

# RE: clarification requested from the West Ada Parents Association

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From: **David Binetti** | [REDACTED]

To: **Kane, Brian** | [REDACTED]

Cc: **AGWasden Mailbox** | [REDACTED]

Thank you.

Best, Dave

From: **Brian** | [REDACTED]

Hi Mr. Binetti—

No problem with sharing the email. Our correspondence is a public record.

Brian

From: **David Binetti** | [REDACTED]

Brian, thanks very much for the response.

This clarification is indeed helpful, and I will share it with my membership so that they're aware that the Attorney General's Office was responding solely to the issue with regard to Idaho law in response to a direct request, and does not take a position one way or another on local board policy.

I will further ensure that the Board is aware that your opinion did not constitute a ruling.

With your permission, I'd like to share the text of your email (though obviously not your email address itself) so that I don't misconstrue anything. If you'd prefer that I not, then I will respect your wishes.

I ask because Board Trustees continue to reference your opinion in their correspondence with constituents, which is unfortunate since this is an internal concern within the West Ada School District. All I can do is my best to "keep the Attorney General out of this" moving forward, and your email will help accomplish that.

I'm sorry you were burdened with this at all, but I greatly respect and appreciate that you responded both to the original request from the District and to my subsequent inquiry for clarification.

Again, many thanks.

Best, Dave

From: **Brian I** [REDACTED]

Mr. Binetti,

The Office of the Attorney General regularly assists local government attorneys with legal analysis upon their request. Upon the request of the West Ada School District attorney, this office provided a legal analysis of Idaho law. As you know, we analyzed only Idaho law and how Idaho's conflict of interest statutes apply to board member Johnson.

Your question focuses on the office's qualifications to analyze a local board policy. However, it's worth reiterating that our analysis examined the matter through the lens of Idaho law.

Finally, an opinion from this office should not be construed as a "ruling" or something similar. To do so would suggest our office holds a final decision-making authority on such a matter. It does not. Our letter is simply our legal opinion of the situation when analyzed against Idaho law.

I hope this information is helpful.

Brian

From: **David Binetti I** [REDACTED]

Mr. Kane,

I understand that you have many pressing concerns; nonetheless, it's been a week and the courtesy of a reply to my email of 14 October 2021 would be most appreciated.

I've attached a copy of that email to this letter along with some supporting attachments, but to reiterate the question: do you feel the Attorney General's Office is qualified to address the validity of a policy violation of the West Ada School District?

I ask because a letter under your signature was used as a political prop in a coordinated effort by Amy Johnson, Chair of the West Ada School District Board of Trustees, to avoid accountability for a conflict of interest complaint under Section 201.4 of the West Ada School District policy manual. Ms. Johnson leaked your letter to the Idaho Statesman and Idaho Education News with the direct quote, "the highest legal officer in the State of Idaho [confirmed] there is no conflict of interest." Her fellow Board Trustees also used your opinion in response to legitimate constituent concerns, stating, "It's my understanding that the Attorney General of Idaho has ruled that he doesn't see a conflict of interest... With that ruling, this concern is not an issue for me."

However, this matter is of significant concern to the nearly 150,000 voters in the District and of particularly grave concern to the 4,000 members of the West Ada Parents Association. Currently they believe the Attorney General is running cover as a political favor to Ms. Johnson, which is almost certainly not true but absent an answer it's difficult to know definitively.

I've asked similar questions of Ms. Amy G. White, a Partner of Anderson, Julian & Hull LLP and the West Ada School District's legal representative who solicited this opinion from you and provided the same to Ms. Johnson who subsequently leaked it to the press. Ms. White has ignored my requests. In her case I've filed a grievance with the Office of Bar Counsel under Rule 1.7 of the Idaho Rules of Professional Conduct, for Conflict of Interest. My contention is that Ms. White was effectively representing Ms. Johnson's interests against the District's interests, given that my complaint was directed at Ms. Johnson for violation of District policy. This is not wholly relevant to your Office, but given that you responded with a full written and signed opinion at Ms. White's request in a matter of days I felt it was important you know the full context.

Incidentally, Ms. Johnson's attempts to avoid accountability ultimately failed: an investigation into Ms. Johnson for violation of West Ada School District Policy 201.4 is currently ongoing.

All this aside, I simply reiterate my request for an answer to the question of whether you believe the Attorney General's Office is qualified to weigh in on matters related to internal West Ada School District policies. A simple yes or no will do, but you are more than welcome to explain in greater detail should you wish.

Most sincerely,

David Binetti  
West Ada Parents Association

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