

**IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA**

George Papandreas, et al., as a resident  
and voter of the City of Morgantown

Petitioner,

CIVIL ACTION NO.

Morgantown Councilpersons William  
Kawecki, Jennifer Selin, Nancy Ganz and  
Mayor Marti Shamberger

Respondent,

**PETITION PURSUANT TO W.VA. CODE § 6-6-7 FOR THE REMOVAL OF  
WILLIAM KAWECKI, JENNIFER SELIN, NANCY GANZ AND MARTI  
SHAMBERGER**

Comes now George Papandreas, et al. as voters and residents of the City of Morgantown,  
Petitioners, by and through undersigned counsel, Mark A. Kepple, Esq. and petition the Court to  
REMOVE Morgantown Councilpersons William Kawecki, Jennifer Selin, Nancy Ganz and  
Mayor Marti Shamberger:

1. Jurisdiction and venue in the Circuit Court of Monongalia County, West Virginia, is appropriate.
2. Morgantown Councilpersons William Kawecki, Jennifer Selin, Nancy Ganz and Mayor Marti Shamberger are elected officials within the meaning of West Virginia Code § 6-6-7.
3. Morgantown Councilpersons William Kawecki, Jennifer Selin, Nancy Ganz and Mayor Marti Shamberger are guilty of misconduct, malfeasance in office, incompetence, neglect of duty as contemplated by W.Va. Code § 6-6-7.

4. George Papandreas and the voters and residents set forth in Exhibit A (attached hereto and incorporated herein by reference) have legal standing and authority to bring this petition. The petition is legally signed and acknowledged and incorporated herein by reference.

**Count I – William Kawecki**

5. Mr. Kawecki should be removed from office for violations of election law.
6. Mr. Kawecki on behalf of himself and on behalf of his PAC (Political Action Committee) solicited employees of the City of Morgantown to give him money.
7. Mr. Kawecki took said action via electronic mail communication (see Exhibit B).
8. Mr. Kawecki's email specifically, personally directed to City of Morgantown employees – INCLUDING THE ASSISTANT CITY MANAGER WHO SERVES AT THE PLEASURE OF THE CITY MANAGER – states as follows:

"I'm seeking a second term on City Council and I can use some help. Financial contributions to me or to Morgantown Together, the political action committee that has endorsed me are welcome and unfortunately necessary, but I really could use volunteers. Morgantown Together has asked for 10 volunteers from each of the six candidates that it has endorsed, to canvass in-person or contact by phone approximately 40 people. The contacts would be your friends and neighbors and from a voter list that we could provide.

Morgantown Together has endorsed the following candidates for City Council: Rachel L. Fetty – 1<sup>st</sup> ward, Bill Kawecki-2<sup>nd</sup> ward, Jenny Selin – 4<sup>th</sup> ward, Marty Shamberger 5<sup>th</sup> ward, Noel Hoffman – 6<sup>th</sup> ward, and Nancy Ganz – 7<sup>th</sup> ward.

I hesitate to impose on your time; we've some progress but it won't continue unless we get involved. A grass roots effort is our best strategy. That's why I'm asking for your help...."

9. In other words, Mr. Kawecki INSTRUCTED the Assistant City Manager and several other municipal employees that they donate their money and their time to the effort to keep Kawecki in office.
10. W.Va. Code §3-8-11 (b) provides as follows:

Any person who, being an employer, or acting for or on behalf of any employer, shall give any notice or information to his employees, containing any threat, either express or implied, intended or calculated to influence the political view or actions of the workmen

or employees; ... Is guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than ten thousand dollars, or confined in jail for not more than one year, or, in the discretion of the court, shall be subject to both such fine and imprisonment.

11. W. Va. Code § 3-8-12 (k) provides as follows:

A person may not solicit any contribution, other than contributions to a campaign for or against a county or local government ballot issue, from any non-elective salaried employee of the state government or of any of its subdivisions: *Provided*, That in no event may any person acting in a supervisory role solicit a person who is a subordinate employee for any contribution. A person may not coerce or intimidate any non-elective salaried employee into making a contribution. A person may not coerce or intimidate any non-salaried employee of the state government or any of its subdivisions into engaging in any form of political activity. The provisions of this subsection may not be construed to prevent any employee from making a contribution or from engaging in political activity voluntarily without coercion, intimidation or solicitation.

12. Article VII, Section 7.01 (c) of the Morgantown City Charter provides in pertinent part as follows:

Conduct of Elections. Except as otherwise provided by this Charter, the provisions of the general election laws of the State of West Virginia shall apply to elections held under this Charter.

