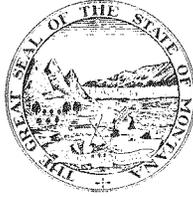


EXHIBIT #5
ATTORNEY GENERAL
STATE OF MONTANA

HB 2/6/2013

Tim Fox
Attorney General



Department of Justice
215 North Sanders
PO Box 201401
Helena, MT 59620-1401

MEMORANDUM

TO: Christi Jacobsen
FROM: Tim Fox *TF*
Attorney General
DATE: February 5, 2013
RE: Consumer Protection Settlement Account

I have reviewed the information provided to me concerning the source and balance of the funds in the Consumer Protection Settlement Account (02140). I understand that the current balance in the Account is \$8,982,943. I have determined that, of this balance, \$481,004 is excess for purposes of Section 30-14-143, MCA, and therefore should be transferred to the general fund.

The \$481,004 to be transferred to the general fund consists of settlement payments received in prior years (totaling \$263,554) which are not designated for specific consumer protection efforts and are not directed or committed to specific programs or projects. The \$481,004 also includes attorney fees (\$115,302) and registration fees recovered from debt management and settlement companies (\$104,494) in prior years. I have determined that these fees and cost reimbursements exceed the amount necessary to operate the Office of Consumer Protection (OCP).

The remaining balance in the Consumer Protection Settlement Account is fully restricted and committed, and is not available for transfer to the general fund.

Please transfer \$481,004 of the funds in the Consumer Protection Settlement Account (02140) to the general fund, effective immediately.