

To: Glenda

Poston gposton@boundarycountyid.org **Cc:** Publicrecordsrequest@boundarycountyid.org

Subject: RE: Public Records Request — Oath of Office for Magistrate Judge Justin W. Julian — All Required Information Provided

Glenda and Public Records Request Office,

Thank you, Glenda, for your responses to my questions. I appreciate your time and your cooperation.

1. The Oath of Office Has Not Been Received

Glenda, you indicated in your response that you had supplied the oath to the PRR office — "it also appeared that we had them so that is what I did supply." However, as of this date, I have not received any documents from the PRR office. On September 10, the PRR office responded to my forwarded request but did not produce the oath of office. Instead, they stated my email was "missing required information" and could not be processed.

I have now provided all required statutory information in the formal request below. I would ask that the PRR office produce the oath of office that Glenda has indicated is available, or provide a written explanation of why it cannot be produced.

2. Formal Public Records Request (All Required Information Provided)

The following information is provided pursuant to Idaho Code § 74-102(4):

- **Name:** Jennifer McLeish
- **Mailing Address:** [REDACTED]
- **Email Address:** [REDACTED]
- **Telephone Number:** [REDACTED]
- **Residency Declaration:** I, Jennifer McLeish, declare under penalty of perjury pursuant to the laws of the State of Idaho that I am a resident of the State of Idaho.
- **Agreement:** I agree that any records obtained pursuant to this request will not be used as a mailing list or telephone number list prohibited by Idaho Code or as otherwise required or prohibited by law.

RECORDS REQUESTED:

I request electronic copies (PDF via email) of the following public records:

1. The signed oath or affirmation of office executed by Magistrate Judge Justin W. Julian upon his initial appointment as a magistrate judge in Boundary County, as required by Article V, Section 7 of the Idaho Constitution and Idaho Code § 59-405.
2. If applicable, any subsequent oath executed following a retention election.

STATUTORY BASIS FOR THIS REQUEST:

Under Idaho Code § 74-102(1), "every person has a right to examine and take a copy of any public record of this state." Under Idaho Code § 74-102(4), a request "may be made by electronic mail" and must include the requester's name, mailing address, email address, telephone number, and a written declaration attesting to residency. All of these elements are provided above. The statute requires "a writing" — it does not require a specific proprietary form. This email satisfies the statutory "writing" requirement.

Under Idaho Constitution Article XII, Section 2, county regulations must be "not in conflict with... the general laws." Under Idaho Code § 31-714, county commissioners may pass rules "not repugnant to law." A county policy that rejects a statutorily compliant written request submitted by electronic mail — solely because it was not submitted on a county form — conflicts with Idaho Code § 74-102(4), which explicitly authorizes requests "by electronic mail."

Under Idaho Code § 74-103, the agency must respond within three (3) working days of receipt.

3. Public Display of Records Request Information — Request for Legal Authority

I have reviewed Boundary County's public records request webpage and note that the county publicly displays the names of individuals who submit records requests, along with the department targeted, the date of the request, and the status. The county also provides downloadable links to the actual request forms submitted by individuals.

I am requesting that the county identify the specific legal authority — statute, rule, or ordinance — that authorizes Boundary County to publicly display the names of private citizens who submit public records requests, along with the details of those requests, on a publicly accessible website.

My review of Idaho Code § 74-102(4) indicates that the statute authorizes the agency to **collect** the requester's name and contact information for administrative purposes — to communicate with the requester and verify residency. I do not find any provision in Title 74 that authorizes the agency to **publish** or **publicly display** that information. Additionally, Idaho Code § 74-102(5) provides that "the custodian shall make no inquiry of any person who requests a public record, except to verify the identity of the requester." If the custodian is prohibited from even **asking** the purpose of a request, publicly displaying the requester's name alongside the department and subject of the request effectively **reveals the purpose** of the request to the public — circumventing the statutory prohibition.

If the county's position is that the records request forms themselves are "public records" subject to disclosure under Title 74, I would note that proactive publication on a website is a **policy choice**, not a statutory mandate. I am not aware of any provision in Idaho law that requires the county to publish requester identities on a publicly accessible webpage.

