

May 29, 2025

DELIVERED VIA EMAIL AND CERTIFIED MAIL

Office of the Prosecuting Attorney
Attn: True Pearce, Prosecuting Attorney
343 East Main St.
Weiser, ID 83672
wcpaefile@washingtoncountyid.gov
tpearce@washingtoncountyid.gov

Re: Response to Letter Dated May 23, 2025, to Ron Jaeger

Dear Mr. Pearce,

This letter is in response to a letter dated May 23, 2025, addressed to our client, Ron Jaeger which is attached hereto. The letter contains allegations that (1) our client engaged in the unauthorized practice of law when he spoke at a public hearing before the Board of County Commissioners (BOCC), (2) the Washington County Prosecutor's office would pursue criminal and civil litigation against him, and (3) he is required to provide private communications under the Idaho Public Records Act.

As noted below, the allegations are unmeritorious and bring into question your own compliance with the Idaho Rules of Professional Conduct. If you continue to pursue these allegations, in accordance with our duties under Idaho Rule of Professional Conduct 8.3(a), we may be required to report you to the Idaho State Bar's Office of Bar Counsel.

The allegation that Mr. Jaeger was engaged in the authorized practice of law at a Board of County Commissioners meeting has no basis in law or fact.

Mr. Jaeger has not engaged in the unauthorized practice of law. Mr. Jaeger appeared in front of the BOCC on May 19th and May 27th in his personal capacity. During the hearings he stated several times that he was there as a concerned citizen. He requested that the BOCC consider a temporary moratorium on the divisions of A1 land until the Planning & Zoning Commission could evaluate the impact of a legal memorandum issued by your office. He urged his elected representatives to delay taking action on an issue of public concern, as he is entitled to do as a citizen, citing his own interpretation of the law and views as a citizen.

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Even if Mr. Jaeger were acting in his official capacity as the Chairman of the Planning and Zoning Commission (which he obviously was not), he would be permitted to present arguments and interpretations of the impacts of various laws or opinions to the BOCC, as it is within the statutory purview of the Planning and Zoning Commission to offer advice and counsel to the BOCC on zoning issues within the county.

Any person of ordinary intelligence can read, review, and interpret Idaho statutes and laws, and express their opinion concerning what the law means, without such conduct constituting the practice of law. Importantly, Mr. Jaeger did not practice law, as that term is generally understood—the rendering of legal advice concerning a party’s legal rights and responsibilities in the context of a for-hire relationship. *State v. Wees*, 138 Idaho 119, 58 P.3d 103 (Idaho Ct. App. 2002). *See also* Idaho Code § 3-104; Idaho Code § 3-420. Rather, Mr. Jaeger expressed an opinion and requested BOCC action based on his own reading of publicly available ordinances and laws—an act that is not, in any jurisdiction, exclusive to licensed attorneys.

Interpreting the language of a law and arguing for a position before an elected body does not constitute legal advice, nor does it violate any Idaho statute or rule governing the practice of law. Your suggestion otherwise misrepresents both the legal standard for the unauthorized practice of law and Mr. Jaeger’s actions. If you are unclear about what does or does not constitute the practice of law, may we suggest consulting with the Standing Committee on Unauthorized Practice of Law for its review before making further baseless allegations. *See* Idaho Bar Commission Rules Section VIII, Rule 802.

The County Prosecuting Attorney does not have exclusive statutory authority to advise the County on legal issues.

While it is true that the County Prosecuting Attorney is tasked with advising the BOCC, it is untrue that he has exclusive authority to do so. If the BOCC chooses, it may seek out and hire private legal representation as it deems appropriate and necessary. Counties often retain outside legal representation in areas where the County Prosecuting Attorney lacks the requisite expertise to represent the county on a legal subject.

However, as stated above, we want to be clear that statements made by citizens during public hearings are not the practice of law nor do they constitute a usurpation of the Prosecutor’s statutory duties. The fact that you view this type of public input as a threat speaks volumes about your respect for the public process and the right of citizens to express concerns to elected officials regarding proposed interpretations of the law.

