

**MINUTES OF THE EXECUTIVE COMMITTEE
OF THE LIBERTARIAN PARTY OF NEW YORK
HELD ON THURSDAY, MARCH 4, 2021 ON THE ZOOM MEETING APP
REGULAR SESSION**

MEMBERS PRESENT

William Cody Anderson, Chair
Anthony D’Orazio, 1st Vice-Chair
Duane J. Whitmer, 2nd Vice-Chair
Andrew M. Kolstee, Secretary
Lora L. Newell, Treasurer
Gabrielle S. Cordova, Member-At-Large
Pietro S. Geraci, Member-At-Large
Paul M. Grindle, Member-At-Large
Richard F. Purtell, Member At-Large

MEMBERS ABSENT

Robert M. Arrigo, Member-At-Large

OBSERVERS

Ilya Schwartzburg, Judicial District 1
Brandon G. Lyon, Judicial District 4
Christopher M. Olenski, Judicial District 6
Paul C. Sechrist, Judicial District 6
Timothy M. O’Connor, Judicial District 6
Steven G. Becker, Judicial District 7
Kari R. Bittner, Judicial District 7
Mark E. Glogowski, Judicial District 7
F. Patrick Mahoney, Jr., Judicial District 8
Richard Bell, Judicial District 13
Theresa Gosart, Tioga County Chair
Steven Rifenburg, Dutchess County Contact
William Koller, Niagara County Contact

The meeting was called to order at 9:03 p.m. by William Cody Anderson, Chair.

William Cody Anderson issued welcoming remarks and welcomed the observers to the meeting. Andrew Kolstee conducted a roll call and quorum was established.

Motion by Andrew Kolstee to **waive reading and approve the minutes of the February 23, 2021 Meeting of the Executive Committee** was seconded by Pietro Geraci and passed unanimously without debate.

Motion by Lora Newell to **reimburse the Law Office of Michael Kuzma for \$1,515.52 for the purchase of copies of transcripts** was seconded Richard Purtell, debated, and passed unanimously.

Andrew Kolstee issued a report on the status of the certification of County Affiliates in accordance with Article 9.2.3. of the Rules of the Libertarian Party of New York (**Exhibit 1**).

Motion by Andrew Kolstee to **certify that the County Organizations in Chemung, Kings, Queens, and Tioga Counties have met the criteria required in Article 9.2.3. of the Rules of the Libertarian Party of New York** was seconded by Gabrielle Cordova and passed unanimously without debate.

Andrew Kolstee issued a report (**Exhibit 2**) concerning the attendance members of the State Committee that have missed two consecutive meetings and may be eligible for a hearing for removal. The resignations of two members of the State Committee were recognized: Nathan Dunn on March 3, 2021 as a member from Judicial District 4 (**Exhibit 3**) and Aaron Commey on February 24, 2021 as a member from Judicial District 12 (**Exhibit 4**).

Motion by Andrew Kolstee to **request a hearing to be held by the State Committee for the purpose of removing Tara Scrivano from the State Committee as representative from Judicial District 8, and removing Carmen Horan, Satinder Kaur, and Mahavir Singh from the State Committee as representatives from Judicial District 10 due to abandonment of position per Article 11.4 of the Rules of the Libertarian Party** was seconded by Paul Grindle, debated, and passed unanimously.

The meeting stood at ease from 9:20 p.m. to 9:24 p.m.

Ilya Schwartzburg issued a report on the status of the ballot access lawsuit.

Motion by Paul Grindle to **enter Executive Session for the purpose of discussing active litigation** was seconded by Lora Newell and passed without objection.

The meeting entered into Executive Session at 9:36 p.m.

Executive Session was adjourned at 9:53 p.m.

Motion by Duane Whitmer **to adjourn** was seconded by Lora Newell and passed without objection.

The meeting was adjourned at 9:54 p.m.

