



LINCOLN COUNTY MONTANA

Resolution 2020-24

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;

289422 BOOK: PF PERM/FILES PAGE: 14691 Pages: 3
 STATE OF MONTANA LINCOLN COUNTY
 RECORDED: 11/19/2020 12:13 KOI: RESOLUTION
 ROBIN A. BENSON CLERK AND RECORDER
 FEE: \$0.00 BY: *Robin Benson*
 FOR: LINCOLN COUNTY BOARD OF COMMISSIONERS 512 CALIFORNIA AVE.





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6. Brett Olin, Janell Williams, and Derek Oestreicher, Special Assistant Attorneys General, were previously appointed as special deputy county attorneys for the purpose of prosecuting the aforementioned case;
7. Those Special Assistant Attorney Generals are no longer involved with the case due to turnover in the office of the Commissioner of Insurance and Securities.
8. It is desired that attorneys employed by the Montana State Auditor/Commissioner of Securities and Insurance be appointed for the purpose of assisting in prosecuting the aforementioned case;

THE BOARD RESOLVES:

1. That Special Assistant Attorneys General employed by the Office of the Montana State Auditor, Commissioner of Securities and Insurance, are hereby appointed as special deputy county attorneys for Lincoln County for the purpose of prosecuting the aforementioned case.
2. That the Office of the Montana State Auditor, Commissioner of Securities and Insurance shall be responsible to pay all costs associated with its attorneys' appearances, fees and costs of expert witness Paul Greenwood, and the fees and costs of Special Deputy County Attorney and Special Assistant Attorney General Adam Duerk. Witness fees and expenses, jury costs, and other normal costs of prosecution shall be the responsibility of Lincoln County. No additional expenses shall be incurred without preapproval of the Lincoln County Attorney.

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.

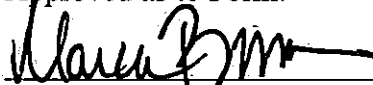


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- 3. This resolution will be effective immediately upon adoption, in accordance with § 7-5-123, MCA.
- 4. This Board directs that this resolution be entered into the minutes and signed by the Chair of the Board in accordance with § 7-5-121, MCA.

END OF RESOLUTION

Approved as to Form:



Marcia Boris, County Attorney

Date presented to the Board 11/18/20 Approved () Disapproved () Amended ()

Adopted this 19th day of Nov., 2020.

LINCOLN COUNTY BOARD OF COMMISSIONERS



Mark Peck, Chair

ATTEST:



Robin Benson, Clerk of the Board