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4 JUDICIAL COMMITTEE

5 LIBERTARIAN PARTY OF CALIFORNIA

6 ROBERT & JENNIFER IMHOFF-DOUSARM

7 Plaintiffs,

8 vs.

9 HONOR "MIMI" ROBSON, CHAIR – LIBERTARIAN
10 PARTY OF CALIFORNIA,

11 Defendant

NOTICE OF APPEAL TO OVERRULE PASSED
MOTION BY EXECUTIVE COMMITTEE

12 Robert & Jennifer Imhoff-Dousharm, henceforth referred to as "Plaintiffs" in this appeal, request
13 that the Judicial Committee, acting under authority in Libertarian Party of California Bylaw 14 Section 3, vacate the
14 passed motion to suspend the Plaintiffs from the party – which passed 10-2-2 on August 10th, 2019 during Executive
15 Session of the Executive Committee – on the grounds that said motion was out of order.

16 **Background & Definitions**

17 The Libertarian Party of California, henceforth referred to as "The Party", is governed by the
18 bylaws approved by delegates during convention in April of 2019. This document can be viewed publicly here:

19 [https://u1myo26o1t789cb214fjwxc8-wpengine.netdna-ssl.com/wp-content/uploads/2019/07/Bylaws-and-
20 Convention-Rules-as-Amended-4.6-7.19.pdf](https://u1myo26o1t789cb214fjwxc8-wpengine.netdna-ssl.com/wp-content/uploads/2019/07/Bylaws-and-Convention-Rules-as-Amended-4.6-7.19.pdf)

21 Within the document, Bylaw 5 Section 5 states as follows:

22 *The Executive Committee shall have the power to suspend a County or State Central Committee membership for
23 failure to maintain all the qualifications of membership established in Section 1, or for cause. Notification of the
24 suspension is subject to written appeal within thirty days of notification. Failure to appeal shall terminate the
25 membership. The Executive Committee may reinstate memberships terminated under this section. The term "cause"*

as used in this section shall include but not be limited to the following:

26 *A. Intentionally involving, or threatening to involve, legal authorities in any non-civil dispute against the Party or
27 one of its affiliates; or*

B. Having unpaid debts over ninety days old outstanding to the Party.

28 Within the document, Bylaw 28 states as follows:

*The current edition of Robert's Rules of Order, Newly Revised shall be the parliamentary authority for all matters of
29 procedure not specifically covered by these Bylaws.*

1 As of August, 2019, the current edition of Robert’s Rules of Order, Newly Revised is “11th
2 Edition”, henceforth referred to as “RONR”.

3 **Grounds For Motion Being Out of Order**

4 The Party currently does not have procedures adopted for disciplinary actions in its Operations
5 Manual, or Bylaws. As such, they must follow the procedures outlined in RONR Chapter XX (RONR pp 643).
6 There has been no motions to suspend a member or officer from The Party, since The Party revised bylaws to adopt
7 Robert’s Rules of Order, Newly Revised, 11th Edition in April of 2018. This edition has completely revamped
8 Chapter XX procedures The Party must follow, when considering disciplinary procedures against an officer or
9 member.

10 In RONR, suspension actions are defaulted to the assembly, and not any one officer or committee.
11 However, Bylaw 5 Section 5 gives the Executive Committee the responsibility and authority to suspend a State or
12 County Central Committee member. This Bylaw does not explicitly remove a members right to due process,
13 afforded by RONR, which requires the Executive Committee to provide said due process before a motion to suspend
14 is in order.

15 As such, the following procedures within Chapter XX of RONR were not followed, leading up to
16 the motion in question, and thus should yield the motion out of order:

- 17 1. Only censure of an officer or member can occur without following procedures in RONR
18 Chapter XX, unless a society has alternative procedures which supersede RONR. The
19 Party does not have alternative procedures which supersede RONR (RONR pp
20 643:footnote)
- 21 2. Chair failed to attempt relief of matter quietly and informally before bringing the matter
22 before the Operations Committee and the Executive Committee of The Party (RONR pp
23 644:12)
- 24 3. Chair failed to submit charges and hold formal trial (RONR pp 649:21)
- 25 4. Chair suppressed the members right to due process (RONR pp 656:1)
- 26 5. Chair failed to follow the five (5) basic elements of a fair disciplinary process (RONR pp
27 656:22)

6. Chair failed to allow Executive Committee the right to create an investigation by committee, via an in order motion (RONR pp 656:34)
7. Chair failed to review investigation report, since no motion was moved – and passed - to create report (RONR pp 658:26)
8. Chair failed to receive a passed motion by investigation committee recommending actions be taken against a member (RONR pp 659:9)
9. Chair failed to allow the Executive Committee to put forth a motion to hold trial within 30 days of a recommendation of the investigation committee (RONR pp 660:1)
10. Chair failed to instruct the Secretary of The Party to send a letter by physical mail, certified, that a trial will occur, and the named plaintiffs are the subject of that trial (RONR pp 663:6)
11. Chair failed to allow accused member the right to be present at trial, to provide for a lawyer of their choosing, and to submit witnesses in their defense (RONR pp 663:34)
12. Chair failed to read member the charges presented to them, and failed to receive a plea from the member during a trial process (RONR pp 665:10)

Summary and Conclusion

Based on the facts submitted herein, the Plaintiffs request the Judicial Committee take immediate action, and find that the Chair of The Party was out of order in accepting a motion to suspend the Plaintiffs without following the procedures outlined in RONR Chapter XX.

At a minimum, due process means that a member who will be affected by the authority's decision must be given notice of what the authority plans to do and have a chance to comment on the action. The actions taken against the plaintiffs have caused irreparable damages to the Libertarian Party of Santa Clara County by not allowing the organization the time to prepare for the potential removal of two officers, or to voice their support or opposition to the removal of the individuals they chose to elect.

Assuring due process and that no authority over reaches their power is at the core of what the Libertarian Party of California stands to defend. Without due process within our own organization we risk losing faith of membership or encouragement for members to hold any form of official responsibility.

Dated this 23rd day of August, 2019.



Robert Imhoff-Dousharm



Jennifer Imhoff-Dousharm

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