



State of West Virginia
 Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

Request for Quotation

RFQ NUMBER
BPH70340

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
ROBERTA WAGNER 304-558-0067

VENDOR

*709011630 304-346-0591
 MCCLUNG JACK C
 2211 WASHINGTON STREET EAST

 CHARLESTON WV 25311

SHIP TO

HEALTH AND HUMAN RESOURCES
 BPH - OFLAC
 VARIOUS LOCALES AS INDICATED
 BY ORDER

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
06/09/2006				

BID OPENING DATE: 06/21/2006 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT NO	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 1						
1. ADDENDUM TO RESPOND TO QUESTIONS WITH REGARD TO BPH70340.						
REFERENCE TO NUMBER 2 ON PAGE 11.						
QUESTION: WV STATE BAR ASSOCIATION IS A SOCIAL ORGANIZATION OF LAWYERS AND JUDGES. THE WEST VIRGINIA STATE BAR IS THE MANDATORY BAR FOR WV LAWYERS AND IS THE ENTITY THAT CONTROLS LAWYER DISCIPLINE. COULD YOU PLEASE CLARIFY?						
ANSWER: ALL BIDDERS MUST PROVIDE A COPY OF THEIR CURRENT LICENSE TO PRACTICE LAW IN WEST VIRGINIA AND A STATEMENT FROM THE WV STATE BAR THE HE/SHE IS IN GOOD STANDING.						
2) ADDENDUM ACKNOWLEDGEMENT IS ATTACHED. THIS DOCUMENT SHOULD BE SIGNED AND RETURNED WITH YOUR BID. FAILURE TO SIGN AND RETURN MAY RESULT IN DISQUALIFICATION OF YOUR BID.						
PLEASE NOTE THE FOLLOWING ATTACHMENT:						
1) ADDENDUM ACKNOWLEDGEMENT						
*****END OF ADDENDUM NO. 1*****						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
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TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
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WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

Vendor: Spending Unit:

Requisition No.: BPH70340

ADDENDUM ACKNOWLEDGEMENT

I hereby acknowledge receipt of the following checked addendum(s) and have made the necessary revisions to my proposal, plans and/or specifications, etc.

Addendum No.'s:

No. 1 ✓

No. 2

No. 3

No. 4

No. 5

I understand that failure to confirm the receipt of the addendum(s) is cause for rejection of bids.

Jack C. McClung Signature

Jack C. McClung, attorney at law Company

6/18/06 Date



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LINE	QUANTITY	UOP	CAT NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
0001	1,708	HR		961-50	<i>per hour</i>	\$120.00
<p style="text-align: center;">REQUEST FOR QUOTATION OPEN-END BLANKET CONTRACT</p> <p>THE WEST VIRGINIA PURCHASING DIVISION IS SOLICITING BIDS TO PROVIDE HEARING EXAMINER SERVICES FOR THE BUREAU FOR PUBLIC HEALTH, PER THE ATTACHED SPECIFICATIONS.</p> <p>PLEASE NOTE THE FOLLOWING ATTACHMENTS: 1) BPH70340 SPECIFICATIONS 2) PRICE QUOTATION SHEET 3) AFFIDAVIT</p> <p>VENDOR MUST COMPLETE THE PRICE QUOTATION SHEET AND PROVIDE THE REQUESTED INFORMATION WITH THIS REQUEST FOR BID QUOTATION.</p> <p>LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE ON JULY 1, 2006 AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE</p>						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE <i>Jack C. McClung</i>	TELEPHONE 346-0591	DATE 6/19/06
TITLE <i>Attorney at Law</i>	FEIN 233-54-3199	ADDRESS CHANGES TO BE NOTED ABOVE

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<p>TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE.</p> <p>UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.</p> <p>RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS.</p> <p>CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.</p> <p>OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p> <p>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIED BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY</p>						

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<p>ORDERED FOR DELIVERY DURING THE TERM OF THE CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN STATE CONTRACT ORDER (FORM NUMBER WV-39) TO THE VENDOR FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL COPY OF THE WV-39 SHALL BE MAILED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT, A SECOND COPY MAILED TO THE PURCHASING DIVISION, AND A THIRD COPY RETAINED BY THE SPENDING UNIT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>INQUIRIES WRITTEN QUESTIONS SHALL BE ACCEPTED THROUGH CLOSE OF BUSINESS ON WEDNESDAY, MAY 31, 2006. QUESTIONS MAY BE SENT VIA USPS, FAX, COURIER OR EMAIL. IN ORDER TO ASSURE NO VENDOR RECEIVES AN UNFAIR ADVANTAGE, NO SUBSTANTIVE QUESTIONS WILL BE ANSWERED ORALLY. IF POSSIBLE, E-MAIL QUESTIONS ARE PREFERRED. ADDRESS INQUIRIES TO: ROBERTA WAGNER DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION 2019 WASHINGTON STREET, EAST</p>						

