. Va. Code, § 3-1A-6(a), to herself direct all election officials, county commissioners, clerks, clerks of circuit courts, boards of ballot commissioners, election commissioners, and poll clerks

¹ Petitioner Starcher has not joined the county ballot commissioners as parties. This decision was made in order to expedite this case and save the commissioners the cost and expense of filing a response to this Petition where they are nominal parties. Petitioner Starcher believes that W. Va. Code, § 3-1A-6(a) authorizes the Secretary of State, as chief election official, to issue orders to all election officials, county commissions, clerks of county commissions, clerks of circuit courts, boards of ballot commissioners, election commissioners and poll clerks who are required to abide by any orders that may be issued. As such, a writ directed at the Secretary of State is sufficient to provide the relief required by this Petition.

associated with the administration of the primary elections to disregard and refrain from tallying, tabulating, certifying, or returning any vote cast, absentee, write-in, or otherwise, for Respondent Helmick.

Signed: 
Christopher T. Pritt (WVSN: 10342)
Kelly C. Pritt (WVSN: 10335)
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VERIFICATION

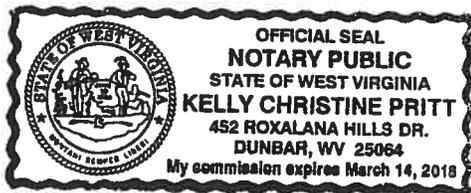
I, L. Joe Starcher, being first duly sworn upon oath, states that he is the Petitioner in the above-styled case, that he read the Emergency Petition for Writ of Mandamus and that the facts and allegations contained therein are true except insofar as therein stated to be upon information and belief and insofar as therein stated upon information and belief he believes them to be true.

L. Joe Starcher

Taken, subscribed, and sworn to before me on this 22nd day of February, 2012.

My commission expired March 14, 2018

Kelly Christine Pritt
Notary Public



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PETITIONER'S APPENDIX

- 1. Ethics Commission Financial Disclosures.....1-14**
- 2. West Virginia Agriculture Statistics Publication.....15-23**
- 3. West Virginia Gazette Article, Dated Febuary 12, 2012.....24,25**

ETHICS COMMISSION FINANCIAL DISCLOSURES

Name: _____

Return completed form to:
WV Ethics Commission
210 Brooks St., Ste 300
Charleston WV 25301
304 558-0664 or 1-866 558-0664



Candidate information, if applicable
County: _____
Candidate for: _____
Date you filed for candidacy: _____
District or circuit if applicable: _____

West Virginia Ethics Commission Financial Disclosure Statement

W. Va. Code §§ 6B-2-6 and 7

Rev: 11-2011

Important!

- Please read and answer *every question*. We will return incomplete forms to you for completion or correction.
- You must file a new Financial Disclosure Statement each year you are in your public position.
- If this is your annual filing, the statement is due by February 1.
- If you are a new appointee, this statement is due within 30 days of the date of your appointment.
- If you are a candidate for public office, this statement is due within 10 days of filing your *Certificate of Candidacy*.
- The information you provide on this statement should cover the past calendar year.
- You may attach additional pages or information to this form if necessary.

1. Name of filer and spouse

Filer last name Heimick First name Walt
Spouse last name Heimick - Heimick First name Rita
County of residence Marion Co
Business (employment) address WV Senate
100 Kanawha Blvd E Charleston WV
City / state / zip 25305

2. Candidate / Officeholder information

Do you currently hold a county, circuit or state elected office? Yes No

If yes, title of office Senate

Are you a candidate or do you plan to become a candidate for public office in the next election? Yes No N/A

If yes, for what office: Undecided Date you filed for candidacy Have not filed yet

3. Appointed positions on State Boards, Commissions or Agencies

List all State Boards, Commissions or Agencies on which you now serve or have served in the past 12 months by appointment of the Governor. Include recent appointments. Mark here if N/A

Name: _____

4. Business Names

List all names under which you and/or your spouse conduct or do business. If you or your spouse is self-employed, list the name or names under which you or your spouse conducts the business, trade, sole proprietorship or profession.

Mark here if no business names

self spouse Allegheny Lodge Enterprises LLC

self spouse

self spouse

5. Regular Employment

For you and your spouse, list the name and address of each employer(s) during the past twelve months. Include a 1 employment in city, county or state government positions as well as employment in the private sector, your job title and a general description of your job duties. For purposes of this question, an employer is one who provides you with a W-2 Form. Generally, this does not include self-employment if listed elsewhere on the form.

Mark here if neither you nor your spouse had regular employment during the past 12 months.

	Employer Name and Address	Job title and duties of your position
self <input checked="" type="checkbox"/> spouse <input type="checkbox"/>	1. W.V. Senate Rm 200 W Bldg 1900 Kanawha Island Charleston W.V. 25305	Senate Duties
self <input type="checkbox"/> spouse <input checked="" type="checkbox"/>	2. WV Mc Bd of Review 1207 Quarrier St. Ste 304 Charleston, W.V. 25301	WV Appellate Court Chairperson
self <input type="checkbox"/> spouse <input type="checkbox"/>	3.	
self <input type="checkbox"/> spouse <input type="checkbox"/>	4.	

6. 20% Gross Income Categories for you and your spouse

Did you or your spouse receive more than 20% of your gross income during the past 12 months from any one or more of the categories listed below? Yes No If yes, mark with an 'X' all categories that apply to you and/or your spouse.