Please provide:

1. The specific Idaho statute, rule, or ordinance that authorizes the public display of records requester names and request details on the county website.
2. If no such authority exists, please confirm that in writing.
3. If the county's legal counsel has issued an opinion supporting this practice, please provide a copy of that opinion.

4. Summary of Outstanding Items

Item	Status	Action Needed
Oath of office for Magistrate Judge Julian	Not yet produced	PRR office to produce or explain in writing why it cannot
Legal authority for public display of requester names	Not yet identified	County to cite specific statute or confirm none exists
Written confirmation if no oath exists	Not yet provided	County to confirm in writing if record does not exist

Please note that the public records request for Magistrate Judge Julian's oath of office is a standalone, independent request. Production of this record is not contingent upon the county's response to any of the questions raised in this letter regarding the public display of requester information or the legal basis for the county's PRR policies.

Respectfully,


Jennifer McLeish

Subject **Re: Public Records Request**
From <publicrecordsrequest@boundarycountyid.org>
To Jennifer McLeish [REDACTED]
Cc Glenda Poston <gposton@boundarycountyid.org>
Date 2026-09-11 01:13 PM



Records responsive to your initial request can be found on the link below.

[Public Record Requests – Boundary County](#)

As for the subsequent request, Boundary County is not the custodian of state code, nor do we provide legal opinions. Therefore, there are no responsive records for your subsequent request.

On 2026-09-10 04:12 PM, Jennifer McLeish wrote:

I would like to request an acknowledgment of the receipt of the Letter sent via this email chain earlier today as well as an estimate of when I should expect to receive the requested Oath of Office for the Magistrate that Glenda stated earlier was available for the PRR office to furnish.

Jennifer McLeish

On Thu, Sep 10, 2026 at 11:59 AM Jennifer McLeish [REDACTED] wrote:
Please see attached.

On Thu, Sep 10, 2026 at 9:40 AM Glenda Poston <gposton@boundarycountyid.org> wrote:

Please see below, I hope I have answered your questions. I too struggle with the new way for PRR.

Glenda

From: Jennifer McLeish [REDACTED]
Sent: Thursday, September 10, 2026 8:52 AM
To: Glenda Poston <gposton@boundarycountyid.org>
Subject: Re: Public Records Request

Thank you for your response this morning and for forwarding my request to the PRR address. I would appreciate a response to the following specific questions:

1. Is the oath of office for the Boundary County magistrate judge recorded or filed with your office as County Clerk? Is there a reason it cannot simply be emailed to me directly? **I had provided those to the PRR response, did you not receive them?**
2. Is it the policy of Boundary County to divert all individuals' requests — even for simple, single-item such as a magistrate judge's oath of office — to the public records request office? **YES the county has went to a central location for PRR**
3. If the oath is not maintained by your office, which office is the official legal custodian of that record? **I do not believe that we maintain the "Official" spot as the Judge is a state employee, I did check with the TCA and she could produce, but it also appeared that we had them so that is what I did supply**

4. What is the legal basis for requiring a separate records request process for a record that is already in the Clerk's possession? I would need to ask legal this question

I want to be clear that I am not trying to be difficult. I am simply trying to understand the county's procedure in obtaining a records request for future reference.

Thank you for your time and assistance.

Respectfully,

Jennifer McLeish

On Thu, Sep 10, 2026 at 8:09 AM Glenda Poston <gposton@boundarycountyid.org> wrote:

I had added a "s" to the email address. I have forwarded this onto the PRR email address as all of the material you had requested has been supplied, I would assume you would/should receive it today, if not please let me know.

Thanks, Glenda

From: Jennifer McLeish [REDACTED]
Sent: Thursday, September 10, 2026 3:50 AM
To: Glenda Poston <gposton@boundarycountyid.org>
Subject: Re: Public Records Request

Glenda-

I am requesting clarification regarding the public-records contact information and the location of the oath of office for the Boundary County magistrate judge.