It is unethical for a Prosecuting Attorney to initiate criminal proceedings against public officers of the County.

As the prosecuting attorney for Washington County, it would violate your ethical duties to initiate criminal proceedings against Mr. Jaeger. County prosecutors serve in a dual capacity—not

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only as an entrusted attorney to prosecute criminal actions in state district court, but also as the attorney trusted to give advice to “the board of county commissioners, and other public officers.” Idaho Code § 31-2604(3). Mr. Jaeger is a public officer of Washington County, and as such, the Washington County Prosecutor’s advisory role established by Idaho Code § 31-2604(3) creates an attorney-client relationship between you and Mr. Jaeger as a member of the Planning & Zoning Commission.

Accordingly, the initiation of criminal charges against Mr. Jaeger by you or anyone in your office risks the appearance of being motivated by internal board politics or retaliation for disagreeing with your legal advice, and therefore, constitutes a serious conflict of interest. In such a situation, another suitable person must be appointed to ensure the integrity of the legal system. *See* Idaho Code § 31-2603 (providing for the appointment of a special prosecutor or the appointment of a special assistant attorney-general when a county prosecutor has “acted as counsel or attorney for a party accused in relation to the matter of which the accused stands charged....”).

Your letter demonstrates a misunderstanding of the Idaho Public Records Act.

The Idaho Public Records Act, Idaho Code 74-101 *et seq.*, was enacted by the Idaho Legislature to ensure that the public has fair and open access to government activities. It protects each citizen’s rights to monitor the actions of state and local government entities by providing access to public records. It is not a tool for county attorneys to use against their own clients or to investigate a public official’s private affairs.

A “public record”, as defined by Idaho Code § 74-101(13), “includes, but is not limited to, any writing containing information relating to the conduct or administration of the public’s business prepared, owned, used or retained by any state agency, independent public body, corporate and politic or local agency regardless of physical form or characteristics.” By implication, public records do not include any documents or communications that are prepared, owned, or used by a person in his private, personal capacity.

As stated above, Mr. Jaeger presented at the BOCC hearing as a concerned citizen. His personal records do not fall under the purview of the Idaho Public Records Act. Any public records generated by his activities as a member of the Washington County Planning and Zoning Commission would fall under your custody as the County Prosecuting Attorney. In the event that a public records act request was properly made, it would be your responsibility to review and authorize the disclosure of any public records under the Act. *See* Idaho Code § 74-103. If you are concerned with Washington County’s generation and retention of public records, you should review the county’s protocols for establishing and designating record custodians.

If you have further questions on the Idaho’s Public Records Act, we suggest reviewing the Office of the Attorney General’s Idaho Public Records Law Manual.

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Continued pursuit of these allegations will bring into question your personal conduct as a licensed attorney.

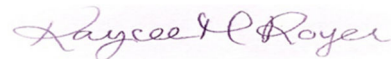
Not only are your positions legally and factually baseless, but they appear to violate Rule 4.4 of the Idaho Rules of Professional Conduct, which prohibits lawyers from engaging in conduct that has no substantial purpose other than to burden or harass another person. Additionally, your attempt to use the Idaho Public Records Act to obtain documents from a private person and potentially intrude into Mr. Jaeger's relationship with his own legal counsel plainly violates the rule. *See* Rule 4.4(a)(2), Comment 1.

We caution you against pursuing this matter further. Doing so would violate Rule 3.1 of the Idaho Rules of Professional Conduct, which restricts attorneys from pursuing frivolous claims, and Rule 3.8, which specifically prohibits prosecutors from filing charges not supported by probable cause. Threatening criminal prosecution to intimidate a citizen to stop them from contradicting your legal opinion while advocating to their elected representatives is prejudicial to the administration of justice and violates your own duties as a lawyer. *See* Idaho R. Prof'l Cond. 8.4(a) and (c), and Comment 5.

Any response to this letter should be directed to Kaycee Royer.

