

Special Investigative Committee
Report of Findings and Recommendations
Senator Kevin Cook

Summary:

The Special Committee regrets that Senator Cook did not participate, nor respond to any follow-up questions from the party organization. The Committee shares concerns raised by petitions in regards to Senator Cook's votes for SB-1147, SB-1176 and SB1167, with the charges being: increased government spending, bailouts/subsidies (launch program) of higher education and funding that is fungible (ie allows other funds to be freed up for these purposes) like critical race theory, abortion and LGBTQ activist organizations, etc. (WWAMI), but does not feel that the potential platform violations rise to the level of recommending a public censure at this time.

With regard to the library bill to prohibit material harmful to minors (HB 314), we, the Special Committee, would have appreciated a response from Senator Cook as to why he voted for the bill initially then voted against it following the Governor's veto.

The Special Committee recommends that the Legislative District Committee remind Senator Cook of his commitment to the Republican Platform and to the party organization from which he sought and obtained a nomination.

The Committee also encourages Senator Cook to engage with the Republican party and initial committees before arguing about the process in public media. We acknowledge that both party and elected officials are learning how to navigate this new process to handle complaints by the membership. The process requires the committee to give fair consideration to not only the representative but also those making claims, with the party platform as the judge of the actions. The initial meetings are confidential so that an independent party can mediate between those making the claims and the representative, to determine if there are substantial differences between the party platform and the record which warrant any further consideration. Ultimately, the final decision to take any public action is made by the entire Legislative District Committee, regardless of recommendations made by the Special Committee.

Statement of Facts and Issue:

On March 28, 2022, Senator Kevin Cook signed and submitted an Integrity in Affiliation document (Exhibit A attached hereto) which provides that:

"I have read the Idaho Constitution and the Idaho Republican Party Platform. I support the Idaho Republican Platform and accept it as the standard by which my performance as a candidate and as an officeholder should be evaluated."

On September 28, 2023 a Petition was delivered to Doyle Beck, Chairman of Legislative District 32 Committee (LD32) containing allegations made against Senator Kevin Cook (hereinafter "Respondent")

pursuant to Article XX Idaho Republican Party Platform Enforcement in connection with possible violations of Article XIII Integrity in Affiliation of the Idaho Republican Party Platform.

At a meeting on October 19, 2023, LD32 sought and received volunteers, who were unanimously approved, for a Special Investigative Committee (SIC) to investigate the allegations. Chairman Doyle Beck appointed Barbara Miller to chair the SIC. Members of the SIC are: Keith Banner, Tom Harrison, Josh Golden and Ben Baker, with Mark Bitter as an alternate. John Cutler who originally volunteered withdrew due to unavailability.

The Petition was provided to Respondent on November 4, 2023. On November 9, Respondent emailed Chairman Beck and advised him that "I have decided not to participate in or attend the SIC meeting" (Exhibit B attached hereto). On November 21, 2023 the SIC Chair noticed Petitioners and Respondents of a SIC meeting on November 27, 2023 to review the allegations and make recommendations (Exhibits C and D attached hereto). Respondent did NOT appear at that meeting. Respondent did NOT provide any written responses to the allegations contained in the Petition. The meeting proceeded on November 27, 2023 with all committee members present, and Petitioners John Jensen, Rusty Devereaux and Carolyn Harrison initially present and then excused. On November 29, 2023 the SIC issued a Follow Up Inquiry to Respondent (Exhibit E attached hereto). No response was received from Respondent.

At issue is Respondent's assertion that ***"I support the Idaho Republican Platform and accept it as the standard by which my performance as a candidate and as an officeholder should be evaluated."***

Allegation 1

Aye vote on HB24; SB1167 Amendment

Finding: The bill violates Article I, Section 1 Paragraphs A, D and E and Article I, Section 2, Paragraph C of the Republican Party Platform. Respondent provided no counterbalancing statement.

Notwithstanding repeated requests, Respondent completely refused to participate in the instant proceedings. Respondent said the Medicaid Budget is unsustainable. The "Launch" program funds "in demand" careers including in the medical field. The "Launch" program establishes and funds an unaccountable and unelected Workforce Development Council.

Recommendation: That Senator Cook be reminded that the Republican Party stands strongly against growing government, including the growth of government school employees and the expansion of government school programs, especially when such expansion amounts to nothing more than a bailout of a non-performing governmental entity. Other than that reminder we recommend that no action be taken by LD32 with regard to this Allegation.

Allegation 2

Aye vote on HB138

Finding: Not a violation of the Idaho Republican Party Platform.

Recommendation: No action be taken by LD32 with regard to this Allegation.