1. Please confirm the exact email address you intended to provide for the Boundary County public-records request custodian. Was the address publicrecordsrequests@boundarycounty.org, or was a different address intended?
2. Is publicrecordsrequests@boundarycounty.org an active and monitored email address for Boundary County public-records requests? If not, please provide the correct email address.
3. Is the oath of office for the Boundary County magistrate judge recorded or filed with the Boundary County Recorder's Office under Idaho Code § 59-405(2)?
4. If the oath is not maintained by the Recorder's Office, which office is the official legal custodian of that record?
5. Why was I directed to submit a separate public-records request instead of being allowed to request or inspect the oath directly through the Recorder's Office?
6. Please identify the basis for requiring a separate records-request.
7. If no oath of office exists in the county's records, please confirm that in writing.

Please treat this as a request for a written clarification and, to the extent it constitutes a public-records request, a request for the record or a written response explaining that no responsive record exists.

Jennifer McLeish

On Mon, Aug 31, 2026 at 4:13 PM Glenda Poston <gposton@boundarycountyid.org> wrote:

Jennifer – Can you please place your request to the email of publicrecordsrequests@boundarycountyid.org.

Once it has been received, we will be able to provide you the documents that we have.

Thanks, Glenda

From: Jennifer McLeish [REDACTED]
Sent: Monday, August 31, 2026 1:41 PM
To: Glenda Poston <gposton@boundarycountyid.org>
Subject: Public Records Request

Subject: Public Records Request — Oath and Appointment Records for Magistrate Judge Justin W. Julian

I am writing to request the following public records concerning Magistrate Judge Justin W. Julian.

Under the Idaho Public Records Act, Idaho Code §§ 74-102 and 74-103, and Idaho Court Administrative Rule 32, I respectfully request electronic copies of the following records, if maintained by your office:

1. The signed oath or affirmation of office executed by Judge Julian when he was initially appointed as a magistrate judge.
2. If applicable, any later oath following a retention election.

A PDF scan sent by email would be perfect. I am not asking your office to create a new record—only to provide existing responsive records.

If these records are maintained by another judicial office, such as First Judicial District Trial Court Administration, the Magistrates Commission, or the Idaho Administrative Office of the Courts, I would appreciate it if you could forward the request to the appropriate custodian or let me know who I should contact.

Because I am an Idaho resident, I understand Idaho Code § 74-103 generally requires a response granting or denying the request within three working days. If additional time is necessary to locate or retrieve the records, please let me know.

If there will be any charge, please send me an itemized fee estimate before incurring costs. If any responsive record is withheld in whole or in part, please provide the specific legal basis for withholding it and the written denial information required by Idaho Code § 74-103.legislature.idaho

Thank you very much for your help. I appreciate your time and assistance.

Sincerely,

Jennifer McLeish

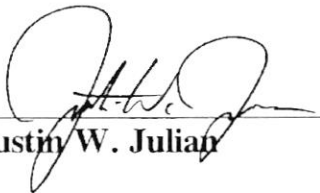
200364

OFFICIAL OATH

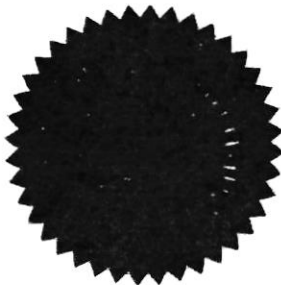
I, Justin W. Julian, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Idaho, and that I will faithfully discharge the duties of

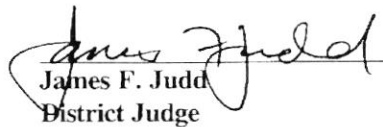
**MAGISTRATE JUDGE
OF
THE FIRST JUDICIAL DISTRICT**

according to the best of my ability.


Justin W. Julian

Subscribed and sworn to before me this 29th day of December, 2000.




