

Idaho Supreme Court is knocking on Bedke's door

Marty Trillhaase/Lewiston Tribune

Idaho's elected leadership has become so corrupted by corporate cronyism that you no longer matter.

For once, that's not us saying it.

That message is coming from the Idaho Supreme Court.

The five members - all Republicans - were unanimous. They include former Idaho Attorney General Jim Jones and all three justices appointed by Gov. C.L. "Butch" Otter.

In a breathtaking ruling last week, the Supreme Court placed a final stake through the heart of the voided \$60 million Idaho Education Network.

That was the sweetheart deal former Administration Director - and Otter best buddy - Mike Gwartney struck with politically wired Qwest (now CenturyLink) and Education Networks of America. Gwartney's machinations froze out the legitimate low bidder, Syringa Network LLC, and produced a system that delivered broadband to Idaho schools at double what it cost those schools to buy the service directly.

Gwartney and his successor, former Director Teresa Luna, turned a blind eye to Syringa's lawsuit and then offered reassurance after reassurance that all was well - even after the federal government cut off e-rate dollars that were supposed to cover 75 percent of the bills.

"Rather than recognizing that the actions of former Director Gwartney corrupted the procurement process, (the Department of Administration) doggedly defended that process to the bitter end," the court ruled. Gwartney's action had the effect of replacing "side-by-side, end-to-end competing contracts" with a "non-competitive blended arrangement that left state users with no lower cost choice."

Read between the lines of the court's ruling and you see a pattern: State officials were more sympathetic to the interests of two politically influential companies - than to the taxpayers.

For instance, the state should be clawing back the \$29.7 million CenturyLink and ENA already collected in a bogus contract.

That's what the law says.

Opines the court, the "proper officer 'of the state of Idaho' " - presumably Luna's successor, Administration Director Robert Geddes - is obligated to "seek repayment of the money advanced ... if repayment is refused or delayed."

Assuming that doesn't happen, Attorney General Lawrence Wasden can insist.

Otherwise, where is the state going to find the money needed to repay the feds for the \$13.3 million in e-rate dollars that were already provided?

The taxpayers?

Instead of negotiating with CenturyLink and ENA for reimbursement, legislative leaders were discussing how to extend them even more money. As Idaho Education News' Kevin Richert reported, the companies claimed they are owed up to another \$7.5 million.

At least the Supreme Court's ruling scotched those talks.

As usual, taxpayers also are being soaked for lawyers on both sides. They'll have to cover Syringa's legal bills - about \$950,000 - as well as \$1.2 million spent on the Boise lawyers hired to defend the state. You can bet the Supreme Court ruling is not the last of the legal maneuvering on this case, so the bills will continue to rise.

Even more stunning is the timing. Appellate courts tend to ponder and take their time. In this case, the court ruled 13 days after hearing oral arguments.

That can mean only one thing - the justices expedited their ruling in time to grab the Legislature's attention while it's still in session.

Good thing, too.

So far, the Legislature's response to Otter's IEN scandal - as well as the governor's private prison scandal - has been to propose refining Idaho's procurement laws.

But the laws were broken.

What's needed is an outsider to see those laws are enforced.

For years, state Rep. John Rusche, D-Lewiston, has proposed creating an inspector general who can follow up on tips from whistleblowers and disgruntled citizens.

Had an IG been on the scene to take Syringa's complaint early on, Otter's administration might have resolved the problem quickly and cheaply.

Rusche's latest version would have the Board of Examiners appoint an independent inspector general, who would serve a six-year term, subject to Senate confirmation.

Rusche also has lined up Republican support. Among his co-sponsors are Sens. Marv Hagedorn and Lori Den Hartog, both R-Meridian, and Reps. Luke Malek, R-Coeur d'Alene, and Judy Boyle, R-Midvale.

But the bill has been bottled up in House Speaker Scott Bedke's Ways and Means Committee for almost a month.

Come on, Mr. Speaker.

The Supreme Court is knocking on your door.

How can you ignore it? - M.T.