13. Article II, Section 2.06 (b)(2) of the Morgantown City Charter provides in pertinent part as follows:

"Forfeiture of Office. A Councilmember shall forfeit his office if he (2) violates any express prohibition of this Charter..."

14. Mr. Kawecky is under a mandatory duty to forfeit his office for violating the West Virginia Election laws incorporated into the Charter as described herein.

15. There are two independent bases for the removal of Mr. Kawecky. First, Mr. Kawecky has engaged in official misconduct and malfeasance in office and incompetence pursuant to W.Va. Code § 6-6-7 because he violated the election laws in the manner discussed herein. Secondly, Mr. Kawecky had a non discretionary duty to forfeit his office because of the Election law violations (that have been called to his attention) and

he failed to forfeit. Thus, Kawecky is violating another express provision of the City of Morgantown charter.

**Count II – Removal of Nancy Ganz, Jennifer Selin, and Marti Shamberger**

16. Councilpersons Ganz, Selin, and Mayor Shamberger were officeholders at the time that the email discussed in Count I was sent. This trio were also among the council members that received the email and are explicitly mentioned in the email as being endorsed by the Morgantown Together PAC.
17. Councilpersons Ganz, Selin and Mayor Shamberger received benefit, permitted, participated and/or acquiesced to Kawecky's efforts to illegally obtain money from the illegal email of Kawecky.
18. Councilpersons Ganz, Selin and Mayor Shamberger utilized Kawecky as their agent to solicit contributions for their PAC, Morgantown Together.
19. Incorporating the allegations of Count I, Councilpersons Ganz, Selin and Mayor Shamberger, in violation of the Charter and W.Va. Election law, demanded money and volunteer time from municipal employees.
20. Councilpersons Ganz, Selin and Mayor Shamberger are under a mandatory duty to forfeit their office for violating the West Virginia Election laws incorporated into the Charter as described herein.
21. There are two additional independent bases for the removal of Councilpersons Ganz, Selin and Mayor Shamberger. First, Councilpersons Ganz, Selin and Mayor Shamberger have engaged in official misconduct and malfeasance in office and incompetence pursuant to W.Va. Code § 6-6-7 because they utilized Kawecky to violate the election laws in the manner discussed herein. Secondly, Councilpersons Ganz, Selin and Mayor Shamberger had a non-discretionary duty to forfeit their office because of the Election law violations (that have been called to his attention) and he

failed to forfeit. Thus, Councilpersons Ganz, Selin and Mayor Shamberger are violating another express provision of the City of Morgantown charter.

**Count III – Removal of Councilpersons William Kaweck, Nancy Ganz, Jennifer Selin, and Marti Shamberger**

22. The Allegations of the preceding paragraphs are incorporated herein by reference as if restated herein.
23. Article II, Section 2.05 of the City of Morgantown Charter states in pertinent part as follows: Conflicts of Interest...No member of Council shall vote upon or participate in the furtherance of any matter in which that Councilmember has, either directly or indirectly, a substantial financial or other substantial personal interest....Any Councilmember who willfully conceals such interest or willfully violates the requirements of this section shall be guilty of malfeasance in office and shall forfeit his office..."
24. Councilpersons William Kaweck, Nancy Ganz, Jennifer Selin, and Marti Shamberger are all beneficiaries of the Morgantown Together Political Action Committee. Each, in a mutually exclusive manner knew that the other had a substantial financial or substantial personal interest because each were the benefactor of the solicitation by Kaweck to City of Morgantown employees on behalf of themselves and on behalf of their Political Action Committee, Morgantown Together.
25. Councilpersons William Kaweck, Nancy Ganz, Jennifer Selin, and Mayor Marti Shamberger have willfully concealed, or in the alternative willfully violated the requirements of the aforementioned section of the City of Morgantown charter and are thus mandated to forfeit their office. They have failed to so forfeit their office and are thus in violation of the charter.

26. These acts are two additional independent bases for the removal of Councilpersons

Kawecki, Ganz, Selin and Mayor Shamberger. First, Councilpersons Kawecki, Ganz, Selin and Mayor Shamberger have engaged in official misconduct and malfeasance in office and incompetence pursuant to W.Va. Code § 6-6-7 because they did not protest, but condoned the illegal Kawecki email and illegal and unethical solicitation of money on behalf of the Morgantown Together PAC. Secondly, Councilpersons Kawecki, Ganz, Selin and Mayor Shamberger had a non-discretionary duty to forfeit their office because of the violations of the Conflict of Interest violations and failure to forfeit their office. Thus, Councilpersons Kawecki, Ganz, Selin and Mayor Shamberger are violating another express provision of the City of Morgantown charter and must be removed from office.