self	spouse	self	spouse	self	spouse
<u>COMPANIES</u>		<u>MINING</u>		<u>GOVERNMENT</u>	
<input type="checkbox"/>	<input type="checkbox"/> Advertising	<input type="checkbox"/>	<input type="checkbox"/> Surface mining	<input type="checkbox"/>	<input type="checkbox"/> City or town
<input type="checkbox"/>	<input type="checkbox"/> Beer, wine or liquor (or distributor)	<input type="checkbox"/>	<input type="checkbox"/> Mining equipment	<input type="checkbox"/>	<input type="checkbox"/> County
<input type="checkbox"/>	<input type="checkbox"/> Cable television	<input type="checkbox"/>	<input type="checkbox"/> Deep mining	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> State
<input type="checkbox"/>	<input type="checkbox"/> Chemical	<u>OIL OR GAS</u>		<u>ASSOCIATIONS OR ORGANIZATIONS</u>	
<input type="checkbox"/>	<input type="checkbox"/> Construction	<input type="checkbox"/>	<input type="checkbox"/> Retail	<input type="checkbox"/>	<input type="checkbox"/> Labor Association/Organization
<input type="checkbox"/>	<input type="checkbox"/> Insurance	<input type="checkbox"/>	<input type="checkbox"/> Wholesale	<input type="checkbox"/>	<input type="checkbox"/> Professional Association
<input type="checkbox"/>	<input type="checkbox"/> Intrastate transportation	<input type="checkbox"/>	<input type="checkbox"/> Exploration	<input type="checkbox"/>	<input type="checkbox"/> Association that promotes gaming or lottery
<input type="checkbox"/>	<input type="checkbox"/> Interstate transportation	<input type="checkbox"/>	<input type="checkbox"/> Production & Drilling	<input type="checkbox"/>	<input type="checkbox"/> Association of public employees or public officials
<input type="checkbox"/>	<input type="checkbox"/> Media	<u>UTILITIES</u>		<input type="checkbox"/>	<input type="checkbox"/> Trade Association or Organization
<input type="checkbox"/>	<input type="checkbox"/> Manufacturing	<input type="checkbox"/>	<input type="checkbox"/> Electric	<u>OTHER</u>	
<input type="checkbox"/>	<input type="checkbox"/> Promotional	<input type="checkbox"/>	<input type="checkbox"/> Gas	<input type="checkbox"/>	<input type="checkbox"/> Economic Development
<input type="checkbox"/>	<input type="checkbox"/> Race tracks	<input type="checkbox"/>	<input type="checkbox"/> Telephone	<input type="checkbox"/>	<input type="checkbox"/> Hospitals or other health care providers
<input type="checkbox"/>	<input type="checkbox"/> Recreation	<input type="checkbox"/>	<input type="checkbox"/> Water	<input type="checkbox"/>	<input type="checkbox"/> Information Technology
<input type="checkbox"/>	<input type="checkbox"/> Retail	<u>FINANCIAL</u>		<input type="checkbox"/>	<input type="checkbox"/> Legal service providers
<input type="checkbox"/>	<input type="checkbox"/> Timber	<input type="checkbox"/>	<input type="checkbox"/> Banks	<input type="checkbox"/>	<input type="checkbox"/> Lobbying
<input type="checkbox"/>	<input type="checkbox"/> Wholesale	<input type="checkbox"/>	<input type="checkbox"/> Savings and Loan Associations		
<input type="checkbox"/>	<input type="checkbox"/> Waste disposal	<input type="checkbox"/>	<input type="checkbox"/> Loan or Finance Companies		

Name: _____

Worksheet A: If you are appointed to serve on a State Board or Commission by the Governor and receive no compensation for your service, you may not be required to report certain financial information about your spouse. Complete this worksheet to determine if this exception applies to you.



Please read and answer Parts 1 & 2 before you complete this page.

Part 1. Are you a Board or Commission Member appointed by the Governor?

YES _____ Continue on to Part 2

NO DO NOT complete this page. Return to the disclosure statement and answer all questions for both you and your spouse.

Part 2. Do you hold another office or employment position that requires you to file this Financial Disclosure Statement?

YES _____ DO NOT complete the rest of this page. Return to the statement and answer all questions for both you and your spouse.

NO _____ Continue on to complete and sign Part 3 of this Worksheet A.

Part 3. Complete this section to determine if you are exempt from disclosing certain financial information about your spouse as requested in questions 7 and 8.

I am an appointed member of the following state Board, Commission or Agency:

Please check all that apply:

1. There is no compensation, per diem, salary or other payment authorized by state law for serving on this board or commission. (Excluding travel or expense reimbursement.) Note: The test is not whether you decline compensation but whether it is authorized by code, statute, or law.
2. Neither my spouse nor a business with which he or she is associated is regulated by the State Board, Commission, or Agency on which I serve by appointment. ("Associated" is defined as a business in which your spouse, or his or her immediate family member, is a director, officer, owner, employee, compensated agent, or holder of stock which constitutes five percent or more of the total outstanding stocks of any class. "Immediate family member" means dependent children, grandchildren or parents.)
3. Neither my spouse nor a business with which he or she is associated has a contract with, or receives any grants or appropriations from, the state Board, Commission, or Agency on which I serve.

Only if you have checked boxes 1, 2, and 3, are you exempt from answering questions 7 & 8 as they pertain to your spouse. You, as the filer must answer questions 7 & 8 as they pertain to you. Please answer all other questions as they pertain to both filer and spouse.

-----**VERIFICATION & SIGNATURE**-----

Under penalty of perjury, I hereby declare that the information provided herein is true.

Signature of Filer: Walt Helmick

Print Filer Name: WALT HELMICK

Date: 1-18-12

Name: _____

7. List ALL Sources of Income over \$1,000

(NOTE: Please read the instruction sheet and Worksheet A before you complete this question.)

- As the filer of this statement, you must answer this and all questions as they apply to you.
- To determine if you must disclose income information about your spouse, refer to Worksheet A on page 4.

Identify by category every source of income over \$1,000 received by you and/or your spouse during the preceding calendar year in your name, or by any other person for your use or benefit. Include distributions received from retirement and pension accounts. If you derive income from a business, profession or occupation, you are not required to disclose the individual sources and items of income that constitute the gross income of that business, profession or occupation. For example, if you are an insurance agent, do not list the names of your clients. Do not disclose actual dollar amounts of income, only the source. (See examples below and the instruction sheet for more information)

Indicate if the income was received by you or your spouse by marking the appropriate box in the chart below.

Source or category of income over \$1000		Description of income activity (or job title)
self <input checked="" type="checkbox"/> spouse	Example: ABC Engineering	Director of Accounting
self spouse <input checked="" type="checkbox"/>	Example: BB&T Bank	CD Interest and Retirement Account Distributions
self <input checked="" type="checkbox"/> spouse <input type="checkbox"/>	WV Senate	Senate Duties
self <input type="checkbox"/> spouse <input checked="" type="checkbox"/>	WV W/c Bd of Review	Appellate W/c Court Clerk
self <input type="checkbox"/> spouse <input type="checkbox"/>		
self <input type="checkbox"/> spouse <input type="checkbox"/>		
self <input type="checkbox"/> spouse <input type="checkbox"/>		
self <input type="checkbox"/> spouse <input type="checkbox"/>		
self <input type="checkbox"/> spouse <input type="checkbox"/>		
self <input type="checkbox"/> spouse <input type="checkbox"/>		

8. Business Interests and Commercial Real Estate

(NOTE: Please read the instruction sheet and Worksheet A on page 4 before you complete this question.)

- As the filer of this statement, you must answer this and all questions as they apply to you.
- To determine if you must disclose business and real estate information about your spouse, see Worksheet A.

Provide the name and address of each business in which, during the past year, you or your spouse held an interest with a fair market value of \$10,000 or more, including but not limited to: Non-publicly owned businesses, publicly or privately traded stocks, bonds or securities, including those held in self-directed retirement accounts; and commercial real estate. (For purposes of this question, DO NOT include mutual funds or specific holdings in mutual funds or retirement accounts. However, distributions from retirement accounts may be reportable in question 7 if over \$1,000 annually.) Attach additional sheets if necessary.

Mark here if neither you nor your spouse had any business interests meeting these criteria.

self spouse <input checked="" type="checkbox"/>	Example: Jones Coal Hauling, Placeville WV	
self <input checked="" type="checkbox"/> spouse	Example: Stonefront Apartment Building, 123 Main Street, Charleston WV	
self <input checked="" type="checkbox"/> spouse <input checked="" type="checkbox"/>	Allegheny Lodge Enterprises Inc 82 Bx 130 Marlinton WV 249-37	
self <input type="checkbox"/> spouse <input type="checkbox"/>		
self <input type="checkbox"/> spouse <input type="checkbox"/>		

Name: _____

9. For-Profit Business Officer or Member of Board of Directors

List the name of each for-profit business on which either you or your spouse serves on the Board of Directors or as an Officer of the Business. Describe the type of business.

