

“ I disapprove of what you say, but I will defend to the death your right to say it. ”

LETTERS TO THE EDITOR

Customer service makes Fundamentals special

**To the editor:**  
I recently read with great interest the *Gazette's* article featuring the parent-teacher store Fundamentals and its owner, Tami Furlong. In this day of mega chains, I find it quite impressive that this independently owned and operated store has been in business in Delaware for 20 years (and counting). Fundamentals possesses that rare quality — personalized customer service — which is apparent in every transaction with its owner (as well as with her employees). Tami understands her customers' needs, and she goes above

and beyond in meeting those needs. She is much more than an operator-owner. Tami is a person that teachers, parents, kids and bookaholics call friend. Fundamentals is much like a homecooked meal — there is no substitute.

Thank you Fundamentals and Tami for being a pillar of the Delaware community. Thank you, Tami, for the care and attention you show to each one of us who walks through your door. Happy 20th!

**Candy Staley, Second grade teacher, Buckeye Valley East, Ashley**



A round of applause for the Road Hawgs

**To the editor:**  
If you live in Delaware you have undoubtedly heard of the Delaware Road Hawgs. They are a seemingly large group of motorcycle owners that come together basically to do good deeds. Wow, what a great group of folks.

The last Saturday in July was a busy one here in Delaware County with the car show downtown and different festivals going on, but over in the Troy Road Plaza at the Final Score, the Road Hawgs were hosting a poker run fund-raiser for two local nonprofits here in Delaware. The Delaware Creative Housing, Ray Jones

Memorial Fund and the Delaware Women's Shelter were both proud recipients of more than \$1,000 each that we guarantee will put it to good use.

Now everyone knows times are tight and everyone is feeling some pressure financially but these folks just couldn't give enough. I "floated" out of there feeling like the world is a pretty good place. Thanks Road Hawgs, you rejuvenated me, you put money into a good cause and you had a good time doing it. Very impressive. Thank you.

**Michael Corbett Delaware Creative Housing, Inc.**

Community lauded for supporting seniors

**To the editor:**

Once again the voters of Delaware County have come together to support the mission of exceptional home and community services for older adults and their families. We at the Council for Older Adults thank you for allowing us to continue our work by your favorable vote to support the local senior services levy. This is truly a great and supportive community and we are blessed to be a part of it.

We take this most recent vote of support as a reaffirmation that we are on the right track and that we are doing the right things and doing them in the right way. It is always difficult to ask people to raise their taxes and this is especially true during an economic turndown. The fact that you have done so indicates both an awareness of the need for our services and an appreciation the value being provided through this levy.

Big thanks to our board and our staff for insuring our high quality services. Great kudos goes to our exceptional volunteers of the Committee to Save Senior Services and the outstanding leadership of campaign chair, Joan Lawrence. This committee spent untold hours getting the word out about the levy throughout Delaware County and are to be commended for their enthusiasm and hard work.

Words can not express our appreciation for the support that has been given by local voters. We shall continue to do our best every day to deserve your trust. Thanks again.

**Peter Shears, Board President  
Bob Horrocks, Executive Director  
Council for Older Adults**

A case of no enforcement

*"It is a function of a judge not to make but to declare the law, according to the golden mete-wand of the law and not by the crooked cord of discretion."*

— Sir Edmund Burke

*"An ill agreement is better than a good judgment."*

— George Herbert Jacula Prudentium, 1651

Many civil lawsuits are about money and it is not unusual for people, when talking about such cases, to throw around dollar figures involved in the suit. Frequently, media outlets will discuss how much a person is seeking as a monetary award. Often, news coverage will confuse statutory minimums — the least a person can ask for in order to get into a particular court — as the amount sought, when the actual amount is much higher.

Some cases though, don't involve money at all. And some, while still about money, don't ask a judge to order any damages or take any action to enforce the court's decision. In these cases, the party bringing the lawsuit seeks only to have the court inform the parties about what their rights are or what the status of the law is in a particular situation. Because these cases seek neither an award nor a final result but just a declaration of the status of the law they are referred to as declaratory judgments.

In Ohio, declaratory judgments are governed by Chapter 2721 of the Ohio Revised Code. Under that section, any court of record in Ohio is empowered to "declare rights, status and other legal relations whether or not further relief is or could be claimed." A declaratory judgment may be brought to determine the status of a Constitutional provision, statute, contract, will, property deed or any other legal instrument. An actual question must exist, however, for the court to take jurisdiction and decide the controversy. One could not, therefore, create a hypothetical situation, as would be done for a law school exam, and file a lawsuit asking a court to determine how it would rule if those facts ever came before it.

