

# **ARTICLES OF IMPEACHMENT FOR THE JUSTICES OF THE SUPREME COURT OF APPEALS OF WEST VIRGINIA**

1           *Resolved by the House of Delegates:*

2           BE IT RESOLVED, That, pursuant to the authority granted by the House of Delegates of  
3 West Virginia to the House Committee on the Judiciary in House Resolution 201, dated June 26,  
4 2018, the Committee on the Judiciary recommends to the House of Delegates of West Virginia:

5           THAT, pursuant to the authority granted to the House of Delegates in Section 9, Article IV  
6 of the Constitution of the State of West Virginia, that Chief Justice Margaret Workman, Justice  
7 Allen Loughry, Justice Robin Davis, and Justice Elizabeth Walker, Justices of the Supreme Court  
8 of Appeals of West Virginia, be impeached for maladministration, corruption, incompetency,  
9 neglect of duty, and certain high crimes and misdemeanors committed in their capacity and by  
10 virtue of their offices as Justices of the Supreme Court of Appeals of West Virginia, and that said  
11 Articles of Impeachment, being fourteen in number, be and are hereby adopted by the House of  
12 Delegates, and that the same shall be exhibited to the Senate in the following words and figures,  
13 to wit:

14 ARTICLES exhibited by the House of Delegates of the State of West Virginia in the name of  
15 themselves and all of the people of the State of West Virginia against:

16           Margaret Workman, who was at the general election held in November 2008, duly  
17 elected to the office of Justice of the Supreme Court of Appeals of West Virginia

**As Adopted by Judiciary Committee, Aug. 7**

*(Articles may be renumbered, but content will not change.)*

1 and on the 29<sup>th</sup> day of December 2008, after having duly qualified as a Justice by  
2 taking the required oath to support the Constitution of the United States and the  
3 Constitution of the State of West Virginia and faithfully discharge the duties of that  
4 office to the best of her skill and judgment, entered upon the discharge of the duties  
5 thereof; and on the 16<sup>th</sup> day of February 2018, was elevated to the position of Chief  
6 Justice and entered upon the discharge of the duties thereof; and

7 Allen Loughry, who was at the general election held in November 2012, duly  
8 elected to the office of Justice of the Supreme Court of Appeals of West Virginia  
9 and on the 14<sup>th</sup> day of December 2012, after having duly qualified as a Justice by  
10 taking the required oath to support the Constitution of the United States and the  
11 Constitution of the State of West Virginia and faithfully discharge the duties of that  
12 office to the best of her skill and judgment, entered upon the discharge of the duties  
13 thereof; and

14 Robin Davis, who was at the general election held in November 2012 duly elected  
15 to the office of Justice of the Supreme Court of Appeals of West Virginia and on  
16 the 13<sup>th</sup> day of January 2013, after having duly qualified as a Justice by taking the  
17 required oath to support the Constitution of the United States and the Constitution  
18 of the State of West Virginia and faithfully discharge the duties of that office to the  
19 best of her skill and judgment, entered upon the discharge of the duties thereof;  
20 and

21 Elizabeth Walker, who was at the general election held in November 2016 duly  
22 elected to the office of Justice of the Supreme Court of Appeals of West Virginia  
23 and on the 5<sup>th</sup> day of December 2016, after having duly qualified as a Justice by

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1 taking the required oath to support the Constitution of the United States and the  
2 Constitution of the State of West Virginia and faithfully discharge the duties of that  
3 office to the best of her skill and judgment, entered upon the discharge of the duties  
4 thereof; and

5 In maintenance and support of their impeachment against them Margaret  
6 Workman, Allen Loughry, Robin Davis, and Elizabeth Walker for  
7 maladministration, corruption, incompetency, neglect of duty, and certain high  
8 crimes and misdemeanors.