Mark here if neither you nor your spouse serve on a Board of Directors or is an Officer.

self <input type="checkbox"/> spouse <input type="checkbox"/>	Name and address of Business	Description of the type of Business
<input type="checkbox"/>	Alphabeta Enterprises LLC	Water - sales / Cottage Rentals
<input type="checkbox"/>		
<input type="checkbox"/>		

10. Non-Profit Organizations

List the name of each Non-Profit Organization on which either you or your spouse serves on the Board of Directors or as an Officer of the Organization.

Mark here if neither you nor your spouse serve on a Board of Directors or is an Officer.

self <input type="checkbox"/> spouse <input type="checkbox"/>	Name and address of the Organization	Description of the non-profit
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		

11. Sales or Contracts with Governmental Entities (See the instruction sheet for more information about the Ethics Act's prohibition against having an interest in a public contract.) W. Va. Code § 6B-2-5(d)

During the past calendar year, did you or your spouse contract for the sale of any goods or services to a state, county, municipal or other local governmental agency, either directly or through a partnership, corporation or association in which either you or your spouse owned or controlled more than (10%) ten percent? Yes _____ No X

If yes, identify the governmental agency that purchased the goods or services, and describe the nature of the goods or services.

self <input type="checkbox"/> spouse <input type="checkbox"/>	Name of Governmental entity	Description of goods or services provided
self <input type="checkbox"/> spouse <input checked="" type="checkbox"/>	Example: State of WV DHHR	Foster home placement studies
self <input checked="" type="checkbox"/> spouse <input type="checkbox"/>	Example: Pike County Sheriff's Department	Rental of garage space for patrol cars
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		

12. Adult Children – Public Employment

Please list the name and business address of any adult child or step-child employed by State, County or Municipal Government.

Mark here if this question does not apply to you.

Name of child or step-child	Business name and address

Name: _____

13. DEBTS

A: Owed to others: List the names of all persons residing or transacting business in the state, which you owe, in the aggregate, more than \$5,000, on the date of this statement. Include debts you owe in the name of any other person and debts on which you are a cosigner.

You **DO NOT** have to report:

1. Debts to immediate family members, parents, or grandparents
2. Home mortgages for your primary and secondary residences
3. Loans for autos maintained for the use of your immediate family
4. Student loans
5. Debts resulting from the ordinary conduct of your business, profession or occupation
6. Debts to a financial institution or to a credit card company

HOWEVER, if any debt over \$5,000 exempted above required the approval of the state or any of its political subdivisions, or if a loan was obtained from the "Linked Deposit Program" (W.Va. Code §12-1A-1 et seq.), the debt must be listed.

Mark here if you owe no reportable debts as described above.

B. Owed to you: List the names of all persons residing or transacting business in the state, who owe you, in the aggregate, more than \$5,000, on the date this statement is executed, either in your name or any other person's name for your use or benefit.

You **DO NOT** have to report:

1. Debts from immediate family members, parents, or grandparents
2. Debts resulting from the ordinary conduct of your business, profession or occupation
3. Demand or saving accounts in banks, savings and loan associations, or other similar depositories
4. Loans by you to any business in which you have an ownership interest

Mark here if you had no reportable debts owed to you as described above.

14. GIFTS

A gift is anything with monetary value, including meals and beverages. If you, your spouse, and/or any of your dependents received one or more gifts whose total value is over one hundred dollars (\$100) from a person who has a direct and immediate interest in a governmental activity over which you have control, then list the name of each giver UNLESS it falls into one of the exceptions listed below. "Total value" includes the cumulative value of all gifts from the same source directly or indirectly, during the previous calendar year.

Gifts from the following sources are NOT reported.

1. your spouse, child, grandchild, parents or grandparents
2. a trust established by your spouse, child, grandchild, or ancestor
3. a will, or lawful inheritance in the absence of a will
4. a registered lobbyist (*registered lobbyists report these expenditures on Lobbyist Reporting Form, Schedule A*)

Mark here if you received no reportable gifts.

10. Reportable Gifts

A gift is anything with monetary value, including meals and beverages. Certain gifts are exempt from reporting. Gifts from the following sources are not reported:

- from your spouse, child, grandchild, parents or grandparents
- a trust established by your spouse, child, grandchild, or ancestor
- from a will, or lawful inheritance in the absence of a will
- from a registered lobbyist (registered lobbyists report their expenditures on Lobbyist Reporting Form, Schedule A)

If you, your spouse, and/or any of your dependents received one or more gifts whose total value is over one hundred dollars (\$100) from a person who has a direct and immediate interest in a governmental activity over which you have control, then list the name of each giver UNLESS it falls into one of the above exceptions. "Total value" includes the cumulative value of all gifts from the same source during the calendar year.

Mark here if you received no reportable gifts.

11. Debts you owe in excess of \$5,000

List the names of all persons residing or transacting business in the state. In what you owe more, in the aggregate, than \$5,000, on the date this statement is executed. Include debts you owe in the name of any other person and debts on which you are a cosigner.

You do not have to report:

1. Debts to immediate family members, parents, or grandparents
2. Home mortgages for your primary and secondary residences
3. Loans for autos maintained for the use of your immediate family
4. Student loans
5. Debts resulting from the ordinary conduct of your business, profession or occupation
6. Debts to a financial institution or to a credit card company

HOWEVER, if any debt over \$5,000 exempted above required the approval of the state or any of its political subdivisions, or if a loan was obtained from the funded deposit program (W.Va. Code §12-1A-1 et seq), the debt must be listed.

Mark here if you had no reportable debts as described above.

12. Debts owed to you in excess of \$5,000

List the names of all persons residing or transacting business in the state, who owe you more, in the aggregate, than \$5,000, on the date this statement is executed, either in your name or any other person's name for your use or benefit. You do not have to report:

1. Debts from immediate family members, parents, or grandparents
2. Debts resulting from the ordinary conduct of your business, profession or occupation
3. Demand or saving accounts in banks, savings and loan associations, or other similar depositories
4. Loans by you to any business in which you have an ownership interest

Mark here if you had no reportable debts as described above.

13. Signature

I hereby acknowledge that the information contained hereon and on any attached pages is to the best of my knowledge, true, correct and complete.

