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**Robert and Jennifer Imhoff-Dousarm vs.
The Libertarian Party of California
September 5, 2019– Final Response**

Introduction

The issue in this appeal is to “OVERRIDE PASSED MOTION BY THE EXECUTIVE COMMITTEE.” The motion in question was made in Executive Session of the August 10, 2019 Executive Committee 3rd Quarter meeting held at the Avatar Hotel in Santa Clara, California, and was to Suspend the State Central Committee Memberships of Jennifer and Robert Imhoff for “cause.”

Robert and Jennifer Imhoff-Dousarm, henceforth referred to as the “appellants” (referred to as “plaintiffs” in the Notice of Appeal submitted August 23, 2019) request that the Libertarian Party of California (LPC) Judicial Committee (JC) declare the Motion of Suspension, approved by a super majority of the LPC Executive Committee (EC), Out of Order “after the fact,” and therefore declare the action null and void.

Mimi Robson, LPC Chair, will be responding on behalf of the LPC, henceforth referred to as the “respondents” (Honor “Mimi” Robson, Chair – Libertarian Party of California was referred to as the “defendant” in the Notice of Appeal which is inaccurate).

The issue in this appeal is that the appellants claim the procedures followed in the Central Committee Membership suspensions of the appellants during the EC meeting of August 10, 2019 were fatally flawed. Appellants ask you to declare the motion to suspend the memberships null and void by declaring the motion out of order after the fact.

In the initial response of August 31, 2019 the respondents focused on the issues surrounding the appellants’ lack of standing to file this appeal; in that response we spoke on the initial facts that we believe to be germane to this case. We would ask the JC to look at the arguments given in respect to when a point of order can be made after the fact as those arguments are still valid regardless of standing to make the appeal.

In this response, prior to the hearing to be held at 6:30 p.m., September 5, 2019, the respondents will focus on the appellants’ claim that the EC does not have the authority under the LPC Bylaws to suspend Central Committee Memberships per our rules, and therefore the process would point to RONR Chapter XX.

Note: Although some of the following information was already given in the Initial Response, it will be repeated here for clarity.

The rules governing the Libertarian Party of California are as follows and supersede each other in the order listed:

- Bylaws: Prescribe how the organization shall function. They may not be suspended, except for clauses that provide for their own suspension or clauses clearly in the nature of rules of order. The current document is the Bylaws as Amended at the 2019 Convention.
- Special Rules of Order: Relate to rules for orderly transaction of business that differ from those contained in the adopted parliamentary authority. Special Rules of Order for the LPC include those listed in the LPC Operating Procedures Manual (OPM) and the Convention Rules as amended at the 2019 Convention.
- Rules of Order: Relate to orderly transaction of business. These are usually contained in the adopted parliamentary authority, which in this case is the latest edition of *Robert's Rules of Order, Newly Revised* (RONR).
- Standing Rules: Shall be limited to matters of policy and shall define the operating procedures of the Executive Committee. The Party's standing rules are included in the LPC OPM.

Role of the Executive Committee

Under LPC Bylaw 12, Section 1 (emphasis added): ***The Executive Committee shall be responsible for the control and management of all of the affairs, properties and funds of the Party consistent with these Bylaws, and any resolutions which may be adopted in convention.***

And Section 6: A two-thirds majority of the eligible positions on the Executive Committee shall be required to pass the following: A. ***Removal from office, censure, or suspension*** of a Party officer, Operations Committee member, Executive Committee member, Libertarian National Committee representative, or ***County or State Central Committee member***, or reinstatement of a County Central Committee member.

Role of the Judicial Committee / Standard of Review

Under LPC Bylaw 14, Section 3 (emphasis added): *The Judicial Committee review of a Party action or inaction **shall be limited to the consistency of that action or inaction in accordance with the governing documents of the Party, including these Bylaws and documents to which they refer**, with the only exceptions being Judicial Committee duties mandated by these Bylaws, and arbitration of Party contracts that explicitly call for arbitration by the Judicial Committee.*

At least two Judicial Committee members shall agree to hold a hearing or to consider an appeal. *The Judicial Committee may choose to hold hearings in person, by teleconference, or by videoconference.*

Background

A complaint was brought to the LPC Chair's attention by the staff of a LPC major donor on August 7, 2019 that required immediate attention; as a meeting of LPC EC was scheduled for August 10, 2019, and the agenda had already been set, the Chair called a meeting of the LPC Operations Committee to discuss this matter (the Operations Committee Report given at the August 10, 2019 meeting is added to this response as an attachment). The Operations Committee has no authority to act on issues of State Central Committee Member disciplinary actions; therefore the purpose of this meeting was to discuss the best approach in bringing this complaint to the EC.

