



**ADA COUNTY PROSECUTING ATTORNEY  
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November 13, 2020

Matt Tobeck  
Idaho Freedom Foundation  
802 W Bannock Street  
Suite 405  
Boise, ID 83705

Mr. Tobeck,

Enclosed please find a copy of a letter regarding your Greater Boise Auditorium District Open Meeting Law violation complaint.

Please call with any questions.

Sincerely,

**JAN M. BENNETTS**  
Ada County Prosecuting Attorney

By: Shawna Dunn  
Deputy Prosecuting Attorney

JMB:SD;jhn

Enclosures



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November 13, 2020

Michael Stoddard  
Hawley Troxell  
877 W Main Street  
Suite 1000  
Boise, ID 83702

Mr. Stoddard,

As you know, our office received an Opening Meeting Law violation complaint regarding Greater Boise Auditorium District meeting held August 19, 2020. The complaint came in the form of a letter from the Idaho Freedom Foundation expressing their concerns that the meeting had violated Idaho Code Section 74-206. The complaint alleged that potential development of the Idaho Expo "fairground" property was discussed during the executive session on August 19, 2020. That property is currently owned by the county and the complaint averred that discussion of such real property in executive session was improper and a violation of the Open Meeting Law. Upon receipt of the letter, I contacted the Ada County Sheriff's Office and requested an investigator be assigned. Ada County Sheriff's Detective Robert Trejo undertook the investigation. Detective Trejo spoke to the Local Government Analyst for the Idaho Freedom Foundation, for more information about the complaint. He then conducted interviews of several individuals about the alleged violation, including GBAD representatives.

Detective Trejo was referred to you, as GBAD's counsel for comment on the situation. On October 19, 2020 Detective Trejo and I contacted you about the ongoing investigation. Detective Trejo and I informed you at that time that our investigation was nearing completion. By that point in the investigation, we had learned that no decisions were made and no formal action was taken on the matter of the fairgrounds during the August meeting. Thus, the violation, if any, consisted of the private exchange of information that should have been on the public record. Given the absence of formal action, Detective Trejo and I advised that publishing the information that had been exchanged in the executive session would be a satisfactory "cure" pursuant to Idaho Code Section 74-208 (b), in the event that a violation was confirmed. We told you that we would be in touch again after the investigation was complete and our decision had been made.

Detective Trejo's investigation is now complete. We have concluded that a violation occurred, as described in the original complaint. Accordingly, I spoke to you by phone earlier today, and shared our conclusion that discussing real estate currently owned by a public agency was an improper subject for an executive session pursuant to Idaho Code Section 74-206(1). During that call you shared that you believed that GBAD is prepared to cure the violation at their next regularly scheduled session. Thus, we will consider this the response and cure period, during which enforcement action is stayed, per Idaho Code Section 74-208 and we will take no action for 14 days. It is our hope that by the end of the 14 days the issue will have been cured.

Thank you for being open to our discussions and to correction of the issue.

Sincerely,

**JAN M. BENNETTS**

Ada County Prosecuting Attorney

A handwritten signature in black ink that reads "Shawna Dunn". The signature is written in a cursive style with a long horizontal flourish at the end.

By: Shawna Dunn

Deputy Prosecuting Attorney

JMB:SD:jhn

cc: Idaho Freedom Foundation