James F. Judd
District Judge

200364

STATE OF IDAHO } SS
County of Boundary }

Filed for record at the request of 1st District Admin. Judge
on January 2, 2001 at 8:30 a.m. and recorded in
Book 139 & instruments on page 140

Diane M. Cartwright

County Recorder Rebecca Sauer
By Deputy

Fee \$ NC

Mailed to Filed / Clerk's Office



208310

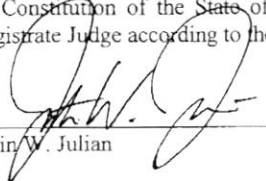
BOUNDARY COUNTY

P.O. Box 419
Bonners Ferry, ID 83805

OFFICIAL OATH OF OFFICE

STATE OF IDAHO)
) SS
County of Boundary)

I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Idaho, and that I will faithfully discharge the duties of Magistrate Judge according to the best of my ability.

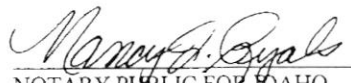

Justin W. Julian

I certify that I administered the above given oath on the 27th day of November 2002.


Diane M. Cartwright
Clerk of the District Court

SUBSCRIBED and SWORN to before me this 27th day of November 2002.




NOTARY PUBLIC FOR IDAHO
Residing at Bonners Ferry
My Commission Expires: 7-19-05

STATE OF IDAHO }
County of Boundary } SS
Filed for record at the request of Boundary County Clerk
on 11-27-02 at 3:45

Diane M. Cartwright C. Peterson
County Recorder By Deputy

Fee \$ 8
Mail to P.O. Box 83720 Boise, Id. 83720-0101
Thomas Frost, C/O Idaho Supreme Court.



208902

BOUNDARY COUNTY
P. O. Box 419
Bonners Ferry, ID 83805

OFFICIAL OATH OF OFFICE

STATE OF IDAHO)
) SS
County of Boundary)

I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Idaho, and that I will faithfully discharge the duties of Clerk of the District Court according to the best of my ability.

Diane M. Cartwright
Diane M. Cartwright

I certify that I administered the above given oath on the 13th day of January 2003.

Justin W. Julian
Justin W. Julian
Magistrate Judge

SUBSCRIBED and SWORN to before me this 13th day of January 2003.



Nancy J. Ryals
NOTARY PUBLIC FOR IDAHO
Residing at Bonners Ferry
My Commission Expires: July 19, 2005

STATE OF IDAHO }
County of Boundary } SS

Filed for record at the request of 1st Magistrate Judge
on 1-13-03 at 9:25

Diane M. Cartwright C. Peterson
County Recorder By Deputy

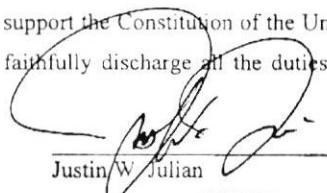
Fee \$ 0
Mail to Silver

229582

OFFICIAL OATH

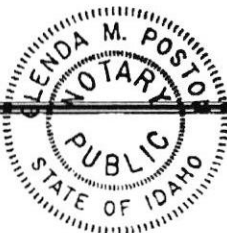
STATE OF IDAHO)
) ss.
COUNTY OF BOUNDARY)

I, **Justin W. Julian** do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution and laws of the State of Idaho; that I will faithfully discharge all the duties of **Magistrate Judge**, according to the best of my ability.


Justin W. Julian

Subscribed and sworn to before me this 28 day of November 2006.


Glenda Poston
Clerk of the District Court
Boundary County, Idaho



STATE OF IDAHO } ss.
County of Boundary }
Filed by: Clerk of Court
on 11-28-06 at 11:00
Glenda Poston
County Recorder C. Peterson
By Deputy

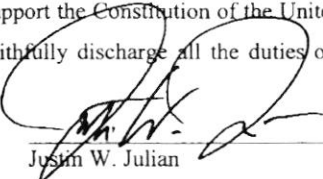
Fee \$ 0
Mail to Filed with Secretary of State

248600

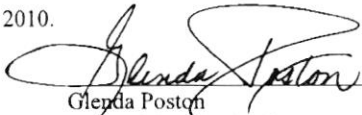
OFFICIAL OATH

STATE OF IDAHO)
) ss.
COUNTY OF BOUNDARY)

I, **Justin W. Julian** do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution and laws of the State of Idaho; that I will faithfully discharge all the duties of **Magistrate Judge**, according to the best of my ability.


