

On the matter of  
The Petition by the State Central Committee  
requesting the Expulsion of Robert and Jennifer  
Imhoff-Dousharm from the Libertarian Party of Idaho

**Petitioner:**

Todd Corsetti on behalf of the State  
Central Committee of the Libertarian  
Party of Idaho

**Respondents:**

Robert and Jennifer Imhoff-Dousharm

**Syllabus**

**Process of the Petition**

This petition has been brought to the Judicial Committee by the State Central Committee, with the petition submitted by Todd Corsetti in his role as a voting member of the State Central Committee, a position held due to his role as Chair of the Bannock County Central Committee. The petition alleges that actions taken on and after May 29, 2022 by Robert and Jennifer Imhoff-Dousharm improperly removed elected officers from their positions, invalidly appointed new officers to those same positions, and misrepresented the status of those positions to party members, state government officials, and the public at large; and that these actions constitute an attempt to fundamentally change the structure of the party with malicious purpose. On the basis of those allegations, the petition requests that the Judicial Committee make the decision to expel Mr. and Mrs. Imhoff-Dousharm from the Libertarian Party of Idaho.

The petition was moved at a meeting of the State Central Committee on June 20, 2022; it was sent to Mr. Loesby, the Judicial Committee Chair, on June 22. The Judicial Committee met on June 23 to discuss how to move forward with the petition, and created an Investigatory Subcommittee, composed of Mr. Raty, Mr. Drake, and Mr. Loesby, to engage in additional fact-finding. This resulted in two interviews, one with the Respondents

on July 6, and one with the Petitioner on July 7, both conducted primarily by Mr. Raty, with Mr. Drake and Mr. Loesby present. The Respondents agreed to be interviewed on the condition that only Mr. Raty would ask questions, and this agreement was respected; the Petitioner accepted questions from all members of the Investigatory Subcommittee.

In their Response, which was filed on June 25, the Respondents moved to vacate the petition on the basis that it was not made in proper order. This basis was examined in the interviews with the Parties, and the Judicial Committee met on July 12 to make a decision on the motion to vacate. By a 2-1 vote, the motion to vacate was denied. The full reasoning and dissent on that decision is available upon request. At that same meeting, the Judicial Committee resolved to contact the Libertarian National Committee (LNC), in order to find out whether the LNC might be able to hear this matter in the stead of the LPID Judicial Committee, due to allegations of bias raised by the Respondents. The LNC Secretary, Ms. Harlos, strongly recommended that all efforts be made to fully resolve the issue within the Libertarian Party of Idaho, rather than reaching externally. Therefore, this potential direction was not pursued further.

Following the denial of the motion to vacate, a hearing was scheduled to consider the petition in full, on July 25. Though all parties and committee members were informed of this meeting, and the public was invited to observe, the Respondents declined to attend the meeting. Therefore, the Committee endeavored to challenge the Petitioner with the arguments made by the Respondents in their Response and during their interview with the Investigatory Subcommittee, in order to give the best representation possible to the absent parties. After the Petitioner gave his closing statement, the hearing was adjourned, and the Judicial Committee retired to deliberate.

On August 1, the Judicial Committee met to make a final decision on this matter, and by a unanimous 3-0 vote, approved this document as the opinion of the Committee.

## **Timeline of events**

April 2 - Libertarian Party of Idaho 2022 convention is held in Idaho Falls

May 17 - Idaho Primary Election

May 19-26 - Various County Central Committee formation meetings are held

May 23 - Meeting of the LPID Delegates to Reno National Convention

May 24 - Meeting of the LPID Executive Board

May 27 - Libertarian National Convention in Reno is called to order

May 29 - Minutes of the various Central Committee meetings are sent to the Executive Board. Access to lpid.org email is removed from 3 members of the Executive Board.

May 30 - Several members of the previous Executive Board sign document submitted to the Idaho Secretary of State

May 31 - Mr. Belnap attempts to contact Mr. Imhoff-Dousharm. The LPID Newsletter mailing list distributes a newsletter claiming the need for a new convention.

June 1 - Mr. Loesby attempts to contact the Executive Board

June 16 - Mr. and Mrs. Imhoff-Dousharm are served a notice of a meeting of the State Central Committee

June 20 - Meeting of the State Central Committee. This petition is moved and passed.

June 30 - Meeting of the State Central Committee. The previous minutes are approved, and the committee resolves that mediation would be acceptable if Mr. and Mrs.

Imhoff-Dousharm are willing.

July 25 - "Save the Date" convention notification is sent to LPID Newsletter mailing list.

## **Facts of the Case**

On April 2, 2022, members of the Libertarian Party of Idaho met in a hotel in Idaho Falls in order to hold a convention. At that convention, motions were made, seconded, and passed; candidates were endorsed; reports were given; and officers, delegates, and members of the Judicial Committee were elected. At no point during that convention was any point raised regarding the State Central Committee, though one motion was made and adopted without objection to recognize that the Libertarian Party of Idaho bylaws call for the

convention to be held “in the final two weeks of the month of April”(Ibid. V.1), and to hold that regardless of this honest error, all members present recognized the convention as legitimate. No challenge was made regarding the orderliness of such a motion, and the convention adjourned soon after. No meeting attempting to call itself a Convention of the Libertarian Party of Idaho was held in the final two weeks of April that has been brought to this committee’s attention.

