

PHIL HART'S RESPONSE TO THE IDAHO ETHICS COMMITTEE RULINGS

The Idaho House of Representatives convened an Ethics Committee to address two ethical complaints filed against Representative Phil Hart. The two complaints were:

1. Did Representative Hart violate House ethical rules by voting on a matter that pertained to him personally as opposed to every other Idaho citizen?; and
2. Did Representative Hart violate House ethical rules by asserting Article III, Section 7 of the Idaho Constitution?

Ethics Committee Rule 76 specifically states as follows:

- “2) The Committee shall make a preliminary investigation of the complaint. If, after investigation, the committee determines no violation has occurred, the complaint shall be dismissed.”

The Idaho House of Representatives Ethics Committee determined by two separate votes as follows:

1. Representative Hart **did not** violate House ethical rules by voting on a matter that pertained to him personally as opposed to every other Idaho citizen.
2. Representative Hart **did not** violate House ethical rules by asserting Article III Section 7 of the Idaho Constitution.

Pursuant to Ethics Committee Rule 76 the Ethics Committee's authority, after determining that no violation of ethical rules occurred, is limited to dismissing the complaints.

Any purported action taken by the Ethics Committee regarding Mr. Hart, such as recommending that he no longer serve on the House Revenue and Taxation Committee, has no basis in law or procedure and exceeds the Committee's authority under Rule 76.

The Committee was advised that Representative Hart would **voluntarily** discuss his membership on the Revenue and Taxation Committee with the Speaker of the Idaho House, and he will do so.

Since January 2005 Mr. Hart has paid over ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000.00) in taxes. Mr. Hart believes that when the law is applied to the facts it will be determined that he has overpaid his income taxes.

September 22, 2010

Starr Kelso

Attorney for Idaho Representative Phil Hart

Telephone: 208-765-3260