

Subject: Ethical Complaint Against Bryan Smith and Potential Misconduct Related to Legal Fees in Bingham County Republican Central Committee v. Idaho Republican Party

Dear Idaho State Bar,

I am writing to update and expand upon my concerns regarding potential ethical violations committed by Bryan Smith, an attorney representing the Idaho Republican Party (IDGOP), in the case of **Bingham County Republican Central Committee v. Idaho Republican Party (Case No. CV06-23-1418)**. Recent developments, including a court ruling on April 23, 2025, raise serious questions about Mr. Smith's conduct, as well as the transparency and accuracy of his representations to the court and the public.

Background

The court recently ruled that both parties in the litigation prevailed in part and must therefore bear their own attorney fees and costs. This ruling establishes that the IDGOP is responsible for its own legal fees. However, Mr. Smith and other IDGOP leadership, including Steve Bender, Dorothy Moon, and Mark Fuller, have previously gone on record stating that the fees were never intended to be pro bono. Despite this, these fees have not been disclosed under Idaho's campaign finance laws, and questions remain about the accuracy of representations made in court filings and to the public.

Key Concerns

1. Potential Misrepresentation to the Court and Public:

- Mr. Smith filed documents in court claiming that billing invoices for the legal services provided to the IDGOP were "true and correct copies." However, IDGOP Treasurer Steve Bender has stated that the party never received these invoices. This contradiction raises the question of whether Mr. Smith knowingly submitted false or misleading information in violation of **Idaho Rule of Professional Conduct 3.3(a) (Candor Toward the Tribunal)**.
- The failure to properly disclose the financial arrangements for these legal services also raises concerns about potential violations of **Rule 4.1 (Truthfulness in Statements to Others)**.

2. Concealment of Legal Fees and Potential Conspiracy:

- The IDGOP has not reported the legal fees associated with this litigation on its campaign finance disclosures, despite Mr. Smith's apparent knowledge that these fees were not pro bono. This omission suggests a concerted effort to hide the true financial obligations from both the court and the public.
- As legal counsel, Mr. Smith has an ethical obligation under **Rule 1.6 (Confidentiality of Information)** and **Rule 8.4 (Misconduct)** to avoid assisting

in or enabling potentially unlawful conduct, including the concealment of financial obligations.

3. Failure to Address Campaign Finance Reporting Requirements:

- If Mr. Smith was aware that these legal fees were omitted from the IDGOP's campaign finance reports, his failure to take corrective action may constitute a violation of **Rule 1.13(b) (Organization as Client)**, which requires attorneys to address misconduct by organizational clients.
- This raises broader concerns about whether Mr. Smith has actively participated in or facilitated the IDGOP's failure to disclose these legal fees as required under Idaho law.

4. Ethics of Billing Practices:

- There remains a lack of clarity about how Mr. Smith billed the IDGOP, whether these bills were ever submitted, and whether they were intentionally withheld to avoid disclosure. This lack of transparency raises concerns under **Rule 1.5 (Fees)**, which requires that fees be reasonable and adequately communicated to clients.

Requested Action

I respectfully request that the Idaho State Bar investigate the following:

1. Whether Mr. Smith knowingly submitted false or misleading information in court filings regarding billing invoices for legal services provided to the IDGOP.
2. Whether Mr. Smith failed to take appropriate action to address the IDGOP's apparent failure to disclose legal fees in their campaign finance reports, in violation of his ethical obligations.
3. Whether Mr. Smith's billing practices and communications with the IDGOP regarding these fees comply with the Idaho Rules of Professional Conduct.
4. Whether Mr. Smith has engaged in, or facilitated, any conduct that violates **Rule 8.4 (Misconduct)**, including dishonesty, fraud, deceit, or misrepresentation.

This matter raises significant concerns not only about Mr. Smith's conduct but also about the broader implications for transparency and accountability in Idaho's political process. The public has a right to trust that attorneys adhere to the highest ethical standards, particularly when representing political organizations in matters of public importance.

Thank you for your attention to this matter. Please feel free to contact me if additional details or documentation are required. I am committed to assisting in any way necessary.

Sincerely,

Amy Larsen

Organization: GOP Party Watch

Mission: Providing voters with transparent, fact-based information about Idaho's political party leadership and decision-making.

Subject: Campaign Finance Complaint Regarding Unreported Legal Fees – Idaho Republican Party

Dear Secretary of State,

I am writing to provide updated information regarding my ongoing concern about potential violations of Idaho's campaign finance laws by the Idaho Republican Party (IDGOP). Recent court developments in **Bingham County Republican Central Committee v. Idaho Republican Party (Case No. CV06-23-1418)** have provided additional clarity on this matter.

On **April 23, 2025**, the court issued an order determining that each party in the case prevailed in part and, as a result, both sides must bear their own attorney fees and costs. This ruling definitively establishes that the legal fees incurred by the IDGOP in this litigation were not pro bono and remain the financial responsibility of the party.

This finding directly ties into statements made on record by **Bryan Smith, Dorothy Moon, Steve Bender, and Mark Fuller**, who have all confirmed that the attorneys' fees and costs associated with this lawsuit were never intended to be provided pro bono. Given that these fees have now been established as the responsibility of the IDGOP, their omission from campaign finance reports raises serious concerns about compliance with Idaho's campaign finance laws.

Under Idaho Code § 67-6605, all contributions, expenditures, and debts incurred by a political committee must be reported accurately and in a timely manner. The failure to report these substantial legal fees could constitute a violation of state law, as the contributions (if paid by a third party) or expenditures (if paid by the IDGOP) have not been disclosed to the public.