The officers elected at the April 2 Convention were as follows:

- Robert Imhoff-Dousharm, Chair
- Zachary Callear, Vice Chair
- Dan Karlan, Secretary
- Adam Belnap, Treasurer
- Chris Ward, Region 1 Chair
- Jennifer Imhoff-Dousharm, Region 2 Chair
- Beth Clark, Region 3 Chair
- Darian Drake, Matt Loesby, Timothy Raty, Sterling Reece, and Jayson Sorensen, Judicial Committee Members
- Matt Loesby, Jayson Sorensen, Dan Karlan, David Hynes, Sterling Reece, Darian Drake, Adam Belnap, Chris Ward, and Robert Imhoff-Dousharm, Delegates to National Convention
- Zachary Callear, Jennifer Imhoff-Dousharm, and Joseph Evans, Alternate Delegates to National Convention.

On May 17, 2022, the state of Idaho held its primary elections. Several members of the LPID were on the ballot as candidates for Precinct Committeemen. This list includes: Zachary Callear, Todd Corsetti, David Hynes, Matthew Loesby, Shon Luoma, and Sterling Reece. Also registered as a write-in candidate was Joseph Evans. Of these individuals, most received between 0 and 4 votes for their respective Precinct Committeeman race. Todd Corsetti received 5 votes.

In the 10 days following the primary election, Mr. Callear, Mr. Corsetti, Mr. Loesby, and Mr. Reece held meetings in their respective county seats attempting to form County

Central Committees. Mr. Hynes attended the meeting held by Mr. Loesby in Boise. Also present at those meetings, and allegedly appointed to State Committee Person positions, were Merrill Callear, Amber Corsetti, and Rex Loesby; these individuals did not vote in the supposed County Central Committee meetings, but did accept the positions.

On May 27, 2022, the Libertarian National Convention was called to order. Mr. and Mrs. Imhoff-Dousharm, Mr. Loesby, Mr. Callear, Mr. Belnap, Mr. Reece, Mr. Hynes, Mr. Evans, Mr. Drake, Mr. Karlan, and Mr. Sorensen were all present as either delegates or alternates. Mr. Ward had been elected as a delegate, but due to an illness, did not attend. He gave a written request that Mr. Callear should take up his position as delegate.

On the evening of May 29, 2022, the members who held meetings attempting to form County Central Committees all emailed minutes from those meetings to the LPID Executive Board's email address.

At some point between then and the end of the day on May 29, the email accounts for Zach Callear, Adam Belnap, and Chris Ward were deactivated on the lpid.org email exchange. On the night of May 30, Mrs. Imhoff-Dousharm and Jennifer Luoma, the elected Party Chair and Region 1 Chair of the Executive Board as it had existed prior to the April 2 LPID Convention, along with Mr. Evans, who had been appointed as Region 2 Chair in 2021, Ms. Clark, who had been appointed as Region 3 Chair proper to the April 2, 2022 Convention, and Mr. Imhoff-Dousharm, who had been named Assistant Treasurer in early 2022, signed a letter to the Idaho Secretary of State, with the subject line "Notice of reversion to the original Executive Board." Mr. Imhoff-Dousharm claimed the title of Acting Treasurer on that document. Aaron Mason, Dan Karlan, and Cathy Smith, the previous board's Vice Chair, Secretary, and Treasurer, respectively, did not sign the document. On the evening of May 31, an email was sent to the LPID membership distribution list describing these actions and alleging the need for a new convention in 2022. This set of actions has been described by Mrs. Imhoff-Dousharm as the "rollback," and the group alleged to be officers acting in this effort as the "rollback board," terms which we will adopt for the remainder of this document.

Also on May 31, Mr. Belnap sent an email to the Executive Board's LPID email aliases, as well as to the personal email accounts of Mr. Callear and Mr. Ward. This email called for Mr. Imhoff-Dousharm to "put an end to this and recognize the duly elected officers of the Executive Board," offering to find time to discuss a way to do so. Mr. Belnap also, in that email, explicitly stated a refusal to authorize any expenditures of party funds that had not already been authorized as of May 24, the date of the most recent meeting of the Executive Board.

On June 1, Mr. Loesby sent an email to the personal email addresses of the members of the Executive Board, withdrawing the claim of having formed the Ada County Central Committee. This email cited Idaho Code § 34-1208 as the reason for the retraction; this statute specifies, in part: "Provided that to be elected, a precinct committeeman shall receive a minimum of five (5) votes." The email further made reference to other members of the LPID who may have made the same mistake, and recommended reaching out to those individuals in order to come to a resolution with each. Mr. Callear replied to that email, also recognizing a similar error in his attempt to form the Canyon County Central Committee. No further emails were exchanged on the topic.

