

BEFORE THE JUDICIAL COMMITTEE OF THE LIBERTARIAN PARTY

Date: 10/22/2021

Petitioner: Caryn Ann Harlos

Subject: Appeal of the LNC motion of 9/5/2021 to suspend and remove Petitioner as LNC Secretary, as per Article 6, Section 7 of the Bylaws.

Interested Parties: Members of the LNC, Joe Bishop-Henchman, as he is alluded to in the in the initial complaint against the Petitioner.

Relief requested: Voiding of suspension motion and reinstatement as LNC Secretary.

Committee Jurisdiction: Article 8, Section 2, subsection b, regarding suspension of officers, and Article 8, Section 2, subsection d, regarding voiding of National Committee decisions.

Appearing on Behalf of Petitioner: DL Cummings

NOTICE OF EVIDENCE IN REBUTTAL OF CLAIM THAT PETITIONER REFUSED ANY LESSER ACTION

In rebuttal to the claim by John Phillips proffered at the hearing on October 17, 2021 that the Petitioner had refused any action lesser than suspension, the Petitioner would refer to the following link and attachments:

1. Email chain with Laura Ebke first lodging concern that a mediation could not resolve a complaint filed with the Party Chair, and then a shortly subsequent email informing Ms. Ebke that the complaint with the Party Chair has been resolved, and that the Petitioner has no objection to mediation. It was shock to the Petitioner that Ms. Ebke without explanation dropped her request for mediation and went immediately to suspension.
2. This link: <https://www.youtube.com/watch?v=POKQqd7VLm4> which documents the Petitioner stating at that the time the suspension motion was being debated, and in the presence of Mr. Phillips, that she had been, and still was, amenable to mediation.
3. The page from the draft minutes of the September 4-5, 2021 meeting showing the voting record on the motion to amend the suspension motion into a censure motion in which the Petitioner voted yes.
4. Email chain started Steven Nekhaila with notice of a substitute motion for mediation that he intended to introduce at the September meeting but did not have the opportunity due to the need for him to leave to tend to his pregnant spouse. He intended on making this motion had the LNC allowed him to participate electronically. Mr. Nekhaila introduced the

substitute at the request of the Petitioner and workshopped the language with her, and she indicated her agreement in writing and in full view of Mr. Phillips. As it can be seen in this chain, the response from Mr. Bughman to this notice included a demand for “justice” showing that this matter goes beyond the purported reasons in the Bill of Particulars but was and is highly personal.

From: Caryn Ann Harlos <secretary@lp.org>
To: lnc-business <lnc-business@lp.org>
Subject: [lnc-business] Mediation in September
Date: August 17, 2021 at 11:54:43 AM MDT

To Ms. Ebke, the concern I raised to you in private is being resolved between the parties through the Party Chair so my objection is removed.

In Liberty,



LNC Secretary | secretary@lp.org | 561.523.2250

On Tue, Aug 17, 2021 at 11:42 AM Whitney Bilyeu <whitney.bilyeu@lp.org> wrote:
We have found some options for this, but they don't seem to be the kind of thing we can turn around at a single meeting.

There is a process, which includes intake - interviewing the parties to determine appropriateness of the process and approach, etc...these typically done with two parties, as opposed to 17.

We have found one (not in Louisville) that may work with boards, so I'm calling them.

On Thu, Aug 12, 2021, 12:59 PM Laura Ebke <laura.ebke@lp.org> wrote:
Madame Chair,

It appears to me that we have reached a point on this LNC where mediation may be necessary in order to restore a level of functionality.

A google search suggests that there are a fair number of mediators in Louisville.

I would propose that we encourage the Executive Director to inquire with some of those mediators about the possibility of working with us on that Saturday, then arranging the agenda in such a way as to get necessary business accomplished, while leaving adequate time (perhaps 4 hours?) for a mediation session.

I think we could do much of that by simply having written reports subject to verbal Q & A, but no extended verbal reports.

I am prepared to make a motion to that effect if you deem it in order. I will also personally contribute to a special legal fund to help defray the expenses. of mediation.

