



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
RAÚL R. LABRADOR

September 5, 2025

Louis Marshall
Bonner County Prosecuting Attorney
127 South 1st Ave,
Sandpoint, ID 83864

Re: Public Corruption Complaint

Dear Mr. Marshall,

On April 4, 2025, you asked our office to review complaints you had received that Bonner County Commissioner Ron Korn violated state criminal law by improperly disclosing confidential information. Specifically, the complaints alleged Korn informed two land developers that an emergency moratorium regarding land use divisions and permits was about to go into effect allowing the developers to submit last minute applications. The complainants were concerned that this violated Idaho Code § 18-1359(c) because the information about the moratorium was confidential and gave the two land developers an advantage over the public. We have investigated the allegations you forwarded to our office, and we have decided not to file criminal charges for the reasons explained below.

The complaints you provided to us were reviewed pursuant to Idaho Code § 31-2002. That statute authorizes the Attorney General to conduct a preliminary investigation of "any allegation of a violation of state criminal law, against a county officer occupying an elective office for violation of state criminal law in his official capacity." Idaho Code § 31-2002(1). The allegations you sent us were sufficient to invoke our statutory jurisdiction.

The investigation completed by our office revealed the following information:

- On March 21, 2025, Jake Gabell, the Director of the Planning Department, emailed the county commissioners with a request to establish a moratorium on Minor Land Divisions and Family Exemption applications. The planning department recommended waiting until the upcoming board meeting to amend the agenda as an emergency to avoid last-minute applications from developers. The email also stated: "To avoid a serial meeting and any allegations of open meeting law violation, I believe it best to refrain from any communications in person or in writing regarding this request until it is brought before the board on

Tuesday morning." The email was not marked confidential, which Gabell acknowledged was a mistake on his part.

- On March 24, 2025, land developer Josh Pilch received a text message showing the email sent by Gabell to the commissioners. Pilch did not identify who sent the text message but did tell our investigator it did *not* come from Korn. He also stated that he believed the information was public because it was sent to him in a text message and that he did not receive any other information about the moratorium.
- On March 24, 2025, land surveyor Dan Provolt submitted seven Minor Land Divisions and Family Exemption applications. Provolt told our investigator that the applications had been ready for some time prior to submission. He said the timing of the applications was due, in part, because of conversations he had with Gabell. Provolt said he only knew Korn from doing work for him several years ago and that he has not spoken to Korn since Korn assumed office.
- On March 25, 2025, the commissioners passed the moratorium.
- Due to backlash from the public, the moratorium was paused until May 19, 2025, to give people a chance to submit applications.
- Korn told our investigator that he sent Gabell's March 21 email to a single person and only did so to ask whether enacting the moratorium as an emergency action was lawful. He stated that he was trying to prevent an open meeting law violation and to protect the rights of the citizens of the county.

Based on the findings of our investigation, criminally charging Korn for disclosing confidential information would not be appropriate. Idaho law prohibits a public official from disclosing "confidential information . . . with the intent to obtain pecuniary benefit for himself or any other person or entity in whose welfare he is interested or with the intent to harm the governmental entity for which he serves." I.C. § 18-1359(1)(c). Confidential information "means knowledge gained through a public office, official duty or employment by a governmental entity which is not subject to disclosure to the general public and which, if utilized in financial transactions would provide the user with an advantage over those not having such information or result in harm to the governmental entity from which it was obtained." I.C. § 18-1351(2).

There are at least two reasons why criminal charges would not be appropriate:

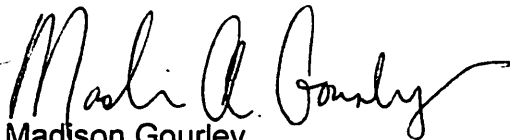
First, the email sent by Gabell to the commissioners on March 21, 2025, was likely not confidential information as that phrase is defined by the statute. It is not readily apparent that any exemption to the Idaho Public Records Act would apply to the email, meaning the email was "subject to disclosure to the general public" and thus not confidential information. I.C. § 18-1351(2). Moreover, the email does not even purport to inform the reader that it had to be kept confidential. Gabell simply stated his opinion that he "believe[d] it best to refrain from any communication in person or in writing regarding this

request." We find it unlikely that a director of a planning department can silence a county commissioner simply by requesting that the commissioner keep information confidential, especially when the county commissioner has a good-faith basis to believe the suggested action may violate Idaho's Open Meetings Law.

Second, our investigation did not uncover any facts to suggest Korn disclosed Gabell's email with the requisite intent. The statute requires a specific intent either "to obtain a pecuniary benefit for himself or any other person . . . in whose welfare he is interested" or "to harm the governmental entity for which he serves." I.C. § 18-1359(1)(c). Nothing in the investigation even suggests that Korn stood to benefit financially from disclosing the email or that he disclosed it to any person who stood to financially benefit and "in whose welfare [Korn] is interested." *Id.* And it would be difficult to argue Korn intended to harm the county given his legitimate concerns related to the Open Meetings Law and the commissioners' subsequent actions delaying the moratorium.

While we do not find any further action is warranted, we appreciate you bringing this matter to our attention. If you have any questions about this investigation or would like copies of our investigator's reports, please feel free to contact our office at any time. We now consider this matter closed.

Sincerely,

A handwritten signature in black ink, appearing to read "Madison A. Gourley". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Madison Gourley
Lead Deputy Attorney General
Special Prosecutions Unit, Criminal Law Division