On June 6, an email was sent to the LPID membership distribution list soliciting members to volunteer to become Precinct Committeemen. This email did not describe the process by which such volunteers might take office, but alleged that doing so was necessary in order to fill out a State Central Committee.

On June 16, the law firm Echo Hawk & Olsen, acting on behalf of Todd Corsetti, sent a notice of meeting of the State Central Committee via document service to Robert and Jennifer Imhoff-Dousharm at their place of residence. This notice was received that same day. The meeting was scheduled for June 20. The notice indicated that disciplinary action could be taken against Mr. and Mrs. Imhoff-Dousharm as a result of the meeting. The meeting was held via video conference on June 20. Mr. Karlan, Mr. Belnap, and Todd and Amber Corsetti, as well as several observers, were in attendance. Mr. Callear and Mr. and Mrs. Imhoff-Dousharm did not attend.

At the June 20 meeting of the State Central Committee, several motions were made and passed unanimously:

- The State Central Committee adopted a resolution affirming the April 2, 2022 convention as legitimate, proper, and having effect.
- Robert and Jennifer Imhoff-Dousharm were suspended, insofar as they claimed to hold the positions of Acting Treasurer and Chair, respectively, from those positions.
- Robert Imhoff-Dousharm was suspended from the position of Chair of the LPID, and Jayson Sorensen appointed in his place, contingent on Mr. Sorensen's resignation from the Judicial Committee, to finish the 1-year term to which Mr. Imhoff-Dousharm had been elected.
- The Judicial Committee was tasked by the State Central Committee with considering this petition, to expel Mr. and Mrs. Imhoff-Dousharm from the Libertarian Party of Idaho.
- The Executive Board was tasked by the State Central Committee to arrange the details of the next state convention, in the final two weeks of April, 2023, within Region 1 (North Idaho).

At the June 30 meeting of the State Central Committee, the committee resolved that mediation would be acceptable to reach a resolution, if Mr. and Mrs. Imhoff-Dousharm agreed to it.

To date, since the June 20 meeting, neither Robert nor Jennifer Imhoff-Dousharm has contacted either Mr. Sorensen or Mr. Belnap in order to transfer party assets to the officers, nor has either filed an appeal to their suspension with this Judicial Committee.

On July 25, minutes before the Judicial Committee's hearing regarding this matter, an email was sent from the LPID email exchange to the membership distribution list, purporting to announce a convention on August 27, 2022. This email repeats some claims that were first made in the email distributed to membership on May 31, and proposes an agenda consisting of public comment and elections of party officers.

## **Matters which the Judicial Committee must decide**

Expulsion from the party is the most severe disciplinary measure this Judicial Committee has at its disposal. It must be treated with the weight appropriate to its severity. Therefore, the Committee needs to first decide on a standard by which to judge actions, to evaluate whether those actions warrant expulsion.

This question was put to both parties, in the notification of the scheduled hearing. Mr. Corsetti proposed that actions that attempt to fundamentally change the structure of the party, if taken intentionally, unilaterally, and maliciously, outside the scope of a member or officer's rights as granted by the bylaws, warrant expulsion. Mr. and Mrs. Imhoff-Dousharm, in offering no reply, declined to offer a proposition.

The original petition in this matter included several additional allegations of improper action or inaction on the parts of Mr. and Mrs. Imhoff-Dousharm. At the hearing, Mr. Corsetti was asked specifically to note which allegations he believed were serious enough to warrant expulsion. Mr. Corsetti answered that the "rollback," all meetings and decisions of the "rollback board," and the effort of the "rollback board" to appoint Precinct Committeemen, fill County and Legislative District Central Committees, and call a convention, as well as the notification of Convention that had been sent just prior to the hearing, were the actions which met the standard to warrant expulsion. While Mr. and Mrs. Imhoff-Dousharm were not present at the hearing, it is reasonable to assume, in the absence of their notification of a resignation from the party, that their position is that these actions do not warrant expulsion.

In order to come to a decision on this matter, the Judicial Committee must decide whether to adopt Mr. Corsetti's proposed standard or some other, and whether the indicated actions have met that standard, to such a severity that expulsion is necessary.



## Opinion of the Committee

Mr. Loesby delivers the opinion of the Committee, with which Mr. Drake and Mr. Reece join.

The events which have precipitated this petition have had a serious negative impact on the party. Members are confused, officers disagree on who holds which position, and the cultural divide in the national Libertarian Party and its state affiliates has become a structural divide in the Libertarian Party of Idaho. Members and officers are walking away in frustration, and the status of the party's assets is unknown to several elected members of the board, including the Treasurer. This situation is untenable, and recalls echoes of the situation in Oregon which was only recently resolved, as well as recent events in New Hampshire, Massachusetts, Delaware, and Pennsylvania.