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<p>A MINIMUM OF ONE HUNDRED STATE RESIDENTS AND WHICH HAS MAINTAINED ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS WITHIN WEST VIRGINIA CONTINUOUSLY FOR THE FOUR (4) YEARS IMMEDIATELY PRECEDING THE DATE OF THIS CERTIFICATION.</p> <p>B. APPLICATION IS MADE FOR 2.5% PREFERENCE FOR THE REASON CHECKED:</p> <p>() BIDDER IS A RESIDENT VENDOR WHO CERTIFIES THAT, DURING THE LIFE OF THE CONTRACT, ON AVERAGE AT LEAST 75% OF THE EMPLOYEES WORKING ON THE PROJECT BEING BID ARE RESIDENTS OF WEST VIRGINIA WHO HAVE RESIDED IN THE STATE CONTINUOUSLY FOR THE TWO YEARS IMMEDIATELY PRECEDING SUBMISSION OF THIS BID;</p> <p>OR</p> <p>() BIDDER IS A NONRESIDENT VENDOR EMPLOYING A MINIMUM OF ONE HUNDRED STATE RESIDENTS OR IS A NONRESIDENT VENDOR WITH AN AFFILIATE OR SUBSIDIARY WHICH MAINTAINS ITS HEADQUARTERS OR PRINCIPAL PLACE OF BUSINESS WITHIN WEST VIRGINIA EMPLOYING A MINIMUM OF ONE HUNDRED STATE RESIDENTS WHO CERTIFIES THAT, DURING THE LIFE OF THE CONTRACT, ON AVERAGE AT LEAST 75% OF THE EMPLOYEES OR BIDDERS' AFFILIATE'S OR SUBSIDIARY'S EMPLOYEES ARE RESIDENTS OF WEST VIRGINIA WHO HAVE RESIDED IN THE STATE CONTINUOUSLY FOR THE TWO YEARS IMMEDIATELY PRECEDING SUBMISSION OF THIS BID.</p> <p>BIDDER UNDERSTANDS IF THE SECRETARY OF TAX & REVENUE DETERMINES THAT A BIDDER RECEIVING PREFERENCE HAS FAILED TO CONTINUE TO MEET THE REQUIREMENTS FOR SUCH PREFERENCE, THE SECRETARY MAY ORDER THE DIRECTOR OF PURCHASING TO: (A) RESCIND THE CONTRACT OR PURCHASE ORDER ISSUED; OR (B) ASSESS A PENALTY AGAINST SUCH BIDDER IN AN AMOUNT NOT TO EXCEED 5% OF THE BID AMOUNT AND THAT SUCH PENALTY WILL BE PAID TO THE CONTRACTING</p>						

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<p>AGENCY OR DEDUCTED FROM ANY UNPAID BALANCE ON THE CONTRACT OR PURCHASE ORDER.</p> <p>BY SUBMISSION OF THIS CERTIFICATE, BIDDER AGREES TO DISCLOSE ANY REASONABLY REQUESTED INFORMATION TO THE PURCHASING DIVISION AND AUTHORIZES THE DEPARTMENT OF TAX AND REVENUE TO DISCLOSE TO THE DIRECTOR OF PURCHASING APPROPRIATE INFORMATION VERIFYING THAT BIDDER HAS PAID THE REQUIRED BUSINESS TAXES, PROVIDED THAT SUCH INFORMATION DOES NOT CONTAIN THE AMOUNTS OF TAXES PAID NOR ANY OTHER INFORMATION DEEMED BY THE TAX COMMISSIONER TO BE CONFIDENTIAL.</p> <p>UNDER PENALTY OF LAW FOR FALSE SWEARING (WEST VIRGINIA CODE 61-5-3), BIDDER HEREBY CERTIFIES THAT THIS CERTIFICATE IS TRUE AND ACCURATE IN ALL RESPECTS; AND THAT IF A CONTRACT IS ISSUED TO BIDDER AND IF ANYTHING CONTAINED WITHIN THIS CERTIFICATE CHANGES DURING THE TERM OF THE CONTRACT, BIDDER WILL NOTIFY THE PURCHASING DIVISION IN WRITING IMMEDIATELY.</p> <p>BIDDER: <i>Jack C. McClung, Attorney</i></p> <p>DATE: <i>6/19/2006</i></p> <p>SIGNED: <i>Jack C. McClung</i></p> <p>TITLE: _____</p> <p>* CHECK ANY COMBINATION OF PREFERENCE CONSIDERATION(S) IN EITHER "A" OR "B", OR BOTH "A" AND "B" WHICH YOU ARE ENTITLED TO RECEIVE. YOU MAY REQUEST UP TO THE MAXIMU</p>						