Your Signature: Walter Alexander Date: 11/1/11

Please print name: Walter Alexander

Revised 11/2010

Return completed form to:
 WV Ethics Commission
 210 Lincoln St., Ste 300
 Charleston, WV 25301
 304-538-0664 or 1-800-538-0664



Your name: Walter Alexander
 County of residence: Lincoln
 Position: Attorney at Law
 Candidate for public office at this time? Yes No

For Ballot Release:
 For Ballot Release
 For Ballot Release
 For Ballot Release

West Virginia Ethics Commission Financial Disclosure Statement
 [W. Va. Code §9B-2-6]

1. Your Name and Address Please type in your clearly and mark the box that is your preferred mailing address.

MAILING ADDRESS HOME ADDRESS BUSINESS ADDRESS

NAME: WALTER ALEXANDER LAST NAME: ALEXANDER FIRST NAME: WALTER
 MIDDLE NAME: ALEXANDER
 ADDRESS: 210 LINCOLN ST. STE 300
 CITY: CHARLESTON STATE: WV ZIP: 25301
 PHONE: 304-538-0664
 FAX: 304-538-0664
 E-MAIL: WALEX@WVETHICS.COM

2. Candidate / Officeholder Information

Do you currently hold a county, circuit or state elected office? Yes No If yes, title of office: Attorney at Law
 Have you filed candidacy papers for public office in the next election? N/A Yes No
 If yes, what office: _____ Date you filed your candidacy papers: _____

3. Appointed Positions on Boards, Commissions or Agencies

List all State Boards, Commissions or Agencies on which you now serve by appointment of the Governor. Include all new or recent appointments. If none, mark here:

Date appointed (if known): _____

4. Business Names

List all names under which you do business. If you are self-employed, list the name or names under which you conduct your business, trade, sole proprietorship or profession. For example: Tom Smith Electrical Supply; Acme Video Rental; Computers, Inc.; Dr. John Smith, MD; Jack Spence, Attorney at Law. If no business names, mark here:

Last Name: XXXXXXXXXX First Name: XXXXXXXXXX

5. List All Sources of Income over \$1,000 (include your regular employment)

Identify by category every source of income over \$1,000 received during the preceding calendar year in your name or by any other person for your use or benefit. List every source of income including regular and self-employment, clerical and appointed positions, retirement and social security. You are not required to report the source of income derived by your spouse other than from jointly owned sources.
 If you derive income from a business, profession or occupation, you are not required to disclose the individual sources and items of income that constitute the gross income of that business, profession or occupation.
 Describe the nature of the services for which the income was received. See examples in box below.
 I had no sources of income over \$1,000 in the past year.

EXAMPLES

All sources of income over \$1,000	Specific description of your job title
State of Virginia	Highway Patrol Officer
Studenline College Company	from www.studenline.com
Surfline Coast 501, Inc.	part-time employee
Smith, Robinson, O'Connell & Herrick, P.C.	stockholder in the firm
ABC Oil Company	higher wages on the job
XYZ Bank	yearly interest income
Real Estate	rental income

All sources of income over \$1,000 (include your regular employment here also)	Description of Income Sources (or your job title)
ABC Company	Software Developer
XYZ Bank	Interest Income
DEF Real Estate	Rental Income
GHI University	Graduate Assistant
JKL Non-Profit	Volunteer
MNO Corporation	Contractor
PQR LLC	Partner
STU LLC	Partner
VWX LLC	Partner
YZA LLC	Partner

6. 20% Gross Income Categories

Did you receive more than 20% of your gross income during the past 12 months from any one or more of the categories listed below: Yes No If yes, mark with an "X" all categories that apply.

<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Surface Mining	<input type="checkbox"/> Electric Utilities	<input type="checkbox"/> Media
<input type="checkbox"/> Chemical	<input type="checkbox"/> Deep Mining	<input type="checkbox"/> Water Utilities	<input type="checkbox"/> Cable TV
<input type="checkbox"/> Insurance	<input type="checkbox"/> Mining Equipment	<input type="checkbox"/> Gas Utilities	<input type="checkbox"/> Advertising
<input type="checkbox"/> Retail sales	<input type="checkbox"/> Timbering	<input type="checkbox"/> Telephone Utilities	<input type="checkbox"/> Professional Companies
<input type="checkbox"/> Wholesale sales	<input type="checkbox"/> Waste Disposal	<input type="checkbox"/> Banks	
<input type="checkbox"/> Race Trucks	<input type="checkbox"/> Intrastate transportation	<input type="checkbox"/> Savings & Loan	
<input type="checkbox"/> Retail oil or gas	<input type="checkbox"/> Interstate transportation	<input type="checkbox"/> Loan or Finance Companies	
<input type="checkbox"/> Labor organizations	<input type="checkbox"/> Recreation related		
<input type="checkbox"/> Trade Associations	<input type="checkbox"/> Groups or associations promoting gaming or lotteries		
<input type="checkbox"/> Clubs	<input type="checkbox"/> Beer, wine or liquor companies or distributors		
<input type="checkbox"/> Officers or Trustees	<input type="checkbox"/> Associations of public employees or public officials		
<input type="checkbox"/> Professional Associations	<input type="checkbox"/> Hospital or other health care providers		

7. List each Employer or Self-Employment Business (if any)

A. List the name and address of each of your employer(s) during the past twelve months (including city, county or state government employment. For purposes of this question, an employer is defined as one who provides you with a W-2 Form. If you had no employers during the past 12 months mark here

B. If you are employed by the State of West Virginia, please list your Job Title and the name of the Department, including Division, if applicable, which employs you.

C. Are you self-employed? Yes No If yes, provide the complete name and address here. (Note: you may need to provide additional information on your self-employment in questions 4, 5 and 9).

8. Sales or Contracts with Governmental Entities

During the past calendar year, did you continue for the sale of goods or services to a state, county, municipal or other local governmental agency, either directly or through a partnership, corporation or association in which you owned or controlled more than 10% ten percent? Yes No If yes, describe the nature of the goods or services and identify the governmental agency which purchased the goods or services.

Governmental Agency	Description of goods or services provided
City of Huntington County Sheriff's Office	Full service and land for search and project
State of WV DHR	Four hour placement project

9. Business Interests

Provide the name and address of each business in which, during the past year, you either: (1) held an interest, with a fair market value of \$10,000, or greater; or (2) held an ownership interest of 5 percent (5%), or greater. If the fair market value of that interest exceeded \$10,000. Include ownership of corporate stocks, whether publicly or privately traded. (DO NOT include interests in mutual funds, or retirement funds, such as 401(k) or IRA. However, income from these sources may be reportable in question 5.) Attach additional sheets if necessary.

Mark here if you had no business interests which meet these criteria.

EXAMPLES

Johns Creek Holdings, Parkville, MO	50% ownership, publicly traded
ABC Real Estate, Parkville, MO	100% ownership, privately traded
DEF LLC, Parkville, MO	50% ownership, privately traded
GHI LLC, Parkville, MO	50% ownership, privately traded
JKL LLC, Parkville, MO	50% ownership, privately traded
MNO LLC, Parkville, MO	50% ownership, privately traded
PQR LLC, Parkville, MO	50% ownership, privately traded
STU LLC, Parkville, MO	50% ownership, privately traded
VWX LLC, Parkville, MO	50% ownership, privately traded
YZA LLC, Parkville, MO	50% ownership, privately traded

10. Reportable Gifts

A gift is anything with monetary value, including meals and beverages. Certain gifts are exempt from reporting. Gifts from the following sources are not reported:

- From your spouse, child, grandchild, parents or grandparents
- From a trust established by your spouse, child, grandchild, or ancestor
- From a will, or lawful inheritance in the absence of a will
- From a registered lobbyist (registered lobbyist report these expenditures on Lobbyist Reporting Form, Schedule A)

If you, your spouse, and/or any of your dependents received one or more gifts whose total value is over one hundred dollars (\$100) from a person who has a direct and immediate interest in a governmental activity over which you have control, then list the name of each giver (NLI, ISS if falls into one of the above exceptions). "Total value" includes the cumulative value of all gifts from the same source during the calendar year.