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Allegation 3

Nay vote on HB314 Veto Override

Finding: The bill violates Article XIV, Section 4 of the Republican Party Platform. Respondent provided no counterbalancing statement. Notwithstanding repeated requests, Respondent completely refused to participate in the instant proceedings. Respondent also failed to respond to a direct inquiry as to Respondent's position change on this bill (respondent voted Aye on the bill originally and then Nay on overriding the Governor's veto of the bill). By Resolution passed June 23rd, 2023 the Idaho Republican Party issued a vote of no confidence in Legislators that voted against this bill.

Recommendation: That in the event Senator Cook fails to appear at the hearing before the LD32 committee and provide a valid reason, that he be censured with a Vote of No Confidence for his nay vote on the HB314 veto override.

Allegation 4

Nay vote on SB1038

Finding: The bill violates Article III, Section 3 and Section 4. Respondent provided no counterbalancing statement. Notwithstanding repeated requests, Respondent completely refused to participate in the instant proceedings.

Recommendation: That Senator Cook be reminded that the Republican Party strongly supports "money following students to their parents' school of choice" and "a change to Idaho's public school funding formula that includes school choice through an education savings". Other than that reminder we recommend that no action be taken by LD32 with regard to this Allegation.

Allegation 5

Aye vote on SB1147

Finding: The bill violates Article I, Section 1 Paragraphs A and D; Article III, Section 8 and Article XIV, Section 3 of the Republican Party Platform. Respondent provided no counterbalancing statement. Notwithstanding repeated requests, Respondent completely refused to participate in the instant proceedings.

Recommendation: That Senator Cook be reminded that the Republican Party stands strongly against abortion, Critical Race Theory and transgender-based medicine and that NO taxpayer funds should be used in furtherance of those items; that the Republican Party stands strongly against growing government, including the growth of government school employees; and that Senator Cook consider the legality of Idaho's association with another State governmental entity that is potentially violating Idaho Code 18-8705 and Idaho's laws regarding critical race theory and transgender-based medicine. Other than those reminders we recommend that no action be taken by LD32 with regard to this Allegation.

Allegation 6

Aye vote on SB1176

Finding: The bill violates Article I, Section 1 Paragraphs A and D and Article III, Section 8 of the Republican Party Platform. Respondent provided no counterbalancing statement. Notwithstanding repeated requests, Respondent completely refused to participate in the instant proceedings.

Recommendation: That Senator Cook be reminded that the Republican Party stands strongly against growing government, including the growth of government school employees and the expansion of government school programs, especially when such expansion amounts to nothing more than a bailout of a non-performing governmental entity. Other than that reminder we recommend that no action be taken by LD32 with regard to this Allegation.

Allegation 7

Signature on Petition Calling for Legislative Session to create a May presidential primary.

Finding: Signing the Petition did not violate the Republican Party Platform. However, in June 2023 the Idaho Republican Party issued a Resolution urging Idaho Legislators to call a special session to repeal HB 138 and restore the March presidential primary. Respondent provided no counterbalancing statement. Notwithstanding repeated requests, Respondent completely refused to participate in the instant proceedings.

Recommendation: That Senator Cook be reminded that he should be listening to the Idaho Republican Party and not succumbing to divisive influences. Other than that reminder we recommend that no action be taken by LD32 with regard to this Allegation.

Allegation 8

Idaho Freedom Foundation Spending Index of 13.7%

Finding: Not a violation of the Idaho Republican Party Platform.

Recommendation: We are very much concerned with the sustainability of the spending in Idaho, the growth of the government workforce, and the State's reliance on Federal funding, and would request that Senator Cook work on reining that in as opposed to supporting it. Other than that request we recommend that no action be taken by LD32 with regard to this Allegation.

Allegation 9

Idaho Freedom Foundation Education Index of 59.3%

Finding: Not a violation of the Idaho Republican Party Platform.

Recommendation: We recommend that no action be taken by LD32 with regard to this Allegation.

Allegation 10

Idaho Freedom Foundation Freedom Index of 50.0%

Finding: Not a violation of the Idaho Republican Party Platform.

Recommendation: We recommend that no action be taken by LD32 with regard to this Allegation.

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IDGOP Integrity in Affiliation - Jotform Inbox

Kevin Cook

kjcook64@gmail.com

Submission Date

Mar 28, 2022 8:14 PM

Name

Kevin Cook

Email

kjcook64@gmail.com

What Office Are you running for?

State Senator

What LD are you Running for?