Under LPC Bylaw 13, Section 2 (emphasis added): *The Operations Committee shall have the powers of the Executive Committee between meetings of the Executive Committee, **except for the following:** . . . D. **Suspending or censuring any member of the State or County Central Committees.***

At the Operations Committee electronic meeting a motion was made, seconded, and passed with no objections to add "Committee Investigation" to the Agenda of the upcoming EC Meeting. It was also decided that the members in question, the appellants, were to be notified of the agenda item and made aware of the allegation that would be under consideration; Joshua Smith, Operations Committee Member, sent an email notification to the appellants on Wednesday, August 7, 2019 at 8:57 p.m. stating the allegation, and that the issue would be addressed at the upcoming EC meeting. At 9:01 p.m. Mrs. Imhoff replied to the email stating that they would bring relevant documents to the meeting regarding this complaint (these emails will be sent separately, as requested by the Chair of the JC).

Per the LPC Bylaws a motion for suspension can be made at any Executive Committee meeting, without prior notice as the actual "trial" is held by the LPC JC in the form of a *hearing**, if/when the action of suspension is appealed. However the Operations Committee felt that the appellants should be notified in advance and asked to attend the meeting to insure the EC had all of the facts during their investigation and further to insure that the appellants were part of the process of investigation.

* In most legal definitions a *hearing* comes prior to a *trial*. In RONR there is no mention of a *hearing*, so the final determination is held in a *trial*. In the LPC Bylaws there is no mention of a *trial*, so therefore the final determination is during the *hearing*. Therefore, in this response *hearing* and *trial* will be used interchangeably.

On August 8, 2019 the Chair sent an email with the actions of the Operations Committee taken the evening before (attached at the end of this response). This

email notification was given to the EC, as well as all members on the various email reflector lists, that the agenda item had been added.

Under the OPM, p. 8: ***Operations Committee** The Operations Committee shall justify any vote or action taken in writing within 24 hours of the respective vote or action taken. (05/31/2015)*

Because of the seriousness of the allegations as well as the confidentiality of the investigation, the allegations were not released to anyone outside of the Operations Committee, and the appellants themselves, prior to the EC meeting. At that time the only thing that had been decided was to have the EC investigate this claim; nothing further was formally done prior to the EC meeting on August 10, 2019.

At the EC meeting on August 10, 2019, when the agenda item "Committee Investigation" was reached a motion was made, seconded, and passed with no objections, to enter Executive Session so the complaint could be investigated. The EC entered into Executive Session (after all guests left the room) at 10:34 a.m.

Under RONR p. 95, (emphasis added): ***In any society, certain matters relating to discipline** (61, 63), such as trials, **must be handled only in executive session.***

At the start of the Executive Session, the Chair directed all members to turn off all recording devices as the closed session requires confidentiality.

Under RONR p. 96, 6-7: *A member of a society can be punished under disciplinary procedure if he violates the secrecy of an executive session.*

During the course of the closed meeting a motion was made and approved to ask that the appellants come into the room during Executive Session. The appellants entered the room and answered questions from the EC and were given the opportunity to make statements in regards to the allegations. After the appellants left the room an additional motion was made and approved to call a staff member of the LP Major Donor. Emily Tilford was called to answer questions in regards to the allegations. After fully investigating the complaint a motion was made to suspend the memberships of the appellants for cause, with second, and passed via a roll call vote with all EC members present (the minutes of this closed session will be sent separately, as requested by the Chair of the JC). The EC was in Executive Session for one hour and 44 minutes, then rose from Executive Session and called the public meeting back to order at 12:18 p.m. The actions of the closed session were read into the public record, to become part of the minutes, as follows:

It was moved with second to suspend the State Central Committee Memberships of Robert and Jennifer Imhoff. The motion passed with a vote of 10-2-3 (10 yes, 2 no, 2 expressed abstentions, and the Chair did not vote).

The motion was entered into the public record; however the “charge” was not included. “Cause,” in the Bylaws is vague, however a super majority of the body felt that there was sufficient and compelling *cause* to suspend the memberships after seeing the evidence that was presented as well as giving the appellants’ time to answer questions and make statements.