Key Points of Concern:

1. Attorney Fees and Costs:

- The court order confirms that the IDGOP is responsible for its own legal fees, which appear to have been incurred over a prolonged period of litigation.
- These fees have not been disclosed in any campaign finance reports filed by the IDGOP, raising questions about whether they are being intentionally concealed.

2. Statements on the Record:

- Bryan Smith, Steve Bender, Dorothy Moon, and Mark Fuller have all gone on record stating that the legal services provided to the IDGOP were never intended to be pro bono. This reinforces that these fees represent a financial obligation of the party.

3. Failure to Report Contributions or Expenditures:

- If the legal fees were paid by an outside entity or individual, they constitute in-kind contributions that must be reported.

- If the legal fees remain unpaid, they constitute debts of the IDGOP that must also be disclosed under campaign finance laws.
- To date, no such disclosures have been made, and no amendments to prior reports have been filed to reflect these financial obligations.

This situation raises significant concerns about transparency and accountability in political finance reporting. Voters and the public have a right to know the true financial dealings of political organizations, especially when it pertains to legal costs that may have influenced internal party governance.

Requested Action:

I respectfully request that your office investigate this matter to determine:

1. Whether the IDGOP has failed to disclose attorney fees and costs incurred during this litigation as required by Idaho campaign finance laws.
2. Whether any in-kind contributions related to legal services have been omitted from campaign finance reports.
3. Whether any debts related to unpaid legal fees have been properly reported.

Thank you for your attention to this important matter. I am happy to provide any additional information or documentation needed to assist with your investigation. Please feel free to contact me.

Sincerely,
Amy Larsen

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Subject: Updated Request for Investigation into Potential Conspiracy Perjury and Campaign Finance Violations by Idaho Republican Party Leadership

Dear Sirs,

I am writing to provide updated information and request an investigation into potential criminal conduct, including a possible conspiracy, by individuals associated with the Idaho Republican Party (IDGOP). This matter involves the concealment of legal fees incurred during the litigation **Bingham County Republican Central Committee v. Idaho Republican Party (Case No. CV06-23-1418)** and their apparent failure to comply with Idaho's campaign finance laws.

On **April 23, 2025**, the court issued an order determining that each party in the case prevailed in part, requiring both sides to bear their own attorney fees and costs. This ruling directly establishes that the legal fees incurred by the IDGOP were not pro bono and remain the responsibility of the party.

It is critical to note that Bryan Smith, Steve Bender, Dorothy Moon, and Mark Fuller—key figures within the IDGOP—have all publicly or on record stated that the attorneys' fees for this litigation were never intended to be pro bono. However, these fees have not been disclosed in campaign finance reports, nor has any explanation been provided for how the IDGOP intended to pay them.

Key Issues and Concerns:

1. Potential Conspiracy to Hide Legal Fees:

- Throughout this litigation, no financial disclosures have been made regarding the legal fees, despite repeated public assurances by party leadership that the fees were not pro bono.
- The failure to report these fees suggests a coordinated effort by Bryan Smith, Steve Bender, Dorothy Moon, and Mark Fuller to conceal these financial obligations from both the public and regulatory authorities.
- Now that the court has ruled that each party must bear its own attorney fees, it remains unclear how the IDGOP will "spin" the payment of these fees or explain their absence from financial disclosures.

2. Failure to Report Campaign Finance Loans or Contributions:

- If the legal fees have been paid by outside entities or individuals, they constitute in-kind contributions that must be reported under Idaho campaign finance laws.
- If the fees remain unpaid, they represent a loan or debt obligation, which must also be disclosed in campaign finance filings.
- To date, no such disclosures have been made, which raises the question of whether the IDGOP has intentionally avoided transparency in violation of Idaho law.

3. **Pattern of Deceptive Conduct:**

- This is not an isolated issue but part of a larger pattern of potentially deceptive and conspiratorial behavior by the IDGOP leadership. The failure to disclose these fees aligns with claims made in court that the party leadership acted in bad faith, failed to act transparently, and conspired to undermine internal governance processes.

Criminal and Legal Implications:

- **Conspiracy (Idaho Code § 18-1701):** There is evidence to suggest that party leadership may have conspired to conceal financial obligations related to this litigation.
- **Perjury (Idaho Code § 18-5401):** If any false statements were made in court filings or declarations regarding the status of legal fees, this may constitute perjury.
- **Violation of Campaign Finance Laws (Idaho Code § 67-6605):** The failure to report legal fees, whether paid or unpaid, violates Idaho's campaign finance disclosure requirements.

Requested Actions:

I respectfully request that law enforcement investigate the following:

1. Whether Bryan Smith, Steve Bender, Dorothy Moon, Mark Fuller, or any other individuals conspired to conceal the true nature of the legal fees incurred by the IDGOP during this litigation.
2. Whether any false or misleading statements were made in court filings or public statements regarding these fees.
3. Why the IDGOP has failed to report these legal fees as in-kind contributions, loans, or debts in their campaign finance disclosures, and whether this omission was intentional.
4. How the IDGOP intends to pay these fees now that the court has ruled they must bear their own costs, and whether this payment will be properly disclosed.

This case raises troubling questions about transparency and accountability within the IDGOP. The failure to report these fees not only undermines public trust but may also constitute criminal conduct. I continue to urge your office to investigate this matter thoroughly and ensure that those responsible are held accountable.

Please do not hesitate to contact me if additional information or documentation is required. I am committed to assisting in any way necessary.

Sincerely,

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