**Article I**

9 That the said Chief Justice Margaret Workman, and Justice Robin Davis, being at all times  
10 relevant Justices of the Supreme Court of Appeals of West Virginia, and at various relevant times  
11 individually each Chief Justice of the Supreme Court of Appeals of West Virginia unmindful of the  
12 duties of their high offices, and contrary to the oaths taken by them to support the Constitution of  
13 the State of West Virginia and faithfully discharge the duties of their offices as such Justices, while  
14 in the exercise of the functions of the office of Justices, in violation of their oaths of office, then  
15 and there, with regard to the discharge of the duties of their offices, commencing in or about 2012,  
16 did knowingly and intentionally act, and each subsequently oversee in their capacity as Chief  
17 Justice, and did in that capacity as Chief Justice severally sign and approve the contracts  
18 necessary to facilitate, at each such relevant time, to overpay certain Senior Status Judges in  
19 violation of the statutory limited maximum salary for such Judges, which overpayment is a  
20 violation of the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10, and, in violation of  
21 an Administrative Order of the Supreme Court of Appeals, in potential violation of the provisions  
22 of W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to enable or  
23 assist any person to obtain money to which he was not entitled, and in potential violation of the

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1 provisions of W.Va. Code §5-10-45, relating to the crime of fraud against the West Virginia Public  
2 Employees Retirement System, and, in potential violation of the provisions set forth in W.Va. Code  
3 §61-3-24, relating to the crime of obtaining money, property and services by false pretenses, and,  
4 all of the above are in violation of the provisions of Canon I and Canon II of the West Virginia  
5 Code of Judicial Conduct.

**Article II**

6 That the said Chief Justice Margaret Workman, Justice Allen Loughry, Justice Robin  
7 Davis, and Justice Elizabeth Walker, being at all times relevant Justices of the Supreme Court of  
8 Appeals of West Virginia, unmindful of the duties of their high offices, and contrary to the oaths  
9 taken by them to support the Constitution of the State of West Virginia and faithfully discharge the  
10 duties of their offices as such Justices, while in the exercise of the functions of the office of  
11 Justices, in violation of their oaths of office, then and there, with regard to the discharge of the  
12 duties of their offices, did, in the absence of any policy to prevent or control expenditure, waste  
13 state funds with little or no concern for the costs to be borne by the tax payers for unnecessary  
14 and lavish spending for various purposes including, but without limitation, to certain examples,  
15 such as: to remodel state offices, for large increases in travel budgets—including unaccountable  
16 personal use of state vehicles, for unneeded computers for home use, for regular lunches from  
17 restaurants, and for framing of personal items and other such wasteful expenditure not necessary  
18 for the administration of justice and the execution of the duties of the Court; and, did fail to provide  
19 or prepare reasonable and proper supervisory oversight of the operations of the Court and the  
20 subordinate courts by failing to carry out one or more of the following necessary and proper  
21 administrative activities:

22 A) To prepare and adopt sufficient and effective travel policies prior to October of 2016,  
23 and failed thereafter to properly effectuate such policy by excepting the Justices from

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- 1           said policies, and subjected subordinates and employees to a greater burden than the  
2           Justices;
- 3           B) To report taxable fringe benefits, such as car use and regular lunches, on Federal W-  
4           2s, despite full knowledge of the Internal Revenue Service Regulations, and further  
5           subjected subordinates and employees to a greater burden than the Justices, in this  
6           regard, and upon notification of such violation, failed to speedily comply with requests  
7           to make such reporting consistent with applicable law;
- 8           C) To provide proper supervision, control, and auditing of the use of state purchasing  
9           cards leading to multiple violations of state statutes and policies regulating the proper  
10          use of such cards, including failing to obtain proper prior approval for large purchases;
- 11          D) To prepare and adopt sufficient and effective home office policies which would govern  
12          the Justices' home computer use, and which led to a lack of oversight which  
13          encouraged the conversion of property;
- 14          E) To provide effective supervision and control over record keeping with respect to the  
15          use of state automobiles, which has already resulted in an executed information upon  
16          one former Justice and the indictment of another Justice.
- 17          F) To provide effective supervision and control over inventories of state property owned  
18          by the Court and subordinate courts, which led directly to the undetected absence of  
19          valuable state property, including, but not limited to, a state-owned desk and a state-  
20          owned computer;
- 21          G) To provide effective supervision and control over purchasing procedures which directly  
22          lead to inadequate cost containment methods, including the rebidding of the  
23          purchases of goods and services utilizing a system of large unsupervised change  
24          orders, all of which encouraged waste of taxpayer funds.

