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September 4, 2008

Ms. Jo Anne House
Chief Counsel
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ONEIDA LAW OFFICE

Dear Ms. House:

Thank you for meeting with Federal Bureau of Investigation Special Agent Robert Molina and I regarding the complaint sent to my office by the Oneida Tribe of Indians of Wisconsin concerning the misuse of Federal/Tribal Funds by the now dissolved Oneida Housing Authority Board of Commissioners (hereinafter "Commissioners"). The essence of the complaint is that Commissioners used, without authorization, Tribal credit cards to obtain personal cash advances and other goods or services. Federal funds were then used to pay these personal credit card transactions.

As I stated at our meeting, I have thoroughly reviewed the materials forwarded to our office, in particular, the independent audit conducted by RSM McGladrey detailing the specific cash advances and purchases made by some Commissioners. And, prior to our meeting today, I have met with SA Molina to discuss with him the information he gathered through his investigation of this matter.

In the end, I conclude that the government can not prove a theft or embezzlement charge beyond a reasonable doubt, the required burden of proof in criminal cases. As I understand, despite federal funds being initially used to pay the unauthorized personal expenditures of Commissioners, the Commissioners were recording these personal advances via an Accounts Receivable tracking sheet. They were not hiding or concealing these transactions in a way that would suggest a fraudulent scheme was at hand. And the Commissioners were making payments on those receivable amounts making it extremely difficult to prove an intent on their part to permanently deprive the Tribe and federal government of such funds. The Commissioners actions sure seem reprehensible and a blatant violation of the procedures in place for proper use of Tribally issued credit cards. But their actions do not arise to the level of violating federal criminal law.

Please call should you have any further questions about this matter.

Sincerely,

William J. Roach
Assistant United States Attorney