Unfortunately, it appears that the only way the matter has been able to be brought before the Judicial Committee which would allow us to resolve it, is this petition for the expulsion of two members, both of whom have served as Chair of the party in recent years. Because of the absence of any formal conversations between the two sides, and the absence of any appeals to formal suspensions, it has not been possible for any committee in the Libertarian Party of Idaho to properly task the Judicial Committee with a simple resolution of the dispute, or for the decision regarding an appeal to a suspension to resolve it. In order to come to a conclusion regarding the issues involved in the divide, and hopefully make progress toward healing that divide, we must also come to a decision on whether to expel Robert and Jennifer Imhoff-Dousharm from the Libertarian Party of Idaho.

Luckily, due to the nature of the divide and the actions involved, there are very few questions of fact in dispute. Almost all disputes are with regard to the interpretation and application of Idaho statute, LPID Bylaws, and Robert's Rules of Order (RONR). If the actions taken by Mr. and Mrs. Imhoff-Dousharm were appropriate and in order, then they should obviously not face any disciplinary action. However, if they were inappropriate and out of order, then we must consider whether it is necessary and appropriate for disciplinary

action against them to include expulsion from the party. We will therefore dedicate the bulk of this opinion to that very question.

## **The standard for expulsion**

Before exploring the events and actions which have motivated this petition, we will consider the standard by which to measure the findings, in order to determine whether the actions warrant expulsion.

As stated in the syllabus, Mr. Corsetti proposed that actions that attempt to fundamentally change the structure of the party, if taken intentionally, unilaterally, and maliciously, outside the scope of a member or officer's rights as granted by the bylaws, warrant expulsion. We largely accept this proposition, with two modifications.

We cannot know the state of any person's mind at any time. Therefore, rather than looking for malice, we should instead look for a repeated refusal to engage with objections to the actions taken.

We would also add that, if a member's actions are obviously likely to put the party or its members at risk of ceasing to be able to function, and objections to their actions are repeatedly ignored, or if less extreme disciplinary actions do not result in any change to the member's behavior, expulsion is justified.

Expulsion would not be justified if the accused parties' actions were in order, if they were taken under duress, if they were promptly corrected, or if lesser forms of disciplinary action or other intervention had succeeded in correcting the actions.

## **The Rollback**

Mrs. Imhoff-Dousharm has alleged, in both the Response and the interview conducted by Mr. Raty with both Mr. and Mrs. Imhoff-Dousharm, that the "rollback" was directly caused by the notifications of meeting minutes which Mr. Callear, Mr. Corsetti, Mr.

Reece, and Mr. Loesby each sent to the Executive Board on May 29. We will examine this claim from several different angles.

Mr. and Mrs. Imhoff-Dousharm were asked in the interview to cite the sections of the bylaws on which they relied when they decided to execute the “rollback.” They did not offer a citation at the time, nor did they offer any written citation between the time of the interview and the hearing. However, to give them the full benefit of the doubt, we will try to construct as strong a justification for a “rollback” as we can.

## **Arguments for the Rollback based on validity of the Convention**

Article V, Section 1 of the LPID Bylaws stipulates that “Regular Conventions shall be held each year, in the final two weeks of the month of April, or in accordance with the Election Laws of the State of Idaho.” Idaho Code § 34-707 requires, in part, that the “state central committee chairman shall preside and cause notice to be given to each legislative district central committee and each county central committee at the earliest possible date” when calling conventions. Perhaps it was to this statute which Mr. Imhoff-Dousharm referred when discussing the subject in the interview. One way to interpret these rules and apply them to the events in question would be to say that, in order to remain in compliance with Idaho law, the convention must be held after the Primary Elections, in order to give time for the Central Committees to form with their new personnel. Mr. Imhoff-Dousharm made vague reference to such a necessity in the interview, and Mrs. Imhoff-Dousharm has said that the amendment to the bylaws which moved the convention from June to April was “in error.”

However, this interpretation does not stand up to basic reason. The statutes are written under the assumption that Central Committees will exist both before and after the Primary Election, and before and after the Convention. Our bylaws call for a Regular Convention to be held in every calendar year, while state law places Primary Elections in even-numbered years. The obvious conclusion, then, is that the calling of Conventions is not dependent on the primary election of the year in question, since half of all Conventions would thereby be impossible to call, but instead, the Central Committees which exist in the months leading up to a convention should be the ones involved in calling it. So, the Central

Committees existing in February and March are the ones which are responsible for organizing a convention in April. Therefore, in 2022, since no County or Legislative District Central Committees existed before May, the Executive Board (and therefore the officers of the State Central Committee) successfully notified all zero County and Legislative District Central Committees of the convention. This nullifies the claim that Mr. Imhoff-Dousharm made in the interview that only half of the proper notifications of convention were sent.

