



State of West Virginia
Office of the Attorney General

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Attorney General

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**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 purchase of property situated in Clay County. The property occupies three map parcel numbers in the Otter and Henry Districts of Clay County; and consists of approximately 144 acres owned by Dorothy Rush. 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 28, 2013.

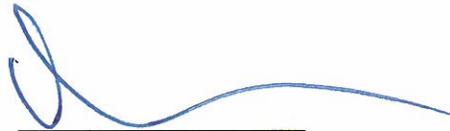
Pursuant to the written determination issued on July 24, 2013, the Office of the Attorney General determined that it was both cost-effective and in the interest of the public to appoint outside counsel to assist the West Virginia DNR with the needed legal services. A Request for Proposals (RFP # 008) was issued in accordance with Section (D) of the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004).

As of the August 26, 2013, deadline for proposals, the Office of the Attorney General received five timely proposals for legal services from Ziegler & Ziegler, Tom O'Neill & Associates, Hanna & Hanna PLLC, Spilman, Thomas & Battle, and Pullin, Fowler, Flanagan, Brown & Poe. After review of the proposals, and consultation with the West Virginia DNR, the Office has determined that:

- All of the bidding law firms possess the requisite skills and expertise needed to handle the legal matter in question;
- All of the bidding law firms possess the requisite staffing and support to handle the scope of the legal matter in question;
- All 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;
- 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 \$950.00 plus minimal recording and copying fees;
- The proposal of Tom O'Neill & Associates is approximately fifty percent lower than the next qualified bid;
- Tom O'Neill & Associates is not charging any expenses to travel to the geographic area where the services are to be performed (Clay 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: September 4, 2013