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1 The failure by the Justices, individually and collectively, to carry out these necessary and proper  
2 administrative activities constitute a violation of the provisions of Canon I and Canon II of the West  
3 Virginia Code of Judicial Conduct.

**Article III**

4 That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of  
5 West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to  
6 support the Constitution of the State of West Virginia and faithfully discharge the duties of his  
7 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of  
8 his oath of office, then and there, with regard to the discharge of the duties of his office, did on or  
9 about June 20, 2013, cause a certain desk, of a type colloquially known as a “Cass Gilbert” desk,  
10 to be transported from the State Capitol to his home, and did maintain possession of such desk  
11 in his home, where it remained throughout his term as Justice for approximately four and one-half  
12 years, in violation of the provisions of W.Va. Code §29-1-7 (b), prohibiting the removal of original  
13 furnishings of the state capitol from the premises; further, the expenditure of state funds to  
14 transport the desk to his home, and refusal to return the desk to the state, constitute the use of  
15 state resources and property for personal gain in violation of the provisions of W.Va. Code §6B-  
16 2-5, the provisions of the West Virginia State Ethics Act, and constitute a violation of the provisions  
17 of Canon I of the West Virginia Code of Judicial Conduct.

**Article IV**

18 That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of  
19 West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to  
20 support the Constitution of the State of West Virginia and faithfully discharge the duties of his  
21 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of  
22 his oath of office, then and there, with regard to the discharge of the duties of his office, did

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1 beginning in or about December 2012, intentionally acquired and used state government  
2 computer equipment and hardware for predominately personal use—including a computer not  
3 intended to be connected to the court’s network, utilized state resources to install computer  
4 access services at his home for predominately personal use, and utilized state resources to  
5 provide maintenance and repair of computer services for his residence resulting from  
6 predominately personal use; all of which acts constitute the use of state resources and property  
7 for personal gain in violation of the provisions of W.Va. Code §6B-2-5, the provisions of the West  
8 Virginia State Ethics Act, and constitute a violation of the provisions of Canon I of the West Virginia  
9 Code of Judicial Conduct.

**Article V**

10 That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of  
11 West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to  
12 support the Constitution of the State of West Virginia and faithfully discharge the duties of his  
13 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of  
14 his oath of office, then and there, with regard to the discharge of the duties of his office, did  
15 beginning in or about December 2012, and continuing for a period of years, intentionally acquire  
16 and use state government vehicles for personal use; including, but not limited to, using a state  
17 vehicle and gasoline purchased utilizing a state issued fuel purchase card to travel to the  
18 Greenbrier on one or more occasions for book signings and sales, which such acts enriched his  
19 family and which acts constitute the use of state resources and property for personal gain in  
20 violation of the provisions of W.Va. Code §6B-2-5, the provisions of the West Virginia State Ethics  
21 Act, and constitute a violation of the provisions of Canon I of the West Virginia Code of Judicial  
22 Conduct.

