



West Virginia E-Filing Notice

CC-20-2025-C-48

Judge: Richard D. Lindsay

To: Aubrey Sparks
ASparks@Acluwb.org

NOTICE OF FILING

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
American Humanist Association v. West Virginia Water Development Authority
CC-20-2025-C-48

The following complaint was FILED on 1/13/2025 3:30:37 PM

Notice Date: 1/13/2025 3:30:37 PM

Cathy S. Gatson
CLERK OF THE CIRCUIT COURT
Kanawha County
P.O. Box 2351
CHARLESTON, WV 25301

(304) 357-0440

COVER SHEET

E-FILED | 1/13/2025 3:30 PM
CC-20-2025-C-48
Kanawha County Circuit Clerk
Cathy S. Gatson

GENERAL INFORMATION

IN THE CIRCUIT COURT OF KANAWHA COUNTY WEST VIRGINIA

American Humanist Association v. West Virginia Water Development Authority

First Plaintiff: Business Individual Government Other

First Defendant: Business Individual Government Other

Judge: Richard D. Lindsay

COMPLAINT INFORMATION

Case Type: Civil

Complaint Type: Other

Origin: Initial Filing Appeal from Municipal Court Appeal from Magistrate Court

Jury Trial Requested: Yes No **Case will be ready for trial by:** 1/13/2026

Mediation Requested: Yes No

Substantial Hardship Requested: Yes No

Do you or any of your clients or witnesses in this case require special accommodations due to a disability?

- Wheelchair accessible hearing room and other facilities
- Interpreter or other auxiliary aid for the hearing impaired
- Reader or other auxiliary aid for the visually impaired
- Spokesperson or other auxiliary aid for the speech impaired
- Other: _____

I am proceeding without an attorney

I have an attorney: Aubrey Sparks, 1614 KANAWHA BLVD E , CHARLESTON, WV 25311

SERVED PARTIES

Name: West Virginia Water Development Authority
Address: 1009 Bullitt Street, Charleston WV 25301
Days to Answer: 30 **Type of Service:** Sheriff - Including Copy Fee

Name: Marie Prezioso
Address: 1009 Bullitt Street, Charleston WV 25301
Days to Answer: 30 **Type of Service:** Sheriff - Including Copy Fee

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

AMERICAN HUMANIST ASSOCIATION,

Plaintiff,

v.

24-CV-_____

Judge: _____

WEST VIRGINIA WATER DEVELOPMENT
AUTHORITY, AND MARIE PREZIOSO,

Defendants.

COMPLAINT

Tens of thousands of West Virginians wonder each day where they will get clean water, as it does not run out of the taps in their homes. The Defendant in this case, the West Virginia Water Development Authority, is tasked with providing financial assistance to communities to improve and protect water quality, protect public health, and encourage economic growth. The case at hand arises from the Defendants' abdication of that duty, when it instead provided five million dollars of West Virginian tax-payer money to the College of St. Joseph the Worker, an out-of-state Catholic school. In so doing, the Defendants in this case violated the Guarantee of Freedom of Religion codified in the West Virginia Constitution, and the Plaintiff respectfully seeks the intervention of this Court.

PARTIES & JURISDICTION

1. Plaintiff American Humanist Association (“AHA”) is a non-profit, voluntary membership organization which advocates and supports the practice of humanism, a progressive philosophy of life that, without theism or other supernatural beliefs, affirms our ability and responsibility to lead ethical lives of personal fulfillment that aspire to the greater good.

2. The American Humanist Association is headquartered in Washington D.C. The AHA also maintains a nationwide network of affiliates, including an affiliate in West Virginia. In

addition to that affiliate, Plaintiff has a number of members in good standing throughout the state of West Virginia.

3. Defendant Marie Prezioso is the Executive Director of the West Virginia Water Development Authority (“WDA”). The West Virginia Water Development Authority is a state agency created by the West Virginia Legislature pursuant to (state code) and operating under the supervision of the West Virginia Development Board.

