

Minutes of Meeting
Kootenai County Prosecutor Appointment
August 31, 2022
1:00 p.m.

The Kootenai County Board of Commissioners: Chairman Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks met to discuss the following agenda item. Also present were Prosecutor Barry McHugh, Chief Deputy Prosecutor Art Verharen, Chief Criminal Prosecuting Attorney Laura McClinton, Deputy Prosecuting Attorneys Monica Bushling, Julia Schoffstall, Devin Marks and Donna Gardner, Human Resources (HR) Director Sylvia Proud, KCSO Sheriff Robert Norris, KCSO Undersheriff Brett Nelson, Assessor Bela Kovacs, Chief Deputy Clerk Jennifer Locke, BOCC Administrative Supervisor Leighanna Keiser, BOCC Communications Coordinator Jonathan Gillham and Deputy Clerk Tina Ginorio. Also present were Candidates Bryant Bushling, Donald Gary and Stanley Mortensen, Coeur d'Alene Press Reporter Kaye Thornbrugh and Kootenai County Residents Mark Durant, Mary Fisher-Durant, Neil Uhbil, Jed Whitaker, John Padua, Terri Seymour, Erin Barnard, Linda Putz, William Le and Linda Bushling.

- A. Call to Order:** Chairman Chris Fillios called the meeting to order at 1:03 p.m.
- B. Chairman's Opening Remarks (Discussion)**

Purpose of Meeting

Barry McHugh Resignation

Chairman Fillios stated that the purpose of the meeting was to select Prosecutor Barry McHugh's successor. He said that there would be no public comment accepted at this meeting. He thanked the candidates for being willing to be interviewed.

Acceptance of Barry McHugh Resignation per Idaho Code §59-902

Chairman Fillios reported that the Board had received a letter of resignation from Prosecutor McHugh dated July 13, 2022, which fulfilled the requirements of Idaho Code §59-902. He said that the resignation had been accepted by the Board of County Commissioners and would be effective September 30, 2022.

Procedures to Fill Vacancy by Appointment per Idaho Code §59-906

Chairman Fillios listed the protocols which Idaho Code §59-906 laid out for a resignation from office, its acceptance by the Board and the process by which County Office vacancies could be filled.

Prosecutor Legal Qualifications per Idaho Code §34-623

Chairman Fillios listed the qualifications which a candidate must possess to be eligible to be considered for Prosecutor, per Idaho Code §34-623: 21 years of age or older, admitted to the practice of law within the state, a citizen of the United States and a qualified elector

within the County. He asserted that each of the three candidates met these requirements.

Commissioner Leslie Duncan read the relevant section of Idaho Code §59-906, Subsection 2 into the record.

C. Prosecutor Appointment Consideration (Discussion)

Nominations from Republican Central Committee

Chairman Fillios indicated that each of the three candidates had been nominated by the Republican Central Committee.

Verification of Legal Qualifications of Nominees

Each candidate verified that he met the legal qualification standards as described.

Statement from Nominee Bryant Bushling

Nominee Bryant Bushling introduced himself and briefly described his personal history. He remarked that he saw himself as a pro-active, pragmatic problem-solver, unless a matter of principle were involved. He expressed his admiration for Barry McHugh's achievements as Prosecutor. He explained the reasons he believed he would be able to lead both the criminal and the civil sides of the department.

Statement from Nominee Donald Gary

Nominee Donald Gary introduced himself and offered quick description of his history. He stated that he did not have prosecutorial experience and admitted that he would have the most to learn of the three candidates. He said he was qualified for the position, but did not believe he was the most qualified.

Statement from Nominee Stanley Mortensen

Nominee Stanley Mortensen described his own journey, beginning as a KCSO Deputy, both at the Jail and in Patrol. He said he then sought a law degree and became a prosecuting attorney. He remarked that he felt his origins in law enforcement gave him a unique perspective on the role of Prosecutor.

Kootenai County Resident Summer Bushnell entered the meeting at 1:19 p.m.