**Article VI**

1           That the said Justice Allen Loughry, being at all times relevant a Justice of the Supreme  
2 Court of Appeals of West Virginia, and at that relevant time individually Chief Justice of the  
3 Supreme Court of Appeals of West Virginia, unmindful of the duties of his high offices, and  
4 contrary to the oaths taken by him to support the Constitution of the State of West Virginia and  
5 faithfully discharge the duties of his office as such Justices, while in the exercise of the functions  
6 of the office of Justice, in violation of his oath of office, then and there, with regard to the discharge  
7 of the duties of his office, did on or about May 19, 2017, did in his capacity as Chief Justice, draft  
8 an Administrative Order of the Supreme Court of Appeals, bearing his signature, authorizing the  
9 Supreme Court of Appeals to overpay certain Senior Status Judges in violation of the statutorily  
10 limited maximum salary for such Judges, which overpayment is a violation of the provisions of  
11 W.Va. Code §51-2-13 and W.Va. Code §51-9-10; his authorization of such overpayments was a  
12 violation of the clear statutory law of the state of West Virginia, as set forth in those relevant Code  
13 sections, and, was an act in potential violation of the provisions set forth in W.Va. Code §61-3-  
14 22, relating to the crime of falsification of accounts with intent to enable or assist any person to  
15 obtain money to which he was not entitled, and in potential violation of the provisions of W.Va.  
16 Code §5-10-45, relating to the crime of fraud against the West Virginia Public Employees  
17 Retirement System, and, in potential violation of the provisions set forth in W.Va. Code §61-3-24,  
18 relating to the crime of obtaining money, property and services by false pretenses, and all of the  
19 above are in violation of the provisions of Canon I and Canon II of the West Virginia Code of  
20 Judicial Conduct.

**Article VII**

21           That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of  
22 West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to  
23 support the Constitution of the State of West Virginia and faithfully discharge the duties of his



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1 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of  
2 his oath of office, then and there, with regard to the discharge of the duties of his office, did waste  
3 state funds with little or no concern for the costs to be borne by the tax payer for unnecessary and  
4 lavish spending in the renovation and remodeling of his personal office, to the sum of  
5 approximately \$363,000, which sum included the purchase of a \$31,924 couch, a \$33,750 floor,  
6 and other such wasteful expenditure not necessary for the administration of justice and the  
7 execution of the duties of the Court, which represents a waste of state funds.

**Article VIII**

8 That the said Justice Elizabeth Walker, being a Justice of the Supreme Court of Appeals  
9 of West Virginia, unmindful of the duties of her high office, and contrary to the oaths taken by her  
10 to support the Constitution of the State of West Virginia and faithfully discharge the duties of her  
11 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of  
12 her oath of office, then and there, with regard to the discharge of the duties of her office, did waste  
13 state funds with little or no concern for the costs to be borne by the tax payer for unnecessary and  
14 lavish spending in the renovation and remodeling of her personal office, which had been largely  
15 remodeled less than seven years prior, to the sum of approximately \$131,000, which sum  
16 included, but is not limited to, the purchase of approximately \$27,000 in items listed as office  
17 furnishings and wallpaper, and other such wasteful expenditure not necessary for the  
18 administration of justice and the execution of the duties of the Court, which represents a waste of  
19 state funds.

**Article IX**

20 That the said Justice Robin Davis, being a Justice of the Supreme Court of Appeals of  
21 West Virginia, unmindful of the duties of her high office, and contrary to the oaths taken by her to  
22 support the Constitution of the State of West Virginia and faithfully discharge the duties of her

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1 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of  
2 her oath of office, then and there, with regard to the discharge of the duties of her office, did waste  
3 state funds with little or no concern for the costs to be borne by the tax payer for unnecessary and  
4 lavish spending in the renovation and remodeling of her personal office, to the sum of  
5 approximately \$500,000, which sum included, but is not limited to, the purchase of an oval rug  
6 that cost approximately \$20,500, a desk chair that cost approximately \$8,000 and over \$23,000  
7 in design services, and other such wasteful expenditure not necessary for the administration of  
8 justice and the execution of the duties of the Court, which represents a waste of state funds.

