

Supreme court sides with Edwards in worker death case

By Erin Beck

The widow of a Shinnston city worker who died on the job sued the city manager and her husband's immediate supervisor and won her case in Harrison circuit court.

But after City Manager Chad Edwards and Matthew Maxwell, who was Shinnston's public works supervisor and oversaw Robert Stark at the time, appealed the case to the Supreme Court of West Virginia, justices ordered the lower court to reverse the decision.

The two were sued individually because state law gives the city immunity from lawsuits in similar cases, prompting the plaintiff's lawyer to say the Supreme Court decision should concern "every city employee."

The court's opinion, delivered by Justice Beth Walker, was filed on Nov. 17.

Robert Stark, who was a Shinnston Public Works and Utilities Division employee, died on June 14, 2019 while digging a trench as part of his work duties. "This type of excavation/trenching work involved in the project was new to Robert Stark," according to his widow, Rhonda Stark's complaint.

Robert Stark was hired as a light mechanic by the city "(i)n or about" the year 2016, following work "in the field of mechanics." The complaint, numbered 20-C-267-3, was assigned to Judge James Matish.

A project began as early as 2018, "if not earlier," the complaint states, "to correct ongoing issues with a storm drain that was causing ground subsidence" along Van Rufus Drive.

Replacing a section of storm drainpipe in front

of 5 Van Rufus Drive involved digging a trench about eight feet deep, 20 feet long and two feet wide, the complaint stated.

Stark's complaint states that in 2018, some employees of the division "complained to their supervisor that the job was not able to be safely done." They said the ground being excavated was unstable and too deep, and the equipment provided to perform the job "was insufficient to do so safely."

The complaint also stated that the employees didn't have any training in how to excavate and dig trenches safely, that supervisors failed to test and monitor the soil stability of the area, and that no protective systems, like the sloping of trench walls, were in place.

According to an exhibit attached to Stark's complaint, Diane Brown, a workplace safety expert who spent 21 years with the American Federation of State, County and Municipal Employees safety program and is an Occupational Safety and Health Administration outreach instructor, the working conditions violated consensus standards of OSHA, NIOSH, the American National Standards Institute, the Associated General Contractors of America, and the Interstate Natural Gas Association of America.

The city solicited quotes from private contractors to do the work in the fall of 2018, according to the complaint. "Given the expense of the quotes provided, the idea of having a private contractor complete the project was abandoned," Stark's complaint states.

On June 14, 2019, Stark entered the trench and tried to help with connecting a pipe. A large

section of one of the walls of the trench collapsed on him, burying him and killing him through suffocation, and it took 29 first responders and others to extricate him.

Rhonda Stark sought compensation for mental anguish, his pain and suffering, the loss of income, and funeral expenses.

West Virginia's worker compensation law prevents lawsuits against political subdivisions because the state's workers' compensation system handles those disputes, according to the Supreme Court opinion.

But Stark, the widow and the administrator of her husband's estate, filed her lawsuit against Edwards and Maxwell as individuals.

West Virginia workers' compensation law permits those cases in limited circumstances – if petitioners prove "that the employer or person against whom liability is asserted acted with a consciously, subjectively and deliberately formed intention to produce the specific result of injury or death to an employee," according to state law justices relied upon in their opinion.

Quoting Boone v. Activate Healthcare, a 2021 case, which was quoting Chaveriat v. Williams Pipe Line Co., a 1993 case, the justices said a plaintiff "may not fumble around searching for a meritorious claim within the elastic barebones of a barebones complaint."

See "Court" on Pg 3

High school students help those in need



Lincoln High School DECA Club members, who volunteered with the Salvation Army at the Meadowbrook Mall last week, included, from left to right: Kobi O'Dell, Molly Snider, Jaelin Sayers, Alexis Efaw, Rachel Miller, and Olivia Hayes.

By Erin Beck

Members of the Lincoln High School DECA Club have continued active volunteerism this holiday season, according to Julie Yearego, a high school teacher who advises the club.

The DECA club prepares students to be leaders and entrepreneurs.

Last week, Lincoln DECA students helped with the Red Kettle Campaign at the Meadowbrook Mall to raise funds for the Salvation Army on Giving Tuesday.

Last month, club members also donated, sorted, organized and delivered over 70 Thanksgiving care packets to show their appreciation for the teachers and staff at Lincoln High. On Nov. 15, about 75% of the Lincoln DECA members were able to participate over the course of two lunch periods.

Also, students joined Marion Technical Center's DECA Club for their One Night Without A Home homelessness awareness project and food drive. Students stayed outside and simulated homelessness.

To learn more about how DECA is preparing emerging leaders and entrepreneurs to be college and career ready, please visit <https://www.deca.org/about/>. If you have questions or would like to help sponsor local students to attend competitive conferences, please contact Yearego at jyearego@k12.wv.us.



Lincoln High School DECA Club members prepare Thanksgiving care packets on Nov. 15. Pictured left to right: Ashton Fulton, Carlie Lanham, Liam Gallagher, Trinity Eldridge, Isaiah Miller, Alexis Herndon, Alexis Efaw, Olivia Hayes, Brayden Owens, Dez Hatchett.



