

Libertarian National Judicial Committee

Petitioner: Caryn Ann Harlos

vs

Respondent: Libertarian National Committee

Re: Suspension of LNC Secretary Caryn Ann Harlos

Amicus Curiae Brief for the Respondent

By

Kathy Yeniscavich

LNC Member At-Large

Chair, LNC Employment Policy and Compensation Committee,

Several of Ms. Harlos' statements to the Judicial Committee ("JC") are either outright misrepresentations or dramatic exaggerations. Over the past few months, I and other members of the LNC have been subjected to false allegations and threats. I would like to use this opportunity to set the record straight regarding three such issues.

1. Ms. Harlos Misled the Judicial Committee by Alleging Destruction of Evidence

Ms. Harlos has alleged in increasing dramatic language in the appeal, emails to the EPCC and on X that the deletion of messages from my personal Messenger account was in violation of the law and constitutes a liability to the LNC. See p. 29 of Harlos' appeal, "Ms. Yeniscavich did likewise with relevant messages. The destruction of potential exculpatory materials alone also can be enough to reverse this decision".

No letter of spoliation from an attorney was received by the LNC. At the time the messages were deleted, Ms. Vest's lawsuit had not yet been served upon the LNC and Ms. Harlos had not yet filed suit. Accordingly, Ms. Harlos is accusing me of deleting discussions relevant to Ms. Vest's lawsuit although at the time the lawsuit was filed these messages had not yet occurred and the events themselves had not yet occurred. The issue was discussed with LNC counsel and reported to the IC during my interview.

LNC counsel and my attorney disagree with Ms. Harlos' non-legal analysis.

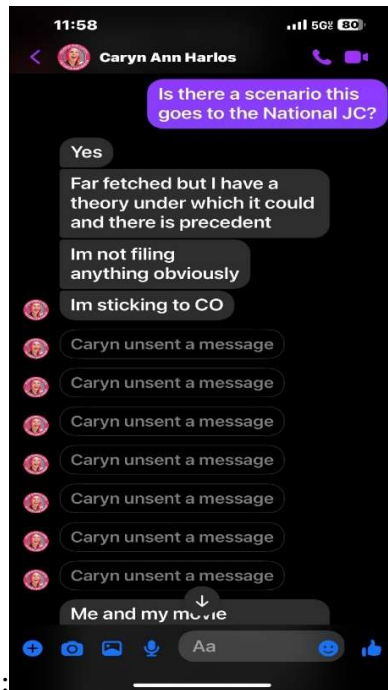
The nature of the messages deleted were either personal or, those pertaining to the LNC, were generally venting or speculating between friends. The discussions that Ms. Harlos is concerned about appear to be those surrounding the level of involvement by a staff member in LPCO's efforts to replace the LP ticket with Robert F. Kennedy, Jr. ("RFK")/Nicole Shanahan, and a theory that the LNC Chair orchestrated these efforts. While I admit to engaging in speculation regarding both topics, I also admit to being wrong as speculation regarding both issues have since been proven incorrect based upon facts (see below). It would be a stretch to characterize these conversation as "evidence." Nevertheless, screenshots of all relevant exchanges have been preserved.

Many of the messages deleted were personal. The person I shared them with no longer exists. Ms. Harlos became a person I no longer trusted, and I did not wish to relive the events of last term when a former board member shared messages that included personal information that hurt many people. My concern was well-founded as the next month she started sharing personal information from those and other private discussions, including about our husbands' relationship and on October 19, 2024, completely crossing a line by announcing very private plans to leave the country on X:

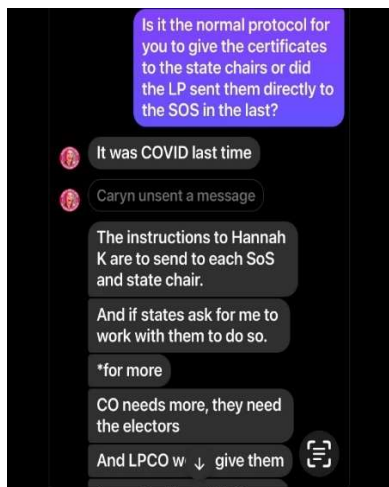


In addition, Ms. Harlos herself has also deleted private messages in the middle of conversations during the topics of her concern, which is at best hypocritical. See two examples below.