**Article X**

9 That the said Justice Robin Davis, being at all times relevant a Justice of the Supreme  
10 Court of Appeals of West Virginia, and at certain relevant times individually Chief Justice of the  
11 Supreme Court of Appeals of West Virginia, unmindful of the duties of her high offices, and  
12 contrary to the oaths taken by her to support the Constitution of the State of West Virginia and  
13 faithfully discharge the duties of his office as such Justice, while in the exercise of the functions  
14 of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge  
15 of the duties of her office, did in the year 2014, did in her capacity as Chief Justice, sign certain  
16 Forms WV 48, to retain and compensate certain Senior Status Judges the execution of which  
17 forms allowed the Supreme Court of Appeals to overpay those certain Senior Status Judges in  
18 violation of the statutorily limited maximum salary for such Judges, which overpayment is a  
19 violation of the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10; her authorization  
20 of such overpayments was a violation of the clear statutory law of the state of West Virginia, as  
21 set forth in those relevant Code sections, and, was an act in potential violation of the provisions  
22 set forth in W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to  
23 enable or assist any person to obtain money to which he was not entitled, and in potential violation  
24 of the provisions of W.Va. Code §5-10-45, relating to the crime of fraud against the West Virginia

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1 Public Employees Retirement System, and, in potential violation of the provisions set forth in  
2 W.Va. Code §61-3-24, relating to the crime of obtaining money, property and services by false  
3 pretenses, and all of the above are in violation of the provisions of Canon I and Canon II of the  
4 West Virginia Code of Judicial Conduct.

**Article XI**

5 That the said Chief Justice Margaret Workman, being a Justice of the Supreme Court of  
6 Appeals of West Virginia, unmindful of the duties of her high office, and contrary to the oaths  
7 taken by her to support the Constitution of the State of West Virginia and faithfully discharge the  
8 duties of her office as such Justice, while in the exercise of the functions of the office of Justice,  
9 in violation of her oath of office, then and there, with regard to the discharge of the duties of her  
10 office, did waste state funds with little or no concern for the costs to be borne by the tax payer for  
11 unnecessary and lavish spending in the renovation and remodeling of her personal office, to the  
12 sum of approximately \$111,000, which sum included, but is not limited to, the purchase of wide  
13 plank cherry flooring, and other such wasteful expenditure not necessary for the administration of  
14 justice and the execution of the duties of the Court, which represents a waste of state funds.

**Article XII**

15 That the said Justice Margaret Workman, being at all times relevant a Justice of the  
16 Supreme Court of Appeals of West Virginia, and at certain relevant times individually Chief Justice  
17 of the Supreme Court of Appeals of West Virginia, unmindful of the duties of her high offices, and  
18 contrary to the oaths taken by her to support the Constitution of the State of West Virginia and  
19 faithfully discharge the duties of his office as such Justice, while in the exercise of the functions  
20 of the office of Justice, in violation of her oath of office, then and there, with regard to the discharge  
21 of the duties of her office, did in the year 2015, did in her capacity as Chief Justice, sign certain  
22 Forms WV 48, to retain and compensate certain Senior Status Judges the execution of which

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1 forms allowed the Supreme Court of Appeals to overpay those certain Senior Status Judges in  
2 violation of the statutorily limited maximum salary for such Judges, which overpayment is a  
3 violation of the provisions of W.Va. Code §51-2-13 and W.Va. Code §51-9-10; her authorization  
4 of such overpayments was a violation of the clear statutory law of the state of West Virginia, as  
5 set forth in those relevant Code sections, and, was an act in potential violation of the provisions  
6 set forth in W.Va. Code §61-3-22, relating to the crime of falsification of accounts with intent to  
7 enable or assist any person to obtain money to which he was not entitled, and in potential violation  
8 of the provisions of W.Va. Code §5-10-45, relating to the crime of fraud against the West Virginia  
9 Public Employees Retirement System, and, in potential violation of the provisions set forth in  
10 W.Va. Code §61-3-24, relating to the crime of obtaining money, property and services by false  
11 pretenses, and all of the above are in violation of the provisions of Canon I and Canon II of the  
12 West Virginia Code of Judicial Conduct.

