WEST VIRGINIA CODE: §22B-1-9

§22B-1-9. General provisions for judicial review.

(a) Any person, or the secretary, as the case may be, adversely affected by an order made and entered by a board after an appeal hearing, held in accordance with the provisions of this chapter, is entitled to judicial review thereof. All of the provisions of §29A-5-4 of this code apply to and govern the review with like effect as if the provisions of §29A-5-4 of this code were set forth in extenso in this section, with the modifications or exceptions set forth in this chapter: Provided, That the exceptions set forth in §22B-2-3, §22B-3-3, and §22B-4-3 of this code apply.

(b) The filing of a petition of appeal under the provisions of this chapter does not automatically stay or suspend the effectiveness or execution of the order, permit, or official action pending appeal. The board shall file with the clerk of the court wherein the petition for appeal is filed all papers, documents, evidence, and other records comprising the complete record in the case, or certified copies thereof, as were before the board at the time of the entry of the order from which the appeal is taken.

(c) Notwithstanding any provisions of this code to the contrary, the secretary may employ in-house legal counsel to perform all legal services for the department and secretary or any director, chief, or division therein in all proceedings made under the provisions of this chapter, including those in any administrative proceeding or before any state or federal court. Additionally, the secretary may call upon the Attorney General for any legal assistance and representation as provided by law.

WV Legislature