**Count IV – Removal of Mayor Marti Shamberger, Jennifer Selin, William Kawecki and Nancy Ganz**

27. Marti Shamberger, Jennifer Selin, and Nancy Ganz used their positions as

Councilpersons to influence and prevent the Wards and Boundaries Commission from fairly and appropriately redistricting the 4<sup>th</sup> and 7<sup>th</sup> wards.

28. Previously, the Wards and Boundaries Commission was tasked with the responsibility to redistrict the 4<sup>th</sup> and 7<sup>th</sup> wards in such a manner as to equalize within the same number of qualified voters.

29. After substantial time and effort by the Wards and Boundaries Commission, a proposed plan was developed to bring the population of the 4<sup>th</sup> and 7<sup>th</sup> wards to within 9 registered voters.

30. With this plan Jennifer Selin would have been placed within the same ward that Nancy Ganz was selected. While acknowledging a conflict of interest existed, fellow

members of the Morgantown Together PAC sought to protect their compatriates tenure by interfering and blocking the Wards and Boundaries Commission.

31. Shamberger, Selin, and Ganz had a substantial interest in maintaining their political union and on that basis rejected the wards and boundaries recommendations and then developed another, substandard redistricting plan that preserved each of their claims to their political positions and incumbency. This example of political self dealing is emblematic of the incumbents self-obsessed desire to preserve their political influence and control. Such action evidences that they will willingly disregard clear charter requirements and adopt a re-districting plan that runs counter to the charter but serves their own personal political vanity.
32. William Kawecki was aware of the improper conduct and determined it benefitted his personal political agenda. He voted in favor of the redistricting that benefitted the PAC and failed to stop these improper considerations.
33. Based upon the above, Shamberger, Selin, Kawecki and Ganz have failed to live up to their political responsibilities, charter responsibilities, sworn oath, and duties under W.Va. law. Additionally, these three have engaged in official misconduct and malfeasance in office and incompetence pursuant to W.Va. Code § 6-6-7 because they did not protest, but condoned the illegal re-districting efforts. Secondly, Councilpersons Ganz, Selin and Mayor Shamberger had a non-discretionary duty to forfeit their office because of the violations of the Conflict of Interest violations and failure to forfeit their office. Thus, Councilpersons Ganz, Kawecki, Selin and Mayor Shamberger are violating another express provision of the City of Morgantown charter.

**Count V – Removal of Councilperson Nancy Ganz and Mayor Marti Shamberger**

34. Nancy Ganz, on multiple occasions, used her position within the Council to court special favor and personal treatment with the police department to watch her home while out of town.
35. Nancy Ganz, as a Morgantown Councilmember sent numerous emails asking the Morgantown Police Department to check the exterior of her home while out of town. Further, she has gone so far to request a particular officer be assigned to her private security detail.
36. Nancy Ganz, apparently under the belief that residents of Morgantown who travel away from their home need armed guards to protect their residence has done nothing to strengthen law enforcement or safety in the community. It makes sense because such efforts may simply dilute the value to her of her private security force.
37. Mayor Shamberger has contacted the police to request vehicles be ticketed and presumeably removed from her street. An email from the Mayor identifies the man as an "Asian" man. This specific reference to the man's race is believed to be a misguided effort to identify to the police a need to protect a certain aspect of the neighborhood.
38. Article II, Section 2.05 (d) of the City of Morgantown Charter provides in pertinent part as follows:

Interference with Administration. Except for the purposes of inquiries and investigations under Section 2.09, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the Manager, and neither the Council nor its members shall give orders to any such officers or employees, either publicly or privately. Violation of this provision shall constitute ground for removal from office.

It is the intention of this subsection (d) that the Council shall act in all matters as a body, and it is contrary to the spirit of this section for any of its members to seek individually to influence the official acts of the Manager, or any other officer, or employee, or for the Council or any of its members to ...interfere in any way with the performance by such officers or employees of their duties.