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5% PREFERENCE FOR BOTH "A" AND "B". (REV. 12/00) NOTICE AN ORIGINAL, SIGNED BID MUST BE SUBMITTED ALONG WITH A CONVENIENCE COPY TO: DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130 THE BID MUST CONTAIN THE FOLLOWING INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED: SEALED BID BUYER:-----ROBERTA WAGNER/22----- RFQ. NO.:-----BPH70340----- BID OPENING DATE:-----06/21/2006----- BID OPENING TIME:-----1:30 PM----- PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID: ----- CONTACT PERSON (PLEASE PRINT CLEARLY):						

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***** THIS IS THE END OF RFQ BPH70340 ***** TOTAL: _____						

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BPH70340 Specifications

Bureau for Public Health FY 2007 Hearing Examiners Agreement

The Bureau for Public Health (Bureau) is requesting bids for part-time hearing examiner services to be provided for Offices and Programs within the Bureau to include but not be limited to the Office of Health, Facility Licensure and Certification, the Office of Environmental Health Services, and the Office of Emergency Medical Services. The hearings may be conducted at various locations statewide.

General Requirements of the Hearing Examiner:

1. Vendor must be licensed to practice law in the State of West Virginia *Yes*
2. Vendor must have a minimum of ten (10) years experience as a trial attorney with five (5) Years experience as a hearing examiner or as an administrative law judge. *yes*
3. Vendor must be knowledgeable of and comply with the requirements of the Health Insurance and Portability and Accountability Act *yes*
4. Vendor receives no travel reimbursement.

Vendor must have knowledge of applicable West Virginia Code Sections, including but not limited to the following

16-1 16-4C 16-5B 16-5C 16-5D 16-5E 16-5I *yes*
16-5N 16-5O 29A-5

A thorough knowledge of both federal and state rules, including, but not limited to the following:

42CFR483, et seq. 64CSR1 64CSR 3 64CSR 4 *yes*
64CSR 9 64CSR11 64CSR12 64CSR13 64CSR14
64CSR 19 64CSR 47 64CSR50 64CSR56 64CSR60
64CSR75 64CSR77 69CSR1 69CSR6

Scope of Work

Vendor shall hold hearings in accordance with the applicable statutes, rules and/or regulations.

Vendor shall issue written (typed) Recommended Decisions within thirty (30) days, or less if required by law, of the hearing examiner's receipt of the parties Proposed Findings of Fact and Conclusion of Law. These decisions must address the following topics: *yes*

- a. Procedural History
- b. Motions/Rulings
- c. Issues
- d. Findings of Fact, which must include proper citations to all relevant facts.
- e. Conclusions of Law, which must discuss the burden of proof and all relevant legal authority. *will comply*

BPH70340 Specifications

- f. A discussion of the credibility of the witnesses, testimony, exhibits etc., and a discussion of the application of law to the facts.
- g. Proposed Decision
- h. The decision must also include references to all exhibits presented at the hearing and those exhibits must be properly marked and attached to the decision.

Hearing examiners who do not submit written decisions according to the terms of the contract may not be reimbursed for their time.

Invoices

Services provided under this contract should be submitted for payment within 30 days after the last day of the month in which the services were performed. (e.g. Services performed on July 1, 2006 should be invoiced no later than August 30, 2006) The vendor should not wait to bill at the time a case is completed. The purpose of this invoicing schedule is to permit the allocation of charges for services to the appropriate funding source time period in a timely manner. Failure to submit invoices in a timely manner may result in denial of payment

will comply

Evaluation of Bids

This will be a progressive award contract for the Bureau for Public Health to establish a pool of Hearing Examiners. All vendors who demonstrate their qualifications/experience and are in good standing with the West Virginia State Bar will be awarded a contract and, as needed, Offices from the Bureau will select a vendor to provide Hearing Examiner services. The award will be made according to each vendor's bid response and lowest costs. Low bid will be designated as BPH70340A, next lowest bid will be designated as BPH70340B, and so on. The agency will contact vendor "A" first to provide their needs. If vendor "A" cannot provide services, the agency will go to vendor "B", and so on.