**Article XIII**

13 That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of  
14 West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to  
15 support the Constitution of the State of West Virginia and faithfully discharge the duties of his  
16 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of  
17 his oath of office, then and there, with regard to the discharge of the duties of his office, made  
18 statements while under oath before the West Virginia House of Delegates Finance Committee,  
19 with deliberate intent to deceive, regarding renovations and purchases for his office, asserting  
20 that he had no knowledge and involvement in these renovations, where evidence presented  
21 clearly demonstrated his in-depth knowledge and participation in those renovations, and, his  
22 intentional efforts to deceive members of the Legislature about his participation and knowledge  
23 of these acts, while under oath.

**Article XIV**

1           That the said Justice Allen Loughry, being a Justice of the Supreme Court of Appeals of  
2 West Virginia, unmindful of the duties of his high office, and contrary to the oaths taken by him to  
3 support the Constitution of the State of West Virginia and faithfully discharge the duties of his  
4 office as such Justice, while in the exercise of the functions of the office of Justice, in violation of  
5 his oath of office, then and there, with regard to the discharge of the duties of his office, direct that  
6 personal pictures and items be placed in customized picture frames and be paid for by state  
7 monies, and these items were subsequently removed from his state office and converted to his  
8 personal use and benefit, which acts constitute the use of state resources and property for  
9 personal gain in violation of the provisions of W.Va. Code §6B-2-5.

10           WHEREFORE, the said Chief Justice Margaret Workman, Justice Allen Loughry, Justice  
11 Robin Davis, and Justice Elizabeth Walker, Justices of the Supreme Court of Appeals of West  
12 Virginia, failed to discharge the duties of their offices, and were and are guilty of maladministration,  
13 corruption, incompetency, neglect of duty, and certain high crimes and misdemeanors.

14           And the House of Delegates of West Virginia, saving to themselves the liberty and rights  
15 of exhibiting at any time hereafter any further Articles of Impeachment against the said Chief  
16 Justice Margaret Workman, Justice Allen Loughry, Justice Robin Davis, and Justice Elizabeth  
17 Walker, Justices of the Supreme Court of Appeals of West Virginia, individually and collectively,  
18 as aforesaid, and also of replying to their answers which they may make unto the Articles herein  
19 proffered against them, and of offering proof to any all of the Articles herein contained, and every  
20 part thereof, and to all an every other Article, accusation, or impeachment, which shall be  
21 exhibited by the said House of Delegates as the case may require, do demand that the said Chief  
22 Justice Margaret Workman, Justice Allen Loughry, Justice Robin Davis, and Justice Elizabeth  
23 Walker, Justices of the Supreme Court of Appeals of West Virginia, individually and collectively,

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1 as aforesaid, may be put to answer the of maladministration, corruption, incompetency, neglect  
2 of duty, and certain high crimes and misdemeanors herein charged against them, and that such  
3 proceedings, examinations, trials, and judgments, may be thereupon had, given and taken, as  
4 may be agreeable to the Constitution and the laws of the State of West Virginia, and as justice  
5 may require.

6 We, John Overington, Speaker Pro Tempore of the House of Delegates of West Virginia,  
7 and Stephen J. Harrison, Clerk thereof, do certify that the above and foregoing Articles of  
8 Impeachment proffered by said House of Delegates against Chief Justice Margaret Workman,  
9 Justice Allen Loughry, Justice Robin Davis, and Justice Elizabeth Walker, Justices of the  
10 Supreme Court of Appeals of West Virginia, individually and collectively, as aforesaid, were  
11 adopted by the House of Delegates on the ---- day of -----2018.

12 In Testimony Whereof, we have signed our names hereunto, this the ---- day of -----  
13 2018.