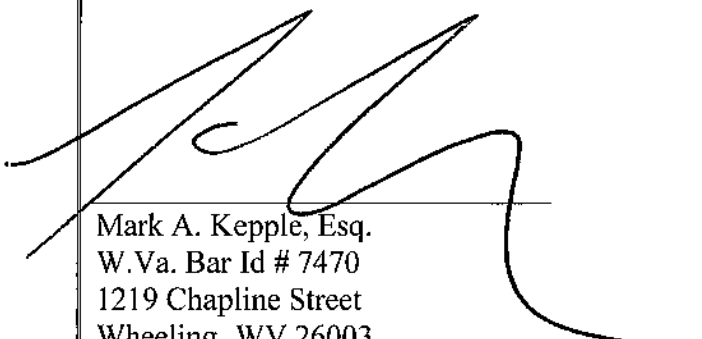
39. Nancy Ganz has on multiple occasions engaged in official misconduct and malfeasance in office and incompetence pursuant to W.Va. Code § 6-6-7 for the conduct described herein. Additionally, Ganz has failed to forfeit her position as required by the charter because she has sought to interfere with the police departments, sought personal benefits because of her position, and has otherwise sought to address what she must believe is a serious crime problem within the city of Morgantown.
40. Mayor Shamberger and Nancy Ganz have engaged in official misconduct and malfeasance in office and incompetence pursuant to W.Va. Code § 6-6-7 for the conduct described herein. Additionally, Shamberger and Ganz have failed to forfeit their positions as required by the charter because they have sought to interfere with the police departments, sought personal benefits because of their positions, and have otherwise pursued misguided tactics to impose their personal political agendas upon the City.

#### **Count VI - Jennifer Selin**

41. The previous allegations are incorporated herein as if restated fully.
42. Jennifer Selin has individually, in her capacity as a councilperson of the City of Morgantown advised city management to selectively enforce City of Morgantown laws.
43. Jennifer Selin has usurped the police and fire departments jurisdiction to determine under what considerations the porch couch ban can be enforced.
44. Jennifer Selin also used her position on council to inappropriately prohibit to development and discussion of legal options surrounding the "truck ban" ordinances within the City of Morgantown.
45. For the reasons discussed in the forgoing counts, Mrs. Selin is without authority to influence the enforcement of certain laws within the City of Morgantown.

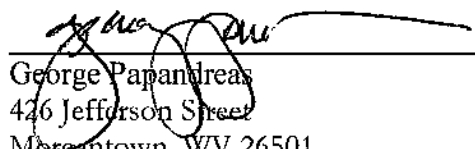
46. Jennifer Selin has engaged in official misconduct and malfeasance in office and incompetence pursuant to W.Va. Code § 6-6-7 for the conduct described herein. Additionally, Selin has failed to forfeit her position as required by the charter because she has sought to interfere with the police and fire departments, improperly influenced the development of the "truck ban" ordinances, sought and obtained personal benefits because of her position, and has otherwise failed to address municipal business appropriately.

**WHEREFORE**, the petitioners respectfully request that a three judge panel be set and that William Kawecki, Nancy Ganz, Jennifer Selin, and Marti Shamberger be removed from office immediately, that fees and costs be awarded for bringing this petition, and for all other further relief as this Court deems appropriate.



GEORGE PAPANDREAS  
By Counsel

Mark A. Kepple, Esq.  
W.Va. Bar Id # 7470  
1219 Chapline Street  
Wheeling, WV 26003  
Phone: (304) 233-3100  
Fax: (304) 233-0201  
mkepple@baileywyant.com



George Papandreas  
446 Jefferson Street  
Morgantown, WV 26501

STATE OF WEST VIRGINIA :  
COUNTY OF OHIO : TO-WIT:

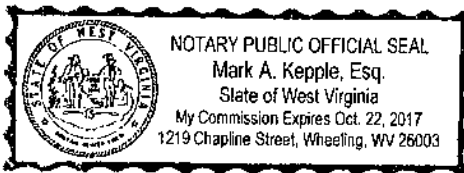
I, George Papandreas, a Notary Public in and for the said State and County, do hereby certify that GEORGE PAPANDREAS, whose name is signed to the writing above bearing date of the 8<sup>th</sup> day of October, 2015, has this day acknowledged the same before me.

Given under my hand this 8<sup>th</sup> day of October, 2015.

  
NOTARY PUBLIC

My Commission Expires:

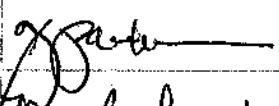
10 / 22 / 2017



**PETITION FOR THE REMOVAL OF COUNCILPERSONS WILLIAM KAWECKI,  
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We, the residents of the City of Morgantown, certify that we are voters and residents in the City of Morgantown.