NOTE: The issuance of a contract does not obligate nor require the Bureau or the State of West Virginia to purchase any services.

Successful Bidder

All successful bidders must:

1. Register with The State of West Virginia, Purchasing Division and pay the vendor registration fee. (Not required to bid.)
2. Provide proof of Workers' Compensation Insurance coverage if coverage is required by law.

yes

N/A

PRICE QUOTATION

BPH70340 – Hearing Examiners

Hearing Examiner Services

All inclusive hourly rate \$ 120.00

If a hearing is not held on the date originally scheduled, there will be no payment to the hearing examiner. Anytime there is a no show of the petitioner for a hearing that has been set, the hearing will proceed and the hearing examiner will be paid for services provided and invoiced.

Bidder must provide the following:

1. Proof of license to practice law within the State of West Virginia *attached*
2. A statement that he/she is in good standing with the West Virginia State Bar Association.
3. Attorney's resume to include previous experience/familiarity with Bureau Offices and Programs as referenced in the General Requirements section of this document.
4. A completed "Employment History Disclosure Statement" (If applicable). *See Resume*
5. A statement that he/she is knowledgeable of and will comply with, the requirements of the Health Insurance and Portability and Accountability Act.

6/19/2006
Date

Jack C. McClung
Signature

AFFIDAVIT

West Virginia Code §5A-3-10a states:

No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owned is an amount greater than one thousand dollars in the aggregate.

DEFINITIONS:

"Debt" means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

"Debtor" means any individual, corporation, partnership, association, limited liability company or any other form or business association owing a debt to the state or any of its political subdivisions.

"Political subdivision" means any county commission; municipality; county board of education; any instrumentality established by a county or municipality; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; or any public body charged by law with the performance of a government function or whose jurisdiction is coextensive with one or more counties or municipalities.

"Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceeds five percent of the total contract amount.

EXCEPTION:

The prohibition of this section does not apply where a vendor has contested any tax administered pursuant to chapter eleven of this code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

LICENSING:

The vendor must be licensed in accordance with any and all state requirements to do business with the state of West Virginia.

CONFIDENTIALITY:

The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures and rules. Vendors should visit www.state.wv.us/admin/purchase/privacy for the Notice of Agency Confidentiality Policies.

Under penalty of law for false swearing (West Virginia Code, §61-5-3), it is hereby certified that the vendor acknowledges the information in this said affidavit and are in compliance with the requirements as stated.

Vendor's Name: Jack C. Mecklung, Attorney at Law

Authorized Signature: Jack C. Mecklung Date: 6/19/2006

JACK C. McCLUNG
1623 Woodvale Drive
Charleston, West Virginia 25314
PH: (304) 346-2844

EDUCATION

Legal:

University of Richmond College of Law
LL.B. Degree, 1964

Admitted to Practice: Virginia and West Virginia, 1964; United States District
Courts, Northern and Southern Districts of West Virginia; United States
Supreme Court

Undergraduate:

West Virginia University, Morgantown, West Virginia, Bachelor of Arts in
History, June 1956

Minor: Political Science

Honors: Sphinx, Senior Men's Honorary, La Tertulia, National Spanish
Honorary

MILITARY:

1956-1958 United States Navy
Honorable Discharge

EMPLOYMENT:

January-February 1991

Lobbyist, West Virginia Sheriff's Association

December 1989 to Present

Legal Counsel
West Virginia Association of Counties
2211 Washington Street
Charleston, WV 25311

December 1989 to Present

Sit as Administrative Law Judge for various State agencies, including the West Virginia State Board of Medicine, the Registered Professional Nurses Board, the Licensed Practical Nurses Board, the Bureau for Medical Services, Office for Health Facility Licensure and Certification, Workers' Compensation Commission, Work Force West Virginia, Division of Natural Resources, and the Division of Environmental Protection.