To take it a step further, though, we will assume, *arguendo*, that it was necessary to notify all individuals running for the office of Precinct Committeeman of the upcoming convention, in order to satisfy the need to notify Central Committees. The seven individuals in that category in this case, who are listed in the syllabus, are all Bylaws-Sustaining Members of the LPID, and received notice along with everyone else when the email was sent to the LPID membership distribution list notifying all members of the April convention. Mrs. Imhoff-Dousharm stated in the interview that the Ada County Elections Office informed her that there were Libertarian candidates for Precinct Committeeman in Ada County for the 2022 Primary, before the convention was held. She did not make any effort to investigate who the Precinct Committeeman candidates were, and proceeded to chair the convention, indicating that she did not believe at the time that any such investigation was necessary in order to make the convention proper. Regardless of her lack of investigation, all Precinct Committeeman candidates were notified of the convention, via the membership email. Therefore, again, the convention was legitimate.

However, we will continue even further, and assume, again *arguendo*, that even though all Precinct Committeeman candidates were notified as a matter of course, the lack of specific notifications being sent to the Precinct Committeeman candidates *as such* made the call to convention insufficient. Nevertheless, all seven of the candidates were present in Idaho Falls, credentialed, and participated in the convention as members. They all had the opportunity to challenge the validity of the convention at that time. None did, even when the question of the convention's legitimacy was under discussion regarding the date.

You cannot unring a bell. The previous Executive Board called and arranged for a convention in good faith. Members of the Libertarian Party of Idaho traveled to Idaho Falls in good faith, checked in with credentials in good faith, made motions in good faith, cast

votes in good faith, and expected that the officers elected at the convention would operate in their elected positions in good faith. At no point did any member make a motion challenging the validity of the convention or its results. The officers they elected took office when the convention adjourned. The delegates appointed attended the National Convention. For all the disagreements regarding philosophy, strategy, and messaging among the members of the party and the Board, for all the conflicts regarding Non-Disclosure Agreements and informal communication media, the newly elected Board was able to function. There is nothing in the bylaws which allows the Region 2 Chair to usurp the role of Party Chair, nor for the Party Chair to usurp the role of Treasurer, nor for either of those positions, or both combined, to unilaterally remove the Vice Chair and Region 1 Chair and appoint replacements. This argument for the “rollback” fails.

## **Arguments for the Rollback based on changes to the structure of the Party**

In the interview, Mrs. Imhoff-Dousharm offered an alternate argument in favor of the necessity of the “rollback.” She claims that, because Rex Loesby, Merrill Callear, and Amber Corsetti are not Bylaws-Sustaining Members of the Libertarian Party of Idaho, their appointment to the positions of State Committeeman for Ada County, State Committeewoman for Canyon County, and State Committeewoman for Bannock County, constituted a fundamental change to the structure of the Libertarian Party of Idaho; that this change could not be made without bringing the decision before the members of the Party; that this necessitated calling a new convention in order to bring it about; and that the previous Executive Board needed to be reinstalled in order to accomplish this.

As Mr. Loesby and Mr. Callear both acknowledged on June 1, they each failed to meet the vote requirement in order to win the office of Precinct Committeeman. David Hynes and Joe Evans similarly failed. This means that the purported Ada and Canyon County Central Committee meetings, which attempted to appoint Rex Loesby and Merrill Callear as State Committee persons, were not in order, and had no effect. They therefore cannot have caused a fundamental change to the structure of the party, because they effected no change at all.

The Bannock County Central Committee meeting, this committee has already held to have been called appropriately and to have effect, in the decision regarding the Respondents' motion to vacate. The reasoning of the Majority on that decision also makes reference to the fact that the LPID Bylaws declare that State Committee Persons hold their offices "at the pleasure of the county central committee or until their successors are elected" (*Ibid.* VII.3.1). Neither statute nor bylaws prescribe any other requirement for appointment to such offices. Therefore, Amber Corsetti's appointment was not a fundamental change to the structure of the party. It was merely the filling of a position which was provided for in statute and bylaw, but which had previously gone vacant. It was no more a change to the structure of the party than was the appointment of Beth Clark to the position Region 3 Chair that had been left vacant at the adjournment of the 2020 State Convention.

Furthermore, even assuming, *arguendo*, that this appointment and these attempted appointments had been of a nature that effected a fundamental change to the structure of the party, that would not have necessitated a new convention. At the time of the "rollback," the only actions taken by any purported County or Legislative District Central Committee had been the appointment of officers. No meeting of the State Central Committee had been called, no motions had been made, and no agreements or contracts had been formed. There was no urgent need for any member of the Executive Board to take any action whatsoever, but it would have been completely appropriate for an officer who had concerns related to these meetings to call for a meeting of the Executive Board to discuss the matter, and to invite the individuals involved to such a meeting in order to determine the appropriate response. If the Executive Board was not able to come to agreement on the topic, it would have been entirely appropriate to engage the Judicial Committee to resolve the conflict. The bylaws provide for these mechanisms. They do not, on the other hand, provide that the appropriate mechanism by which to resolve a potential conflict is to call for a Convention. In fact, the bylaws do not provide any way to call a convention other than a Regular Convention at all. Therefore, no convention *can* be called between the adjournment of the April 2, 2022 Convention and the Regular Convention to be held in Region 1, in the final two weeks of April, 2023.