Under RONR p. 655, 1-11 (emphasis added): ***A society has the right to investigate the character of its members and officers as may be necessary to the enforcement of its own standards. But neither the society nor any member has the right to make public any information obtained through such investigation; if it becomes common knowledge within the society, it should not be revealed to any persons outside the society. Consequently, a trial must always be held in executive session, as must the introduction and consideration of all resolutions leading up to the trial.***

The EC is only involved in the investigation of member misconduct and preferring charges, not the “trial”, and so publicly stating the underlying reason for the investigation (the allegation) could raise issues of liability.

Under RONR p. 655, 15-19, (emphasis added): ***Neither the society nor any of its members has the right to make public the charge of which an officer or member has been found guilty, or to reveal any other details connected with the case. To make any of the facts public may constitute libel. A trial by the society cannot legally establish the guilt of the accused, as understood in a court of law; it can only establish his guilt as affecting the society’s judgment of his fitness for membership or office.***

Please note the Executive Committee’s action was to “suspend” the memberships of the two individuals, not to immediately terminate their memberships. The LPC Bylaws gives the EC the authority to suspend memberships with a motion of suspension; the Bylaws require that the suspended members be given the opportunity to appeal the suspension to the JC within 30 days * and request a *hearing* (“trial”). If the appeal is not received in that timeframe the membership is terminated due to the passage of time. If an appeal is received by the LPC JC within the given timeframe the JC is charged with making the final determination to either reinstate or terminate the membership after holding a *hearing* (“trial”).

Note: Much of the above was included in the August 13, 2019 public statement by the Chair. This statement was sent out via email to all members of the LPC Google groups, as well as posted on Facebook; the Chair of the JC commented on the Facebook post. The emails, as well as the Facebook comments, are included as attachments to this response.

* At the 2019 LPC convention the number of days was amended from 15 to 30 to better reflect the time frame given in RONR.

Appellants Grounds for Motion Being Out of Order

The appellants claim that the LPC currently does not have procedures in place for disciplinary actions in its Bylaws or OPM and therefore they point to the rules of Order included in Robert's Rules of Order, Newly Revised 11th Edition—Chapter XX.

The appellants claim that the procedures and processes included in the LPC Bylaws with regard to membership suspension are superseded by RONR Chapter XX and further state that any past precedent regarding to membership suspension would no longer be valid due to the adoption of the current edition or RONR at the 2018 LPC Convention; they state that this edition has “completely revamped Chapter XX procedures.”

Although true that several changes were made to Chapter XX in the 11th Edition of RONR, none of the changes made would affect the citations the appellants provided. In the Preface of the 11th Edition of RONR a list of changes are included. The following is the entry for Chapter XX, which shows that the primary changes are to the treatment of removal of officers, trials, and handling disruptions by members.

RONR Preface, p. xxv-xxvi; 1. A thorough revision of Chapter XX, Disciplinary Procedures, including more detailed treatment of removal of officers and trials as well as expanded provisions on remedies for abuse of authority by the chair in a meeting and on handling disruptions by members.

None of those changes affect the initial processes of investigation, and further none of those changes would mean that Chapter XX would supersede the Bylaws if disciplinary actions are covered in those Bylaws, regardless of how extensive or simple those Bylaw procedures are.

To further illustrate that the changes made do not affect the issues raised by appellants, included as attachments to this response are a side by side comparison of RONR 10th and 11th Editions, with the portions that have changed highlighted in green, and with the appellants citations underlined; and a red-line version of the 10th and 11th editions. None of appellants' citations have changed between the two editions.

Again, regardless of what is contained in RONR Chapter XX, the LPC Bylaws supersede any provisions therein.

*Under RONR p. 14, 17-22 (emphasis added): Except for the corporate charter in an incorporated society, **the bylaws** (as the single, combination-type instrument is called in this book) **comprise the highest body of rules in societies as normally established today. Such an instrument supersedes all other rules of the society.** except the corporate charter, if there is one.*

The current LPC Bylaws also affirm that the Bylaws supersede anything included in RONR that are specific in the LCP Bylaws.