BUILDING AMAZING CITIES

By **JIM HUNT**
author, speaker, consultant



Rap Hankins, city councilman from Trotwood, Ohio and Jim Hunt, past-president of the National League of Cities, catch up in Washington, D.C. in 2013.

The King of Trotwood, Ohio

Throughout my life, I've treasured the many friends I've made over the years. I've had the opportunity to meet thousands of people from throughout the world and many have remained friends for life. They come from a wide variety of backgrounds, and that has given me an opportunity to explore many aspects of life and gain an appreciation for different cultures, races, lifestyles and other things that make my life so much more than I could have imagined as a little kid, growing up in West Virginia. I've enjoyed meeting people who have had different life experiences than me and learning about what makes their life worthwhile. One such individual is a fellow named Rap Hankins, who I met at a National League of Cities conference many years ago.

Rap was a city councilman for the City of Trotwood, Ohio, a suburb of Dayton, and was never at a loss for words. He had a distinctive voice and rarely left a meeting without expressing his opinion on the issue at hand. Always polite, he would stroke his beard and lean on the hand crutches that he used, as he zeroed in on policies that he felt were unfair or unequitable to those he represented. I can remember many times when he would hone in on some aspect of municipal policy and I could just not see the relevance to the discussion, only to have an "ah ha" moment, when

See "Hunt" on Pg 3.

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Opinion By Kent Leonhardt West Virginia Commissioner of Agriculture

A reflection on our freedoms

This fall, I was privileged to speak at the dedication of two Living Memorials remembering the fallen sons and daughters of West Virginia Gold Star families. As I spoke to the crowd, I remembered my own service overseas and how lucky I was to come home in one piece. Many of the men and women who have proudly served our country have not been as fortunate, including several that I have known personally. As we head into the holiday season and in the spirit of being thankful, it is vital we reflect on the blessings we have been given to live in this nation. Take time to remember the sacrifices made by these men and women who have preserved our freedoms. Their memories serve as a reminder that freedom is never free.

To show we have never forgotten and to carry on the legacy started by Hershel "Woody" Williams, the Gold Star Mothers plan on planting Living Memorials in every county of the state. To date, they have planted five apple trees and two maple tree memorials. Each has 55 trees with one or more dog tags tied on them to represent a fallen West Virginian. We do this because every Gold Star Mother will tell you their child dies twice - once at that fatal moment and again when their name is no longer mentioned. At every dedication, Gold Star Mothers tell us their child's name, as well as date and place of death. It is through these Living Memorials that their children's sacrifices live on.

As the Commissioner of Agriculture, I am proud to partner with West Virginia Gold Star Mothers in planning and planting these memorials. These plantings not only benefit local communities but serve as a symbol that we will not forget those who have made the ultimate sacrifice. I encourage everyone to visit these beautiful and peaceful sites. Please pick out a tree or two and read aloud the name on the dog tags attached to the tree. Most of us cannot fathom what it is like to be a Gold Star family, but we can show gratitude by remembering those whom they have lost. We do not take for granted the brave men and women these families raised.

Our dedication to honoring the fallen, as well as our veterans and those currently serving in the military, isn't isolated to just these memorials. Through our Veterans and Heroes to Agriculture program, we have made a commitment of working with our partners to create and expand services to our veterans and first responders. We have donated land to build a veterans' home. Our staff has worked to expand access to mental health services, as well as resources for veterans who wish to transition from the battlefield to farm field. Each day we have staff working on how to help our veterans and first responders in West Virginia. Under my administration, we have made local heroes a top priority.

At the Department, we believe it's vital to continue to make these men and women a priority given the current state of foreign affairs. From the conflict in Ukraine to the unrest in the Middle East, our men and women in the armed services find themselves in harm's way. They proudly serve their country as they respond to threats towards the free world. Many of them are unsure of what the future holds for them or their families, so the least we can do is ensure they have the proper resources to transition into civilian life when they return home. This holiday season, I challenge you to show thanks for their service by supporting or volunteering for the veteran community. Keep these men and women in your prayers that they will someday return and, again, share the holidays with loved ones.

THIS WEEK IN West Virginia History

The following events happened on these dates in West Virginia history. To read more, go to e-WV: The West Virginia Encyclopedia at www.wvencyclopedia.org.

Dec. 8, 1911: "Wally" Barron was born. Barron, West Virginia's 26th governor, achieved a remarkable record of legislative success during his term, but his accomplishments were overshadowed by the fact that he was the first governor in state history to be indicted or convicted of a major crime.

Dec. 9, 1829: West Virginia's fourth governor, John Jeremiah Jacob, was born in Hampshire County. He was the first governor born within the area that became West Virginia and the first Democratic governor of the state.

Super Crossword puzzle grid with clues for Across and Down words.

19 20 21 24 25 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127

FIND THE SUPER CROSSWORD ANSWERS ON PAGE 7!