However, we will go one step further, and assume, *arguendo*, that a convention was indeed necessary, and one could indeed be called. Statute prescribes the duty of calling the Convention to the State Central Committee, and bylaws prescribe the arrangement of time and place to the Executive Board. Therefore, such a call to convention, if one were possible under the Bylaws, would have needed to be made either by the Executive Board or the State Central Committee. Neither Todd Corsetti, nor four of the seven members of the Executive Board, have been notified of any meeting in order to effect a call to convention. Any meetings purporting to have moved to call a convention were therefore out of order, since they were not properly noticed, and did not meet quorum requirements. Mrs. Imhoff-Dousharm has never cited, nor is there any possible argument from the bylaws that the appropriate set of individuals to call for such a convention should be four members of the Executive Board from the previous term of office, and one assistant to an officer of the previous Executive Board who had tendered her resignation in April.

However, let us assume, in an extreme departure from anything approaching human reason, that this set of former officers and assistants was the appropriate group of individuals to call such a convention. That would still not cause that group to instantaneously take up their previous offices, nor would it cause the assistant to take up the position of the officer to whom he had been assistant. The only support that Mrs. Imhoff-Dousharm has ever offered for this purported set of appointments is this excerpt from the Response: “The suggested process was to convert the board back to the previous officers and re-establish a convention that meets Idaho election law.” This phrasing does not indicate who made the suggestion, but combined with the text of the May 31 Newsletter email, which states “The Secretary of State has accepted a formal notice from the Party which recognized our party has made this adjustment to come in compliance with Idaho Law, and has a formally filed this document at the state house in our party records,” this gives the implication to the reader that the Secretary of State suggested this course of action.

On the other hand, the Secretary of State’s office has informed the “rollback board,” Mr. Sorensen, Mr. Karlan, Mr. Loesby, and Mr. Raty, at various times, that while the office is perfectly happy to receive documents and add them to the State Department’s file on the Libertarian Party of Idaho, the government of Idaho, as a matter of policy, does not make

recommendations, offer advice, or intervene in political parties' internal processes. So, either Mr. and Mrs. Imhoff-Dousharm made the suggestion that the "rollback" should be enacted, or the Secretary of State's office broke from its official policy, offered advice on how to resolve an internal party conflict to Mr. Imhoff-Dousharm, and then both Mr. Imhoff-Dousharm and the Deputy Secretary of State lied to members of the Libertarian Party of Idaho, when Mr. Imhoff-Dousharm clarified in the interview that the advice received from the Secretary of State's office was simply of the form "we don't believe that what you are planning to do is a violation of criminal statutes," and when the Deputy Secretary of State told Mr. Sorensen, Mr. Karlan, and Mr. Loesby that no guidance was given. Applying Occam's Razor, it is reasonable then to draw the conclusion that, despite the apparent implications of the phrasing in Mr. and Mrs. Imhoff-Dousharm's public statements and the Response to this Petition, the "rollback" was a plan formulated and carried out by Mr. and Mrs. Imhoff-Dousharm, with no reference to statute or bylaws that would justify such actions.

Furthermore, as can be seen in the purported "call to convention" which was sent to the party membership list immediately before the July 25 hearing regarding this petition, no item has been placed on the agenda to resolve this issue. The "save the date" email claims, "*this convention's agenda will only include the internal party elections for officers and judicial committee*" (emphasis original). In the absurd case that the convention was justified, was called properly, and the individuals who called it had the authority to do so, this clearly indicates that no "fundamental change to the structure of the party" needs to be discussed, and therefore, that Mr. and Mrs. Imhoff-Dousharm do not believe that any "fundamental change to the structure of the party" took place.

The "rollback," therefore, was not an act attempting to bring the party into good standing, nor a necessary act in order to protect the party or the rights of the members. It was a unilateral usurpation of offices, and a theft and embezzlement of party assets by the individuals who had the sole ability to control those assets as a matter of coincidence. All actions of the "rollback board" are completely illegitimate, and any communications made by Mr. and Mrs. Imhoff-Dousharm claiming to be the Acting Treasurer and Chair of the Libertarian Party of Idaho are acts of fraud. This extends to all public communications, all



communications and filings with the Secretary of State, all spending of monies, all meetings of the “rollback board,” and the supposed call to convention.

## **Applying the Standard**

Since these actions were not in order, we will now apply the standards as set forth earlier, to determine whether expulsion is necessary and justified in this case.

The phrase which both parties have used in this case, and which lies at the crux of the issue, is “fundamental change to the structure of the party.” So, what is the proper structure of the party? There is no doubt that Precinct Committeemen are able, through some process, to form County and Legislative District Central Committees. There is no doubt as to the offices which compose the Executive Board or the Judicial Committee. There is, however, conflict regarding the composition of the State Central Committee.