July 6, 2024:

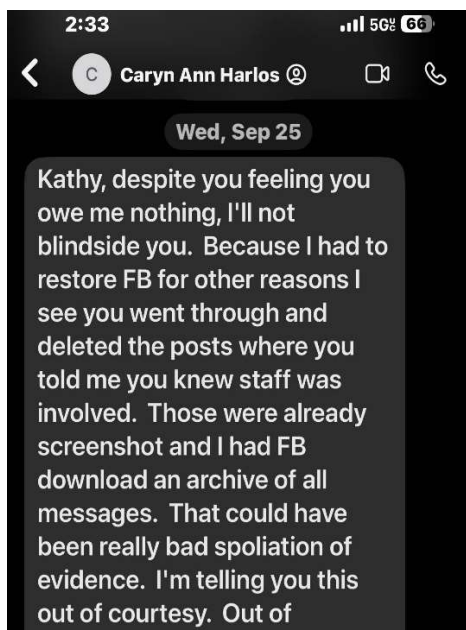


July 7, 2024:



The deleted message in the July 7 screenshot indicated that Robert Kraus, the LNC’s former Executive Director, handled this task in 2020, meaning that she did not.

Lastly, see the September 25 message below in which Ms. Harlos advises me she saw the deleted messages, said she has a full archive of the chat before the deletions, and “that **could** have been a serious case of spoliation” (emphasis added). It is almost as if I didn’t need to respond to these allegations. But I do because although Ms. Harlos admitted this was **not** a case of spoliation, she continued to make allegations in social media and emails that I destroyed evidence. Also see numerous emails attached, all after September 25.



2. Ms. Harlos Misled the JC by alleging I Did Absolutely Nothing About Her Complaint to the Employment Policy and Compensation Committee (“EPCC”) Except Require Her to File a Written Complaint

[The EPCC complaints are normally confidential. However, Ms. Harlos discussed this matter in her appeal and her derivative lawsuit making numerous allegations. Accordingly, Ms. Harlos has willingly broke confidentiality which allows the EPCC to address her allegations.]

On page 43 of Harlos’ reply/Amicus to the LNC’s response she states:

*More concerning is that it required me to sound the alarm for any investigation to be conducted regarding this staff member despite knowledge of their activities by the Chair of the Party’s Employment, Policy, and Compensation Committee (“EPCC”), Ms. Yeniscavich, and the Party is still exposed to potential liability for knowingly having a staff member potentially sabotage our own national candidates against our Bylaws which can be viewed as a conspiracy. **Ms. Yeniscavich did absolutely nothing but required me to file a written complaint, which I did despite voicing fear of retaliation from the Chair, which has obviously come to fruition.** I also filed an internal Judicial Committee Appeal with LPCO which was voided when they de facto rescinded their July 2, 2024, nomination and filed a notice with the Denver Post that they would be nominating Presidential and Vice-Presidential candidates under a “vacancy committee” which was to be held August 12, 2024 (see Exhibit 24, Denver Post ad) closing off any internal LPCO appeal process as committee decisions are not appealable under the LPCO Bylaws.*

Contrary to Ms. Harlos’ assertions, the EPCC handled her complaint in accordance with its policies. Throughout the process, Ms. Harlos complicated matters at every step.

On July 3, Ms. Harlos telephoned me to indicate she was concerned a staff member was involved in the Libertarian Party of Colorado’s (“LPCO”) efforts to replace the LP ticket with RFK/Shanahan. During the conversation, I told Ms. Harlos that I was aware that the staff member participated in a telephonic meeting with at least one member of Team Kennedy, and suggested she submit a written complaint to the EPCC.¹ We engaged in some speculation as to how the meeting was arranged. As per a screenshot in Ms. Harlos’ appeal, I indicated that as far as I know, only two people in the party have the phone number for RFK’s Campaign Manager, who was in the meeting with the staff member, one of which was the LNC Chair. Ms. Harlos indicated she was not comfortable filing a written complaint with the EPCC because she believed the LNC Chair had engaged in retaliatory behavior that she would retaliate against her further if she filed a written complaint.² Because she was uncomfortable putting these issues in writing, I advised her that the EPCC could handle the matter as an informal matter. I did ask Ms. Harlos to informally send me the specifics of the

¹ Ms. Harlos mischaracterizes my knowledge of the staff member’s involvement on page 40 of her appeal stating, “Also around that time I learned from Kathy Yeniscavich that a paid staff member just prior to this occurring was in a Mises Organizer state organizers chat group attempting to obtain contact information for Amarilys [sic] just prior to that ...” I told Ms. Harlos about a meeting that had already occurred, though at that time I was unaware that a third-party arranged the meeting.