Mark here if you received no reportable gifts.

11. Debts you owe in excess of \$5,000

List the names of all persons residing or transacting business in the state, to whom you owe more, in the aggregate, than \$5,000 on the date this statement is executed. Include debts you owe in the name of any other person and debts on which you are a cosigner.

You do not have to report:

1. Debts to immediate family members, parents, or grandparents
 2. Home mortgages for your primary and secondary residences
 3. Loans for autos maintained for the use of your immediate family
 4. Student loans
 5. Debts resulting from the ordinary conduct of your business, profession or occupation
 6. Debts to a financial institution or to a credit card company
- HOWEVER, if any debt over \$5,000 exempted above requires the approval of the state or any of its political subdivisions, or if a loan was obtained from the federal deposit program (W. Va. Code §12-1A-1 et seq.), the debt must be listed.
- Mark here if you had no reportable debts as described above.

12. Debts owed to you in excess of \$5,000

List the names of all persons residing or transacting business in the state, who owe you more, in the aggregate, than \$5,000, on the date this statement is executed, either in your name or any other person's name for your use or benefit. You do not have to report:

1. Debts from immediate family members, parents, or grandparents
 2. Debts resulting from the ordinary conduct of your business, profession or occupation
 3. Demand or saving accounts in banks, savings and loan associations, or other similar depositories
 4. Loans by you to any business in which you have an ownership interest
- Mark here if you had no reportable debts as described above.

13. Signature

I hereby acknowledge that the information contained herein and on any attached pages is to the best of my knowledge, true, correct and complete.

Your Signature: Matthew Helwick Date: 12/10

Please print name: Matthew Helwick

Revised 11/2001

Return completed form to:
 W. Va. Ethics Commission
 210 Rhode St., Ste 301
 Charleston WV 25301
 801-538-0664 or 1-800-538-0664

REC'D
 2010 JAN 29 AM 11:20

WV ETHICS COMMISSION

Your name: Matthew Helwick
 Candidate for public office in 2008? Yes No

NAME: Helwick, Matthew DATE: 12/10/2009
 POSITION: Candidate for public office in 2008 OFFICE: WV

West Virginia Ethics Commission Financial Disclosure Statement
 [W. Va. Code §6B-2-6]

1. Your Name and Address Please type or print clearly and mark the box that is your preferred mailing address.

First Name: Matthew Last Name: Helwick
 Mailing address: 2001 1st St SW Other phone: (304) 794-7172
 City / state / zip: Charleston WV 25301 County of residence: Putnam
 Business address: 2001 1st St SW City / state / zip: Charleston WV 25301

2. Candidate / Officeholder Information

Do you currently hold a county, circuit or state elected office? Yes No If yes, title of office: State Candidate
 Have you filed candidacy papers for public office in the next election? Yes No If yes, what office: State Senate 15th District Date you filed your candidacy papers: 12/10

3. Appointed Positions on Boards, Commissions or Agencies

List all State Boards, Commissions or Agencies on which you now serve by appointment of the Governor. Include all new or recent appointments. If none, mark here Date appointed (if known):

4. Business Names

List all names under which you do business. If you are self-employed, list the name or names under which you conduct your business, trade, sole proprietorship or profession. For example: Tom Smith Electrical Supply, Acme Video Rental, Computers, Inc., Dr. John Smith, M.D., Jack Sparrow, Attorney at Law. If no business names, mark here

Matthew Helwick
Helwick's LLC

Last Name: _____

First Name: _____

5. List All Sources of Income over \$1,000 (include your regular employment)

Identify by category every source of income over \$1,000 received during the preceding calendar year in your name or by any other person for your use or benefit. List every source of income including regular and self-employment, elected and appointed positions, retirement and social security. You are not required to report the source of income derived by your spouse other than from jointly owned sources.

If you derive income from a business, profession or occupation, you are not required to disclose the individual sources and items of income that constitute the gross income of that business, profession or occupation. Describe the nature of the services for which the income was received. See examples in box below.

EXAMPLES

All sources of income over \$1,000	Description of Income Source or your job title
Share of UP Siddhant Cables Company	Highways Dept. Engineer part time-sales person
Shirley Jones Co., LLC Horsell Lynch solid timber ABC Gas Company rental income	part-time law practice stock dividends on stock held in account finder fee on top property retirement income apartment buildings

List all sources of income over \$1,000 (include your regular employment (here also))

All sources of income over \$1,000	Description of Income Sources (for your job title)
VA State Senate Allegheny Lodge Enterprises LLC	Senator bottled water sales

6. 20% Gross Income Categories

Did you receive more than 20% of your gross income during the past 12 months from any one or more of the categories listed below: Yes No (If yes, mark with an "X" all categories that apply.)

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Surface Mining | <input type="checkbox"/> Electric Utilities | <input type="checkbox"/> Media |
| <input type="checkbox"/> Chemical | <input type="checkbox"/> Deep Mining | <input type="checkbox"/> Water Utilities | <input type="checkbox"/> Cable TV |
| <input type="checkbox"/> Insurance | <input type="checkbox"/> Mining Equipment | <input type="checkbox"/> Gas Utilities | <input type="checkbox"/> Advertising |
| <input type="checkbox"/> Retail sales | <input type="checkbox"/> Tanning | <input type="checkbox"/> Telephone Utilities | <input type="checkbox"/> Promotional Companies |
| <input type="checkbox"/> Wholesale sales | <input type="checkbox"/> Waste Disposal | <input type="checkbox"/> Banks | |
| <input type="checkbox"/> Race Tracks | <input type="checkbox"/> Interstate transportation | <input type="checkbox"/> Savings & Loan | |
| <input type="checkbox"/> Retail oil or gas | <input type="checkbox"/> Interstate transportation | <input type="checkbox"/> Loan or Finance Companies | |
| <input type="checkbox"/> Trade Associations | <input type="checkbox"/> Recreation related | | |
| <input type="checkbox"/> Labor organizations | <input type="checkbox"/> Beer, wine or liquor companies or distributors | | |
| <input type="checkbox"/> Conales | <input type="checkbox"/> Associations of public employees or public officials | | |
| <input type="checkbox"/> Cities or Towns | <input type="checkbox"/> Hospital or other health care providers | | |
| <input type="checkbox"/> Professional Associations | | | |

7. List each Employer or Self-Employment Business (if any)

A. List the name and address of each of your employer(s) during the past twelve months. Including city, county or state government employment. For purposes of this question, an employer is defined as one who provides you with a W-2 Form if the you had no employment during the past 12 months mark here Allegheny Lodge Enterprises LLC, 1000 1st St, Box 130, Morgantown, WV 26501

B. If you are employed by the State of West Virginia, please list your Job Title and the name of the Department, including Division, if applicable, which employs you. Senator, WV Senate

C. Are you self-employed? Yes No If yes, provide the complete name and address here. (Note: you may need to provide additional information on your self-employment in questions 8, 9 and 10.) Allegheny Lodge Enterprises LLC, 1000 1st St, Box 130, Morgantown, WV 26501

8. Sales or Contracts with Governmental Entities

During the past calendar year, did you contract for the sale of goods or services to a state, county, municipal or other local governmental agency, either directly or through a partnership, corporation or association in which you own or controlled more than 10% interest? Yes No If yes, describe the nature of the goods or services and identify the governmental agency which purchased the goods or services.

