

December 1, 2022



Members of the Libertarian Party of Michigan and Judicial Committee:

On November 18, 2022, Mr. Andrew Chadderdon filed an Appeal to the Judicial Committee (JC) of the Libertarian Party of Michigan (LPM) asking for a review of the events that took place on July 9, 2022, at the 2022 LPM Summer Convention, a regular Candidate Nominating Convention in Holland, MI.

First, while we want to acknowledge the unenviable and difficult position in which the untimely resignations of the Chair and Vice Chair put Mr. Chadderdon and members of the LPM, we reject the claims made by Mr. Chadderdon in his appeal to the JC.

This letter is being sent to the JC in response to that appeal and to address the major deficiencies in Mr. Chadderdon's arguments.

While we assert that the Judicial Committee lacks authority to overturn actions taken by a convention, if the JC is determined to continue with their hearing and declines to dismiss the appeal in its entirety they must separately consider and rule on these three issues.

Three distinct issues are being considered:

- I. Removal of Andrew Chadderdon from the LPM Executive Committee (EC)
- II. Election of Vice Chairs
- III. Replacement of District Representatives

1. General Problems with the Appeal

- 1.1. The appeal cannot be reviewed because the Judicial Committee (JC) has no jurisdiction to overturn decisions of a convention, particularly if the appeal is not raised during the convention.
 - 1.1.1. Never in the history of the LPM has a convention decision been appealed to the JC, as it has always been recognized that the JC has no authority to overturn a decision of a convention.

- 1.1.2. Mr. Chadderdon as the party making this appeal did not preserve the issues presented for appeal. The decisions which Mr. Chadderdon here appeals are decisions that were made after he ceded the Chair. However, Mr. Chadderdon did not appeal any of those decisions but instead allowed them to occur without protest. Under RONR 24.8, "If an appeal is to be made, it must be made at the time of the Chair's ruling. If any debate or business has intervened, it is too late to appeal." An immediate appeal of the decisions of the Chair or of the Membership would have allowed the Membership to remedy or take appropriate corrective action as to any deficiencies. Having failed or refused to so appeal, these issues were not preserved for appeal, and are not properly placed before this Committee.
 - 1.1.3. Attorney Eric Doster argued the "unassailability" of decisions made at a convention in the July 5th LEC Meeting. See LEC Executive Session - July 5, 2022 (video), 38:20-40:01
 - 1.2. Neither the "candidate nominating", nor the "national delegate selection" conventions are "special" conventions which are distinct from regular conventions and handled separately in Section VI.3 of the LPM Bylaws. The "regular" convention in Section VI.1 of the LPM bylaws is so named only to distinguish it from the "candidate nominating" and the "national delegate selection" conventions. All three of these are considered regularly scheduled conventions that happen every election cycle.
 - 1.2.1. The 2015 LPM bylaws Section VI.2 was amended in 2017 to include the word "special" to distinguish a special convention and requirements from the three other conventions held during each two -year election cycle referenced in the 2017 and subsequent LPM bylaws Section VI.1. See 2015 LPM bylaws, 2017 LPM bylaws, and LPM Bylaws, as amended in convention June 26, 2021
 - 1.2.2. Each of the three conventions referenced in the LPM Bylaws have specific items of business prescribed therein but additional regular business has always been conducted at them such as platform consideration, resolutions, and approval of previous convention minutes.
- 1.3. To ensure officer elections were in order and provide additional authority to fill vacancies at the July 9 convention, a petition for a special convention was circulated and signed by more than 10% of the LPM membership. See Bylaws Section VI.3 and signatories of petition.
- 1.4. Connor Nepomucino should recuse himself from the decision.
 - 1.4.1. Nepomucino is the Communications Director who refused, at the direction of the Secretary, to distribute notice of the anticipated motion of no confidence to the general LPM membership. See email exchange between

Secretary and Comms Director regarding notice of motion of no confidence to membership.

2. Removal of Andrew Chadderdon from the Executive Committee

- 2.1. A notice of intent to introduce a Motion of No-Confidence in Mr. Chadderdon for failing to perform his fiduciary duties was sent to Mr. Chadderdon and the EC via email on June 19th by Dave Canny in compliance to notice requirements outlined in Section III.10 of “intent to remove at least 14 days prior to the meeting” and affirmed as in order by attorney in the July 5th LEC executive session. See LEC Executive Session - July 5, 2022 (video): 3:28-47:06, 51:37-58:11, 1:07:36-1:13:02
- 2.2. A Motion of No-Confidence in Mr. Chadderdon for failing to perform his fiduciary duties as Chair and as 2nd Vice Chair was issued from the floor at the 2022 LPM Summer Convention and was passed with a clear two-thirds majority of voting delegates whereupon Mr. Chadderdon was removed from the Executive Committee. See LPM Bylaws in Section III.10 where it clearly states that any delegate at a convention can make a motion of no confidence, without any prior notice and minutes from the 2022 LPM Summer Convention.

