



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 FAIRMONT STATE UNIVERSITY**

Fairmont State University is in need of immediate legal representation to assist with outstanding bonds that were issued by the University or the West Virginia Higher Education Policy Commission.

More specifically, Fairmont State University seeks to ensure, through legal representation, that obligations for the outstanding bonds are met and that existing covenants and representations to the holders of the bonds are appropriately enforced.

In accordance with Section O of the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004), the Office of the Attorney General has determined that it must recuse itself from the legal matter in question as a result of a potential conflict of interest.

Because the legal matter in question involves two state entities with potentially adverse interests, the Office of the Attorney General is precluded ethically from representing both state entities. As such, the Office of the Attorney General cannot implement in good faith the selection of outside counsel through the Office's competitive bidding policy.

Consequently, Fairmont State University is hereby authorized to seek outside counsel legal representation pursuant to Section O of Policy #WVAGO-004.

A handwritten signature in blue ink, appearing to read "Daniel W. Greear".

Daniel W. Greear
Chief Counsel

Date Signed: September 26, 2013