

**PETITION TO ATTORNEY GENERAL KATHLEEN KANE FOR INVESTIGATION
INTO ALLEGATIONS OF FRAUD AND PUBLIC CORRUPTION IN CONNECTION
WITH THE CENTRALIA MINE FIRE AND RELATED PROCEEDINGS**

We, the undersigned Petitioners, are the Borough of Centralia, Pennsylvania, its duly established Board of Supervisors, current and past residents of the Borough, The Pennsylvania Civil Rights Law Network, and concerned citizens from across Pennsylvania, in accordance with the right of petition, recognized as inherent and inviolate, pursuant to Pennsylvania Constitution, Article 1, Section 20, and Article 1, Section 25, and petition the Attorney General of Pennsylvania, Kathleen Kane, to exercise all right and appropriate powers to investigate, prosecute, enforce, and/or litigate, in any and all respects, any and all of the allegations and claims made in connection with the Centralia Mine Fires, and Petitioners' allegations of fraud and public corruption that have been perpetuated since at least in or around the 1980s, and through the present.

Petitioners, some few of them, including the Borough, have filed a federal civil rights action in the United States District Court for the Middle District of Pennsylvania, No. 10-CV-2222. This federal proceeding has been in an extended hiatus, and is no impediment to the Attorney General acting in furtherance of her statutory duties. The Petitioner/Plaintiffs in that matter have filed a verified Amended Complaint, and a verified Motion for Preliminary Injunctive Relief, with 28 Exhibits, consisting of several hundred pages. They are appended to this petition, and made a part hereof. Those claims are also generally set forth on the Courts of the Commonwealth, through, primarily, Commonwealth Court, No. 150 MDA 2010, in which a final order has been entered, and which specifically recognized that no claims have ever been made and/or litigated by and/or against the Borough of Centralia. The legal issues as to the rest are inapt to the duties of the Attorney General.

Petitioners submit that the evidence and attachments justify, indeed, warrant, in the public interest of the citizens of this Commonwealth, the exercise of all powers of the Office of Attorney General, pursuant to Pennsylvania Constitution Article 4, Section 4, and the Commonwealth Attorney's Act, 71 P.S. § 732-210, *et seq.*

To wit:

1. Petitioners hereby petition the Attorney General of the Commonwealth of Pennsylvania to convene a multi-county investigating grand jury, pursuant to the powers vested in the Office by 71 P.S. § 732-207, and 42 Pa. C.S. § 4544, into allegations of public corruption, within the scope and authority of 71 P.S. § 732-505(a)(1), in connection with the allegations of public corruption, as to which a good faith basis has been made, as articulated and supported in the documents appended hereto.

2. Petitioners submit that the allegations as reflected in these petitioning documents support investigation into all Governors and Attorneys General going back, at least, to the first administration of deceased Governor Robert P. Casey, and each gubernatorial and Attorney General administration since. The allegations would also include certain private individuals and entities alleged to have participated in a public corruption conspiracy with the public officials,

above-referenced. These would include the Law Firm of Rosenn, Jenkins and Greenwald, Attorney Gary Taroli, Attorney Jack Zelinka, Tom Linott, the Blaschak Coal Company, Jack Carling, and others to be determined through the investigation.

3. Among the most salient of those facts, which have never been presented in any court, and which compel further investigation, are the following:

- Beginning in or around 1997, Blaschak Coal Company acquired over 55 acres of surface area within the Borough.
- In 2002, a landowner in the Borough of Centralia, John Koschoff, developed property in the Borough with the knowledge of the condemners. A declaration of taking was only filed in July, 2010 after petitioners raised the issue in these proceedings.
- In or around 2004, Blaschak built a warehouse facility in the condemned zone, which is used to store mining equipment.
- In 2006, a declaration of taking with respect to one landowner in the condemned area, Robert Nechtel, was relinquished, and his property returned to him in fee simple. Respondents have refused the same request with respect to petitioners.
- In or around 2010-11, the respondent granted two property owners, one of who is petitioner Carl Womer, life estates. Respondent has refused the same request with respect to petitioners.
- At times up through and including 2009, active mining operations were conducted, with the knowledge of the condemnor, in violation of state law, in the condemned area.
- Core temperatures and ambient ground temperatures have normalized.

The supporting evidence for these contentions is all in the record. On the basis of these documents, petitioners demand further criminal investigation.

4. Petitioners respect, appreciate, and understand the gravity of the demands being placed upon this Office, and its current occupant, not only because of the gravity and extent of the scope of the allegations, which would take the most extraordinary courage to confront in general, but particularly given the recent election to this office by the Honorable Kathleen Kane, who is from the region, and likely, and understandably, familiar with many of the individuals into whom investigation is being requested. Petitioners emphatically do not suggest any wrongdoing or impropriety of any nature by this Attorney General. Nevertheless, Petitioners submit that, due to the inherent appearance of conflict, a special investigator be appointed to conduct the grand jury investigation pursuant to the authority vested by 73 P.S. § 732-205(d), upon appropriate terms and conditions. The special prosecutor should be such as to meet the requirement for qualification for the Office of Attorney General, and have experience in litigation in matters of public corruption. Petitioners request that appointment of a special

prosecutor be agreed upon by the Attorney General, Mr. Bailey, on behalf of the Petitioners and Andrew J. Ostrowski on behalf of the Pennsylvania Civil Rights Law Network.

We, the undersigned, do hereby support and endorse all of the terms and conditions of the foregoing Petition to Attorney General Kathleen Kane to investigate and, if appropriate, prosecute the allegations of fraud and public corruption in connection with the Centralia Mine Fire and related proceedings.

By,

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