

**STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL**

SPECIAL ATTORNEY APPOINTMENT



I, MIKE HATCH, Attorney General of the State of Minnesota, by virtue of the authority vested in me by statute, and upon the written request of the Minnesota State Colleges and Universities Board (hereinafter "the Board") an agency of the State of Minnesota, do hereby constitute and appoint

THOMAS A. DAVIES
and the Law Firm of Thomas A. Davies, Ltd.

of Fargo, North Dakota, as Special Attorney to serve at the pleasure of the Attorney General specifically to provide legal services to the Board subject to the terms and conditions set forth:

1. **DUTIES.** The Special Attorneys, who shall not be considered state employees and shall not be eligible for any state employee leave or other benefits except those expressly provided herein, shall assist in the collection of debts owed to the State of Minnesota referred from the State through Northland Credit Control. Northland Credit Control has a valid contract with the State of Minnesota to assist the State in debt collection.
 - A. Under this appointment, before any case is delegated to the special attorney, a written referral must be received from the referring state agency to whom the debt is owed; and
 - B. In cases where the collection amount exceeds seven thousand five hundred dollars (\$7,500.00), written approval to proceed must be received by the Manager of the Attorney General's Commercial Litigation and Environmental Compliance Division.
 - C. When the required approval(s) are acquired, the Special Attorney may proceed to enforce the collection of the referred debt, including serving summons and complaint with the following limitations:
 - (1) If the case generates any challenge to the validity or constitutionality of the statutes or state law, or generates any counterclaims, the Special Attorney shall immediately send a copy of the summons, complaint, answer and counterclaim and any other relevant information necessary for review of the case to the Manager of the Attorney General's Commercial Litigation and Environmental Compliance Division before any further legal action is taken. The Attorney General will determine whether the case will be handled by the Attorney General's Office or by the Special Attorney. If the case is retained and handled by the Special Attorney, the Special Attorney will keep the Attorney General apprised of the case's progress.

2. **COMPENSATION AND EXPENSES.** Under no circumstances is the Special Attorney entitled to compensation by or from the State of Minnesota, the Office of the Attorney General, or any other Minnesota state agency or entity for performance of legal work under this appointment. Any compensation for duties performed under this appointment shall be pursuant to an arrangement or contract between the Special Attorneys and Northland Credit Control as the referring agent.
3. **AVOIDANCE OF CONFLICTS.** The Special Attorney shall not undertake legal work for the State of Minnesota outside of the scope of this appointment and shall not represent a party involved in a claim, dispute or transaction of any kind which would create a conflict of interest for the Special Attorneys or the State of Minnesota unless and until the Special Attorneys have informed the Attorney General or his delegate of the proposed representation and received his written approval to proceed. The Special Attorneys also agree to inform their clients in any case involving a potential conflict.
4. **STATE AUDITS.** All records, documents and accounting procedures and practices of the Special Attorneys relevant to this appointment shall be subject to examination by the Attorney General, the Minnesota State Colleges and Universities Board, and the Legislative Auditor.
5. **TERM.** This appointment is effective December 29, 1999, may be terminated by either party at any time by the giving of seven (7) calendar days written notice, and shall remain in effect until so terminated.

Executed in St. Paul, Minnesota, this 3rd day of January, ^{2000.} 1999.

Michael A. Hatch
Attorney General

BY: Alan I. Gilbert
Alan I Gilbert
Chief Deputy and Solicitor General

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Michael A. Hatch
Attorney General

BY: Alan I. Gilbert

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Chief Deputy and Solicitor General