4. Jurisdiction is proper pursuant to W. Va. Code §51-2-2. Venue is proper pursuant to W. Va. Code §14-2-2(a).

STATEMENT OF FACTS

The West Virginia Water Development Authority

5. The West Virginia Water Development Authority was created by the Legislature to provide communities in West Virginia with financial assistance for the development of wastewater, water, and economic infrastructure that will protect the streams of the State, improve drinking water quality, protect public health and encourage economic growth. The agency serves as a revenue bond bank that provides financing for construction of wastewater and water facilities to local governmental agencies.

6. To accomplish its mission, the West Virginia Water Development Authority acts as the administrator and fiduciary of the West Virginia Infrastructure Fund. Using money from the Infrastructure Fund, the WDA buys local government bonds and makes grants to local governments and loans for economic development projects at the direction of the West Virginia Infrastructure and Jobs Development Council.

7. Pursuant §22C-1-1 et seq., the West Virginia Water Development Authority operates under the supervision of the West Virginia Water Development Board. The Board is

composed of seven members, including three ex officio members: the Governor, the Secretary of the Department of Environmental Protection; and the Commissioner of the Bureau for Public Health.

8. The West Virginia Water Development Authority is led by Executive Director Marie Prezioso.

The College of St. Joseph the Worker

9. The College of St. Joseph the Worker is a Catholic College based in Ohio.

10. The College of St. Joseph the Worker describes itself as “fundamentally Catholic” stating, “It’s not only that there is a tabernacle nearby – our curriculum, formation, and even our business model is radically Catholic from top to bottom.”

11. Every student graduating from the College of St. Joseph the Worker receives a degree in Catholic Studies – students are not able to receive a bachelor’s degree in any secular field of study.

12. In describing its curriculum, The College of St. Joseph the Worker states, The universities of Christendom were ordered always to the proclamation of the Gospel for the conversion of the world. The College of St. Joseph the Worker proudly follows this tradition. The *praedicatio* [preaching] of the lay vocation is not the same as the preaching of the clerical vocation, but it is no less essential to the Church. As the cleric makes Christ present in his preaching, so the laity make Christ present by sanctifying the temporal order. As Vatican II taught: “The work of Christ’s redemption concerns essentially the salvation of men; it takes in also, however, the renewal of the whole temporal order” The temporal order includes: “personal and family values, culture, economic interests, the trades and professions, institutions of the political community, international relations, and so on”. Lay *praedicatio* is, therefore, manifest

most properly in action. The laity's vocation is expansive, difficult and indispensable. Again, as the council taught: "The apostolate in the social milieu, that is, the effort to infuse a Christian spirit into the mentality, customs, laws, and structures of the community in which one lives, is so much the duty and responsibility of the laity that it can never be performed properly by others". The curriculum of the College of St. Joseph the Worker is ordered from top to bottom for this bold mission. (citations omitted).

13. The College of St. Joseph the Worker describes its work, including its vocational work, as deeply and fundamentally Catholic, inseparable from the religious aspects of the College.

The Grant Request

14. The College of St. Joseph the Worker submitted a grant request to Defendant West Virginia Water Development Authority, requesting funds through the Economic Enhancement Grant Program.

15. In the College's grant request, they sought \$2,150,000 in funding to create a mission-driven, non-profit construction and real estate development company in West Virginia. They sought \$1,650,000 in funding to support the education of their students and to increase enrollment and scholarships for West Virginian students. They requested \$200,000 to extend a branch campus to the State of West Virginia, and \$1,000,000 in funds for advocacy projects.

16. The proposal from the College of St. John the Worker was considered, and ultimately approved, despite it failing to identify which cabinet secretary issued the required grant recommendation. This portion of the grant application was instead left blank.