Mr. Corsetti asserts that the membership of the State Central Committee is composed of County and Legislative District Central Committee officers, and that the officers of the Executive Board are the officers of the State Central Committee.

Mr. and Mrs. Imhoff-Dousharm have variously claimed, at different points, that the State Central Committee consists of all Bylaws-Sustaining Members of the LPID, and that they do not know of whom the State Central Committee is composed. We will examine both of these claims.

Mr. Corsetti’s assertion regarding the composition of the State Central Committee is almost a word-for-word quoting of the bylaws Article VII. We have previously found his description of the current set of members and officers of that committee to be accurate, in the decision regarding the motion to vacate. The members of the State Central Committee are Todd and Amber Corsetti, and the officers of the State Central Committee are Interim Chair Jayson Sorensen, Vice Chair Zach Callear, Secretary Dan Karlan, and Treasurer Adam Belnap. Regardless of questions whether the officers have the right to vote on the committee, this roster is accurate.

Mr. and Mrs. Imhoff-Dousharm's claim that all Bylaws-Sustaining Members of the LPID are members of the State Central Committee is difficult to support from statute or bylaw. The strongest case that could be made is that when the Bylaws, in VII.2, say "Each of the above members of the state central committee," the phrase "each of the above" is referring not only to the text of VII.1 and VII.2, but also to Article III, Section 1, which says, "All bylaws sustaining members (BSM) of the Party shall enjoy full rights as stated in these Bylaws." This is an absurd stretch. There are three intervening articles in the bylaws between these phrases. In all other parts of the Bylaws, when Bylaws Sustaining Members are included in a list, they are included by name as Bylaws Sustaining Members. The phrase "members of the state central committee" clearly refers only to individuals specified in Article VII.

However, what if, *arguendo*, we take this interpretation as correct? If the entire Bylaws Sustaining Membership of the Party composes the State Central Committee, then, since no bylaws specify the quorum of the SCC, it defaults to the RONR-prescribed majority quorum. If there are roughly 100 Bylaws Sustaining Members of the party right now, as has been implied, then it would require at least 51 Members to attend a meeting of the State Central Committee and call a convention. The convention itself has a quorum rule specified: "Quorum for Regular Conventions shall be more than one half of the eligible members in attendance according to the Credentials Report at the start of that Regular Convention" (*Id.* V.4). Given that there were 19 members credentialed in Idaho Falls, that means that less than 40% of the members that would have been needed to call a convention actually attended it.

To further emphasize the absurdity in this claim, we will examine the hypothetical that all of our wildest dreams come true, and not only does the number of registered Libertarians in Idaho increase to rival the dominant Republican Party (577,507 according to the Secretary of State's July 8, 2022 data), but a full 10% of those registered also joins the LPID organization as dues-paying, Bylaws Sustaining Members. Under the interpretation that all Bylaws Sustaining Members are voting members of the State Central Committee, this would set the number needed to reach a quorum of the SCC at 28,876. For comparison, the Democratic National Convention in 2020, the largest national party convention in American history, had 4,750 delegates, including 771 superdelegates.

Under the logic of the first claim by the Imhoff-Dousharms regarding the composition of the State Central Committee, and assuming these wildly successful numbers, it would take 6 Democratic National Conventions, combined, in order to *call* a convention of the Libertarian Party of Idaho. Since 2 Libertarians in a room together generate 3 opinions, and since based on the last two Libertarian National Conventions, this effect appears to be exponential, we postulate that such a meeting would generate a larger number of opinions than there are hydrogen atoms in the universe. Because this scale of meeting is both principally ridiculous and pragmatically impossible, and in order to protect against violating the laws of thermodynamics, we must reject this interpretation.

The other claim by Mr. and Mrs. Imhoff-Dousharm, that they do not know of whom the State Central Committee is composed, we accept as true. Nonetheless, they have acted in a manner that is clearly in violation of the Bylaws, of RONR, and of basic common sense, to change the roster of the Executive Board; to attempt to appoint Precinct Committeemen through a process which they have not clearly defined, but which is not the process allowed for in either statute or bylaw; and to mislead the members of the party into believing that a valid convention only had partial effect. This constitutes a “fundamental change to the structure of the party,” because according to their claims and actions, the structure of the party exists in a state of quantum superposition between various different organizations, with various different rights and privileges of various offices.

It seems almost too obvious to merit explanation, but the actions which they have taken also had serious risk of putting the party into a dysfunctional state. The emails distributed to the membership have caused confusion. Public communications channels have been consumed with arguments regarding this issue. The members who traveled to Idaho Falls for the April convention have been disenfranchised. Members are wondering whether the party will end up splitting or completely closing down. The party cannot function in this state.

Mr. and Mrs. Imhoff-Dousharm have not made any claims or provided any evidence that would indicate that they took these actions under duress. The closest claim to this category comes from the Response: “The reversion of the board would have been coordinated with less haste had the respondents attempted to coordinate efforts with the

Libertarian Party of Idaho executive board, prior to taking official action with county election offices.” This does not indicate any duress, nor offer any explanation of why the lack of coordination with the Executive Board forced Mr. and Mrs. Imhoff-Dousharm to react in haste, nor why the specific actions they took were warranted. At best, it indicates that their actions were ill-considered, for which there is ample other evidence.