Laura
Laura Ebke, PhD
LNC At-Large
Former NE State Senator
laura.ebke@lp.org
Cell: 402-540-6510

Cell: 402-540-6510

On Thu, Aug 12, 2021 at 1:40 PM Caryn Ann Harlos <secretary@lp.org> wrote:

Privately to you. I filed a formal complaint so this is not appropriate at this time. I do not agree to have my harassment complaint settled by mediation. I believe what Ms Hogarth did is legally actionable and potentially illegal.

I have zero intention of suing the Party. But I have every intention of protecting the Party from a repeat as another person might not be hesitant to sue.

I'm actively seeking an attorney willing to represent me pro bono.

On Thu, Aug 12, 2021 at 11:59 AM Laura Ebke <laura.ebke@lp.org> wrote:
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Laura
Laura Ebke, PhD
LNC At-Large
Former NE State Senator
laura.ebke@lp.org

A roll call vote was conducted on the appeal with the following results:

Member / Alternate	Aye	Nay	Abstain
Adams	X		
Bilyeu			X
Bowen	X		
Ebke	X		
Ferreira	X		
Hagan	X		
Harlos			X
Hogarth	X		
Longstreth	X		
Luchini	X		
Moellman	X		
Nanna	X		
Phillips	X		
Sarwark	X		
Sexton	X		
TOTALS	13	0	2

The ruling of the Chair was SUSTAINED with a roll call vote of 13-0-2. [20210905-13]

WITHOUT OBJECTION, time was extended for three (3) minutes.

WITHOUT OBJECTION, time was extended for five (5) minutes.

A roll call vote was conducted on the Nanna amendment to censure with the following results:

Member / Alternate	Aye	Nay	Abstain
Adams		X	
Bilyeu			X
Bowen	X		
Ebke		X	
Ferreira	X		
Hagan		X	
Harlos	X		
Hogarth		X	
Longstreth		X	
Luchini		X	
Moellman	X		
Nanna	X		
Phillips			X
Sarwark		X	
Sexton		X	

Member / Alternate	Aye	Nay	Abstain
TOTALS	5	8	2

The amendment FAILED with a roll call vote of 5-8-2. [20210905-12]

A roll call vote was conducted on the main motion with the following results:

Member / Alternate	Aye	Nay	Abstain
Adams	X		
Bilyeu	X		
Bowen		X	
Ebke	X		
Ferreira	X		
Hagan	X		
Hogarth	X		
Longstreth	X		
Luchini	X		
Moellman			X
Nanna		X	
Phillips	X		
Sarwark	X		
Sexton	X		
TOTALS	11	2	1

This motion PASSED with a roll call vote of 11-2-1. [20210905-08]⁷

ADJOURNMENT

ANNOUNCEMENTS AND OPPORTUNITY FOR PUBLIC COMMENTS

The meeting adjourned without objection at 2:21 p.m.

TABLE OF NUMBERED MOTIONS/BALLOTS

**note that the master log of motions in 2021 can be found here: <https://tinyurl.com/Incvotes2021>*

ID#	Motion/Ballot	Result
20210904-01	Budget adjustments	PASSED
20210904-02	Approve Minutes	PASSED
20210904-03	Approve Minutes	PASSED
20210904-04	Finalize report of New Hampshire Investigatory Committee	PASSED
20210905-01	Fill APRC Vacancy	FILLED

⁷ This motion required a 2/3 vote of the entire LNC as per Bylaws 6.7. It achieved that threshold.

From: Caryn Ann Harlos <secretary@lp.org>
To: lnc-business@lp.org
Subject: [lnc-business] Notice of Substitute Motion
Date: August 29, 2021 at 10:42:43 AM MDT

Madame Chair, I point to Mr Bughman's statements above in support of my point of order on notice. One cannot prepare a defense until all evidence is in or operate with a prematurely formed motion.

Further I'd like to have counsel present- this is not enough time to do so.

On Sun, Aug 29, 2021 at 10:33 AM Caryn Ann Harlos <secretary@lp.org> wrote:

On another note, I will be bring the substitute motion if no one else does. Notice has already been given and it will be made my someone.

On Sun, Aug 29, 2021 at 10:32 AM Caryn Ann Harlos <secretary@lp.org> wrote:

The motion can be amended to include other parties. I don't object to including the whole LNC.