17. According to records obtained by the Gazette-Mail, in an Oct. 2 email to Brian Abraham, Delegate Pat McGeehan sent the college's proposal and link to its registration with the

West Virginia Secretary of State's Office, citing a previous discussion with him and copying state House of Delegates Speaker Roger Hanshaw, R-Clay, on the email. Delegate McGeehan then sent a grant application completed by Dean Andrew Jones to Executive Director Marie Prezioso via email on Oct. 4.

18. Despite the deficiencies in the school's application and its manifest, explicit religious purpose, the College of St. Joseph the Worker was awarded a grant by the Defendants which would allow them to expand their work, which they state is inherently and innately tied with their Catholic education, mission, and ministry.

FIRST CLAIM

Violation of the Establishment Clause of the Constitution of West Virginia, Article III Section 15

19. The preceding paragraphs are incorporated herein by reference.

20. The West Virginia Constitution provides that religious freedom is guaranteed, stating No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever; nor shall any man be enforced, restrained, molested or burthened, in his body or goods, or otherwise suffer, on account of his religious opinions or belief, but all men shall be free to profess and by argument, to maintain their opinions in matters of religion; and the same shall, in nowise, affect, diminish or enlarge their civil capacities; and the Legislature shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this state, to levy on themselves, or others, any tax for the erection or repair of any house for public worship, or for the support of any church or ministry, but it shall be left free for every person to select his religious instructor, and to make for his support, such private contracts as he shall please.

21. This provision varies significantly from its federal counterpart, which merely states “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...” (cite).

22. West Virginia Courts have previously held that when our state constitution diverges from the federal constitution, that divergence can be indicative of a greater, more protective right. *See Pushinsky v. W. Virginia Bd. of L. Examiners*, 164 W. Va. 736 (1980) (analyzing within the context of free speech rights) (“... in view of our state constitutional provision regarding the right of the majority to ‘reform, alter, or abolish’ an inadequate government, we think that the West Virginia Constitution offers limitations on the power of the state to inquire into lawful associations and speech more stringent than those imposed on the states by the Constitution of the United States.”)

23. It is also established within West Virginia constitutional law that the West Virginian Constitution can provide greater protection than its federal counterpart. (“[w]e agree with the principle that ‘we may interpret our own Constitution to require higher standards of protection than afforded by comparable federal constitutional standards.’”) *Morrissey v. W. Virginia AFL-CIO*, 842 S.E.2d 455, 470 (2020) citing *Pauley v. Kelly*, 162 W. Va. 672, 679, 255 S.E.2d 859, 864 (1979).

24. Article III Section 15 of the West Virginia Constitution disallows particular behavior, instead of the broad, vague prohibitions and protections of the First Amendment to the United States Constitution.

25. There is no balancing test or historical analysis contained in the West Virginia Constitution that mitigates these prohibitions. The West Virginia Constitution is clear – there are

some actions which the state is affirmatively disallowed from engaging in to further religious freedom.

26. Of note, the West Virginia Constitution does not permit the Legislature to "... confer any peculiar privileges or advantages on any sect or denomination..." or "pass any law requiring or authorizing... the people of any district within this state, to levy on themselves, or others, any tax for ... the support of any church or ministry." W. Va. Const. Art. III § 15.

27. On information and belief, the Economic Enhancement Grant Fund is funded, in part, by appropriations levied against the taxpayers of West Virginia.

28. Through the awarding of this grant, the State of West Virginia, through the West Virginia Water Development Authority, requires taxpayers to fund the work of this Catholic Institution, which states "the mission of St. Joseph the Worker is to serve the Church and to serve our country through providing our society with such workers."

29. In so doing, the State of West Virginia has impermissibly violated the anti-establishment provision of the State Constitution guaranteeing the right to freedom of religion.

30. Plaintiff has been negatively impacted as a result of this violation, as their members have been required to fund and support a religious practice contrary to their shared beliefs and their Constitutional right to freedom of, and from, religion.

