

STATE OF WEST VIRGINIA

At the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on January 8, 2015, the following order was made and entered in vacation:

RE: PROPOSED AMENDMENT TO RULE 2(h) OF THE RULES OF PROCEDURE FOR ADMINISTRATIVE APPEALS

On this day came the Court, on its own motion, in light of the Court's decision in *RMLL Enterprises, Inc. v. Matcovich, State Tax Comm'r*, No. 13-01275 (W.Va. Supreme Court, October 17, 2014)(memorandum decision), and considered whether a clarifying amendment to Rule 2 of the Rules of Procedure for Administrative Appeals is necessary in light of the Court's decision. Upon consideration whereof, the Court of is the opinion to and does hereby approve a period of public comment on the following proposed revision. Additions are indicated by underlining and deletions are indicated by strikethrough.

Rule 2 Commencement of appeal

* * * *

(f) *Appeal Bond*. — Unless otherwise provided by law, No ~~no~~ appeal bond shall be required to effect an appeal of a state agency decision or final order in a contested case.

Public comments must be in writing and filed with the Clerk on or before February 9, 2015.

A True Copy

Attest: //s// Rory L. Perry II
Clerk of Court

