

# Office of State's Attorney

WARD COUNTY

Ward County Courthouse

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April 1, 2011

Dale Maixner  
NDBCI - Minot  
PO Box 1348  
Minot, ND 58702

Re: Notice of Non-Prosecution

Dear Dale,

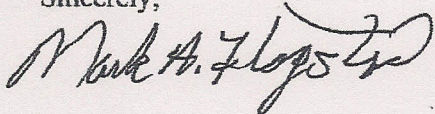
After all my recent jury trials and Supreme Court appearances and two weeks of trying to recover from broken ribs, I spend three days reviewing all of the materials you compiled with regard to the complaint you received from the Nodak Race Club.

This letter is to inform you that after reviewing these materials it appears that the Nodak Race is split into two opposing groups both of which are pointing fingers at the other. It is also equally clear that although the club had bylaws that no one followed and apparently most members had never even seen them. That fact along with the fact it appears that there was no accountability for anything including the lack of record keeping and yearly audits that there is little or no evidence that we could take into court to prove any of the suspicions of theft complained about.

The past president and the business manager at the time may well have been engaging in activities with the funds of the club that may not have been in the best interests of the club however, no body called them on it and due to the lack of any record keeping or accountability in the organization again, there is no proof that we could present in court in order to obtain a conviction for anything.

The short version of all of the above is following a review of all of the information that you have obtained the Ward County State's Attorney's office declines to prosecute due to a lack of sufficient evidence with which to go to court this time.

Sincerely,



Mark A. Flagstad

MAF/js