Under LPC Bylaw 28: Parliamentary Authority (emphasis added): *The current edition of Robert's Rules of Order, Newly Revised shall be the parliamentary authority **for all matters of procedure not specifically covered by these Bylaws.***

Appellants further claim that RONR defaults disciplinary actions (suspensions) to the assembly. Bylaw 12 (provided on page two of this response) states that the EC is ***responsible for the control and management of all of the affairs***, which include, ***Removal from office, censure, or suspension of a . . . County or State Central Committee member***. Therefore the Bylaws are clear that it is not the assembly that acts on matters of discipline. The Bylaws do provide that the State Central Committee members can have the ultimate decision making authority on matters that have gone before the JC, and therefore can overturn the ruling of suspension (to either reinstate or terminate membership) **if** the suspended member opts to appeal their membership termination **or** if another Central Committee member opts to reaffirm a membership that the JC reinstated.

Under the LPC Bylaws, p. 11: ***Bylaw 14: Judicial Committee, Section 2 (2/3 required to amend) A Judicial Committee member may not be a member of the Executive Committee, the Operations Committee, the Platform Committee, or the Program Committee. The Judicial Committee shall be the final body of appeal in all Party matters, subject to the provision that a decision of the Committee may be overturned by a three-quarters vote of a convention.***

The LPC Bylaws regarding discipline of members provides the procedure to be followed. Bylaw 5, Sections 5 and 6 gives the two-step procedure which states the EC has the **power** to suspend a Central Committee membership for **cause**, at which point the member can appeal the suspension to the JC for a full **hearing**.

Under RONR p. 583, 6-9 (emphasis added): *In professional and some other societies there may be **an article on disciplinary procedure; and such an article can be simple or very elaborate.***

Bylaw 5: Membership (emphasis added)

Section 5

The Executive Committee shall have the **power** to suspend a County or State Central Committee membership for failure to maintain all the qualifications of membership established in Section 1, or for **cause**. Notification of the suspension is subject to written appeal within thirty days of notification. Failure to appeal shall terminate the 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:

- A. Intentionally involving, or threatening to involve, legal authorities in any non-civil dispute against the Party or one of its affiliates; or
- B. Having unpaid debts over ninety days old outstanding to the Party.

Section 6 (2/3 required to amend)

Upon appeal by a County or State Central Committee member, the Judicial Committee shall hold a *hearing* concerning the suspension. Following the hearing, the Judicial Committee shall rule either to terminate the membership or to restore the membership.

Although, the appellants claim this isn't sufficient to be considered the full procedure, it is what the State Central Committee members have adopted at convention, and has been used as the only process for disciplinary actions in at least the past 18 years. Attempted amendments to this bylaw were made at the 2019 convention, and the amendment (with the exception of changing the number of days to file an appeal) was rejected by the delegates.

There have been no less than three instances since 2001 that this process has been used prior to when the current EC suspended the appellants memberships on August 10, 2019. Below are three cases where the procedures in the LPC Bylaws were followed.

Case One

A Central Committee Membership was suspended at the September 8, 2001 Executive Committee Meeting. In that case the motion was made and discussed in open session and a motion was made, and passed via a roll call vote, to suspend the membership under Bylaw 3, Section 8, for cause. It appears that this was done in open session as the allegations against this member had been discussed at length in the two previous meetings, however during the discussion it was determined that the motion would only say “for cause,” for liability issues (the minutes of that meeting are added as an attachment to this response).

Case Two

A Central Committee Member, and former Officer, had his membership suspended for cause at the December 1, 2001 Executive Committee Meeting. In that case, the basic issues were discussed prior to the EC going into closed session, and a motion to suspend the membership was made and passed via a roll call vote when the committee re-entered open session (the minutes of that meeting are added as an attachment to this response).

For reference, the bylaw referenced (from the 2001 LPC Bylaws):

Bylaw 3: Membership

Section 8

The Executive Committee shall have the power to suspend a county central committee * member for failure to maintain all the qualifications of membership established in Section 3. or for cause. Notification of the suspension is subject to written appeal within fifteen (15) days of notification. Failure to appeal shall terminate membership. The Executive Committee may reinstate membership terminated under this section.

Section 9

Upon appeal by the county central committee members, the Judicial Committee shall hold a hearing concerning the suspension. Following the hearing, the Judicial Committee shall rule either to terminate or to continue membership of a member.

* Note that in the 2001 LPC Bylaws membership is defined as being a county central committee member (not state central committee member).

In the above two examples, although we have been unable to find documentation regarding the hearing, the then LPC Chair, Aaron Starr, stated that in both cases the members appealed their suspensions to the JC and the suspensions were upheld (the memberships were terminated).

Please note that the current edition of RONR in 2001 was the 10th Edition.