Justin W. Julian

Subscribed and sworn to before me this 7 day of December 2010.


Glenda Poston
Clerk of the District Court
Boundary County, Idaho



STATE OF IDAHO }
County of Boundary } ss.

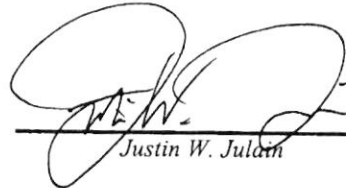
Filed by: Glenda Poston
on 12-7-10 at 3:25
Glenda Poston
County Recorder CPeterson
By Deputy

Fee \$ 8
Mail to 21601

Official Oath

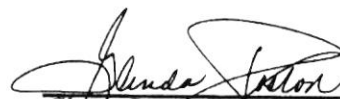
State of Idaho)
) ss.
County of Boundary)

*I, Justin W. Julian do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution and laws of the State of Idaho; that I will faithfully discharge all the duties of **Magistrate Judge**, according to the best of my ability*


Justin W. Julian

Subscribed and sworn to before me this 24th day of November 2014.




Glenda Poston
Clerk of the District Court
Boundary County, Idaho

262398

STATE OF IDAHO } SS.
County of Boundary }

Filed by: Justin Julian
on 11-24-14 at 9:00

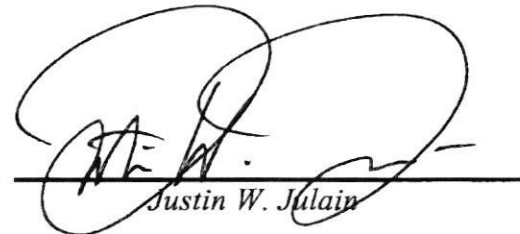
Glenda Poston
County Recorder C. Peterson
By Deputy

Fee \$ 0
Mail to filed

Official Oath

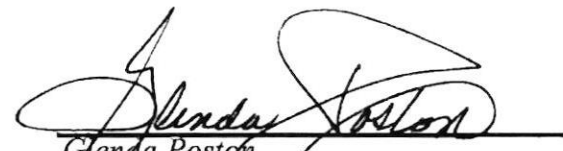
State of Idaho)
) ss.
County of Boundary)

*I, **Justin W. Julian** do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution and laws of the State of Idaho; that I will faithfully discharge all the duties of **Magistrate Judge**, according to the best of my ability*


Justin W. Julian

Subscribed and sworn to before me this 13th day of December, 2018.




Glenda Poston
Clerk of the District Court
Boundary County, Idaho

276283

STATE OF IDAHO }
County of Boundary } SS
Filed by: Justin Sulian
on 12-13-18 at 9:00
Glenda Poston
County Recorder C. Granger
By Deputy
Fee \$ 0
Mail to Hand delivered

293424



BOUNDARY COUNTY
P.O. Box 419
Bonn timer Ferry, ID 83805

OFFICIAL OATH OF OFFICE

STATE OF IDAHO
County of Boundary }
Filed by: SS Clerk
on 1-9-2023 at 9:45
Glenda Poston
County Recorder C. Grawner
By Deputy
Fee \$ 0
Mail to Filed

STATE OF IDAHO)
) SS
County of Boundary)

I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Idaho, and that I will faithfully discharge the duties of Magistrate Judge, District #1 according to the best of my ability.

Justin W. Julian
Justin W. Julian

I certify that I administered the above given oath on the 9th day of January 2023.

Glenda Poston
Glenda Poston
Boundary County Clerk of the Court

SUBSCRIBED and SWORN to before me this 9th day of January 2023.



Pamela M. Barton
NOTARY PUBLIC FOR IDAHO
Residing at Bonners Ferry
My Commission Expires: 04/12/2025
Residing in Naples