Dec. 9, 1932: Songwriter, musician, playwright, humorist, and poet Billy Edd Wheeler was born in Whitesville. Dec. 10, 1841: Logan County preacher "Uncle Dyke" Garrett was born on Big Creek. His greatest fame was for converting and baptizing Devil Anse Hatfield in Main Island Creek in 1911. Dec. 10, 1949: The first class of 20 cadets graduated from the West Virginia State Police Academy in Institute. The State Police purchased property for the academy on a hilltop overlooking Institute from Kanawha County for about \$3,200. Construction began in 1948, and the building was completed the next year. Dec. 11, 1905: "Pare" Lorentz, known as "FDR's filmmaker," was born in Clarksburg. In 1933, Lorentz created "The Roosevelt Year: 1933," a pictorial review of FDR's first year in the White House. Dec. 12, 1931: Attorney George Daugherty, better known as the comic singer and songwriter "The Earl of Elkview," was born upstairs over a Mannington silent movie house. Dec. 12, 1942: Internationally known jazz pianist and recording artist Bob Thompson was born in Jamaica, Queens, New York. He studied music at West Virginia State College (now University) and is the house pianist on the Mountain Stage radio program. Dec. 13, 1861: The Battle of Allegheny Mountain, one of the bloodiest conflicts of the Civil War's first year, took place in Pocahontas County. Dec. 13, 1926: Wheeling radio station WWVA-AM began broadcasting. The 50-watt station operated from the basement of John Stroebel's house for most of its first year. Stroebel was a physics teacher and wireless pioneer. Dec. 14, 1857: Coal operator Justus Collins was born. He owned coal mines at Glen Jean and Whipple, and the octagonal Whipple company

store survives today as a local landmark. e-WV: The West Virginia Encyclopedia is a project of the West Virginia Humanities Council. For more information contact the West Virginia Humanities Council, 1310 Kanawha Blvd. E., Charleston, WV 25301; (304) 346-8500; or visit e-WV at www.wvencyclopedia.org.



The News & Journal advertisement including contact information for Michael Showell, Erin Beck, and Debra Smith, and subscription rates.

N&J Briefs

FROM AROUND HARRISON COUNTY

This calendar of events listing is provided free of charge to churches and nonprofit organizations. Please submit your listing two weeks prior to the event. Send via email to newsandjournal@yahoo.com.

Region VI Workforce Development full board meeting

Thursday, Dec. 8
10:30 a.m. at the Marion County Convention & Visitors Bureau in Pleasant Valley
For more information about the meeting, contact Maria Larry at 304-368-9530.

Region VI is an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request for individuals with disabilities. If you have a hearing impairment and need assistance, please call WV Relay 7-1-1.

Christmas give-away

Saturday, Dec. 10 from 8 a.m.-noon
First Baptist Church Lighthouse in downtown Shinnston
Free winter coats, clothes, hats, gloves, shoes and more
304-592-0232

Annual Christmas bake sale

St. Ann's Catholic Church, 610 Pike St.
Saturday, Dec. 10 from 8 a.m.-2 p.m.
Indoor in social hall.
Breakfast from 8 a.m.-11 a.m.
\$7 menu of sausage & biscuits, scrambled eggs, hash browns, fruit & beverage. Pita Piata, nut roll, nut crescents, wedding cookies, galettes, peanut butter balls, large variety cookie trays
Accepting phone orders till Dec. 6
Call the following phone numbers: 304-584-4376; 304-841-1487; 303-592-0665 or 304-203-8905; 304-677-0799 or 304-592-2243.

American Legion Auxiliary Unit 31 monthly meeting.

Thursday, Dec. 15, 6 p.m.
Covered dish dinner/Yankee gift exchange followed by meeting at 7 pm
Post 31, Shinnston
Bring covered dish/gift for exchange.



Two more COVID-19 deaths reported in region

Last week, the West Virginia Department of Health and Human Resources (DHHR) reported another Harrison County and another Marion County COVID-19 death.

Those who died were an 86-year old female from Marion County and a 56-year old female from Harrison County, according to news releases.

"COVID vaccines and boosters are the best protection against the virus," said Bill J. Crouch, DHHR Cabinet Secretary. "I encourage West Virginians who are eligible for a vaccine or booster shot to schedule an appointment today."

West Virginians ages 6 months and older are eligible for COVID-19 vaccination. All individuals ages 6 months and older should receive a primary series of vaccination, the initial set of shots that teaches the body to recognize and fight the virus that causes COVID-19. At this time, one Omicron booster shot (bivalent) is recommended for everyone ages 5 years and older who completed the primary series, and their most recent COVID-19 shot was at least 2 months ago.

To learn more about COVID-19 vaccines, or to find a vaccine, visit vaccines.gov, vaccinate.wv.gov, or call 1-833-734-0965.

"Hunt" From Pg 1.

I would be thinking of it many hours later. When I would catch up with him later on, the wry smile that would cross his face was the beginning of a friendship that I treasure to this day.

The thought of an African American fellow from the outskirts of Dayton and a white guy from the hills of West Virginia becoming best buddies might seem strange to some, but I started to look forward to our encounters at the National League of Cities meetings and phone calls. We were able to engage on difficult subjects and be able to laugh, as we found common ground. I can remember one instance when Rap was on the National League of Cities Board of Directors, and I was serving as an officer at the time. We had met in D.C. for a finance committee meeting and there was a need for some difficult decisions regarding the finances

for the organization. Rap was holding strong for a position that was not a popular one with the staff of NLC. The meeting ended without a resolution, and we headed home. I had taken the Megabus to D.C. and boarded the bus in Union Station for the five-hour ride home. I wanted to give a quick call to Rap to see what he thought of the meeting. We started talking and as the bus entered West Virginia, some three hours later, we had resolved most of the issues with the National League of Cities and most of the critical issues in the country.