3. Election of Vice Chairs

- 3.1. The regular 2022 LPM Summer Convention was properly noticed via email on June 8, 2022.
- 3.2. Precedent states that not all business to be conducted at a regular convention is included in the call to convention.
- 3.3. Therefore, the officer elections, specifically the elections for 1st and 2nd Vice Chair, were properly noticed and supported by the LPM bylaws Section III.1, RONR 47:58, and affirmed by the attorney in LEC Executive Session - July 5, 2022 (video): 32:58-35:34, 48:02-51:31, 1:07:36-1:13:02, 1:13:57-1:14:53

4. Replacement of District Representatives

- 4.1. LPM Bylaws in Section III.10 and past precedent provide for filling any vacancies in EC district seats by the selection of a replacement by congressional caucus at “any” state convention. This is what was done to fill the vacancies that existed at the time of the July 9th, 2022 LPM Summer Convention, whether due to prior resignations or resignations from being elected to other offices.
 - 4.1.1. District 13 was caucused at the March 10, 2018 National Delegate Selection Convention to fill a vacancy and elected Adam Zientarski. See LPM State Convention Minutes 2018-03-10

- 4.1.2. District 4 was caucused at the August 25, 2018 Candidate Nominating Convention to fill a vacancy and elected Luke Sciberras. See LPM State Convention Minutes 2018-08-25
- 4.1.3. Districts 2, 4, 5, 6, and 13 were caucused at the March 14, 2020 (Postponed to April 4, 2020) Candidate Nominating Convention to fill vacancies and elected Andrew Hall, Will White, James Harris, Shane Allen, and Andrew Chadderdon respectively. See LPM State Convention Minutes 2020-04-04
- 4.1.4. Districts 3 and 10 were caucused at the July 18, 2020 Candidate Nominating Convention to fill vacancies and elected Jay Gillotte and Jim Fulner respectively. See LPM State Convention Minutes 2020-07-18

Respectfully,

Joe Brungardt

Chair, LPM

Dave Canny

District 5 Representative, LPM

Rafael Wolf

District 6 Representative, LPM

Greg Stempfle

District 9 Representative, LPM

Jami Van Alstine

District 13 Representative, LPM

Leah Dailey

Vice Chair, Libertarian Party of Oakland County

Endorsed by:

James Peace

Member at Large, Libertarian Party of Wayne County

Jason Barton

Member, Libertarian Party Unaffiliated Region 5

Bill Gelineau

Former Chair, LPM

Bill Hall

Secretary, LP of West Michigan

Former Chair of the LP National Judicial Committee

Former Member of the LPM judicial committee,

Former Chair, LPM

Former General Counsel to the LNC

Donna Gundle-Krieg

Township Trustee, Mancelona Township

Mike Saliba

First Vice Chair, LPM

Chair, Libertarians of Macomb County

Mary Buzuma

2nd Vice Chair, LPM

Chair, Libertarian Party of West Michigan

Kyle McCauley

District 10 Representative, LPM

Chair, Lapeer Area Affiliate

Appendix:

1. [[Notice Appeal - 2022 LPMI Candidate Nominating Convention - 2022.11.18.pdf](#)]
2. [[LPM Bylaws, as amended in convention June 26, 2021](#)]
3. [Robert's Rules of Order Newly Revised, 12th edition (RONR)]
4. [[LPM Bylaws 2015.pdf](#)]
5. [[LPM bylaws 2017-02-04.pdf](#)]
6. [[LPM State Convention Minutes 2018-03-10.pdf](#)]
7. [[LPM State Convention Minutes 2018-08-25.pdf](#)]
8. [[LPM State Convention Minutes 2020-04-04.pdf](#)]
9. [[LPM State Convention Minutes 2020-07-18.pdf](#)]
10. [[LPM State Convention Minutes 2022-03-13.pdf](#)]
11. [[LPM State Convention Minutes 2022-07-09.pdf](#)]
12. [[Recent LPM Calls to Convention.pdf](#), 2018, 2020, 2022]
13. [[2022 LPM Summer Call to Convention](#)]
14. [[email exchange between Secretary and Comms Director regarding notice of motion of no confidence to membership](#)]
15. [[Motion of No Confidence to Remove the Chair and Officer Elections at Convention \(June 29th\)](#)]
16. [[Motion of No Confidence \(Convention\).pdf](#)]
17. [[Petition for special convention circulated and signed by more than 10% of the LPM](#)]
18. [[LEC Executive Session - July 5, 2022 \(video\)](#)]
19. [[2022 LPM Summer Convention registration page \(Archive\)](#)]
20. [[2022 LPM Summer Convention packet with agenda](#)]
21. [[2022 LPM Summer Convention alternate agenda adopted at convention](#)]