Andrew Martin Kolstee,
Secretary

Exhibit 1 (page 1 of 4)

REPORT OF THE SECRETARY OF THE LIBERTARIAN PARTY OF NEW YORK IN REGARD TO CERTIFICATION OF COUNTY AFFILIATES MARCH 4, 2021

On May 24, 2020, the Interim State Committee of the Libertarian Party of New York amended the Rules of the Libertarian Party that prevented Interim County Organizations from ceasing to exist on May 31, 2020. Instead, Interim County Organizations became County Organizations on June 23, 2020. This was part of the Rules of the Libertarian Party of New York adopted by the State Committee on September 26, 2020.

Because the amended Rules of the Libertarian Party required that counties hold regular meetings at least quarterly and that their rules provide for the election of officers, several counties were required to update their rules to comply with the new requirements. As a result, all counties are given a deadline of March 31, 2021 (previously March 1, 2021) to meeting the following criteria:

- 1) a provision in the rules for at least quarterly meetings (Article 9.2.3.2)
- 2) a provision in the rules for the election of officers (Article 9.2.3.1)
- 3) an election of officers held between June 23, 2020 and March 31, 2021 (Article 9.2.3)

Later in this report, there is a list of documents that are missing on file with the Secretary. If you have any of these documents, please provide them.

A. STATUS OF CERTIFICATION

In order for the Executive Committee to consider the certification of County Affiliates, the following documents must be submitted to the Secretary:

- A copy of the County Organization's latest rules.
- Minutes from the county's meeting in which officer elections were held since June 23, 2020.

1. **CERTIFIED COUNTIES.** Only 10 out of 31 County Affiliates have been officially certified (**Chautauqua, Columbia, Fulton, Nassau, New York, Orange, Orleans, Richmond, Saratoga, and Wayne**). The remaining 21 County Affiliates are not yet certified.

2. **MEETINGS PROVISION.** 14 out of the 21 remaining counties (**Albany, Broome, Chemung, Monroe, Kings/Brooklyn, Onondaga, Ontario, Rensselaer, Queens, Schoharie, Suffolk, Tioga, Ulster, and Westchester**) have a provision in their rules for holding at least quarterly meetings of either the County Committee or the Executive Committee.

- 1 county (**Bronx**) has a provision for "4 meetings per year," but that does not meet the "quarterly" criteria required in the State Party Rules.
- 4 counties (**Cattaraugus, Chenango, Madison, and Otsego**) do not have a provision for holding regular meetings. 2 counties (**Chenango and Madison**) are working on amendments.
- 1 county (**Erie**) only has a provision for holding annual meetings and is working on amendments.
- 1 county (**Genesee**) has not provided a copy of their rules.

Exhibit 1 (page 2 of 4)

3. **OFFICER ELECTIONS PROVISION.** Only 9 out of the 21 remaining counties (**Broome, Chemung, Erie, Kings/Brooklyn, Madison, Queens, Suffolk, Tioga, and Ulster**) have met the criteria for having a provision in their rules for electing officers. Other counties will need to amend their rules to comply with this requirement:

- 9 counties (**Albany, Bronx, Cattaraugus, Monroe, Onondaga, Ontario, Rensselaer, Schoharie, and Westchester**) have a provision for an election of officers, but only at an organizing meeting, which is to be held within 20 days after the primary and elected by the elected County Committee, which is not possible for a County Organization, as they were not elected at a primary. All 11 of these counties use the Monroe Template, which is only useful if the counties are a constituted County Committee.
- 2 counties (**Chenango and Otsego**) do not have a provision for holding officer elections when not a constituted county committee but do not use the Monroe Template.
- The rules of the remaining County Affiliate (**Genesee**) are not on file with the Secretary, so I do not know whether or not they are in compliance with the State Party rules. I do have a draft copy of their rules, but not the copy of the rules that were adopted.

4. **ELECTION OF OFFICERS.** Since June 23, 2020, 14 of the remaining 21 County Affiliates have held an election of officers: **Broome, Cattaraugus, Chemung, Chenango, Erie, Kings/Brooklyn, Madison, Monroe, Onondaga, Otsego, Queens, Rensselaer, Tioga, and Ulster**. The following counties must hold an election of officers between June 23, 2020 and March 31, 2021:

- **Broome** County held their election of officers, but it is incomplete.
- 5 counties (**Albany, Schoharie, Suffolk, and Westchester**) have their conventions scheduled between now and March 31, 2021.
- No additional County Affiliates have informed me that they expect to hold their convention before the March 31, 2021 deadline.
- The status of an election of officers of the remaining 3 counties is unknown. I have no record of any of these counties holding an election of officers since June 23, 2020 or no record of any indication of a convention to be held before the March 31, 2021 deadline: **Bronx, Genesee, and Ontario**.