Both Rap and I are no longer in local government, but we have both stayed active with our communities and other ventures. Rap is currently leading the EV (Electric Vehicle) movement in Ohio and working on behalf of underserved communities so that they do not get left behind on this

important technology. I had Rap as a guest on my Amazing Cities Podcast and was amazed at his knowledge of EVs and how they can keep cities from being bypassed on the technology superhighway. We still talk a good bit and I never fail to get a call on my birthday, as we catch up on our grandchildren.

Rap is soon to be turning 70 years old and I know of few other people that love their city as much as he loves Trotwood. His wonderful wife Jan, his children and grandchildren will celebrate and give this "King of the City" his due. Public service is sometimes hard work and people say it is a thankless profession, but with people like Rap Hankins and many others in my life, my service has been repaid a thousand times. As we end our phone calls, Rap will say, "Love you buddy" and I say "Love you too, buddy!"

"Court" From Pg 1.

"Respondent cannot prove—under any set of facts consistent with the allegation that Petitioners exposed Mr. Stark to unsafe working conditions in violation of industry safety standards—that Petitioners subjectively desired to kill Mr. Stark," justices said in the opinion, delivered by Justice Beth Walker.

In an interview following an executive session Edwards said was focused on "legal and personnel" issues at the Nov. 15 City Council work session, Edwards said the city's insurance company – Brickstreet Insurance, now Encova – wouldn't cover he and Maxwell in the lawsuit and "dumped" the city as a client.

Edwards said the city paid Trey Simmerman of Simmerman Law Office, who also represents the city in other matters, to represent Edwards and Maxwell as individuals, even though the city was not named in the appeal as a liable party. The Miley Legal Group represented Stark.

"The city could have left me hanging to dry," Edwards said.

Edwards said he'd been on the job as city manager about four months at the time and didn't have knowledge of the private contractor bids mentioned in Stark's complaint.

"I didn't know anything," he said. "I knew they were working on it. I didn't know they were working on it that day specifically. I don't follow those guys around. I get weekly updates. They fix water lines and do all kinds of stuff without informing me and that's fine."

He said June 14, 2019 was Maxwell's last day as public works supervisor; Maxwell had stepped down a week or two before, he said. Edwards said Maxwell had also taken time off after the accident and now works at the water plant.

"Needless to say, he had a very tough time with it," Edwards said. "It was an accident. I just don't know how else to put it."

Following the accident, the city hired a safety coordinator to visit sites and offer guidance, and the city, including city council members and department heads, developed a "remedial improvement plan."

"Obviously we would never want that to happen again," Edwards said.

"It was a very unfortunate accident... Neither one of us took that lightly," he said. "All of the guys went home. We got a few psychologists out. I mean, those guys were Bob's friends."

Travis Blosser, executive director of the West Virginia Municipal League, said the Court's decision -- that the claim belonged with the workers' compensation system -- was consistent with his understanding of the law.

Doug Miley, who represented Stark, said plaintiffs "are obviously disappointed in the Supreme Court's decision as we disagree with

their application of the facts to the current law in West Virginia. We are most disappointed for the family of Robert Stark as they are left without anyone being fully accountable for his preventable death."

He added that, "Sadly, the law in West Virginia does not require OSHA regulations to apply to city employees. There was not even an OSHA investigation conducted because of this death. Had the OSHA standards and regulations been followed Robert Stark would not have been killed."

He also said that because political subdivisions are immune from any claim where a workers' compensation claim can be brought, and because the workers' compensation system may not fully repair all harms to victims, "The current law in West Virginia treats employees of cities worse than private sector employees."

"This case shows why every city employee should be scared," he said. "There is absolutely nothing in the law in West Virginia which requires, encourages, or even provides incentives for a city to exercise caution and practice safety when it comes to its employees."

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GRAPEVINE

By Rosalyn Queen

As Christmas comes closer and closer, the burden of carrying out family traditions looms in the very near future. If you were a descendant of the Burnett family, this is what you would be doing now in preparation for the big day.

By this time, if you are exchanging gifts, you would have them purchased, wrapped and hidden from the young ones.

Your next duty would be to go to the grocery store and purchase all the products you will need to prepare your holiday meal.

First, we want to concentrate on the Christmas Eve meal. We often refer to this as the Feast of the Seven Fishes. Since our religion plays a big part in the observance of these holidays, Christmas Eve is a Holy Day of Observance and as such we would not eat meat. Most families observe the custom of eating seven fish dishes, which might mean cod, pollock, sardines, calamari, oysters, crab cakes, and tilapia. These dishes can be baked as casseroles, fixed with tomato sauce and noodles or breaded and fried. Each family has their own special recipes and prepares the dish to suit their family.

In our family, Christmas Eve started with the preparation of dough for fried fritti. The grandchildren,

especially, would travel to grandma's to enjoy a hot fritti, some sprinkled with sugar and this would start their Christmas tradition.

Another tradition would be the preparation of lupini. This is a yellow, lima bean-shaped legume. The beans would be soaked for several weeks and when they had softened, placed in clean salt water and consumed. There is a special way to eat them as you push them out of the shell, which you discard and eat the inside.