Sincerely,

PARSONS BEHLE & LATIMER



Kaycee M. Royer
Attorney at Law

cc: Ron Jaeger
Alex Leeman, Shareholder, Parsons Behle and Latimer
Kirsten Wallace, Of Counsel, Parsons Behle and Latimer

**OFFICE OF THE PROSECUTING ATTORNEY
WASHINGTON COUNTY, IDAHO**

True Pearce, Prosecuting Attorney

Sean M. Jorgensen, Chief Deputy Prosecutor

*343 East Main Street, Weiser, ID 83672, Phone: (208) 414-2034, Fax: (208) 414-2039
wcpaefile@washingtoncountyid.gov*

May 23, 2025

Ron Jaeger
2787 Salubria Road
Cambridge, Idaho 83610

SENT VIA REGULAR AND CERTIFIED MAIL, AND VIA SHERIFF SERVICE

Dear Mr. Jaeger,

During the Board of County Commissioners meeting held on Monday, May 19, 2025, you introduced yourself as the Chairman of the Washington County Planning and Zoning Commission and proceeded to read legal interpretations of Idaho statutes and county code into the record. You presented a motion allegedly prepared by legal counsel and offered legal advice to the Board regarding statutory interpretation and county legal obligations.

Only licensed attorneys may provide legal advice under Idaho law. If you are not personally licensed to practice law in the State of Idaho, then offering legal opinions to the BOCC constitutes the unauthorized practice of law, which is a criminal offense under Idaho Code § 3-420.

Additionally, giving legal advice to County officials, particularly in an official capacity as P&Z Chairman, encroaches on the exclusive statutory duties of the Office of the Prosecuting Attorney under Idaho Code § 31-2604. Such conduct also raises serious concerns of usurpation of official duties, which may carry additional civil and legal consequences.

If you are indeed represented by legal counsel, please immediately provide the full name and Idaho State Bar number of the attorney who authored or assisted with the legal motion you presented, along with any written legal opinions you relied upon during the meeting. Failure to immediately provide this information will be taken as confirmation that no such attorney exists and that you were unlawfully engaging in the unauthorized practice of law. Should that be the case, I will be ethically obligated to refer this matter for criminal investigation and potential prosecution.

Further, because you were acting in your official capacity as P&Z Chairman—a public officer under Washington County Code—you are considered the custodian of records under the Idaho Public Records Act. Accordingly, this serves as a formal public records request pursuant to Idaho Code § 74-102. Please provide all emails, text messages, letters, written documents, notes, recordings, and records—whether written, electronic, or otherwise—between yourself and any other person, including but not limited to:

- Other Planning & Zoning Board members
- Any County Commissioner
- Any attorneys (named or unnamed)
- Members of the public

Regarding any of the following topics:

- Moratoriums or proposed moratoriums
- Interpretations of County code
- Hiring or consulting with an attorney on County business
- Preparation of the motion presented to the BOCC on May 19, 2025
-

As required by law, you have three (3) working days from the date of this request to provide these records unless you claim an exemption under the Idaho Public Records Act, in which case you must cite the specific exemption relied upon in writing. Claims of attorney-client privilege will not be honored unless a licensed Idaho attorney was retained by the County and the communication remained confidential. Disclosure of such communications to third parties, including the BOCC or the public, constitutes waiver of privilege.

Send To:

Washington County Prosecutor's Office
343 E Main Street
Weiser, ID 83672
208-414-2034
tpearce@washingtoncountyid.gov

Please also note that you are now formally on notice regarding the statutory prohibitions against the unauthorized practice of law and the usurpation of official legal duties. Any claim of misunderstanding, mistake, or lack of knowledge will not be a valid defense for similar conduct in the future. Should you continue to offer legal advice, represent yourself as a source of legal authority, or act outside the scope of your official duties, you do so knowingly and at your own risk.

As the Prosecuting Attorney, I take my constitutional and statutory duty to serve as the legal advisor for Washington County and its officials very seriously. Legal advice must not be laundered through unofficial channels or presented to the Board by non-lawyers or unauthorized actors. This conduct misleads public officials, risks legal liability for the County, undermines the rule of law, is unethical, and is illegal.

Please govern yourself accordingly.

Regards,



True Pearce

Washington County Idaho Prosecuting Attorney