Governmental Agency	Description of goods or services provided
City of Pleasant Pike County Sheriff's Office State of WV DMV	sell bricks and sand for street repair project rental of garage space for patrol cars four home addresses tickets

Governmental Entity	Description of goods or services provided
Insurance, LLC	bottled water sales

9. Business Interests

Provide the name and address of each business in which, during the past year, you either: (1) hold an interest, with a fair market value of \$10,000, or greater; or (2) held an ownership interest of 5 percent (5%) or greater, if the fair market value of that interest in annual funds, or retirement funds, such as a 401(k) or IRA. However, income from these sources may be reportable in question 5. Attach additional sheets if necessary. Mark here if you had no business interests which meet these criteria.

EXAMPLES

- Jones Coal Mining, Pleasant, WV
- George Inc., publicly traded
- Main Street Bank, stock ownership, Coanville, WV

Name and Address of Business	Percentage of Interest
Allegheny Lodge Enterprises LLC, Morgantown, WV	

Return completed form to:
WV Ethics Commission
210 Brooks St., Ste 300
Charleston WV 25301
304-558-0664 or 1-866-558-0664



Your name Walt Helmick
County of residence Pocahontas
Position: State Senator
Candidate for public office at this time Yes ___ No X

Revised 2/27/09

HELM168291

NAME: Hon. Walt Helmick

POSITION: Senator of WV

[15th 2003-2006]

HELM168291
Hon. Walt Helmick
HC 82 Box 130
Marlinton WV 24954

West Virginia Ethics Commission Financial Disclosure Statement

[W. Va. Code §6B-2-6]

IMPORTANT! PLEASE read and answer all questions. Incomplete forms will be returned for correction!
You must file a Financial Disclosure Statement each year you are in your public position.
The information you provide on this form should cover the past calendar year. If this is your annual filing, the form is due February 1.
If you are a new appointee, this form is due within 30 days of the date of your appointment. Candidates must file within 10 days of filing their Certificate of Candidacy. Additional pages may be attached to this form as necessary.
If you have any questions please call 304-558-0664 or (toll free) 866-558-0664.

1. Your Name and Address

Please type or print clearly and mark the box that is your preferred mailing address.

Last Name Helmick First Name Walt Daytime phone (304) 799-7172
 Home address HC 82 Box 130 Other phone () _____
City / state / zip Marlinton, WV 24954 County of residence Pocahontas
 Business address _____
City / state / zip _____

2. Candidate / Officeholder information

Do you currently hold a county, circuit or state elected office? Yes No If yes, title of office: State Senate
Have you filed candidacy papers for public office in the next election? Yes No N/A
If yes, what office: _____ Date you filed your candidacy papers: _____

3. Appointed Positions on Boards, Commissions or Agencies

List all State Boards, Commissions or Agencies on which you now serve by appointment of the Governor. Include all new or recent appointments. If none, mark here .
Governor's Commission on Prison Overcrowding Date appointed (if known) Feb. 6, 2009

4. Business Names

List all names under which you do business. If you are self-employed, list the name or names under which you conduct your business, trade, sole proprietorship or profession. For example: Tom Smith Electrical Supply; Acme Video Rental; Computers, Inc.; Dr. John Smith, MD; Jack Sparrow, Attorney at Law. If no business names, mark here
Allegheny Lodge Enterprises LLC

Last Name: Helmick First Name: Walt

5. List All Sources of Income over \$1,000 (Include your regular employment)

Identify by category every source of income over \$1,000 received during the preceding calendar year in your name or by any other person for your use or benefit. List every source of income including regular and self-employment, elected and appointed positions, retirement and social security. You are not required to report the source of income derived by your spouse other than from jointly owned sources.

If you derive income from a business, profession or occupation, you are not required to disclose the individual sources and items of income that constitute the gross income of that business, profession or occupation.

Describe the nature of the services for which the income was received. See examples in box below.

I had no sources of income over \$1,000 in the past year.

EXAMPLES

All sources of income over \$1,000	Description of Income Source or your job title
State of WV	Highways Dept Engineer
Suddenlink Cable Company	part time sales person
Supreme Court of WV	Magistrate
Smith & Jones Co. PLLC	private law practice
Merrill Lynch	stock dividends on stock held in account
sold timber	timber was cut on my property
ABC Gas company	retirement income
rental income	apartment buildings

List all sources of income over \$1,000 (Include your regular employment here also)	Description of Income Sources (or your job title)
WV Senate	Elected State Senator
Allegheny Lodge Enterprises, LC	Sale of bottled water

6. 20% Gross Income Categories

Did you receive more than 20% of your gross income during the past 12 months from any one or more of the categories listed below: Yes No If yes, mark with an 'X' all categories that apply.

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Surface Mining | <input type="checkbox"/> Electric Utilities | <input type="checkbox"/> Media |
| <input type="checkbox"/> Chemical | <input type="checkbox"/> Deep Mining | <input type="checkbox"/> Water Utilities | <input type="checkbox"/> Cable TV |
| <input type="checkbox"/> Insurance | <input type="checkbox"/> Mining Equipment | <input type="checkbox"/> Gas Utilities | <input type="checkbox"/> Advertising |
| <input type="checkbox"/> Retail sales | <input type="checkbox"/> Timbering | <input type="checkbox"/> Telephone Utilities | <input type="checkbox"/> Promotional Companies |
| <input type="checkbox"/> Wholesale sales | <input type="checkbox"/> Waste Disposal | <input type="checkbox"/> Banks | |
| <input type="checkbox"/> Race Tracks | <input type="checkbox"/> Intrastate transportation | <input type="checkbox"/> Savings & Loan | |
| <input type="checkbox"/> Retail oil or gas | <input type="checkbox"/> Interstate transportation | <input type="checkbox"/> Loan or Finance Companies | |
| <input type="checkbox"/> Trade Associations | <input type="checkbox"/> Recreation related | | |
| <input type="checkbox"/> Labor organizations | <input type="checkbox"/> Groups or associations promoting gaming or lotteries | | |
| <input type="checkbox"/> Counties | <input type="checkbox"/> Beer, wine or liquor companies or distributors | | |
| <input type="checkbox"/> Cities or Towns | <input type="checkbox"/> Associations of public employees or public officials | | |
| <input type="checkbox"/> Professional Associations | <input type="checkbox"/> Hospital or other health care providers | | |

7. List each Employer or Self-Employment Business (if any)

A. List the name and address of each of your employer(s) during the past twelve months including city, county or state government employment. For purposes of this question, an employer is defined as one who provides you with a W-2 Form. If no you had no employers during the past 12 months mark here

WV Senate, 1900 Kanawha Blvd. E, Bldg. 1, Room 279, Charleston, WV 25305

B. If you are employed by the State of West Virginia, please list your Job Title and the name of the Department, including Division, if applicable, which employs you.