Once everyone gathers at grandma's to consume the Christmas Eve dinner, we all gather before getting ready to attend Midnight Mass.

On Christmas morning we all gather at our own houses, exchange our gifts and have a leisurely Christmas

meal. Usually, our meal contains the basic ham, maybe lasagna and traditional side dishes. One of our traditional deserts will be Pita Piata which we have gathered as a family to prepare earlier.

Part of the happiness of the holiday is to observe these customs which have been handed down from generation to generation.

I hope you will take the time to include some tradition in your holiday. If you don't know any then start some now for your family.

Take care, stay calm and enjoy the holidays with your family and until next week "Now You Have Heard It Through The Grapevine."

WVU researcher studies Santa's wish lists

Givers frequently struggle when it comes to choosing presents recipients really want, according to Julian Givi, a West Virginia University expert on gifting.

"I always assumed people give to make recipients happy," Givi said. "But that's not the case. When we give gifts, we want to make the recipient happy and we want to make ourselves happy. The gift has to accomplish two goals that sometimes contrast, because givers and recipients often want different things out of a gift."

Givi's newly published and forthcoming scholarship on gift-giving includes papers in the Journal of Consumer Psychology and European Journal of Marketing that present the results of his original studies, as well as an overarching summary and analysis of gifting research, in the Journal of Consumer Psychology, which spans disciplines from sociology to psychology to management.

Givi, an assistant professor of marketing at the John Chambers College of Business and Economics, has uncovered various mismatches between giver and recipient. For instance, recipients welcome sentimental presents like handwritten notes or photographs, he said, or unconventional gifts like an e-reader for Valentine's Day, but they won't get those from most givers, who see too much risk that these gifts will miss the mark.

And Givi has discovered that givers focus on the gratifying moment when the bow comes off, the fun present is revealed and the smile lights up, while recipients want practical gifts they can use for a long time.

In one recent study, Givi investigated the stress people feel around holiday shopping, focusing on givers' anxiety about how recipients will rate their gifts against the givers' equivalent possessions: how they'll feel about getting standard Beats headphones when the giver owns noise-canceling Beats or about getting a four-quart air fryer when the giver owns a six-quart version.

To unpack this obsession with measuring what we give against what we own, Givi enlisted several hundred study participants to enact scenarios that involved deciding whether to purchase gifts that compared unfavorably to things recipients knew the givers owned.

Playing the roles of friends, coworkers or romantic partners, participants imagined buying or receiving presents ranging from mug warmers to event tickets. The study's results showed givers consistently overestimated how offended recipients would be to receive an inferior — older, cheaper, less highly rated or less fully featured — version of an item they knew the giver had.

Although recipients weren't concerned about those disparities, givers were so worried about them that, to avoid offending recipients, they'd keep shopping, go over budget or even give a gift they knew the recipient wouldn't like as much as the "inferior" option.

In a separate study, Givi examined givers' unwillingness to buy presents they'd never buy for themselves — specifically, presents that conflict

with the givers' attitudes and beliefs.

"This research relates to gifts people feel really charged about — a vegetarian thinking about giving a gift card to a steakhouse, a sports fan considering buying the jersey of a hated rival team or a gun opponent looking at firearms paraphernalia, rather than someone who just dislikes country music buying a country music encyclopedia as a gift," he explained.

The study showed givers strongly resist bending their attitudes to give these sorts of gifts, even knowing how much they'd be appreciated. Instead, givers will use their budgets on presents they know are relatively undesirable, amounting to inefficient spending that could damage relationships.

Other takeaways pertain to stores rather than shoppers.

"Imagine I'm a bookseller," Givi suggested. "During the holiday shopping season, I should think twice about promoting books that would be attitude-inconsistent for a considerable segment of givers — say, a Trump or Obama autobiography. Because that segment is unlikely to buy those books even if I promote them, I should promote books that won't be attitude-inconsistent for anyone, such as a Mr. Rogers autobiography.

"When retailers know what recipients want, they can lower gift returns. When marketers know what givers like and don't like to give, they can be more efficient with their advertising dollars."

Givi knows that gifting affects consumers, retailers and the overall economy. According to national data, November-December holiday sales have averaged almost 20% of total retail sales over the past five years, with last year's holiday sales up 13.5% over 2020 and this year's expected to grow another 6-8%.

"Unlike many other occasions, holidays usually involve shopping for multiple recipients, and that can be stressful," Givi said.

For givers not feeling cheerful this season, he recommends, above all, listening to what recipients say.

"Often we know exactly what the recipient wants yet we avoid those gifts because they're not what we want to give. They might be boring. They might not be a surprise."

But the data is clear: "When you know what someone wants, go ahead and give it," Givi said.

He also suggested focusing on the time after the gift exchange: "Don't worry about the moment the gift is opened — think about the weeks and months during which the recipient will own the gift."

And he advised not worrying too much. "Remember, gifts are about joy and happiness. If someone doesn't love their gift this holiday, you can always try again soon with a gift for no particular occasion.

"Even though we buy most gifts for occasions like Christmas, the research shows it's far easier to make recipients happy with gifts that are 'just because.'"



