

To: File

From: Logan Carpenter, General Counsel

Date: October 12, 2023

Re: Correspondence with Attorney General's Office October 9, 2023 – October 12, 2023

After I spoke with Assistant Attorney General Mary Kae Kelsch on October 3, 2023, the Commission did not receive any correspondence from Becky Keller and Lonnie Grabowska to schedule interviews. The October 5th deadline Office Manager Gaugler provided for them to respond had lapsed, and, on October 9, 2023, Executive Director Binstock left voicemails for both Ms. Keller and Mr. Grabowska inquiring on the status of scheduling interviews.

Mr. Grabowska responded via email to Executive Director Binstock that same day relaying his belief that the attorney general's office was waiting to hear back from the Commission. I informed him we told Ms. Kelsch we would like to proceed with the interview. At that point, he referred all communications to Ms. Kelsch, and she was copied on the email messages.

After not hearing anything from Ms. Kelsch, I called her on October 11, 2023, and left a voicemail asking her to call me back. On the morning of October 12, 2023, I received a phone call from Deputy Attorney General Claire Ness. Ms. Ness also informed me, like Ms. Klesch did on October 3rd, that Representative Emily O'Brien, Chair of the Legislative Audit and Fiscal Review Committee ("LAFRC") had requested the attorney general not refer the matter until LAFRC had a chance to review and discuss the Montana Report. Ms. Ness relayed the attorney general's office did not want to disrupt any criminal review once it was referred. She requested the Commission's interviews take place after a prosecutor had a chance to review the matter. I told her the Commission similarly did not want to impede any criminal review of the matter, but that it was our position N.D.C.C. § 54-66-08 only applied to pause the Commission's investigation when the Commission itself referred the matter. I informed her while the Commission would like to proceed, I would relay her message to the Commission and told her it was ultimately not my call on how the Commission would proceed from here. She also informed me the attorney general's office would be happy to provide any documentation they have in their possession. She asked if I would like their office's position in writing, and I told her I would and that it would be helpful to have a record of it. We received a letter from Attorney General Drew Wrigley addressed to Chairman Richard this afternoon, October 12, 2023, relaying their position.