B. SUMMARY. A total of 5 of the 21 remaining County Affiliates have met the criteria to be certified per Article 9.2.3. (**Chemung, Kings, Queens, Tioga, and Ulster**). Only 4 counties (**Chemung, Kings, Queens, and Tioga**) have provided proper documentation and are eligible to be certified. The remaining 19 counties must ensure that their rules are in compliance and they hold an election of officers by March 31, 2021 if they have not done so already.

Exhibit 1 (page 3 of 4)

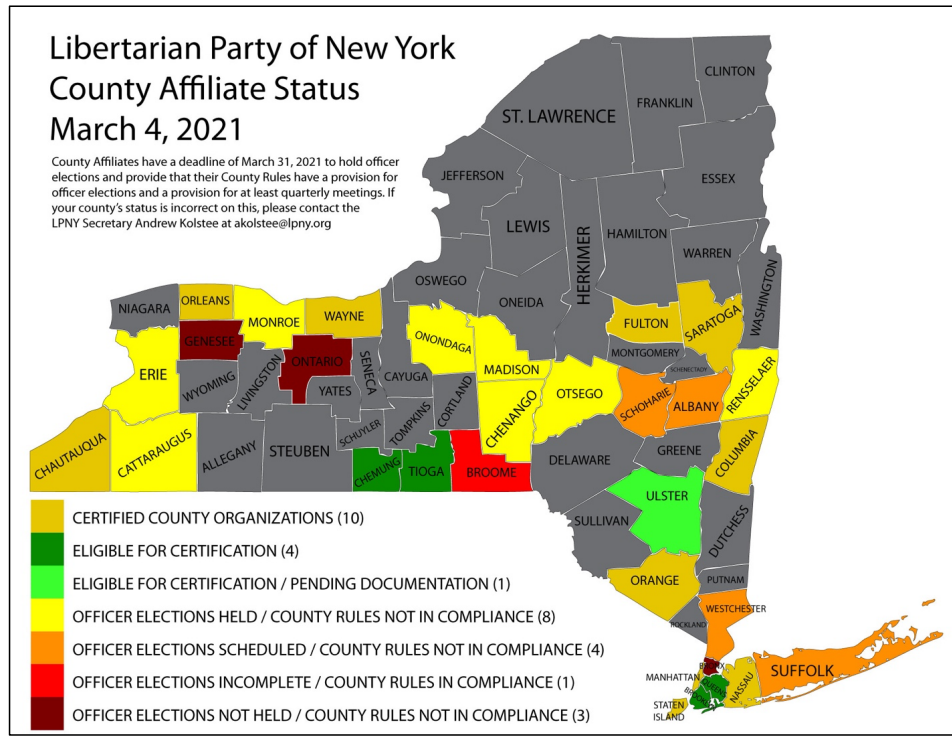


Exhibit 1 (page 4 of 4)

C. MISSING DOCUMENTATION

When County Affiliates were first organized as Interim County Organizations, the following criteria were required to provide their rules, minutes from their organizing convention, and the list of attendees and their addresses as they appear in the voter rolls. This documentation was supposed to be kept on file, but many of the documents are missing. I have reached out to the previous Secretary and the previous chair of the Local Affiliate Development Committee, as well as several counties, and I have collected as many documents as I could, but these there are several documents still missing.