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HCSCC SPOTLIGHT

Featuring news from the Harrison County Senior Citizen Center

Marshville Satellite honors former president



Members gather with a memorial plaque for Ruth E. Randolph, who served as president of the Marshville Senior Citizens Satellite for many years. From left to right are Kendy Clutter; Satellite Secretary Sharon McCarty; Tom McCarty; HCSCC Board Member Donna Stuart; Satellite Treasurer Patty Murphy; HCSCC Executive Director Beth Fitzgerald; Lynne Clutter; Bob Clutter, who is holding the plaque; Vickie Clutter; Sue Maass; Satellite President Bill O'Field; and HCSCC Board Member Ryan Kennedy.

Ruth E. Randolph, who was well known for her volunteerism and trademark hat, served as president of the Marshville Senior Citizens Satellite for many years. She was also active in the Satellite Presidents Council and other senior center activities.

Members recently placed a plaque for her on the Recognition and Proclamation Wall at the Harrison County Senior Center in the main hallway leading to the Kinley Café.

In her younger years, Randolph was well known

for her leadership role with her local 4-H Club.

She was also known for her great sense of humor. Ruth was a member of the Marshville Baptist Church where she served as a trustee and a Sunday School secretary, according to her obituary. She was also "a talented wood carver who exhibited and sold her carvings throughout the local area."

Randolph was born March 8, 1930 and died March 31, 2022.

Members enjoy time to spare



Jim Corley releases his ball to pick up a spare.

Veteran kicks off Kinley Café book talks



Peter Taylor, a Clarksburg author and Vietnam veteran, presented a talk on his novel, "The Advisor" on Nov. 9 at the center.

The event was hosted by the Harrison County Senior Center Book Club with support from the senior center and The Harrison County Cultural Foundation.

Included with the 35 attendees were several cadets and the instructor from the Robert C. Byrd High School ROTC program. Taylor was instrumental in starting the ROTC program at RCB High School.



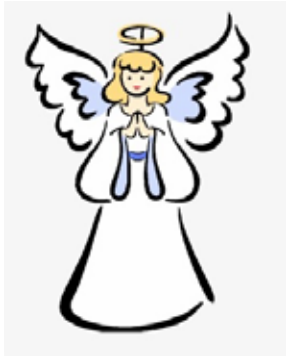
Julie Cobb beams at a bowling outing, while assisted by Faye Murphy and Leroy Murphy in using the bowling ball ramp.

There are angels among us

The center extends a special thank you to all of those that adopted an angel for the Senior Golden Angel Tree Program.

In years past, the tree was located at Garfield's at the mall. Since that restaurant closed, the tree was placed in the senior center lobby this year.

A big thank you to Pratt Whitney employees for adopting many of our angels.



Senior Center members and others from the community adopted angels, and several made monetary donations to the program.

Board meetings scheduled

The senior center has set Board meeting dates, which those who aren't Board members may attend, for 2023.

The next Board meeting will be on Thursday, Jan. 26 at 9:30 a.m. in person and on Zoom.

Other Board meeting dates scheduled for 2023 are Jan. 26, March 23, April 27, June 22, Sept. 28, and Oct. 26.

Board Members

Bill O'Field, president; Ryan Kennedy, vice president; Donna Stuart, secretary; Donald Burton, treasurer; Janet Dotson; Franklin Hairston; Sharon Hamilton; Will Hyman; Harley Jeffries; Sandra Mossor; Bill Phillips; Susan Thomas; and Betty Waddy.

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(304) 623-6795
Email: director@harrisoncountyseniorcenter.org

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Mountaineer hoops on the road



The Bottom Line

By Bill Nestor
Sports Editor

The last time we checked in on West Virginia men's basketball team, they suffered their first setback of the young season. The Mountaineers had passed the next immediate test by clubbing Portland State.

WVU took things a step further by hammering Florida to garner fifth place in the Phil Knight Legacy Tournament. Those were nice wins away from home, but they were not true road wins. Those are the wins where you roll into someone else's gym, tangle with a quality team and their passionate fans, and leave town with a victory.

This past Saturday provided that type of opportunity as WVU went across the border to Ohio to lockup with Xavier. The Musketeers were three-and-a-half-point favorites not just because they are a talented squad but because of their home court advantage. Every time they would show, the Xavier student section's intensity level would rise, and by the end of the dog fight, rabid was the best way to describe their desire for a win.

The Mountaineers started the game quickly, and they controlled the first half holding an 11-point lead with 2:42 left in the first half. The Mountaineers utilized the deep ball going seven of nine from three-point land while shooting 53.6% from the field leading to a 43-36 halftime advantage.

The second half was entertaining early because both teams ramped up their play. Every shot was contested, and hoops were hard to come by on both sides of the floor. The 10,460 fans in attendance got louder as the game went on, and they did not take a play off which provided a brand-new environment for this year's edition. This tilt had a March Madness feel to it, and it was the first time all season that this squad would feel this kind of heat.

Mountaineers Head Coach Bob Huggins and his staff were waiting for this moment since the opener nearly a month ago against Mount St. Mary's. The players that will stand up to the pressure and perform at the highest level will become the go-to guys. They will be the alpha players that the rest of the gang goes to when they need a bucket. Several Mountaineers stepped up in the first half and early in the second half putting their name in the hat to become the player that Huggins will draw up the play for down the stretch.