Under the 2001 LPC Bylaws, p. 14: *Bylaw 22: Parliamentary Authority: Robert's Rules of Order, as newly revised, shall be the parliamentary authority for all matters of procedure not specifically covered by these Bylaws.*

Case Three

At the September 26, 2009 Executive Committee meeting the EC entered into Executive Session at the end of the meeting (the minutes of that meeting are added as an attachment to this response) and suspended the membership of a State Central Committee member, who was also an At-Large member of the LPC. There was nothing read into the public record after the EC Executive Session, however at the next meeting he was no longer shown as being an At-Large member. I have spoken with members that were in attendance at that meeting, as well as others, and the membership was in fact suspended and appealed to the JC who overturned the suspension and reinstated the member's State Central Committee membership (and this member is still a member of the party today). We note this example for

three reasons; one, it speaks to the precedent that the provisions in the LPC Bylaws have been followed in the past (even when done in complete secrecy); two, it is a well know case within the party as the member in question was Matthew Barnes; and three, it affirms the two-step process provides due process as the membership was reinstated at the conclusion of the JC's process of hearing the case and rendering an opinion.

Please note that Bylaw 5, Sections 5 and 6 in 2009 Bylaws were identical to the current Bylaws with the exception that Section 5 only gave 15 days (not 30 days) for the suspended member to appeal the suspension to the JC.

The above examples show that since at least 2001 the Bylaws have been followed in much the same way they were followed in the case of the appellants, although in the appeal currently under consideration, additional due process was insured and the first two steps of the disciplinary process of RONR were followed. It should also be noted that there is no evidence in any of the meeting minutes from those three suspensions (nor from conversations with individuals involved) that any advance notice was given to the members facing disciplinary action; especially in the third case as it is clear that the member in question fully participated in the meeting leading up to the Executive Session where his membership was suspended.

Appellants Itemized Complaints

Appellants listed procedures (1-12) in their appeal that they claim should have been followed under RONR Chapter XX. Although the respondents could go through this list item by item, that would truly get into the weeds of RONR, and this response has already been heavy on RONR/Bylaws citations (the Chair will be prepared to answer questions on any of the 12 points made during the hearing). Further, as shown above in "**Appellants Grounds for Motion Being Out of Order**," RONR Chapter XX would not supersede the procedures in place in the LPC Bylaws. Instead the respondents will go over the general principals of due process included in RONR Chapter XX which are mirrored, albeit with different phraseology, in the LPC Bylaws.

For the most part, all of the appellant's claims point to the Chair as being solely responsible for actions or inactions of the committee; none of the provisions point to the Chair, but rather the organization. We will not belabor this issue as it seems clear that it was meant to point blame at the Chair.

The basic elements for an equitable disciplinary process are included in RONR. These steps are as follows:

- 1) **Confidential investigation by a committee;**
- 2) **Report of the committee, and preferral of charges if warranted;**
- 3) Formal notification of the accused
- 4) Trial; and

5) The assembly's review of a trial committee's findings

As clearly shown in the previous section, the only items shown above that the EC are responsible for are one and two as the EC holds an investigation and moves for preferral of charges if warranted; one and two are the first step in the two-step process shown in the LPC Bylaws. The first step of the two-step process is the investigation and preferral of charges which was completed on August 10, 2019.

On August 10, 2019 the EC held a confidential investigation of the allegations against the appellants; this was agendized as "Committee Investigation." Although notice to the members under investigation for disciplinary actions is not required in the LPC Bylaws, nor required under RONR, the Operations Committee determined that for a fair investigation the members in question should be given notice; this was done to insure that the appellants were given equal opportunity and due process during this investigation. As stated in **Background** this investigation was in response to communications from the staff of a major donor to the Chair, and once the decision to investigate these allegations at the EC meeting was determined, the appellants were notified within approximately three hours, and invited to attend the meeting to answer questions.

Prior to the EC meeting on August 10, 2019, no formal investigation was done in regards to this matter. The Executive Committee was only noticed that this would be on the agenda per the email sent regarding the Operations Committee meeting but were not given any further information so that the investigation could be completed on completely even ground as well as to maintain the confidentiality of the appellants. Members of the Operations Committee (including the Chair) did initiate phone calls to various County Registrar's of Voters prior to the meeting as that would not be able to be accomplished at a Saturday meeting and it seemed important to insure what information is provided to callers; the information learned from those calls was reported during the investigation.