"Further evidence" would violate even the bare notice requirement for a meeting and it is incumbent on people to have their evidence before making the motion.

Unless you are agreeing to the point of order raised based on the prior ruling of the chair of 5 days per charge after all evidence is proffered.

I'm also letting the body know that mystic or another member have an additional point of order that's not ripe until the motion is put.

And that a complaint has been filed with the chair about gross misconduct of those lobbying behind the scenes.

On Sun, Aug 29, 2021 at 8:14 AM Matthew Bughman <matthew.bughman@lp.org> wrote:

Mr. Nekhaila,

The suspension motion is not something that can be boiled down to two aggrieved parties. Note the evidence includes multiple members of the LNC and LP membership. I have spoken to these parties and have overwhelmingly found mediation to unsatisfactory. While I understand and appreciate where you are coming from others and myself do not see it as a successful option in redressing our complaints.

Myself and the other aggrieved parties would strongly ask you to remove this motion for sake of those listed in the suspension. Give us the opportunity for justice. Also beware that more information is coming in substantiating further complaints against Ms.Harlos.

Thank you Mr. Nekhaila for attempting to assist in this matter.

Matt

On Sat, Aug 28, 2021, 8:42 PM Caryn Ann Harlos <secretary@lp.org> wrote:
I have already consented to this motion after discussion with Mr Nekhaila.

I may move amendment to the substitute that would have the chair and vice-chair also as participants. I would also add that I too can bring items of concern as I have raised concerns of my own.

On Sat, Aug 28, 2021 at 7:30 PM Steven Nekhaila <steven.nekhaila@lp.org> wrote:

Dear All,

Please be advised that I plan to make a substitute motion to the Ebke motion for the Suspension of Caryn Ann Harlos, Secretary.

"The LNC shall facilitate a mediation between Caryn Ann Harlos and Laura Ebke to come to terms of satisfaction between the two parties. The topic of mediation shall be to resolve the the items in the Bill of Particulars presented by Laura Ebke, which may not be an exhaustive list of items and shall be able to supplement her concerns before or during mediation. The mediator shall be someone who is a member of the Libertarian Party and agreed to by both parties. Ms. Ebke may represent more than one LNC member in this mediation. Mediation shall end when both parties are satisfied moving forward, or, in the event of no-satisfaction, a party may pull out of mediation at which point mediation ends.

The terms for satisfaction may be binding and shall be submitted to the LNC for approval in the event that any terms involve LNC involvement, provided the terms are enforceable by our rules.

Ms. Ebke shall reserve the right to appoint any one LNC member to take her place in the proceedings before mediation initializes and that person may serve as the replacement party until mediation ends.

The LNC may assist in the brokering process between both parties and the

mediator, when mediation begins the mediator shall be in charge of facilitating mediation. In the event that a mediator is no longer able or willing to serve, the LNC may assist in the process of finding a replacement. The two parties reserve the ability to work in tandem to find an agreed upon mediator, however, the LNC may supersede the authority of the two parties to assist in the brokering process if the body deems necessary."

I believe this is the most appropriate course of action moving forward for several reasons. Firstly, I believe both sides have valid points, however, I do not agree with either angle wholeheartedly given the motion presented. Second, I believe that the charge against decorum has been broken by more than one individual, at this point there are several members who contributed to the current state of the board, and the contention has caused a balkanization which at this point if blame was spread evenly would fall on several. Thirdly, I believe that finding solutions to move forward may be the only option that fixes the problem or recognizes discernable behavior and codifies it explicitly into our rules to be used in the future, and or specific terms are met.

I believe this will be a more thorough and cleaner cut solution that will provide more time and energy to be spent on addressing the issues at face value with the potential of finding open ended solutions in a satisfactory way, if possible, while making sure each party is heard.

Sincerely,

Steven Nekhaila
Region 2 Representative
Libertarian National Committee
305-393-6412

Impotentes liberatum defendere non-possunt
Those without power cannot defend freedom

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In Liberty,



LNC Secretary | secretary@lp.org | 561.523.2250

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In Liberty,