Unfortunately, the stretch run was not kind to the victory as WVU would connect on just one of their last 11 shots and shoot just 38.7% from the field in the second half.

In fairness, several Mountaineers were in foul trouble (Jimmy Bell Jr., Joe Toussaint, and Tre Mitchell all had four fouls and Emmitt Matthews Jr. and Eric Stevenson each had three fouls) and that keeps them from being aggressive. Instead of going strong to the hole, players are less likely to even attempt double drive penetration on a strong post move rendering them less effective.

This group is learning how to play together, and as they log time, they will develop cohesiveness. If they can learn how to play aggressively without finding foul trouble, they will become a handful for Big 12 teams. As far as a go-to guy, it looks like all five of the above mentioned have the potential to step up and fill that void.

The great news for Huggins is that the five combined have all the tools needed for any situation. Bell is the post presence, Stevenson is a sniper, Mitchell is a scorer, Toussaint gets to the rack in a flash, and Matthews is an all-around scorer. The future is looking bright for this year's edition.

That will do it for now. Until next week...take care and God Bless!



It's that time once again to acknowledge the efforts of Harrison County's student-athletes. Each week we review the performances of the athletes from the six schools (Bridgeport, Liberty, Lincoln, Notre Dame, Robert C. Byrd, and South Harrison) in our county.

The Shinnston News & Harrison County Journal Athlete of the Week award is an avenue to promote the youth of our county while bringing attention to their athletic accomplishments.

This week's winners of the Shinnston News and Harrison County Journal Athletes of the Week award are Liberty's Hailey Haynes and Bridgeport's Gabby Reep.

Mountaineers basketball player, Hailey Haynes, helped her team to a season opening road win over Herbert Hoover. Haynes hit for a game-high 24 points to propel the 'Eers past the Huskies.

Indian hoopster, Gabby Reep, picked up where she left off a year ago by dominating play while advancing the Tribe to a season opening victory. Reep collected the county's first double-double of the season scoring 19 points and hauling down 11 rebounds. Reep also shared the wealth in the win over Hurricane dishing out a team-best four assists.

Congratulations to Liberty's Hailey Haynes and Bridgeport's Gabby Reep for being named the Shinnston News and Harrison County Journal Athletes of the Week!

Registration begins for Youth Basketball program

USA Diving Winter National Championship in Morgantown, WV, offer divers and fans a unique opportunity

Tickets on sale now with free youth tickets and group rates available

By Autumn Shelton, WV Press Association



Winter-National Championships.

Michaud said the championships get special for divers and fans.

"I can tell you from experience that there is nothing more exciting than diving before a packed house," Michaud said. "Divers get excited. The competition just gets better and better as more people get involved, so come on out and watch. Enjoy it, and cheer for the divers. You are going to see some fantastic divers. . . . I expect everyone in the world will be watching."

"We are so excited to be coming to your great town," Michaud said. "This time of year is a lot of fun for us because we get over 100 of our top divers all in one place. We've got eight Olympians. We've got seven world champions. We've got people who are up and comers and people who have already arrived - all coming here to show off what they have been training for."

See "Diving" on Pg 8.



From The World of Parks & Recreation

By Doug Comer

Throughout the month of December, any youngster between the ages of six to nine are welcome to sign up for Youth Basketball which will begin in January 2023. There will be two age categories: six and seven will make up the younger group, and eight and nine accounts for the older group. This program has been in existence for decades and many in the area have benefited from it during its time.

Recreation Specialist Jack Cann, who heads up the program, says that the numbers are a little sluggish to start but has a good feeling about a change in the registration process as he explained.

"In previous years, we offered certain evenings during the week to allow those to come and register their kids at our office," Cann said. "Today, we have added online registration for those who may not be able to come in during those scheduled hours and already people are starting to take advantage of the online system. And it seems that once the kids are finished with school during the holiday break, we have a flooding of people coming in during the normal business hours to sign up."

Historically, the process has always included some late registration, which is fine and already anticipated. We want to have as many kids at that age level to get involved in this league as it is a feeder system for Jerry West and Travel Leagues. Keeping kids active during the winter months and away from the electronic devices is something we want to accomplish.

"The whole preference of this league is to expose kids to the game of basketball and teach the basics of defense, dribbling, passing, and shooting," Cann said. "It is my job to have the teams organized and the schedules ready in order to make it run as smooth as possible. This year, we are bringing back volunteer

coaches in hopes of getting more participation and allowing the citizens of Harrison County to give back to their community."

Expectations of the league are a few weeks of practice learning the basic fundamentals of basketball, and once the players are ready, they will have competitive games between the teams in each division. We do not keep score as the goal is to help kids along the way with improving each week both defensively and offensively. Again, all we want to do is open the game to kids who want to learn to play basketball, as well as keep kids active during the winter months. Cann agrees on all subjects.

"Our league is simply an intro to basketball," Cann explained. "We want to teach the basic fundamentals and make the game enjoyable to the kids. Later on, they will learn about the competitiveness of the sport, as well as all the other aspects that go along with it, but here we want it to be all about the fun. There will be kids who will fall in love with the game and may pursue it throughout their school span, and there will be others who may stop earlier than that. But it is our job to give them the chance to play the game and make their own decision on whether it is perfect for them or not."

