

VIRGINIA:

BEFORE THE STATE CORPORATION COMMISSION
At Richmond

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DOUGLAS ROBERT JOHNSON)
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)
Petitioner,)
)
v.)
)
)
VIRGINIA STATE CORPORATION)
COMMISSION)
)
and)
)
FLUVANNA COUNTY BOARD OF)
SUPERVISORS)
)
and)
)
LOUISA COUNTY BOARD OF)
SUPERVISORS)
)
and)
)
JAMES RIVER WATER)
AUTHORITY)
)
Respondent)
)
)
)

Case No.: CLK-2009-00012

**PETITION TO DEEM CERTIFICATE OF AUTHORITY VOID AB INITIO AND FOR
INJUNCTIVE RELIEF**

COMES NOW your Petitioner, Douglas R. Johnson, pro se, and sets forth the following as its petition to deem the Certificate of Incorporation of the James River Water Authority void ab initio:

Parties

1. Petitioner Douglas Robert Johnson is a resident and registered voter in Fluvanna county with the address: 571 Long Acre Road, Palmyra VA 22963.

2. One of the two co-former of James River Water Authority is Respondent Fluvanna County Board of Supervisors having a serve address of

Frederick W. Payne
County Attorney for Fluvanna County
414 East Jefferson Street
Charlottesville, VA 22902.

3. The other co-former of James River Water Authority is Respondent Louisa County Board of Supervisors having a serve address of

Greg L. Hoffmann
Louisa County Attorney
1 Woolfolk Avenue
Louisa, VA 23093.

4. Respondent James River Water Authority is the newly formed entity with is the subject of this petition service to founders are deemed service to this entity.

Statement of the Action Sought and Jurisdiction

5. Petitioner is requesting that the Commission deem its Certificate of Incorporation of James River Water Authority, issued April 21, 2009, void ab initio.

6. The Commission has jurisdiction over this matter as explained in Virginia Code § 12.1-12 and as detailed in Morrissette v. McGinniss, 246 Va. 378; 378 S.E.2d 433 (1993).

Statement of Facts

7. Respondent Fluvanna County Board of Supervisors was petitioned with over 1,700 valid signatures according to Virginia Code § 15.2-5105 where less than 1,700 are required by that statute.

8. Respondent Fluvanna County Board of Supervisors failed to act consistent with Virginia Code § 15.2-5105.

9. Respondent Fluvanna County Board of Supervisors voted 4 to 2 at its April 15, 2009 evening meeting to reject the petition even though acknowledging the number of valid signatures exceed the statutory requirement.

10. Respondent Fluvanna County Board of Supervisors voted 4 to 2 at that meeting the formation of the Joint Water Authority.

11. Respondent Fluvanna County Board of Supervisors and Respondent Louisa County Board of Supervisors filed with the SCC for the Certificate of Incorporation of James River Water Authority which was issued by the SCC on April 22, 2009.


WHEREFORE your Petitioner, Douglas R. Johnson, respectfully requests that the Commission:

A. Deem the Certificate of Incorporation of James River Water Authority void *ab initio*; and

B. Enjoin Fluvanna Board of Supervisors from forming any Water Authority until there is a referendum held as petitioned for on March 18, 2009; and

C. Cost of suit; and

D. For such other relief as the Commission deems just and equitable.



Douglas R. Johnson, Pro se

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