As evidence by our signatures below, we believe that West Virginia Code §6-6-7 mandates the removal of Morgantown Councilpersons William Kaweck, Jennifer Selin, Nancy Ganz, and Mayor Marti Shamberger on an individual basis and as a group. We further certify that the charges and grounds for removal as set forth in the Petition on which the signatures are attached reflect the reasons why William Kaweck, Jennifer Selin, Nancy Ganz, and Mayor Marti Shamberger should be removed from the City of Morgantown city council. We respectfully request that the Circuit Court of Monongalia County shall, without delay, forward a copy of this Petition to the West Virginia Supreme Court of Appeals and ask for the empaneling or convening of a three Judge Court. Witness the following signatures:

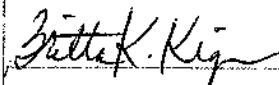





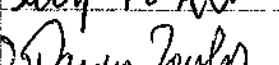
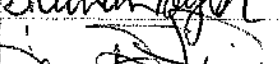

SIGNATURE	PRINTED NAME	ADDRESS	DATE
	GEORGE J. PAPANDREAS	426 JEFFERSON ST WV 26501 MORGANTOWN	10-7-15
Mary Beth Papandreas	MARY BETH PAPANDREAS	426 JEFFERSON ST WV 26501 MORGANTOWN	10-7-15
Linda E Herbst	LINDA E HERBST	1500 WESTERN AVE MORGANTOWN WV 26505	10-7-15
Peter Prokopchuk	PETER PROKOPCHUK	706 PARK SIDE LANE 26501	10-7-15
Wesley B. Nugent	Wesley B. Nugent	126 Willowdale Rd, Morgantown, WV 26505	10/7/2015
John Bud Wilt	JOHN BUD WILT	1229 CAMBRIDGE AVE MGT 26505	10/7/15
Barbara Nailler	Barbara Nailler	484 Rebecca St, Mgt 26505	10/9/15
John T. Nailler	John Nailler	484 Rebecca St. Mgt 26505	10/9/15
Jay Redmond	JAY REDMOND	991 SOUTHPOINT CIRCLE MORGANTOWN, WV 26501	10/7/15

Ex. A

**PETITION FOR THE REMOVAL OF COUNCILPERSONS WILLIAM KAWECKI,  
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SIGNATURE	PRINTED NAME	ADDRESS	DATE
	Britta K Kiger	468 West Virginia Ave 26501	10-7-15
	James A. Barnhart	1244 Richwood Ave Morgantown WV	10/7/15
	Keri K. Nugent	126 Willowdale Road Morgantown, WV 26505	10/7/15
	Shane Mardis	1165 Hampton Ave Morgantown WV 26505	10/7/15
	Daniel Kecke	641 Kerser St, Morgantown WV 26505	10-7-15
	Stephon waise	1970 Negley Ave. 26505	10-7-15
	George D. Taylor	624 W. Virginia Avenue	10-7-15
	Janet S. Price	251 Wagner Rd	10-8-15
	John miles	138 Wagner Rd 26501	10-8-15

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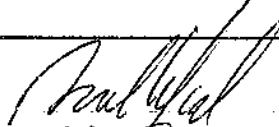
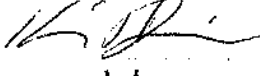



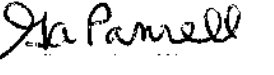
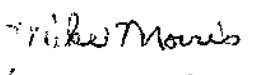
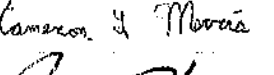
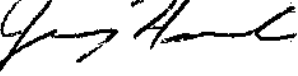
As evidence by our signatures below, we believe that West Virginia Code §6-6-7 mandates the removal of Morgantown Councilpersons William Kaweck, Jennifer Selin, Nancy Ganz, and Mayor Marti Shamberger on an individual basis and as a group. We further certify that the charges and grounds for removal as set forth in the Petition on which the signatures are attached reflect the reasons why William Kaweck, Jennifer Selin, Nancy Ganz, and Mayor Marti Shamberger should be removed from the City of Morgantown city council. We respectfully request that the Circuit Court of Monongalia County shall, without delay, forward a copy of this Petition to the West Virginia Supreme Court of Appeals and ask for the empaneling or convening of a three Judge Court. Witness the following signatures:

SIGNATURE	PRINTED NAME ADDRESS	DATE
<i>Marie Graham</i>	Marie Graham 532 Burroughs St.	10-6-15
<i>William R. Graham Jr.</i>	William R. Graham Jr. 532 Burroughs St	10-6-15
<i>David Hays</i>	1265 Easton Ave. Morgantown, WV STEPHEN P. GREGG	10/6/15
<i>Elizabeth Graham</i>	501 VAN YOUNG RD APT 47 ELIZABETH GRAHAM	10-6-15
<i>Jennifer Graham</i>	Jennifer Graham 532 Burroughs St, Mgtown, WV, 26505	10/6/15
<i>Rachel Hagedorn</i>	Rachel A Hagedorn 528 Burroughs St	10-7-15
<i>Mark Elledge</i>	1408 Anderson Ave, Mgtown	10-7-15
<i>Paul M. Smith</i>	PAUL M. SMITH 1408 ANDERSON AVE, MGTN,	10/7/15
<i>Ronald Bane Jr.</i>	Ronald Bane Jr 720 Astor Ave Morgantown, WV 26501	10/8/15

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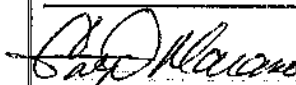
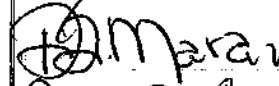
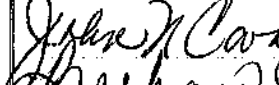
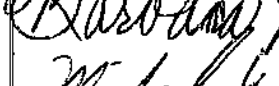


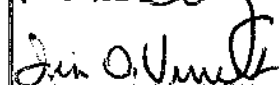
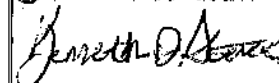

SIGNATURE	PRINTED NAME	ADDRESS	DATE
	DAVID WEATHER	609 Redline AVE	10/6/15
	Kevin Davis	216 River 111ex	10/6/15
	WALLACE SHAW	956 VANDALIA RD.	10-7-15
	ROBERT RAESE	765 Mountain View	10-7-15
	Connie Stead	785 So Hills Dr.	10/8/15
	GUY PANRELL	757 S. Hills Dr	10/8/15
	MIKE MORRIS	180 Mingo St. Morgantown	10/8/15
	Cameron L. Morris	119 Farview Ave	10/8/15
	Jeremy Hamlin	225 Bradley	10/8/15

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SIGNATURE	PRINTED NAME	ADDRESS	DATE
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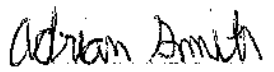


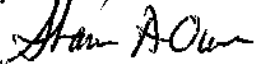
	GARY P. MARANO	1068 WINDSOR AVE, Morgantown WV	10/7/15
	DEBORAH F. MARANO	1068 WINDSOR AVE, Morgantown WV	10-7-15
	JOHN J. CAVALIERI	534 MARTIN ST MGT. 10126505	
	BARBARA NEAL	1445 ANDERSON AVE MGT WV 264505	
	MICHAEL EBY	1272 Parkview Drive	10/7/15
	STEVEN E. EBY	1272 Parkview Drive	10/7/15
	DANIEL EBY	1272 Parkview Drive	10/7/15
	JIM O. VINCENT	348 Laurel St	10/7/15
	KENNETH D. STEVENS	544 WHITE AVE	10/7/15



**PETITION FOR THE REMOVAL OF COUNCILPERSONS WILLIAM KAWECKI,  
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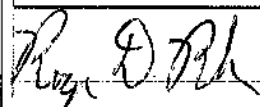
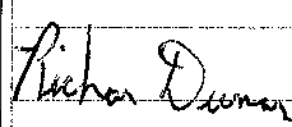
SIGNATURE	PRINTED NAME	ADDRESS	DATE
	Adrian Smith	802 Madison Ave	10/07/15
	Whitney Drake	841 Stewart Street	10/07/15
	VLADIMIR R. LAROTA-DAVALOS	536 Menden Street	10/7/15
	Shawn A Ower	105 East End Ave	10/7/15

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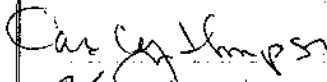
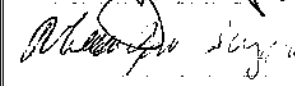
SIGNATURE	PRINTED NAME	ADDRESS	DATE
	Roger D. Banks	444 Overhill St	10/8/15
	Richard Dumas (by power of attorney) <sup>(RD)</sup>	444 Overhill St	10/8/15

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	Carolyn Hampson	224 Lebanon Ave.	Oct 9, 2015
	Rebecca Singleton	Morgantown	
	225 Lebanon	Morgantown	10/8/15