32

Please Select One

I have read the Idaho Constitution and the Idaho Republican Party Platform. I support the Idaho Republican Platform and accept it as the standard by which my performance as a candidate and as an officeholder should be evaluated. I certify that I am not a candidate, officer, delegate or position holder in any party other than the Republican Party

Signature



Exhibit A

11/12/23, 1:38 PM

Gmail - Article XX Rules, Guidelines and the process



Doyle Beck <dhbeck@gmail.com>

Article XX Rules, Guidelines and the process

Kevin Cook <kjcook64@gmail.com>

Thu, Nov 9, 2023 at 8:18 PM

To: Doyle Beck <dhbeck@gmail.com>

Doyle,

I really appreciate you trying to work with me on these rules. At this point I have decided not to participate in or attend the SIC meeting.

Thank You,
Kevin

[Quoted text hidden]

Exhibit B

<https://mail.google.com/mail/u/0/?ik=2c59d1c7f4&view=pl&search=all&permmsgid=msg-f:1782145404643277308&simpl=msg-f:1782145404643277308> 1/1

11/21/23, 9:38 AM

Yahoo Mail - Special Investigative Committee (SIC) Meeting

Special Investigative Committee (SIC) Meeting

From: Barbara Miller (hwy101investments@yahoo.com)

To: kjcook64@gmail.com; wendy.stokes.horman@gmail.com; sjwmick@gmail.com

Bcc: knbanner@outlook.com; tom@idahoparentsforeducationalchoice.com; joshkellyg@gmail.com;
ben_baker33@hotmail.com; markbitter23@gmail.com

Date: Tuesday, November 21, 2023 at 09:38 AM MST

Dear Legislators:

The Special Investigative Committee (SIC) will be meeting on **Monday November 27, 2023 at 6:00pm** at Smith's Chevrolet (upstairs room), 3477 Pioneer Drive, Idaho Falls, ID 83402, to review the allegations made in the Petitions.

To the extent that you have provided responses, we thank you for them. To the extent that you have any additional information, or have not provided responses, we would very much appreciate your attending this meeting so that we are able to determine if there are any counterbalancing statements to take into consideration prior to making our recommendations to the Legislative District 32 Committee.

Please feel free to bring anything/anyone with you that you feel may assist us in making our recommendations.

Thank you in advance for your co-operation and your service to our state and your desire to responsibly carry out your stewardship duties.

Please acknowledge your receipt of this meeting notice.

Thank you.

Barbara Miller
Chair SIC

Exhibit C

11/21/23, 10:03 AM

Yahoo Mail - Special Investigative Committee (SIC) Meeting

Special Investigative Committee (SIC) Meeting

From: Barbara Miller (hwy101investments@yahoo.com)

To: carolyn@idahoparentsforeducationalchoice.com; john.jensen@idwy.net; rusty@rdevro.com; lisadkell@gmail.com

Bcc: knbanner@outlook.com; tom@idahoparentsforeducationalchoice.com; joshkellyg@gmail.com;
ben_baker33@hotmail.com; markbitter23@gmail.com

Date: Tuesday, November 21, 2023 at 10:02 AM MST

Dear Petitioners:

The Special Investigative Committee (SIC) will be meeting on **Monday November 27, 2023 at 6:00pm** at Smith's Chevrolet (upstairs room), 3477 Pioneer Drive, Idaho Falls, ID 83402, to review the allegations made in the Petitions.

If you have any additional information that is not contained in the Petitions, please bring it with you on that date so that it may be furnished to the Respondents and Respondents have the opportunity to respond to it.

Please acknowledge your receipt of this meeting notice.

Thank you.

Barbara Miller
Chair SIC

Exhibit D

12/2/23, 3:36 PM

Yahoo Mail - Follow up Inquiry

Follow up Inquiry

From: Barbara Miller (hwy101investments@yahoo.com)

To: kjcook64@gmail.com

Cc: knbanner@outlook.com; joshkellyg@gmail.com; tom@idahoparentsforeducationalchoice.com;
ben_baker33@hotmail.com; markbitter23@gmail.com; dhbeck@gmail.com

Date: Wednesday, November 29, 2023 at 11:25 AM MST

Senator Kevin Cook,

The Special Investigative Committee met Monday November 27, 2023, as noticed.

We were saddened to see that you chose not to attend. There were many questions that the committee members would have liked to asked you in order to better understand the bill evaluation process. In particular, the committee would like to hear about why you voted for SB-1147, SB-1176 and SB1167, with the issues being: increased government spending, bailouts/subsidies (launch program) of higher education and funding that is fungible (i.e. allows other funds to be freed up for these purposes) like critical race theory, abortion and LGBTQ activist organizations, etc. (WWAMI).

With regard to HB 314 we would appreciate a response from you as to why you voted for the bill initially then voted against it following the Governor's veto. We would very much appreciate understanding what changed your mind with respect to this bill.

As time is of the essence, please provide such response by close of business November 30, 2023.

Looking forward to your response to include in our recommendations.

Sincerely,

Barbara Miller
SIC Chair

Exhibit E