31. The facts contained herein establish that the State of West Virginia through the Defendants improperly and unlawfully provided taxpayer support to a church or ministry in violation of the West Virginia Constitution, violating the rights of Plaintiff and its members.

32. Defendants engaged in this conduct intentionally, knowingly, willfully, wantonly, maliciously, and in reckless disregard of the Constitutional rights of West Virginians.

33. Defendant's failure to abide by the Constitution now requires the intervention of this Court's power to award declaratory and injunctive relief.

34. Given the ongoing Constitutional violation, irreparable harm would result to Plaintiff, the members of Plaintiff's organization, and other West Virginians if the institution of this action was delayed.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff respectfully requests that this Court enter judgment in its favor and against Defendant and award the following relief:

- (a) Declare that Defendants violated Plaintiff's rights under Article III, Section 15 of the West Virginia Constitution;
- (b) Enter an injunction requiring Defendants to comply with their constitutional obligations;
- (c) Award Plaintiff all the costs and reasonable attorney fees incurred in this action;
- (d) Schedule this matter for a hearing at the earliest practicable date, and
- (e) Grant such other relief as this Court may deem just and proper.

Respectfully submitted,

AMERICAN HUMANIST
ASSOCIATION

by Counsel,

Aubrey Sparks
(WV Bar No. 13469)
American Civil Liberties Union of
West Virginia Foundation
P.O. Box 3952
Charleston, WV 25339
(p) (304) 712-4640
(f) (304) 404-2033
ASparks@Acluwv.org

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

AMERICAN HUMANIST ASSOCIATION,

Plaintiff,

v.

**Civil Action No.
Judge:**

**WEST VIRGINIA WATER DEVELOPMENT
AUTHORITY, AND MARIE PREZIOSO,**

Defendants.

SUMMONS

To: West Virginia Water Development Authority
c/o Marie Prezioso, Executive Director
1009 Bullitt Street
Charleston, WV 25301

To the above-named Defendant:

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon Aubrey Sparks, plaintiff's attorney, whose address is P.O. Box 3952, Charleston WV 25339, an answer, including any related counterclaim you may have, to the complaint filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive to the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred for asserting in another action any claim you may have which must be asserted by counterclaim in the above styled civil action.

Dated: January 13, 2025

By: _____
Deputy Clerk

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

AMERICAN HUMANIST ASSOCIATION,

Plaintiff,

v.

**Civil Action No.
Judge:**

**WEST VIRGINIA WATER DEVELOPMENT
AUTHORITY, AND MARIE PREZIOSO,**

Defendants.

SUMMONS

To: Marie Prezioso, Executive Director
West Virginia Water Development Authority
1009 Bullitt Street
Charleston, WV 25301

To the above-named Defendant:

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon Aubrey Sparks, plaintiff's attorney, whose address is P.O. Box 3952, Charleston WV 25339, an answer, including any related counterclaim you may have, to the complaint filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 20 days after service of this summons upon you, exclusive to the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred for asserting in another action any claim you may have which must be asserted by counterclaim in the above styled civil action.

Dated: January 13, 2025

By: _____
Deputy Clerk

IN THE CIRCUIT COURT OF MINGO COUNTY, WEST VIRGINIA

JAMES WILLIAMSON,

Petitioner,

v.

**Civil Action No.
Judge:**

**LARRY CROAFF, MINGO COUNTY
CLERK'S OFFICE**

Respondents

SUMMONS

To: Mingo County Clerk's Office
Mingo County Courthouse
78 East Second Avenue
Williamson, WV 25661

To the above-named Defendant:

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon Aubrey Sparks and Nicholas Ward, plaintiff's attorneys, whose address is P.O. Box 3952, Charleston WV 25339, an answer, including any related counterclaim you may have, to the complaint filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive to the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred for asserting in another action any claim you may have which must be asserted by counterclaim in the above styled civil action.

Dated: November 5, 2024

By: _____
Deputy Clerk