



State of West Virginia  
Office of the Attorney General

Patrick Morrissey  
Attorney General

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**WRITTEN DETERMINATION REGARDING THE APPOINTMENT OF  
OUTSIDE COUNSEL ON BEHALF OF THE  
WEST VIRGINIA TAX DEPARTMENT**

The West Virginia Tax Department has requested permission to appoint the firm of Pullin, Fowler, Flanagan, Brown & Poe to assist the Department in responding to a grand jury subpoena issued by the United States Department of Justice.

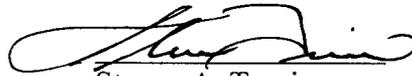
More specifically, the Department is seeking legal consultation and representation to aid the Department in complying with the Grand Jury Subpoena issued April 12, 2019.

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 appoint Pullin, Fowler, Flanagan, Brown & Poe for the purposes of the needed legal services, based on the following factors:

- The matter at issue requires particular specialized expertise.
- Pullin, Fowler, Flanagan, Brown & Poe employs attorneys knowledgeable and experienced in the issues raised in this matter and has developed expertise not currently possessed by the Office of the Attorney General.
- There is a need for the appointment of counsel as quickly as possible in order to comply with the expedited production schedule imposed by the subpoena.
- It is not feasible or cost-effective for the Office of the Attorney General to provide the requested legal services.

Because this matter involves time-sensitive legal serves that cannot be adequately provided by the Office of the Attorney General, for which insufficient time exists to complete the customary bidding process, the Office of the Attorney General has determined that Requests for Proposal are not necessary pursuant to Sections (D)(1) Policy #WVAGO-004.

Because the immediate disclosure of the existence of outside counsel would compromise the confidential nature of the grand jury process, the Office of the Attorney General has determined that it is in the best interests of the State to temporarily waive disclosure of this written determination pursuant to Section (M) of Policy #WVAGO-004. At such time as the risks to the grand jury process are no longer present, the Office of the Attorney General shall disclose this written determination as soon as possible in accordance with the time frame and manner as set forth in Policy #WVAGO-004.



Steven A. Travis  
Deputy General Counsel

Date Signed: April 29, 2019