



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

(304) 558-2021
Fax (304) 558-0410

**WRITTEN DETERMINATION REGARDING THE APPOINTMENT
OF OUTSIDE COUNSEL ON BEHALF OF THE
WEST VIRGINIA DIVISION OF NATURAL RESOURCES**

The West Virginia Division of Natural Resources (hereinafter "West Virginia DNR") has requested legal representation in conjunction with the acquisition of property situated in Wetzel County. The property is situated in the Green District of Wetzel County; and consists of approximately fifty-nine (59) acres owned by Benjamin James Jarvis. The West Virginia DNR is in need of an attorney to abstract the title, prepare a title report, prepare the deed, and hold the closing on or before November 15, 2013.

Pursuant to the written determination issued on August 22, 2013, the Office of the Attorney General determined that it was both cost-effective and in the interest of the public to appoint outside counsel to assist the West Virginia DNR with the needed legal services. A Request for Proposals (RFP # 010) was issued in accordance Section (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004).

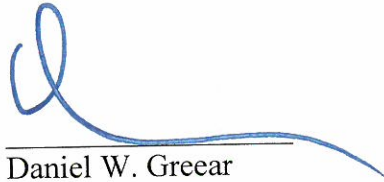
As of the October 6, 2013, deadline for proposals, the Office of the Attorney General received two timely proposals for legal services from Pullin, Fowler, Flanagan, Brown & Poe, and Tom O'Neill & Associates.¹ After review of the proposals, and consultation with the West Virginia DNR, the Office of the Attorney General has determined that:

- Both of the bidding law firms possess the requisite skills and expertise to handle the legal matter in question.
- Both of the bidding law firms possess the requisite staffing and support to handle the scope of the legal matter in question.
- Both of the bidding law firms appear to be in compliance with all applicable laws of the State of West Virginia, and have not been subject to reprimand by the West Virginia State Bar, or other entities, for unethical conduct.

¹ An initial deadline for proposals was set for September 20, 2013. However, the deadline for proposals was extended to October 6, 2013 after discussions with West Virginia DNR.

- Tom O'Neill & Associates submitted the lowest proposal for fees, costs and expenses to perform the legal services requested.
- Tom O'Neill & Associates is willing to perform the necessary title work for a flat fee of \$1,200.00 plus minimal recording and copying fees.
- The proposal of Tom O'Neill & Associates is approximately twenty percent lower than the next qualified bidder.
- Tom O'Neill & Associates is not charging any expenses to travel to the geographic area where the services are to be performed (Wetzel County).

Based on the factors set forth above, and consultation with the West Virginia DNR, the Office of the Attorney General authorizes the appointment of Tom O'Neill & Associates to serve as outside counsel for the legal matters cited herein pursuant to Section (E) of Policy # WVAGO-004.



Daniel W. Greear
Chief Counsel

Date Signed: October 10, 2013