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**From:** Richard Brown [mailto:[richardbrown02@hotmail.com](mailto:richardbrown02@hotmail.com)]

**Sent:** Monday, September 02, 2019 7:25 PM

**To:** Mimi Robson

**Subject:** Parliamentary Opinion re whether LPC bylaws supersede Chapter 20 of RONR regarding disciplinary procedures

Ms. Mimi Robson, Chair, Libertarian Party of California

Re: Appeal by Robert and Jennifer Imhoff-Dousarm from Adoption of a Motion of Suspension by the Libertarian Party of California Executive Committee

Dear Ms. Robson:

At your request, I have reviewed the Notice of Appeal dated August 23, 2019 filed by Robert and Jennifer Imhoff-Dousarm with the Libertarian Party of California (LPC) Judicial Committee. They appear to be attempting to file some sort of belated "point of order" with the Judicial Committee which neither they nor anyone else raised at the time the motion suspending them was adopted by the Executive Committee. Alternatively, they seem to be trying to "appeal" from a point of order which was never raised or ruled upon. Neither basis is an appropriate basis of an appeal of a suspension to the Judicial Committee. A point of order of the type they are attempting to raise must have been timely... must have been raised at the time of the breach. In addition, they are under disciplinary suspension and as such their rights of membership are suspended.

They also claim that their suspension is void because the procedures in Chapter XX of RONR were not followed. This argument has no merit. THE DISCIPLINARY PROCEDURES OF CHAPTER XX OF RONR ARE APPLICABLE ONLY WHEN AN ORGANIZATION HAS NOT ADOPTED DISCIPLINARY PROCEDURES OF ITS OWN. However, the Libertarian Party of California HAS ADOPTED a comprehensive two step disciplinary process which supersedes the provisions of Chapter XX of RONR. Bylaw 12, Section 6 and Bylaw 5, Section 5 regarding the Executive Committee, expressly authorize the Executive committee, among other things, to suspend County and State Central Committee members. Bylaw 5 Section 6 and Bylaw 14, Section 3 provide for an appeal of a suspension to the Judicial Committee. The review of the Judicial Committee is limited to a review of the consistency of the Executive Committee in accordance with the governing documents of the party. The governing documents were adhered to.

As RONR states on page 583 at lines 6 - 11, regarding additional bylaw articles that organizations may wish to place in their bylaws: "*In professional and some other societies there may be an article on disciplinary procedure; **and such an article can be simple or very elaborate.** Most such provisions, however, are generally unnecessary in ordinary societies, at least at the local level (see 61–63).*" (Emphasis added). The disciplinary procedures contained in the LPC bylaws are rather simple, **but that is all that is all that is required to supersede the disciplinary procedures in RONR which are designed for organizations which have NO disciplinary procedures in their bylaws.**

I also note that the disciplinary procedures in the LPC bylaws are virtually identical to the disciplinary procedures in the Bylaws of the National Libertarian Party. The pertinent part of Article 7, Section 5 of the national bylaws as amended at the 2018 national convention read as follows: "*The National Committee, may, for cause, suspend any member-at-large by a vote of 2/3 of the entire National Committee. The suspended member-at-large may challenge the suspension by an appeal in writing to the Judicial Committee within seven days of receipt of notice of suspension.*" The appeal procedure is also virtually identical to the one set out in the LPC bylaws. I am not aware of anyone having challenged the sufficiency of that provision in the national bylaws to supersede the provisions in RONR. The provisions in the LPC bylaws appear to be based on the provisions in the national bylaws.

Having served as the Parliamentarian at the 2016 and 2018 Libertarian National Conventions and being familiar with the LPC bylaws, the national party bylaws, the provisions of RONR, and the filings associated with this appeal, I believe I am well qualified to offer a professional opinion on this matter. It is my professional opinion that the provisions in the LPC bylaws regarding discipline and suspension of members supersede the provisions in Chapter XX of RONR and render them inapplicable.

It is further my opinion that the purported "appeal" of a point of order is also improper and not well taken and that the appellants have no standing to raise one for the following reasons: First, a point of order would have to have been raised at the time of the breach in the Executive Committee. That was not done. Second, it is too late to raise that point of order now. Third, the Judicial Committee is not the proper venue or body in which to raise a point of order for the first time of a breach which occurred weeks ago in another body. Fourth, a point of order must be raised by a member in good standing OF THE BODY WHICH WAS MEETING. The Appellants are not and were not members of the Executive committee. Fifth, they are not in good standing, being under a disciplinary suspension. They do not have the right to raise a point of order any more than does a guest or other non-member. Sixth, in the event the appellants are trying to couch this appeal as an appeal from a ruling on a point of order, rather than raising the point of order for the first time, there must first be a ruling from which to appeal. There was no point of order raised in the executive committee and no ruling was made on one. Even if one had been raised, the appeal would be to the members of the executive committee, not to the Judicial committee. Therefore, there is no ruling on a point of order to appeal from.

In conclusion, it is my opinion as a professional parliamentarian that the appeal of the appellants is not well taken and should be dismissed.

Please advise me if you need additional information. You have my permission to share this email with the LPC Judicial Committee.

Sincerely,  
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Member, National Association of Parliamentarians  
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