The following is a summary of the missing documents from the 2019 or 2020 organization meetings:

Albany County List of Attendees of June 16, 2019	Niagara County Minutes of April 6, 2019
Broome County List of Attendees of August 15, 2019	Niagara County List of Attendees of April 6, 2019
Chenango County List of Attendees of October 10, 2019	Ontario County Minutes of July 9, 2019
Columbia County Minutes of December 4, 2019	Ontario County List of Attendees of July 9, 2019
Columbia County List of Attendees of December 4, 2019	Orleans County Minutes of September 16, 2019
Erie County Minutes of April 27, 2019	Otsego County Rules of June 26, 2019
Erie County List of Attendees of April 27, 2019	Otsego County Minutes of June 26, 2019
Fulton County Minutes of August 20, 2019	Otsego County List of Attendees of June 26, 2019
Fulton County List of Attendees of August 20, 2019	Queens County Rules of June 18, 2019
Genesee County Rules of May 14, 2019	Queens County Minutes of June 18, 2019
Genesee County Minutes of May 14, 2019	Queens County List of Attendees of June 18, 2019
Genesee County List of Attendees of May 14, 2019	Rensselaer County List of Attendees of June 15, 2019
Madison County List of Attendees of January 11, 2020	Richmond County Minutes of February 9, 2020
Monroe County List of Attendees of May 2, 2019	Richmond County List of Attendees of February 9, 2020
Nassau County List of Attendees of June 13, 2019	Saratoga County List of Attendees of June 16, 2019
New York County Rules of September 11, 2019	Westchester County List of Attendees of April 28, 2019
New York County List of Attendees of September 11, 2019	

If your county is listed above and you have the documentation, please send it to akolstee@lpny.org

D. ADDITIONAL PROVISIONS FOR 2022. On January 23, 2021, the State Committee voted to approve amendments to the Rules of the Libertarian Party that created a new certification process for counties to ensure their compliance with Election Law and readiness for the future. This certification process deadline is due on March 31, 2022, and counties will be required to do the following, in addition to what is outlined in this report. See Article 9.2.4 for details.

- Have a provision in the rules for the election of officers. (see Article 9.3.2.1)
- Have a provision in the rules for holding at least quarterly meetings of the County Committee. Previously, counties were only required to have a provision for quarterly meetings of either the County Committee or the Executive Committee. (see Article 9.3.2.2)
- Have provisions in the rules that are compliance with Article 9.4 of the Rules (see Article 9.3.2.3) which is to define voting members as those who are 1) enrolled Libertarians and 2) elected or appointed election district delegates.

Andrew Martin Kolstee
Secretary, Libertarian Party of New York

Exhibit 2

ATTENDANCE REPORT OF THE LIBERTARIAN PARTY OF NEW YORK OF THE STATE COMMITTEE MEETINGS MARCH 4, 2021

There have been concerns in regard to the inactivity of members of the State Committee, which led to a lack of quorum on February 21, 2021, in which about 30 members of the State Committee had to wait for quorum to be reached. The scheduled start time of the meeting was 1:00 p.m., but we were not able to begin until 1:07 p.m. At the September 26-27, 2020 organization meeting, 61 out of 66 members (92%) of the State Committee attended one or both sessions. At the January 23 and 31, 2021 meeting of the State Committee, 51 out of 67 members (76%) of the State Committee attended one or both sessions. At the February 21, 2021 meeting of the State Committee, 43 out of 63 members (70%) of the State Committee attended the meeting.

Article 11.4 of the Rules of the Libertarian Party of New York is as follows:

11.4. **ABANDONMENT OF POSITION.** Any member of the State Committee who has previously failed to attend or participate in two (2) consecutive properly called meetings and has evinced no other intent to continue in office may be removed following a hearing by the State Committee for having abandoned the position; for this vote, the member or members in question need not be counted for quorum purposes.

Due to quorum and commitment concerns, all members of the State Committee that met the above criteria (missed two consecutive meetings) were the following members contacted by the Chair and/or Secretary and asked whether or not they wished to continue as a member:

JD	Member	Sessions Missed	Meetings Missed	Session Dates Missed
2	Gilbert Midonnet	4 out of 5	2 out of 3	9/26, 9/27, 1/23, 1/31
4	Nathan Dunn	3 out of 5	2 out of 3	1/23, 1/31, 2/21
7	Eric Cooper	4 out of 5	2 out of 3	9/26, 9/27, 1/23, 1/31
7	James Russell	4 out of 5	2 out of 3	9/27, 1/23, 1/31, 2/21
8	Tara Scrivano	5 out of 5	3 out of 3	9/26, 9/27, 1/23, 1/31, 2/21
10	Carmen Horan	4 out of 5	2 out of 3	9/27, 1/23, 1/31, 2/21
10	Satinder Kaur	4 out of 5	2 out of 3	9/27, 1/23, 1/31, 2/21
10	Mahavir Singh	4 out of 5	2 out of 3	9/27, 1/23, 1/31, 2/21
12	Aaron Commey	3 out of 5	2 out of 3	1/23, 1/31, 2/21