June 1988 to March 1, 1989

Senior Deputy Attorney General in charge of Client Services Division. I was responsible for the work of two Deputy Attorneys General, three Senior Assistant Attorneys General, and eighteen Assistant Attorneys General providing legal representation services to the following agencies in state government:

Agriculture; Alcohol Beverage Control Commission; Auditor; Banking; Beer Commission; Board of Regents; Civil Service Commission; Commerce; Corrections; Education; Energy; Oil and Gas Commission; Finance and Administration; Governor; Health; Human Services; Insurance Department; Labor; Legislative Auditor; Motor Vehicles; Natural Resources; Secretary of State; Solid Waste Authority; Tax Department; Treasurer; Water Resources Board; Workers' Compensation

This list does not include approximately 80 boards and commissions which required a significant amount of legal services.

1988-1989

Adjunct professor, Marshall University, Fall Semester 1988, Spring Semester 1989.

April 1987 - June 1988

Deputy Attorney General in charge of the Human Resources Division and the Tax Division. Supervised the work of two Senior Assistant Attorneys General and nine Assistant Attorneys General providing legal representation and services to the Board of Regents, Education, Motor Vehicles, Health, Human Services, and Tax Department

March 1973-April 1987

Attorney General's Office. Position: Deputy Attorney General, Tax Division. Supervised the work of five attorneys and four secretarial employees. This division represented the interests of the State of West Virginia in all court

matters relating to any and all taxes imposed by the State of West Virginia. I shared the work load with the other five attorneys in this Division.

January 1968-March 1973

Attorney General's Office. Position: As Assistant Attorney General, my duties consisted of representing the State Tax Department in administrative hearings and in appeal in the Circuit Courts and the Supreme Court of Appeals of West Virginia, and occasionally in the United States District Court, usually pursuant to petitions for declaratory judgments.

December 1965-January 1968

West Virginia State Auditor's Office. Position: I was Director of the Land Division and supervised the work of seven employees. This division was responsible for administering and executing the laws of the State of West Virginia with respect to property that had been sold to the State as a result of delinquent taxes or has forfeited to the State for nonentry or nonpayment of taxes.

June 1964-December 1965

United Fuel Gas Company, Charleston, West Virginia. Position: Abstractor performing title examinations relating to well locations and parcels incorporated within unitization agreements. I later assisted the Director of the Land Department in reviewing and drafting gas purchase agreements and drafted some contracts relative to their leasing and right-of-way program.

1958-1960

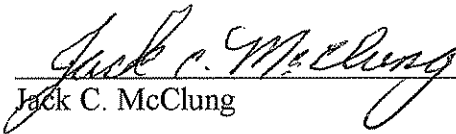
United Fuel Gas Company, Charleston, West Virginia. Position: Abstractor in the Land Department. Performed title examinations under the supervision of the Legal Department relating to well locations, land and right-of-way acquisitions and leasehold interests. (I did essentially this same type of work for United Fuel Gas Company during the two summers I was in law school.)

REFERENCES:

Available upon request.

June 19, 2006

The Undersigned hereby states that he is knowledgeable of and will comply with the requirements of the Health Insurance and Portability and Accountability Act.



Jack C. McClung

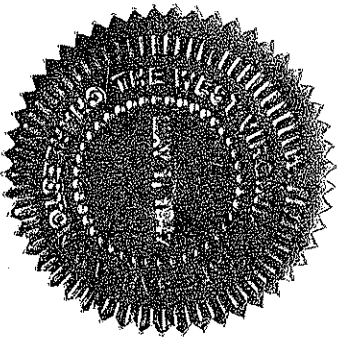
THE WEST VIRGINIA STATE BAR
Certificate of Good Standing

Jack C. McClung - WVSB ID#2403

This is to certify that, according to the records of the West Virginia State Bar, Jack C. McClung, of Charleston, WV, was admitted to practice law by the West Virginia Supreme Court of Appeals on July 13, 1964, and was registered as an active member of The West Virginia State Bar in July, 1964.

It is further certified that the said Jack C. McClung, according to our membership records, is currently an active member in good standing with The West Virginia State Bar.

Given over my hand and seal of The West Virginia State Bar this day, June 09, 2006.



Cheryl L. Wright
Cheryl L. Wright
Membership Coordinator
The West Virginia State Bar



*The West Virginia
State Bar*

ACTIVE MEMBER
VALID UNTIL REVOKED
ADMITTED TO BAR

07/13/64

Jack C. McClung, Esq.
ID #2403