Board Questions and Answers

Commissioner Duncan and Chairman Fillios asked each of the candidates to respond to the following questions:

- Tell us why you think you are the best candidate for this position.
- Briefly describe your criminal prosecutorial experience.

- What assurance can you give that you will remain objective in choosing when to prosecute?
- What have you done to familiarize yourself with the day-to-day responsibilities of the job?
- What do you see as the biggest challenges for the Prosecutor’s Office as a whole?
- How would you address those challenges?
- What do you think the Prosecutor’s Office is doing well that you would like to see continue under your leadership?
- Aside from challenges that you would address, what opportunities do you see for improving the operation of the Prosecutor’s Office?
- Where do you see challenges or opportunities for improvement in the Civil Division of the Prosecutor’s Office?
- How would you like to see the Civil Division evolve from its current level of staffing and operation?
- How do you see the Prosecutor’s role as legal counsel for the County?
- Occasionally, Elected Officials have differing views on legal issues. How would you propose to address these conflicts between Elected Officials you represent?
- A few years ago, Human Resources was placed under the supervision of the Prosecuting Attorney. Do you think this should continue? Why or why not?
- What is your familiarity with Juvenile Diversion’s operation?
- What is your commitment to continue the Juvenile Diversion Program?
- Where do you see challenges or opportunities for improvement for the Juvenile Diversion Program?
- What experience do you have in creating and managing a budget for an office this size?

Commissioner Bill Brooks asked Mr. Bushling to explain his 2016 Facebook remarks in relation to a meme about police presence in certain high crime areas.

Mr. Bushling indicated that, at the time, he was not aware of how Facebook really worked and that he thought his comments were made privately to an acquaintance. He added that he learned more about social media when his remarks were widely shared. He explained that he had served in communities in which gang violence was strongly present and that he believed the “Defund the Police” movement had contributed to the increase in deaths, particularly of young, black men.

Mr. Mortensen stated that he felt the Prosecutor’s Office should have a social media presence, but drew a sharp distinction between personal and professional accounts. He said he would not comment on professional issues on a personal account.

Chairman Fillios asked each candidate to comment on whether they would be inclined to defund the FBI (Federal Bureau of Investigations) based on its current actions.

Mr. Gary said that he would be so inclined.

Mr. Bushling replied that he would not be inclined to defund them, but would support a reorganization of the FBI and the elimination of compromised or ineffective members.

Mr. Mortensen commented that the question had no relation to which candidate would be most effective as Prosecutor. He said that Congress would decide what to do about the FBI.

Each candidate made a short closing statement.

Mr. Gary exited the meeting at 2:24 p.m.

D. Deliberations/Decision (Action)

The Board entered into deliberations at 2:24 p.m.

The Commissioners discussed the qualifications of each candidate.

Commissioner Brooks indicated that he felt Mr. Gary lacked the necessary experience and that he preferred Mr. Mortensen.

Chairman Fillios remarked that Mr. Bushling had a great deal of professional experience and Mr. Mortensen brought a law enforcement officer's perspective to the table. He agreed that Mr. Gary lacked necessary experience to fill the role.

Commissioner Duncan pointed out that Mr. Bushling was Prosecutor McHugh's chosen replacement and would provide the most seamless transition. She said that she felt Mr. Mortensen would be an excellent Prosecutor when he had gained more experience; she agreed that Mr. Gary lacked the experience to fill the position at this time.

Chairman Fillios said that, although he had said that public comment would not be taken at the meeting, he had been made aware that people from the Coeur d'Alene Police Force, KCSO and the several from Criminal Division of the Prosecutor's Office felt that either Mr. Mortensen or Mr. Bushling would be an acceptable choice.

Commissioner Brooks moved that the Board select Stanley Mortensen as the next Prosecuting Attorney. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Duncan: Nay

Chairman Fillios: Aye

The motion carried.

E. Adjournment (Action): Chairman Fillios adjourned the meeting at 2:32 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

BOCC SIGNATURE

BY: _____
Tina Ginorio, Deputy Clerk