



LINCOLN COUNTY MONTANA

Resolution 2019-23

A RESOLUTION APPOINTING SPECIAL DEPUTY COUNTY ATTORNEYS FOR THE PURPOSE OF PROSECUTING VIOLATIONS OF TITLE 30, CHAPTER 10, MONTANA CODE ANNOTATED

THE BOARD OF COUNTY COMMISSIONERS FOR LINCOLN COUNTY,
MONTANA FINDS:

1. The Office of the Montana State Auditor, Commissioner of Securities and Insurance is a criminal justice agency pursuant to Montana Code Annotated § 30-10-304(5) and is tasked with investigation and prosecution of violations of Title 30, Chapter 10 of the Montana Code Annotated;
2. The Office of the Montana State Auditor, Commissioner of Securities and Insurance has filed criminal charges in Lincoln County relating to violations of Title 30, Chapter 10 of the Montana Code Annotated;
3. Due to the specific expertise required in the prosecution of violations of securities law, it is desired and deemed appropriate that Special Assistant Attorneys General from the Office of the Montana State Auditor, Commissioner of Securities and Insurance be appointed as special deputy county attorneys for the prosecution of the aforementioned case;
4. Montana Code Annotated §7-4-2707 authorizes the appointment of another attorney to perform criminal prosecutions for Lincoln County, and
5. Special Assistant Attorneys General from the Office of the Montana State Auditor, Commissioner of Securities and Insurance possess the specialized knowledge and specific expertise necessary to prosecute the aforementioned case;
6. Brett Olin and Janell Williams, Special Assistant Attorneys General, were previously appointed as special deputy county attorneys for the purpose of prosecuting the aforementioned case;
7. Brett Olin has left the employ of the State of Montana and is no longer available to serve in the capacity of special deputy county attorney;
8. Janell Williams has taken an unforeseen leave of absence and is no longer available to serve in the capacity of special deputy county attorney;

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 STATE OF MONTANA LINCOLN COUNTY
 RECORDED: 12/18/2019 1:27 KOI: RESOLUTION
 ROBIN A. BENSON CLERK AND RECORDER
 FEE: \$0.00 BY *[Signature]*
 FOR: LINCOLN COUNTY BOARD OF COMMISSIONERS 515 CALIFORNIA AVE.



LINCOLN COUNTY MONTANA

9. It is desired that Special Assistant Attorneys General W. Adam Duerk, Benjamin Burns, and Michelle Dietrich be appointed to replace Brett Olin and Janell Williams for the purpose of prosecuting the aforementioned case;

THE BOARD RESOLVES:

1. That W. Adam Duerk, Benjamin Burns, and Michelle Dietrich, Special Assistant Attorneys General, are hereby appointed as special deputy county attorneys for Lincoln County for the purpose of prosecuting the aforementioned case.
2. That the special deputy county attorneys shall serve without payment of costs or fees by Lincoln County.

THE BOARD FURTHER RESOLVES:

1. If a provision of this resolution conflicts with a provision of a previously adopted resolution, this resolution will prevail.
2. This resolution and its various sections, clauses and paragraphs are severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the resolution will not be affected.
3. This resolution will be effective immediately upon adoption, in accordance with § 7-5-123, MCA.
4. This Board directs that this resolution be entered into the minutes and signed by the Chair of the Board in accordance with § 7-5-121, MCA.

END OF RESOLUTION

Approved as to Form:



Marcia Boris, County Attorney



LINCOLN COUNTY
MONTANA

Date presented to the Board 12/18/2019 Approved () Disapproved () Amended ()

Adopted this 18th day of December, 2019.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mark Peck, Chair

ATTEST:

Robin Benson, Clerk of the Board