



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

September 10, 2021

[REDACTED]
[REDACTED]
[REDACTED]

Re: Public Corruption Complaint

Dear Mr. [REDACTED]

We received a public corruption complaint from you on February 10, 2021. You alleged that Mr. Ed Klopfenstein had a conflict of interest in a contract entered into by the West Ada school board while Mr. Klopfenstein was a member of the board. After reviewing your complaint, we are writing to inform you that we will be taking no further action in this matter.

Under Idaho law, the primary duty of enforcing state criminal laws rests with Idaho's county sheriffs and county prosecutors. Idaho Code § 31-2227. The Office of the Attorney General only has jurisdiction in criminal matters when a statute specifically grants the Attorney General jurisdiction. Idaho Constitution, Article IV, § 1.

We reviewed your complaint pursuant to Idaho Code § 31-2002. That statute authorizes the Attorney General to conduct a preliminary investigation of "any allegation of a violation of state criminal law, against a county officer occupying an elective office for violation of state criminal law in his official capacity." Idaho Code § 31-2002(1).

In reviewing a complaint made to our office pursuant to this statute, we must make three threshold determinations: (1) whether the person who is the subject of the complaint is a county officer occupying an elective office, (2) whether the officer in question was acting in his or her official capacity when the actions complained of took place, and (3) whether the acts described in the complaint constitute a potential violation of state criminal law. We do not have jurisdiction to investigate the allegations in your complaint because those allegations do not satisfy the first requirement. Mr. Klopfenstein was not an elected county officer as a member of the West Ada school board. See I.C. § 31-2001.

If you believe that a crime has been committed, you can contact either the sheriff's office or the prosecuting attorney's office in the county where you believe the crime was committed.

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You can also contact a private attorney to determine whether there are any potential remedies available to you.

Sincerely,



JEFF NYE
Lead Deputy Attorney General
Special Prosecutions