
In the Matter of the Complaint of
TIMOTHY C. HOLMSETH
320 – 17th Street NW, Unit 17
East Grand Forks, MN 56721
against RONALD IRVIN GALSTAD,
a Minnesota Attorney,
Registration No. 242974.

**DETERMINATION THAT
DISCIPLINE IS NOT
WARRANTED, WITHOUT
INVESTIGATION**

TO: TIMOTHY C. HOLMSETH:

After reviewing the documents you submitted, and the following publicly available information: Register of Actions, Case No. 60-CR-11-2640, the Director has determined not to investigate your complaint. The reasons for the Director's decision not to investigate this complaint are as follows:

Complaint Summary

You were charged with the violation of a harassment restraining order. Attorney Ronald I. Galstad is the prosecuting attorney in the matter. You allege in your complaint that Mr. Galstad failed to respond to your letters regarding the allegedly harassing behavior of another; refused your requests for certain public records; planned to have two law enforcement officers testify in a manner you and your attorney believed to be false; devised a plan to convince you to submit an *Alford* plea and forfeit your opportunity to have the matter heard before a jury; signed an illegal arrest warrant; and has generally improperly pursued charges against you.

Reasons for Decision Not to Investigate

Whether Mr. Galstad is required to provide (or is even responsible for the provision of) certain public records and whether he is required to respond to your communications regarding the allegedly harassing behavior of another pose questions of fact, law, and/or city policy more appropriately raised in an alternate venue. You may seek resolution of these matters through the city council and/or through court action. In the event a court or other authoritative body determines Mr. Galstad engaged in conduct which would constitute a violation of the Rules of Professional Conduct, you may resubmit these allegations, with supporting documentation. Absent such a prior determination, however, the Director declines to investigate these allegations.

You next allege Mr. Galstad planned to call two law enforcement officers to testify falsely in your criminal proceeding.

Rule 8(a), Rules on Lawyers Professional Responsibility, adopted by the Minnesota Supreme Court, states that the Director may direct such investigation as deemed appropriate "upon a reasonable belief that professional misconduct may have occurred."

Your basis for this allegation is a statement made to you by your public defense counsel. There is no indication in your complaint that Mr. Galstad was, in fact, planning to call those law enforcement officers to testify; that any testimony those officers would have given would have been false; or that, even if the testimony was false, that Mr. Galstad had knowledge of the falsity of the testimony. Based upon the foregoing, this allegation fails to state a basis for the reasonable belief that misconduct may have occurred and will not be investigated.

The remainder of your complaint generally alleges Mr. Galstad, acting as prosecutor, has improperly handled and pursued criminal charges against you. Prosecutors have discretion to decide against whom they will initiate criminal charges, and also the nature of the charges, if any. Absent clear abuse, this Office will not review an exercise of prosecutorial discretion. Your complaint does not establish such an abuse of discretion. You remain free to bring to the attention of the presiding court any defenses available to you or any issues you may have with the criminal charges against you. As above, in the event a court determines that Mr. Galstad engaged in conduct in violation of the Rules of Professional Conduct, you may resubmit these allegations, with supporting documentation. In the absence of such a finding, however, the Director declines to investigate.

The Director's Office is limited to investigating complaints of unprofessional conduct and prosecuting disciplinary actions against attorneys. It cannot represent you in any legal matter or give legal advice. You must retain an attorney if either legal advice or representation is desired.

NOTICE OF RIGHT TO APPEAL

If you are not satisfied with the Director's determination not to investigate this complaint, an appeal may be made by notifying the Director in a letter postmarked no later than fourteen (14) days after the date of this notice. The letter of appeal should state the reason(s) why you believe the matter should be investigated. A Lawyers Professional Responsibility Board member will review the appeal. The Lawyers Board is comprised of 14 lawyers and 9 non-lawyers appointed by the Minnesota Supreme

Court. Appeals are assigned to individual Lawyers Board members in rotation according to when they are received. The Board members' options on appeal are limited to either approving the Director's decision not to investigate the complaint or directing that the complaint or some portion of the complaint be investigated. This determination will generally be based upon the information which is already contained in the file.

Mr. Galstad is, by way of a copy of this determination and your complaint, being notified of your complaint and our decision not to investigate.

Dated: January 15, 2013.

MARTIN A. COLE
DIRECTOR OF THE OFFICE OF LAWYERS
PROFESSIONAL RESPONSIBILITY
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By 
Patrick R. Burns
First Assistant Director

cc: Ronald Irvin Galstad