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Judge punishes prominent developer over neighbor flap

Boyd ordered to pay \$52,500 for bulldozing, moving stream

By DAVE STICKLEY

A judge this week fined wealthy developer Douglas M. Boyd \$52,500 as punishment for bulldozing his Fort Valley neighbor's property without permission. The judge had earlier called Boyd's actions "arrogant."

Judge Dennis L. Hupp's ruling Monday amounts to a moral victory for Boyd's disgruntled neighbor, 75-year-old John B. Ricketts.

Ricketts took a financial beating in filing the lawsuit and having it drag through the Shenandoah County Circuit Court. That included a three-day trial last year to hear evidence, and being hit with a counter lawsuit by Boyd that was later dismissed.

Ricketts spent \$140,000 in legal fees. He will collect a total of \$60,000 from Boyd.

In an August interview, Ricketts said the money he was spending to pay his lawyer represented a significant portion of his life savings.

But, Ricketts said he filed the lawsuit because of what he perceived as Boyd's arrogant attitude steeped in the fact that he was a multi-millionaire who could strong-arm a financially weaker neighbor.

Ricketts said no one with the Shenandoah County or state government offered to help correct what he believed, and the court later determined, was an obvious wrongdoing by Boyd in 2007.

"They ended up doing absolutely nothing," Ricketts said in an August interview. "I was motivated to do this even if it wasn't financially defensible. Nobody puts control on his (Boyd's) behavior."

The legal fight between Ricketts and Boyd began in August 2007. The men share a common property boundary on an unpaved section of bucolic St. David's Church Road at the base of the Massanutten Mountain.

Early in that month, Boyd went onto Rick-

etts' property with a bulldozer and knocked down trees, dug up 3,400 feet of his grass-covered backyard and, most important to Ricketts, changed the course of a small wet-weather stream from Ricketts' land onto Boyd's property.

Ricketts had been gone from the house for two weeks. It is his weekend home that had been purchased, ironically, from Boyd in 1999. Ricketts works as a bass player in the Kennedy Center Opera House orchestra in Washington and lives in Arlington.

Ricketts' attorney, Brian K. Brake of the Harrisonburg law firm Lenhart Obenshain, said that

See BOYD page 2

County, builder at odds

Nielson declines responsibility

By MONA CASTEEL

Shenandoah County Public School officials and a regional building contractor are at odds over what are being described as construction flaws at a school built more than 15 years ago.

School officials and their engineer say Nielsen Builders, Inc. of Harrisonburg failed to follow architectural plans while constructing North Fork Middle School. The result of that failure is that walls have deteriorated in the gymnasium and agriculture shop of that school.

Welcome back, Sun



School deficit at \$1M

3 factors cited for cutting it

By MONA CASTEEL

Shenandoah County Public School officials have used some leftover federal stimulus money and once again encouraged veteran employees to retire to help reduce a projected budget shortfall by about \$1 million.

Lower-than-anticipated increases in the cost of insuring the health of the school system's 900-plus employees also has been a factor in reducing the deficit, school board members were told last week.

Superintendent Keith Rowland told the board earlier that

July on a grand larceny charge. Wealthy, who reported he has been unemployed for two years, is accused of taking \$1,800 worth of batteries from

Other persons in unrelated cases who also are facing grand jury indictment are:
 • William Michael Kerns,

town police said Kerns crossed the center line "several" times on South Water Street, then "turned into two driveways

is charged with two counts of obtaining money by false pretenses from the Woodstock Wal-Mart. She is accused of

On that day, New Market Police Officer M.D. Miller said he stopped the suspect's vehicle after observing it weaving in

He was charged with endangerment of children, ages 10 and 11, passengers in

Judge settles dispute

BOYD/ from page 1

the entire lawsuit could have been avoided if Boyd had simply admitted his mistake.

"Wouldn't most people try to fix this?" Brake asked.

Brake said the case was a legal battle at every hearing in circuit court, including the final hearing in which punitive damages were awarded Jan. 31.