State Senator

C. Are you self-employed? Yes No If yes, provide the complete name and address here. (Note: you may need to provide additional information on your self employment in questions 4, 5 and 9).

8. Sales or Contracts with Governmental Entities

During the past calendar year, did you contract for the sale of goods or services to a state, county, municipal or other local governmental agency, either directly or through a partnership, corporation or association in which you owned or controlled more than (10%) ten percent? Yes No

If yes, describe the nature of the goods or services and identify the governmental agency which purchased the goods or services.

EXAMPLES

Governmental Agency	Description of goods or services provided
City of Pleasantville	sold bricks and sand for street-scape project rental of garage space for patrol cars foster home placement suits
Pike County Sheriff's Office	
State of WV DHR	

Governmental Entity	Description of goods or services provided
<u>WV Treasurer's Office</u>	<u>Sale of bottled water</u>
<u>WV Auditor's Office</u>	<u>Sale of bottled water</u>

9. Business Interests

Provide the name and address of each business in which, during the past year, you either: (1) held an interest, with a fair market value of \$10,000, or greater; or (2) held an ownership interest of 5 per cent (5%), or greater, if the fair market value of that interest exceeded \$10,000. Include ownership of corporate stocks, whether publicly or privately traded. (DO NOT include interests in mutual funds, or retirement funds, such as a 401(k) or IRA. However, income from these sources may be reportable in question 5.) Attach additional sheets if necessary.

Mark here if you had no business interests which meet these criteria.

EXAMPLES

<u>Jones Coal Holding, Placeville WV</u>
<u>Google stock - publicly traded</u>
<u>Main Street Bank stock ownership, Greenville WV</u>

<u>Allegheny Lodge Enterprises, LLC - Marlinton, WV</u>

10. Reportable Gifts

A gift is anything with monetary value, including meals and beverages. Certain gifts are exempt from reporting. Gifts from the following sources are not reported.

- from your spouse, child, grandchild, parents or grandparents
- a trust established by your spouse, child, grandchild, or ancestor
- from a will, or lawful inheritance in the absence of a will
- from a registered lobbyist (*registered lobbyists report these expenditures on Lobbyist Reporting Form, Schedule A*)

If you, your spouse, and/or any of your dependents received one or more gifts whose total value is over one hundred dollars (\$100) from a person who has a direct and immediate interest in a governmental activity over which you have control, then list the name of each giver UNLESS it falls into one of the above exceptions. "Total value" includes the cumulative value of all gifts from the same source during the calendar year.

Mark here if you received no reportable gifts.

11. Debts you owe in excess of \$5,000

List the names of all persons residing or transacting business in the state, to whom you owe more, in the aggregate, than \$5,000, on the date this statement is executed. Include debts you owe in the name of any other person and debts on which you are a cosigner.

You do not have to report:

1. Debts to immediate family members, parents, or grandparents
2. Home mortgages for your primary and secondary residences
3. Loans for autos maintained for the use of your immediate family
4. Student loans
5. Debts resulting from the ordinary conduct of your business, profession or occupation
6. Debts to a financial institution or to a credit card company

HOWEVER, if any debt over \$5,000 exempted above required the approval of the state or any of its political subdivisions, or if a loan was obtained from the linked deposit program (W.Va. Code §12-1A-1 et seq.), the debt must be listed.

Mark here if you had no reportable debts as described above.

12. Debts owed to you in excess of \$5,000

List the names of all persons residing or transacting business in the state, who owe you more, in the aggregate, than \$5,000, on the date this statement is executed, either in your name or any other person's name for your use or benefit.

You do not have to report:

1. Debts from immediate family members, parents, or grandparents
2. Debts resulting from the ordinary conduct of your business, profession or occupation
3. Demand or saving accounts in banks, savings and loan associations, or other similar depositories
4. Loans by you to any business in which you have an ownership interest

Mark here if you had no reportable debts as described above.

13. Signature

I hereby acknowledge that the information contained hereon and on any attached pages is to the best of my knowledge, true, correct and complete.

Your Signature: Walt Helmick

Date: 1/27/09

Please print name: Walt Helmick

WEST VIRGINIA AGRICULTURE STATISTICS PUBLICATION

VOL. 42

West Virginia BULLETIN

West Virginia Agriculture at its Best



National Agricultural
Statistics Service



West Virginia
Agricultural Statistics

Each year, America produces a vast quantity of agricultural goods that are consumed around the globe. Although West Virginia is a small state in terms of population, agriculture continues to be important to the state's culture and economy, generating well over a half-billion dollars' worth of agricultural products annually. In addition, the West Virginia Department of Agriculture is marking its centennial in 2011.



From traditional commodities and livestock to the fresh fruits and vegetables being produced on the state's small-scale specialty farms, the farmers' contributions to the state's economy are evident.

Measuring that impact is the job of the U.S. Department of Agriculture's National Agricultural Statistics Service-West Virginia Field Office. The information they gather, analyze and distribute is vital to state and national decision-makers who set agricultural policy and provide programs that benefit our farmers and, therefore, all of us.

Agriculture made America great, and it remains the cornerstone of American exports. I hope this report helps more people understand the scope of agriculture in this state and country, and its importance to our society and our economy.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gus R. Douglass". The signature is written in a cursive style with a large initial "G".

Gus R. Douglass
West Virginia Commissioner of Agriculture

"Every action you take is a seed you sow. Every seed you sow is a harvest you'll reap. You'll never change your life until you change your choices" (Quote from Steven Wright). Agriculture has evolved exponentially over the centuries. This year, the West Virginia Department of Agriculture is celebrating its 100 year anniversary. Within those 100 years, much has changed. For example: 100 years ago, West Virginia was home to 96,000 farms and 179,991 horses; Today West Virginia has 23,200 farms and according to the 2007 Census of Agriculture, the state had 37,728 horses. One thing has not changed and that is West Virginians still value Family Farms. At just over 95 percent, West Virginia can boast that we have the highest percent of family farms in the nation. Nearly 80 percent of West Virginia farms have sales of less than \$10,000 per year. This same Census also shows a steady increase in operations that have over \$50,000 in sales to the current level of slightly less than 5 percent of farms.

Sadly, agriculture can be too easily dismissed as something "I don't need to know." The fact of the matter is, agriculture needs to be discussed, especially with today's youth. It is applicable in almost every field taught in elementary and secondary schools. One of the most basic History lessons in agriculture is essentially the foundation of life as we know it. Once the Ancient Sumerians and Egyptians established successful irrigation systems, civilization began. This allowed men and women to break away from the hunter-gatherer society and form rich cultures and an industrialized society.