For more information or to register your child for the league, please contact the parks department at 304-423-7800.



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Making spirits bright

Shinnston Mayor Rodney Strait, not pictured, conducted a tree-lighting ceremony on the stage along Pike Street in downtown Shinnston on the Saturday after the Christmas parade. The Lions Club was charged with decorations and tree-lighting, said President David Minor.



The Lions Club strung lights on the downtown Christmas tree bringing the holiday spirit to Shinnston on Saturday. Courtesy photo by Dave Minor.



Reese Dytzel peeks out from behind a snowman after the decoration of the downtown green space for the holiday season. Courtesy photo by Dave Minor.



Good friends and fellowship were found at the holiday celebration downtown Saturday. From left to right, pictured are Walter Post, Doyle Cowger, Mike Gibson, Randy Minor, Becky Minor, Sarah Minor, Mathew Keith, Ashley Dytzel and her daughter Reese. Courtesy photo by Dave Minor.

“Margaritaville” and chill

Larry Pearson will perform the relaxing tunes of Jimmy Buffett, in the cold of winter in Clarksburg this Jan. 31.

The Robinson Grand Performing Arts Center is excited to announce its inaugural Winter Beach Bash featuring the music of Bluffett, a Tribute to Jimmy Buffett, and a pre-show buffet by Big Kahuna on Saturday, Jan. 28 at the historic Robinson Grand Performing Arts Center located at 444 W. Pike St. in Clarksburg.

Bluffett, featuring the Son of a Sailor Band, is a 100%-live-on-stage tribute to the legendary Jimmy Buffett and the Coral Reefer Band. This show will have the conga lines moving with eight amazing performers on stage, according to a news release. Complete with beach-type props and costuming, you will believe this is the real deal. The amazing look and vocals of Larry Pearson will have you convinced that you have been transported to “Margaritaville.”

“A lot of people have the opportunity to see Jimmy Buffett at an outdoor venue in the summer,” said Jason A. Young, program manager at the Robinson Grand. “But, I feel like we really need a little Buffett in our lives in the middle of the cold winter, so that is where our new friends of Bluffett come in.”

Speaking of Margaritaville, the Robinson Grand and Clarksburg’s legendary street food chef, the Big Kahuna, are providing a pre-show VIP “Cheeseburger in Paradise” buffet with live steel drum music provided by Fairmont’s Daddy Cha-Cha. VIP tickets include the pre-show party and premier seating.

“We are popping up a tiki party in our banquet hall,” said Young. “The cheeseburgers will be hot, the margaritas will be cold, and the vibe will be just right.” Make your reservations early because there are a limited number of these tickets available.

Tickets for the Grand Winter Beach Bash featuring Bluffett start at \$20. All tickets can be purchased online at tickets.therobinsongrand.com or by calling the Robinson Grand ticketing center at 855-773-6283.

“Diving” From Pg 6.

He said this is a pivotal event for these athletes and he feels confident they will “have a great experience” in Morgantown.

“For some people this might be the last time they ever get up on a diving board, and for other people this might be a first steppingstone for where they are

going,” Michaud continued. “It makes for an experience you just can’t replace.”

Lainhart noted that a tremendous amount of work has been done to get the Mylan Park Aquatic Center ready for this championship, which involves behind-the-scenes work, as well as creating an environment that is both

athlete and fan friendly.

“This is the largest event that we have hosted to date,” Lainhart said of the aquatic center. “We hope to keep moving up that pole to host large diving events.”

Retcher added that he is looking forward to creating a world-class event right here in West Virginia.

“I truly believe we are going to set a benchmark for national level competitions for USA Diving and beyond,” Retcher said, noting that these athletes have trained for years to compete at this level – with the ultimate goal of becoming an Olympian.

“We are really excited about using this event as a platform to start growing the awareness and the recognition of these divers and continue to grow diving at the grassroots level,” he said.

Retcher said events, such as the 10-meter dive, will take place during the championship and are typically fun to watch because athletes make impressive dives “throwing an insane amount of rotations and revolutions and twists and flips.”

Also, during the discussion, Riddle announced that tickets are currently being sold for anyone who wishes to attend. Adult ticket prices range from \$20-80.

However, to ensure that the event is accessible to all, Riddle explained that a free youth ticket (for children up to age 17) will be available for every West Virginia resident adult ticket purchased.

There will also be group rates available for coaches or organizations who wish to bring students to watch the divers.

“We definitely want to get kids involved,” Lainhart added. “I think of the year that someday a great diver will come out of West Virginia because we are able to do this now. I always think, ‘What does this mean for the future?’ I know getting kids out there to do this and see this will inspire them.”

Riddle noted that senior and adult groups are also encouraged to attend using the group rate discount.

For any questions about group rates, or individual ticket sales, call the Visit Mountaineer Country Convention and Visitors Bureau at 302-292-5081, or visit their website.

Tickets may also be purchased through the Mylan Park Aquatic Center’s website. A complete schedule of events is available on this site as well. “Contacting us is very simple, and we will do whatever is necessary to get as many people here as we can,” Riddle noted.

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