"Every step of the way, in my mind, Doug Boyd and his attorney have fought us on every issue," Brake said this week. "So, yes, I would say it was contentious."

Judge Hupp said in his ruling this week there was evidence of Boyd's "obstructionism." But the judge also said Boyd's argument that he had to vigorously defend himself against a possibly large amount of monetary damages was valid.

"Both attorneys in this case have done an excellent job in representing their respective clients," Hupp said.

Hupp has ordered Boyd to do three things:

- put the stream back to its original path, on Ricketts' property. The cost for Ricketts to contract to have that work done was estimated at \$18,750. But because Boyd is a contractor who owns the necessary earth-moving equipment, Boyd will be allowed to do that work at his cost.

- pay Ricketts \$7,500 in compensatory damages for knocking down his trees and tearing up his yard.

- pay \$52,500 to Ricketts for punishment.

Hupp minced few words in his criticism of Boyd. "He should have known better than to conduct himself in this way," the judge said earlier. The judge noted that Boyd is a developer who should have known where boundary lines were before firing up a bulldozer.

Boyd has the option of appealing the judge's ruling.

Ricketts' attorney said he was prepared to present evidence that Boyd had engaged in similar conduct elsewhere. He said Strasburg developer Jerry King would have testified that Boyd moved dirt on King's property without permission. Hupp did not hear any such testimony at the Jan. 31 hearing.

Budget balanced; fees unchanged

WOODSTOCK/ from page 1

cantly for the 2013 fiscal year.

"We are looking at long term solutions and doing as much as we possibly can to lighten the burden on the Public Utilities Fund going forward," McCleary said. He was not specific, but said only that he had "spent countless hours going over the budget, line-by-line, over and over again, looking for ways that the town could improve efficiency and cut unnecessary expenses."

The mayor said he and council members "applied the same principles used by families and businesses throughout our community. We asked ourselves: Are we living within our means? Are there any unnecessary expenses that we can cut?"

Not quite black



Lambs huddle near their mother on a farm along Pepper Road, west of Mt. Jackson.

Sonja Graham/
The Free Press

Police blotter

Larceny

An incidence of larceny was reported to the sheriff's office Feb. 1. According to the complainant, unknown person(s) removed a wallet and contents from a school on Susan Ave., Woodstock.

Assault and battery

Sheriff's deputies charged a 16-year old juvenile male from Woodstock Feb. 8 with assault and battery.

Driving under the influence

Sheriff's deputies arrested Steven Michael Conrad of Zirkle Lane, Broadway Feb. 11 for driving under the influence of alcohol and Timothy M. Golden of 14th Street, Grottoes for appearing drunk in public.

Robbery/assault and battery

Sheriff's deputies arrested Sheila Ann Payan of Lupton Road, Woodstock and Anna Marie Houghton of South Main Street, Woodstock Feb. 7 for robbery and assault and battery.

Larceny

An incidence of larceny was reported to the sheriff's office Feb. 10. According to the complainant, unknown person(s) removed prescription medication from a residence on Koy Ct., Strasburg.

Indecent liberties with a child

Sheriff's deputies arrested Tina M. Hilsman of Old Valley Pike, New Market and Robert Lee Good of Burkeholder Lane, New Market Feb. 11 for one felony count each of indecent liberties with a child.

Unlawful entry

Sheriff's deputies arrested Jerry Benjamin Long of Fravel Road, Woodstock Feb. 11 for unlawful entry with intent to damage.

Assault and battery

Sheriff's deputies arrested Jadah Nicole Ballowe of Boliver Road, Fort Valley Feb. 12 for assault and battery of a family member.

Driving under the influence

Sheriff's deputies arrested Michael Lee McInturff of Ocoala Road, Maurertown Feb. 12 for driving under the influence of alcohol.

Assault and battery

Sheriff's deputies arrested Gary Shaunte Thomas of Fifth St., Bowie, MD Feb. 13 for assault and battery.

Larceny

Sheriff's deputies arrested William Leroy Mummaw of Lakeview Drive, Woodstock Feb. 8 for grand larceny.