Gilbert Midonnet, Eric Cooper, and James Russell indicated that they wish to continue as a member of the State Committee. Nathan Dunn and Aaron Commey have since resigned as members of the State Committee. There has been no response from the other members, all have missed at least 4 sessions, with one member never attending a meeting.

Motion to **request a hearing to be held by the State Committee for the purpose of removing Tara Scrivano from the State Committee as representative from Judicial District 8, and removing Carmen Horan, Satinder Kaur, and Mahavir Singh from the State Committee as representatives from Judicial District 10 due to abandonment of position per Article 11.4 of the Rules.**

Exhibit 3

3/3/2021

Roundcube Webmail :: Re: Libertarian Party of New York - State Committee

Subject **Re: Libertarian Party of New York - State Committee**
From Nathan Dunn <nathandunn1bt@gmail.com>
To W. Cody Anderson <canderson@lpny.org>
Date 2021-03-03 09:52



Mr. Anderson:

Due to chronic scheduling problems and other personal issues, it is no longer possible for me to continue in my role on this committee. Please accept my resignation.

I wish you and the entire committee well, and look forward to working with you in other capacities in the future.

Thank you.

Nathan Dunn

Libertarian Party of Warren County

On Tue, Feb 23, 2021, 9:45 PM W. Cody Anderson <canderson@lpny.org> wrote:

Dear Nate,

I wanted to reach out to you and confirm that you are still interested in serving on the LPNY State Committee. Under our rules, members who have not attended two consecutive meetings are eligible to be removed for abandonment. This condition applies to you, and we must treat all cases objectively. However, a clear indication from you that you are still willing to serve will be likely be enough to stop a proceeding in that regard.

If you are interested in continuing to be a member of the LPNY State Committee, please reply to this email to let me know same. I will let the executive committee know your intentions and no motion for removal due to abandonment will be made.

If you are not interested in continuing to be a member of the LPNY State Committee, I would request that you tender your resignation to avoid wasting the committee's time with a referral and hearing.

I appreciate your attention to this matter.

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In Liberty,
W. Cody Anderson
Chair, Libertarian Party of New York

Exhibit 4

3/3/2021

Roundcube Webmail :: Re: Libertarian Party of New York - State Committee

Subject **Re: Libertarian Party of New York - State Committee**
From Aaron Commey <acomme678@gmail.com>
To W. Cody Anderson <canderson@lpny.org>
Cc Andrew M. Kolstee <akolstee@lpny.org>
Date 2021-02-24 12:43



Thank you for reaching out to me Cody. I am sorry I have not participated in several meetings because I was working at the times the meetings were held. I am interested but I realize my schedule will not permit me to participate in upcoming meetings. For that reason I will tender my resignation from the State committee and I apologize for any time of the committee's I may have already wasted.

On Tue, Feb 23, 2021 at 9:30 PM W. Cody Anderson <canderson@lpny.org> wrote:

Dear Aaron:

I wanted to reach out to you and confirm that you are still interested in serving on the LPNY State Committee. Under our rules, members who have not attended two consecutive meetings are eligible to be removed for abandonment. This condition applies to you, and we must treat all cases objectively. However, a clear indication from you that you are still willing to serve will be likely be enough to stop a proceeding in that regard.

If you are interested in continuing to be a member of the LPNY State Committee, please reply to this email to let me know same. I will let the executive committee know your intentions and no motion for removal due to abandonment will be made.

If you are not interested in continuing to be a member of the LPNY State Committee, I would request that you tender your resignation to avoid wasting the committee's time with a referral and hearing.

I appreciate your attention to this matter.

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In Liberty,
W. Cody Anderson
Chair, Libertarian Party of New York

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Aaron Commey
Manhattan Libertarian Party Chairman
acomme678@gmail.com