

**PHIL HART**  
KOOTENAI COUNTY

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## House of Representatives State of Idaho

**July 14, 2010**

**Thomas R. Loertscher**  
Ethics Committee Chairman  
State of Idaho House of Representatives  
1357 Bone Road  
Iona, Idaho 83427

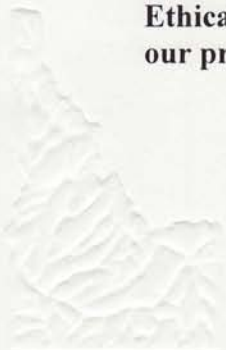
**RE: Your Correspondence of June 30, 2010, House Ethics Committee  
Representative Phil Hart's Answer to the Complaint  
filed by Minority Leader Representative Rusche**

**Dear Chairman Loertscher:**

I am enclosing herewith my Answer to the referenced complaint issued by Minority Leader Representative Rusche and mailed to me on June 30, 2010. In the interest of due process, I sent a letter dated July 7, 2010 seeking clarification of the generic complaints lodged by Rep. Rusche. However, I did not receive a response to this letter. Starr Kelso, my attorney, spoke with Brian Kane, the Committee's attorney, and was advised by Mr. Kane that a letter of clarification was being forwarded from you. Mr. Kane was asked to ascertain the status of any such clarification, and was going to get back to my attorney.

Should you be able to elicit clarification and specificity from Rep. Rusche regarding his generalized complaints based upon "news accounts", "appearances", and "perceptions" I will be more than glad to respond. And in accordance with House Rule 76, I hope that I would have the opportunity to respond in writing to any refinement of the charges prior to any hearing with the Ethics Committee.

As is well known across our great state, I am an ardent supporter of our Constitutional Rights and responsibilities. Likewise I equally support our legislature and its procedures. Ethical issues, no matter whether they are small or large, valid or invalid, are critical to our process and to the fundamental rights of all Idaho's citizens.



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Chairman Loertscher  
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I disagree with the assertions of the charging letter. Nonetheless, I respect Representative Rusche's right as Minority Leader to raise any issue of concern. I have no hesitancy in accounting for, and defending, all of my actions as an elected representative of District 3.

I am, however, concerned that anyone could choose to base an ethics complaint upon what "appears" from "recent news accounts." If the legislature were to convene an ethics committee each time a news account infers, implies, or even accuses one of its members of some inappropriate action we would literally have no time to attend to the peoples' business.

I hope that when this proceeding is through the legislature gives due consideration to requiring that in the future all ethical complaints be clear and specific, and not based upon rumor, news accounts, and innuendo.

Very truly yours,



Representative Phil Hart

c: Committee Members



**STARR KELSO**  
**Attorney at Law #2445**  
**P.O. Box 1312**  
**Coeur d'Alene, Idaho 83816**  
**Tel: 208-765-3260**  
**Fax: 208-664-6261**

**Attorney for Representative Hart**

**STATE OF IDAHO, HOUSE OF REPRESENTATIVES**  
**HOUSE ETHICS COMMITTEE**

**IN RE: Complaint against           :           ANSWER OF REPRESENTATIVE**  
**Representative Phil Hart        :           PHIL HART**

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**COMES NOW Phil Hart, by and through his attorney of record, and does hereby answer and respond to the complaint filed by Minority Leader John Rusche as follows:**

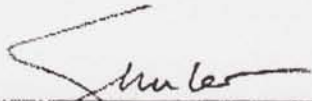
**Allegation number 1: Representative Hart attempted to use his position as a Member of the Idaho House to obtain special treatment from the Idaho Tax Commission.**

**ANSWER: DENIED. All issues and proceedings before the State of Idaho Tax Commission are governed by the laws and regulations of the state. That the proceedings of the State Tax Commission involved questions involving Mr. Phil Hart in his individual capacity and not as a Member of the Idaho House. All rulings regarding Mr. Hart in all proceedings before the State Tax Commission were made by the State Tax Commission in his individual capacity and not as a Member of the Idaho House.**

**Allegation number 2: Representative Hart violated House Rule 38.**

**ANSWER: DENIED.** At no time has Representative Phil Hart ever voted upon any question before the House or participated in the business of the House and its committees regarding any matter that was of sole personal interest to him. All such conduct of Mr. Hart in his capacity as the Representative from District 3 has been for the interest and welfare of all citizens of the State of Idaho. To the extent that any matter that Mr. Hart participated in may, or may not, have affected him as an individual it at no time impacted him solely or in a special manner as opposed to each and every other citizen of the State of Idaho.

**DATED this 14<sup>th</sup> day of July, 2010.**



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**Starr Kelso, Attorney for Representative Hart**

## Certificate of Service

I HEREBY CERTIFY that on this 14<sup>th</sup> day of July, 2010, I served a true and correct copy of the foregoing **ANSWER** upon each member of the committee as indicated below:

United States Express Mail:

REPRESENTATIVE THOMAS LOERTSCHER  
Ethics Committee Chairman  
State of Idaho House of Representatives  
1357 Bone Road  
Iona, Idaho 83427

Email:

REPRESENTATIVE BERT STEVENSON  
[jstevens@house.idaho.gov](mailto:jstevens@house.idaho.gov)

REPRESENTATIVE BILL KILLEN  
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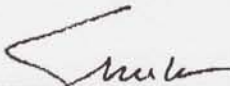
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**Starr Kelso**