

Date: Wed, 28 Aug 2019 23:36:36 -0700
From: Joe Dehn <jwd3@dehnbase.org>
To: Mimi Robson <hmrobson@ca.lp.org>
Cc: Brent Olsen <vicechair@ca.lp.org>, Steve Haug <treasurer@ca.lp.org>,
Wendy Hewitt <whewitt@ca.lp.org>, Chuck Hamm <chamm@ca.lp.org>
Subject: request for change of hearing date / evidence needed for this appeal

Thank you for your message of 27 August outlining reasons why you would prefer that we delay the hearing we have scheduled for this case. Thank you specifically for detailing the kinds of evidence that would require extended time and effort to prepare. It does sound like you could be in for a lot of work if you need to prepare all of that material. And we on the Judicial Committee would then also need to expend considerable time and effort to understand and evaluate it all. Plus, as you note, others would need to make time to respond with their own evidence or analysis. It is unfortunate that so much time that LP activists might otherwise be able to spend in advancing our cause might have to be consumed by these things. But I do understand that it may become necessary.

After consulting with other members of the Judicial Committee, I have decided to decline your request. The purpose of the hearing scheduled for 5 September is for the Judicial Committee to receive input on issues that have been raised in the current appeal. The LPC Bylaws charge me, as Chair of that committee, with setting the date for a hearing, with the primary criterion being that we will have a quorum. The members of the Judicial Committee have all agreed that this is a time that they can be available. I myself have already made a change in my personal schedule to allow me to participate at that time. In addition, the other party has stated that they have already made plans to attend at that time. There is no assurance that another time will work as well.

I have reviewed the points raised in the appeal and as far as I can tell resolving none of them will require consideration of the kinds of evidence you say will require extended effort to provide. It's not that I don't think these kinds of evidence are important, or that you won't at some point need to spend time working on preparing them, or that we won't need to spend time evaluating them. It's just that these types of evidence do not appear to be relevant to the points under consideration in this appeal, right now. It is possible that the result of this appeal, or other developments not under your or my control, may make it unnecessary for either of us to put in all that effort -- which would I think be a good thing for all of us. Or it is certainly possible, or even likely, that these types of evidence will become relevant in some future proceeding. But if that turns out to be the case, you will then have the additional time you say you need to do that job -- and the hearing date for the current appeal will have no effect on that.

As to your other point, about the importance of giving everybody a chance to review arguments before the hearing, I agree. Accordingly, we request that you provide your arguments in response to this appeal, along with any relevant evidence, to us in writing by Monday 2 September. Again, there is no need to spend any time developing arguments or collecting evidence concerning points that are not at issue in this case. You may, of course, if you choose, want to get started on some of that as a way to get a head start on any future proceedings, but there is no need to have any of that done by next week. All of the information actually relevant to this case should already be readily available.

We request that you specifically include the following in your response:

- 1) Copies of any communications sent to the Imhoffs, by or on behalf of you or the LPC Executive Committee, prior to the 10 August executive session, informing them of the charge(s) on which they would be judged or the penalty that would be imposed if they were found guilty of said charge(s).
- 2) A list of any committees, other than the Executive Committee, whether created for this purpose or previously existing, that played a role in either investigating this matter or making recommendations to

the Executive Committee, along with the date when each of those committees began work relating to this matter and whether they provided the Executive Committee with a report, and if they did provide a report whether that report was in writing or some other form.

3) A copy of any document defining the rules and procedures, in effect at the time, to be used by the Executive Committee in handling cases involving potential suspension of membership, beyond those already found in the LPC Bylaws or Robert's. (I have already checked the "Operating Procedures Manual" addendum to the Bylaws and did not find anything relevant there.)

4) Since there is at least one point in the appeal that relates to a procedural failure within the executive session, and since there seems to be some confusion about what records were kept of that session, please include a clear statement of whether each of the following exists for that session: recording, minutes, transcript.

If you find that it is not possible to provide any of the information identified above by 2 September, please provide an explanation by that date of why it was not possible.

We take note of your public statements that keeping certain information about this case confidential may be necessary to protect the interests of the LPC. We acknowledge that this is a potential issue in our handling of this appeal. It is not our purpose in dealing with this case to interfere with any legitimate use of executive session by the Executive Committee, or to unnecessarily promote the distribution of information that may be embarrassing to, or otherwise harm, either the LPC or its members. Fortunately, it appears that most of the information with which we will need to deal in deciding the issues in this appeal will not involve information of this type.

I understand that it may turn out that certain documents that we have requested or that you may want to provide because you believe that they are relevant to the issues raised in this appeal could contain information that would create a problem for the LPC if made public, even though revealing that information is not the purpose for which you would be providing those documents to us. For example, if you provide us with a copy of a notice to the Imhoffs informing them of the charge(s), that notice would have to identify the charge(s). In any such case, please contact me before sending us a copy, so that I can arrange for us to receive it in a way that assures that it will not inadvertently become available to people outside our committee. Please also provide along with any such document a separate statement identifying which information in the document needs to be kept confidential. Please describe such information as narrowly as possible, e.g., by identifying the specific words or phrases that represent the confidential information. Please also make clear in each case whether the information needs to be kept confidential because it is not yet known by anybody other than those in attendance during the executive session, or whether it is information that is already known to others but which you would just prefer we try to avoid making known more widely than necessary for the conduct of our business.

Thank you for your cooperation in this matter. Hopefully by focusing our efforts on the points actually at issue in this appeal, we will all be able to get those questions resolved in a manner that is as expeditious as possible while being fair to everybody involved.

Joe Dehn
Chair, LPC Judicial Committee