Schools consider water wells

WELLS/ from page 1

schools are still being charged for sewer plant treatment of irrigation water and that Strasburg officials are unwilling to make concessions but are asking for a favor.

Holsinger said the school board should reject the request. The board instead voted to approve the request.

Board Chairman Gary Rutz initiated discussions about wells last week, but Holsinger reminded the board that she brought up the idea months ago. Rutz said earlier estimates of \$20,000 for drilling a well seem excessive, and he believes the actual costs would be much lower.

School Finance Director Jeremy Raley told the board that the proposal includes "a lot of unknowns," such as the location, depth and flow rate

of successful wells. Yet, Raley called water "liquid gold" and said public utility rates will continue to escalate.

Both Woodstock and Strasburg have undertaken capital improvement projects that include new or renovated wastewater treatment facilities, and both have experienced significant increases in service fees. Local public schools are paying those higher fees at the Northern and Central campuses.

The Southern Campus and its trio of schools, located in Quicksburg, use wells that actually belong to the Town of Mt. Jackson. Town officials, said Raley, have given the school district credit for sewage services and "have been extremely helpful in trying to help us save money."

Monthly water and sewer bills for local public schools

average \$9,432 to the Town of Strasburg; \$7,178 to the Town of Woodstock and \$6,704 to the Town of Mt. Jackson.

Raley said wells are allowed within town limits, but Rutz believes those policies may be changed and urged school administrators to quickly delve into the costs of drilling wells.

Board member Irving Getz was less enthusiastic, calling the push "a gamble because you don't know how much water you'll have." Rick Koontz, another board member, said the move is worthy of pursuit. Rowland, adding his administration's accord, balked only because his staff doesn't know an adequate funding source.

Said Rowland: "I wouldn't dig before a man is standing there holding a stick."

Child abuse case headed for jury

Young Woodstock father accused of taking children out on cold night

By Dave Stickley

Police were able to use technology to rescue two children taken by their father into a wooded area in January as he tried to escape arrest. The hunt was undertaken as the wind chill factor that night reached a frigid 11 degrees.

The two children, ages 9 and 10, were in the "beginning stages of hypothermia" and had "full body shakes from being so cold" by the time they were rescued, according to a report by Woodstock police.

The children's father, 32-year-old Jason Lee Mullins of 710 S. Water St., Woodstock, will face a Shenandoah County Circuit Court grand jury on two felony counts of child abuse causing serious injury.

A court has since ordered Mullins to avoid all contact with the two children.

The incident involving Mullins began when police received a call shortly after midnight on Jan. 13 from Mullins' mother-in-law, Barbara Stickley. Stickley told police she was "concerned" for her grandchildren because they were not dressed warmly enough and left home at an odd hour of the night with Mullins.

Stickley reported that one was wearing pants and a pull-over sweatshirt and the other was wearing pants and a "medium" coat. At the time, the temperature was 23 degrees, but a steady wind made temperatures equivalent to 11 degrees, according to Woodstock Police Officer K.R. Staffa.

The three reportedly left the home walking north on Water Street, which is just one block east of Main Street.

Three officers searched for Mullins and could not locate him or the children. When they reached his cellphone number, Mullins allegedly hung up when police identified themselves.

Staffa said the dispatch center then contacted Mullins' phone service provider,

Sprint. Sprint is called a "phantom" phone, which allows police to track location. Sprint was located in Water Street, and trackings show Mullins appeared to be a northeastern area. Staffa's report that police with the children in weather conditions searched the area with thermal imaging goggles. Ed Fairfax police a police he search.

After 90 minutes in on Mullins, he was caught in the area with the children. Mullins initially but then heeded commands to get out.

Staffa said the children were taken to Mullins tried to

"The children beginning stages of hypothermia," Staffa said. Their pants were wet. Their shirts were down. Their shirts were down to the elbows. They had full body shakes from being so cold."

Staffa said Mullins was afraid of the police. He alleged he had a conversation with his wife in-law that day. Mullins' has been in jail on \$100,000 bond.

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