Once a declaratory judgment action is filed, everyone who does or might reasonably have an interest in the case must be added as a party and served notice of the existence of the action. If the declaratory judgment turns on issues of fact, then the court must proceed in the normal manner to determine what facts exist, by taking testimony under oath. Though the declaratory



**David Hejmanowski**  
Case Study

judgment itself does not lead to direct enforcement, the decision of the court is binding and the parties can use it as the basis to ask a court for further enforcement in any subsequent legal action. Declaratory judgment actions are subject to appeal.

Declaratory judgments have been in the news locally this week as the Delaware County Law Library Association filed a lawsuit last Friday against several county officeholders. That lawsuit is not a complaint asking the court for damages, but rather a declaratory judgment action, asking the court to determine what the parties' liability

is as to funding that should have, but allegedly did not, occur prior to 2005. Actions like this are always brought against the current officeholders even if the action alleges, as this one does, acts or omissions that could have occurred decades before the current officeholders were elected.

This declaratory judgment asks the court to declare several things. First, that the county must pay the law library Association for funds that should have been paid in past years but were not. Second, that the county must pay the Law Library Association those funds in future years as is required by law. Third, that the county should be responsible for the legal fees associated with the declaratory judgment.

Though recent coverage of these events has associated law library funding and public defender fees, the two are not legally related. The declaratory judgment is brought by the Law Library Association, which is not affiliated with the public defender's office or the county bar association. The law library and public defender's office are not related in staffing or funding. The law library is the people's library — a repository of legal information open not only to attorneys and judges in the county, but to the public at large as a vast source of legal knowledge. Located in the old sheriff's residence and jail behind the courthouse, the law library is open to the public nearly every weekday.

The full text of the Law Library Association's declaratory judgment complaint can be found on the very fine Web site of County Clerk of Courts Jan Antonoplos at [www.delawarecountyclerk.org](http://www.delawarecountyclerk.org).

*David Hejmanowski is a magistrate at the Delaware County Probate/Juvenile Court and a former assistant prosecuting attorney.*

Father is thankful for the helping hands

**To the editor:**

I am writing this letter to express my sincere appreciation and thanks to the Delaware City Fire Fighters Local 606, Caribbean Jerks and Kickstand bar. On July 12, they came together to hold a charity golf outing for my 3-year-old son who is currently undergoing chemotherapy battling brain cancer. Proceeds from this event went to my family to assist with medical bills. The outing was held at Oakhaven Golf Course, north of Delaware. I would also like to thank the many businesses that donated items and/or sponsored holes. From the start of the event you could tell that these organizations put their hearts into this event and no corner was cut. I believe everyone who participated in the scramble had a terrific time. It was also a

great opportunity to increase brain tumor awareness.

It was refreshing to see businesses reach out to the community. The parties involved received no money from this event. What they did receive was the satisfaction of helping out a fellow person who needed some assistance. I did not ask them to do this, they heard about my son's battle with brain cancer and came to us, wanting to help. In this profit driven world it was refreshing to see people who wanted to help just to help.

So next time you are in the Polaris area stop by one or both of these bars and enjoy some food or a few drinks. Rest assured they are not there merely for profit, but to be a part of the community.

**Jeremie Barr Delaware**

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WHAT OTHERS ARE SAYING

**The Lima News**  
Congressional action to ease Americans' pain at the pump should aim for long-term results, not short-term political payoffs. Congress sometimes errs when it feels public pressure to do something right now.

House Republicans correctly blocked Democrats' attempt to sell 70 million barrels of light sweet crude from the nation's stockpile. That's 10 percent of the oil in the Strategic Petroleum Reserve.

Sales of reserve oil in 1991, 2000 and 2005

lowered fuel prices, but only momentarily. The 70 million barrels represent about a three-day supply for the United States. ...

Democrats proposed using the oil sales to buy equivalent amounts of heavy crude, which is cheaper on the world market, but the two types aren't equivalent. Light sweet crude contains less sulfur and is more desirable because it's easier to refine into gasoline, diesel fuel and other products.

Absent a national emergency, tapping into the strategic reserve is not the answer.

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