Prior to Mr. Imhoff-Dousharm’s suspension from his position as Chair of the Party, Mr. and Mrs. Imhoff-Dousharm were two members of a 7-member Executive Board. In order for them to take any official action on behalf of the party, they must do so as a result of a motion of the Executive Board, passed by a majority vote, at a meeting with proper notice and the requisite 4 members present to meet quorum requirements, as required in RONR. After the adjournment *sine die* of the May 24 meeting of the Executive Board, neither Mr. nor Mrs. Imhoff-Dousharm has given notice to Mr. Callear, Mr. Belnap, or Mr. Ward, of a meeting of the Executive Board. Therefore, any actions they took cannot have been a result of a successful motion of the Executive Board, and were instead unilateral and unauthorized.

On May 31, Adam Belnap, the Treasurer of the Party, sent an email to the whole Executive Board, from his personal email address, since his access to the lpid.org email exchange had been revoked. This email read, in part, “Mr. Chairman, it isn't too late to do the right thing and rectify this matter. I urge you to put an end to this and recognize the duly elected officers of the Executive Board. I will make myself available to discuss the best way for you to do that.” Mr. Belnap did not receive any reply to this email, nor any other direct communication from either Mr. or Mrs. Imhoff-Dousharm.

On June 16, Mr. and Mrs. Imhoff-Dousharm received a notification of the June 20 meeting of the State Central Committee, indicating that they could face disciplinary action as a result of the meeting. They were sent the necessary information to join the video conference, with three days’ notice. They did not attend. At that meeting, they were suspended from their improperly assumed offices, and Mr. Imhoff-Dousharm was suspended as Chair. They have not appealed these suspensions.

On June 23, Mr. and Mrs. Imhoff-Dousharm were sent the petition for this case. They replied with a letter which called the petition out of order, and half of the Judicial Committee irreparably biased.

On June 30, a meeting of the State Central Committee was held, to which Mrs. Imhoff-Dousharm was invited. She did not attend. At that meeting, the State Central Committee and Executive Board discussed how to move forward. They unanimously agreed that if, at any point, Mr. or Mrs. Imhoff-Dousharm was willing to enter mediation or another way of resolving the conflicts, both the State Central Committee and the Executive Board would be willing to do so.

On July 6, Mr. and Mrs. Imhoff-Dousharm sat for an interview with the Investigatory Subcommittee. They indicated a preference that the interview not be recorded, and only sat for the interview under the stipulation that Mr. Loesby and Mr. Drake would not ask any questions. They proposed that different people should be sat on the Judicial Committee in order to hear this issue, a proposal which is not allowed for in the Bylaws nor in the Judicial Committee's Rules and Procedures.

On July 13, Mr. Loesby sent an email to Mr. and Mrs. Imhoff-Dousharm with the decision regarding their request to vacate, and requesting their availability so as to schedule a full and proper hearing for this matter. They did not reply.

On July 25, this committee held that hearing. Mr. and Mrs. Imhoff-Dousharm were notified and invited, but did not attend. Instead, they sent an improper notification of an invalid convention to the party membership.

This demonstrates an obvious pattern of refusing to engage with opposition. They have not responded to attempts to mediate or to prevent their actions. They have not responded to less severe disciplinary measures. Instead, their response has been to ignore and disenfranchise their opposition, escalating and doubling down on their illegitimate, fraudulent actions.

This pattern must end.

## Decision of the Committee

The actions of Robert and Jennifer Imhoff-Dousharm between May 29 and July 25 satisfy all elements to justify expulsion from the party. They have coordinated together to shuffle party officer positions as if they own the entire organization; they have disenfranchised party members who attended the April convention; they have taken advantage of their access to party resources in order to remove their opposition; and they have refused to engage with any attempts to challenge their authority, except on terms which they control. The Libertarian Party of Idaho cannot heal its internal divides, so long as these two individuals hold any position within the party.

The following statements are held to be true by the Judicial Committee:

The convention held on April 2, 2022 was a legitimate, valid, and effective Convention of the Libertarian Party of Idaho. Nothing has occurred to change that fact.

The next convention will be held in the final two weeks of April, 2023, at a location within Region 1 arranged by the Executive Board. Jayson Sorensen, the Interim Chair of the Party appointed by the State Central Committee, will chair that convention.

Zach Callear is the Vice Chair of the Libertarian Party of Idaho.

Adam Belnap is the Treasurer of the Libertarian Party of Idaho.

Chris Ward is the Region 1 Chair of the Libertarian Party of Idaho.

**By a unanimous vote of the Judicial Committee, Robert and Jennifer Imhoff-Dousharm are hereby expelled from the Libertarian Party of Idaho.**