



State of West Virginia  
Office of the Attorney General

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**WRITTEN DETERMINATION REGARDING THE  
APPOINTMENT OF OUTSIDE COUNSEL ON BEHALF  
OF THE ALCOHOL BEVERAGE CONTROL ADMINISTRATION**

The Alcohol Beverage Control Administration (hereafter “the ABCA”) has requested permission to re-appoint its previous legal counsel, Bailey & Glasser, to facilitate the completion of an ongoing environmental remediation plan at the HUB Industrial Park located in Nitro, West Virginia.

The law firm of Bailey & Glasser initially was appointed in 2004 to represent the State in the completion of an environmental remediation plan. The firm was re-appointed in 2010, and has worked closely with environmental experts to oversee much of the remediation plan during the past nine years. The firm’s most recent appointment expired on April 9, 2014.

While the ABCA’s outside counsel appointment has expired, continuing legal services are still needed in this matter as the environmental remediation and monitoring plan is approximately 90% complete. Additionally, the ABCA will require ongoing legal assistance until a No Further Action Order is issued in conjunction with the project.

In accordance with the Attorney General’s Policy on Outside Counsel (Policy #WVAGO-004), the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to authorize the appointment of Bailey & Glasser to continue as outside counsel to represent the ABCA in the current legal matter until a No Further Action Order is issued for the environmental remediation plan in question, based on the following factors:

- Bailey & Glasser has served in the capacity of legal counsel for the ABCA for most of the duration of the environmental remediation plan in question.
- Bailey & Glasser is knowledgeable of the environmental concerns raised in this legal matter, is readily accessible to provide the legal services in question, and has the requisite working experience with other involved parties.
- The Office of the Attorney General does not currently have the sufficient and appropriate legal resources to provide the necessary environmental assessments currently possessed by Bailey & Glasser.

- The legal matter in question involves complex and difficult environmental issues that would take weeks if not months for the Office of the Attorney General to familiarize itself with.
- Bailey & Glasser is readily accessible to provide the legal services needed in the Nitro, West Virginia area, and is uniquely situated to provide the legal services needed given its ongoing representation of the ABCA.

Because this matter involves the continuation of a previous legal appointment necessary to avoid disruption in pending legal matters, the Office of the Attorney General determines that requests for proposal are not feasible pursuant to sections (D)(2) of Policy #WVAGO-004, and accordingly authorizes the re-appointment of Bailey & Glasser to represent the ABCA as outside counsel for the legal matters cited herein up until the issuance of a No Further Action Order for the environmental remediation plan in question.



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Daniel W. Greear  
Chief Counsel

Date Signed: September 4, 2014