Prior to the EC meeting, there was no discussion by anyone (i.e. the Chair, Operations Committee, or staff of the donor) as to what, if any, motions would be made or charges preferred as that would be up to the EC to determine after the investigation was complete.

It is "usually" in the best interests of the organization to make every effort to obtain a satisfactory solution to disciplinary matters quietly and informally; it could have been possible to do so, outside of the public eye, during the portion of the meeting when the appellants were included in the Executive Session. However a super majority of the EC believed, after the discussions in closed session with the appellants, that this was not going to be possible as the investigation showed "cause" for suspension and the appellants failed to acknowledge the severity of what they were alleged to have done.

After considering all evidence, and hearing from the appellants and others during the investigation, the EC considered what the appropriate action would be given the issues involved. After lengthy discussion of the members of the EC, it was determined that charges would be preferred and a motion was passed suspending the appellant's memberships for cause.

After the completion of the investigation and the motion to prefer charges, the EC rose from Executive Session and read the action taken into the public record after the appellants has re-entered the room. The motion, and result of the vote, was read into the public record thereby notifying the appellants in person of their suspensions. The appellants could have asked for additional information, made a statement or raised an objection at that time, however they did not. The Chair can say with certainty that had they done any of the above she would have given them the opportunity to speak.

The above represents the full first step in the two-step procedure required for discipline in the LPC Bylaws, and also one and two of the five steps required by RONR. The second step in the LPC's two-step process is the appellant's ability to appeal the suspension to the JC, per Bylaw 5, Section 6. This would, in essence, mirror RONR's items three, four and five (the "trial").

The primary difference between the LPC's procedures on discipline and those in RONR is that in the case of the LPC it is up to the suspended member to request the *hearing/trial*, as opposed to it being automatic. This was likely intentional on the part of the Central Committee members that authored this procedure as it would insure that if the suspended members would prefer that the charges against them not become public, they may decide it's in their own best interest to not bring any additional attention to the matter.

It seems clear that the appellants understood both the charges that were preferred as well as the options they had going forward; that of requesting a hearing by the JC. In an email sent by Mrs. Imhoff after the in-person notification of the suspension and preferral of charges (added as an attachment to this response), she states clearly in the section titled **Background** her understanding that her membership had been suspended for cause, what the essence of the for cause suspension was, and the option of appealing the suspension. This email was sent to Brandon Nelson, LPC Northern Area Coordinator, as Ms. Imhoff stated she wanted to assure that the state was aware of her efforts to abide by their ruling.

Appellants have admitted that they still have recourse in the above referenced email, their Appeal, and in their subsequent "response to request for change of hearing date" document included on the JC website (<http://www.dehnbases.net/lpcjc/201908-Imhoff/20190828-schedule-change-request-response-Imhoff.pdf>). Appellants admit that "relief" is available to them through the existing procedures provided in the LPC Bylaws.

“the Plaintiffs will have up to 48 hours to appeal the motion in questions outcome, which is a suspension of their membership, after a decision in this matter is reached by the Judicial Committee. That motion requires an appeal to the Judiciary Committee no later than September 9th, 2019 at 11:59PM. Changing the current appeals hearing date to September 17th will put addition relief options out of reach for Plaintiffs, should the Judicial Committee not rule in their favor on the current matter.”

It is important to note that the appellants are currently refusing to use the procedure that is available to them, and instead are appealing on procedural grounds.

Conclusion

Respondents request the JC find in favor of the respondents on the grounds that all procedures in the investigation and preferral of charges with regards to the suspension of memberships of the appellants were in conformance with the LPC governing documents (Bylaws and RONR). The investigation phase of the LPC's two-step disciplinary process (or the investigation phase as prescribed in RONR) does not require notification of the members prior to the investigation; however the respondents gave as much notice as possible. The appellants were able to participate in the investigation. The EC completed its investigation, and determined to suspend appellant's memberships for cause; now the appellants have the opportunity to appeal on the merits of the suspension.

Appellants have neither standing nor grounds to appeal the EC's vote on procedural grounds. They only have standing to appeal the suspension as allowed by the LPC Bylaws. Appellants admit they have an opportunity for a trial in their emails, appeal and “response to request for change of hearing date,” but instead they have chosen to attack both the Chair and the LPC EC on the procedures that were followed in the investigation and preferral of charges.

Respectfully Submitted,

Mimi Robson, Chair
Libertarian Party of California