Science provides foundations for understanding the modern methods of cultivation, conservation, animal raising and developing superior hybrids. The advances in veterinary medicine, vaccinations, and the recent eradication of Rinderpest (a highly contagious viral disease in cattle and other ruminant animals) represent milestones in the application of scientific knowledge.

As agriculture is essential to our world, it is also essential to the literary world. English (language) knowledge provides tools for writing clarity and reading comprehension. As food is necessary to our existence, basic skills of reading and writing are critical in daily life. Educating our youth about agriculture will not only broaden personal human capital but what a child learns will inevitably be passed to friends, family, and community.

Mathematics in agriculture can range from simple to complex. The application of mathematics in agriculture cannot go overlooked. Promoting it, especially in youth education, can help expand the mind and make comprehension much easier. Instead of dealing with raw numbers with no point of reference, agriculture provides concrete references students can easily envision. Using examples such as square bales, acres, or an animal (which most students know the approximate size), allows them to visualize what sort of data or portions the calculations are referring to. Mathematics itself is needed in all areas of farming, whether it is counting the number of head on a farm, determining feed or forage rations or calculating the amount of seed needed to plant a certain area of land.

Sow some seed for Agriculture! As many of our farmers contend with an uncertain future of oppressive regulation and agriculture as a whole is facing near certain budget cuts, we must teach our youth, indeed all citizens, about agriculture – West Virginia and American farmers are the most conscientious land stewards who produce the safest, most reliable and most abundant food supplies in the world. If you eat you are involved in agriculture – buy, consume and speak out with confidence for our dedicated Farm Operators, the premier conservationists of our land and water resources.

To all West Virginia Farmers – Thanks!



Dale R. King
Director, West Virginia Field Office

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**USDA-NASS
WEST VIRGINIA FIELD OFFICE**

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A Cooperative Function of
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^{3/} Send mail to: P.O. Box 528804 (ZIP code 73152-8804). ^{4/} Send mail to: P.O. Box 8 (ZIP code 29202-0008).

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Vera Page	822-3020	Vera.Page
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Michael Biser	530-2826	Michael.Biser
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Steven Nestor	269-8431	Steven.Nestor
Joshua Lewis	824-3236	Josh.Lewis
Joshua Lewis	824-3236	Josh.Lewis
Keith Richmond	253-9597	Keith.Richmond
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Source: West Virginia Extension Service and USDA, Farm Service Agency.

WEST VIRGINIA GAZETTE ARTICLE, DATED FEBRUARY 12,

2012

February 12, 2012

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Statehouse beat: Laws that become obsolete

By Phil Kabler

Word of the day: Desuetude. As lawyer/lobbyist extraordinaire **Wendel Turner** explained, it's a legal term referring to laws that become obsolete and no longer enforceable after long periods of non-enforcement.

That's why the state Alcohol Beverage Control Administration law that prohibits sale of liquor by the drink except to members of private clubs is no longer enforced, even though it's still on the books.

It's also the same legal premise that Sen. **Walt Helmick**, D-Pocahontas, intends to apply if he wins election as state agriculture commissioner this fall.

The 1911 law creating the office states that the agriculture commissioner "shall be a practical farmer, learned in the science of agriculture, and shall have made agriculture his chief business for a period of 10 years immediately preceding his election."

Helmick is contending that the requirements haven't been adhered to over the years. Currently, the primary occupations of three of his four opponents are executive positions in the Department of Agriculture, although **Joe Messineo** also owns a farm, and **Bob Tabb** operates a nursery.

Meanwhile, with 52 years of service, when current Agriculture Commissioner **Gus Douglass** retires in January, his pension will be 104 percent of his salary, or \$98,800 a year.

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Jacqueline Proctor, who has been communications director for Gov. **Earl Ray Tomblin** since he began serving as Senate president/acting as governor in November 2010, and had been spokesperson for the Division of Culture and History for three years prior, was let go by the governor's office late Friday afternoon.

Proctor said she could not comment, and calls and emails to the governor's office were not returned Friday.

Word is she has a job elsewhere in the administration.

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Speaking of publications, the Chamber of Commerce mouthpiece "The West Virginia Record" is already gearing up its election year attacks on Attorney General **Darrell McGraw**, with no less than three articles and an editorial aimed at McGraw in the most recent issue.

At least two articles are critical of chief deputy **Fran Hughes** for making comments about the election to the media. One quotes the then-executive director of Citizens Against Lawsuit Abuse, **Steve Cohen**, faulting Hughes for making comments on state time.

Perhaps in the spirit of full disclosure, it should be pointed out that Cohen himself is also now a state employee. He's administrative assistant to Supreme Court Justice **Brent Benjamin**.

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I shouldn't have been surprised to get numerous calls about in-home care for senior citizens -- both regarding the wait lists for both the Medicaid waiver program and the Bureau of Senior Services' Lighthouse program, as well as for legislation pending to create a state registry of in-

home care workers (HB4062, SB671).

On the latter, I had a particularly interesting call from **Bertrand D. Ash**, 88, of St. Albans, explaining just how useful the registry would be.

Ash said that, over the past 25 years, he has had to find in-home care workers for his mother-in-law, his wife and, now, for himself.

Finding good in-home care providers via wam ads or word-of-mouth is an imperfect science. Ash said. He talk of workers not showing up for days at a time -- not an ideal situation for seniors depending on care providers to fix meals, manage prescription drug dosages and provide personal care services.

Another worker, he discovered, was pilfering painkillers and other prescription drugs.

He said a statewide registry listing in-home care providers, their education and qualifications, and verifying they had passed a criminal background check, would be immensely helpful.

Passage of the bill would seem like a no-brainer, but the lead sponsor of the House bill, Delegate **Larry Williams**, D-Preston, said the legislation is getting pushback in the Senate.

Senators have raised concerns over the price tag: The bureau estimates it would cost just more than \$100,000 a year to maintain the registry, although as is not uncommon, one could argue the fiscal note is inflated, including estimating that two new full-time employees would be required.

Senators also have due process concerns for in-home providers who either opt not to undergo, or fail criminal background checks.

Ash asked that I update him on the status of the legislation, but multiple calls to his home last week went unanswered, so here goes: Both bills are pending in Senate Finance.

...

Finally, leave it to West Virginians to find controversy where none exists. Case in point, two billboards West Virginia University has installed on the interstates leading into Morgantown, stating, "70 -- It's not just our speed limit." with an orange replacing the "0" in 70.

Apparently, some think it's in poor taste, and amounts to excessive bragging, or gloating over the 70-33 win over Clemson in the Orange Bowl.

Hey, can't the university have a little fun commemorating the greatest bowl win in the history of college football?

Of course, the billboard controversy is preferable to how another state institution is getting national publicity, for an incident involving a bottle racket and incredibly diminished judgment ...

Reach Phil Kabler at ph...@wvgazette.com or 304-348-1220.

since then! Tomblin has been a Mover and Shaker in WV Politics for 37 years. what has he ever accomplished? Only Jay Leno can adequately describe WV politics the way they really are! NO TOMBLIN IN 2012!!!

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