² EPCC Complaint Procedures require formal complaints be in writing.

allegations that we discussed during the call only because I was in my car traveling to a July 4th event and unable to take notes. At no time was Ms. Harlos required to file a written complaint, to the contrary I offered an alternate solution so that we could move forward.

Following the holiday weekend, on July 8, I contacted the LNC Executive Director Hannah Kennedy to discuss whether there are any internal procedures regarding staff involvement in state affiliate activities and whether the staff member had discussed actions taken with LPCO. The answer to both was no. I advised Ms. Kennedy that the EPCC would be conducting an informal review. I also called Steven Nekhaila and Andrew Watkins, two other EPCC members, to discuss the matter. Although the LNC Chair is a full member of the EPCC, due to the allegations we determined to honor Ms. Harlos' request and not inform the Chair at the time. We agreed to wait for additional information from Ms. Harlos which would presumably be available before the next EPCC meeting on July 16. However, before that meeting, Ms. Harlos changed course and filed a written complaint with the EPCC on July 14. The complaint alleged improper behavior by a staff member and involvement by Ms. McArdle in LPCO's determination to replace the LP ticket on the ballot. Ms. Harlos also requested that we not provide a copy of the complaint to the LNC Chair as she believed Ms. McArdle had engaged in retaliatory behavior against her and was concerned it would continue.

Just prior to the EPCC meeting on July 16, I emailed Ms. Harlos to determine whether Ms. McArdle was a subject of her complaint. This was an important clarification because the EPCC is not authorized to review complaints about an LNC member from another LNC member. In response Ms. Harlos indicated that Ms. McArdle is closely involved and therefore not able to objectively review the situation. I followed up again to ensure that I understood that Ms. McArdle was not the subject of the complaint. She stated that is correct but there are exceptions in the EPCC policies in which the LNC Chair would not be given the report. See attached emails.

At the July 16 EPCC meeting, myself, Mr. Nekhaila and Mr. Watkins discussed the complaint and my knowledge of the situation. The first step of the EPCC Complaint Procedures is to provide a copy of the complaint to the LNC Chair and Executive Director unless they are a subject of the complaint.

See EPCC Complaint Procedures adopted May 23, 2024:

Policy 2: Complaint Procedure

The EPCC shall develop a written procedure for handling complaints from staff regarding the workplace environment, observed violations of the policy or employment manual, as well as disputes between LNC members and staff. The complaint procedure shall include the following steps:

2.1. Complaints shall be submitted in writing to the EPCC.

2.2. Upon receiving a complaint, the EPCC shall provide a copy to the Chair and the Executive Director, unless they are a subject of the complaint. The EPCC shall open a case and acknowledge receipt of the complaint to the submitting party.

2.3. The EPCC shall conduct an impartial investigation into the complaint, gathering relevant information and interviewing involved parties as necessary.

2.4. The EPCC shall strive to resolve the complaint in a fair and timely manner. A written synopsis of the complaint and findings shall be submitted to the Chair, communicating the outcome to the submitting party and taking appropriate action based on the findings.

Accordingly, we had a problem. Ms. Harlos did not consider Ms. McArdle a subject of the complaint yet wanted the EPCC to withhold the complaint from her contrary to our written policies.³ The EPCC is obligated to follow the Complaint Procedure in sequential order. Given that submission of the complaint to the Executive Director and the LNC Chair is the first step of the procedure, the EPCC had to comply with this step before moving to an investigation. The EPCC decided to send Ms. Harlos an email advising that there is insufficient evidence to withhold the complaint from Ms. McArdle under the EPCC Complaint Procedure as the only exception in the policy is when the LNC Chair is the subject of a complaint. We identified several options to present to Ms. Harlos to move the complaint forward. Later that night, before the email was drafted, the JC advised the LNC that Ms. Harlos had filed an appeal of the vote to enter into the Joint Fundraising Agreement with RFK. In the appeal, Ms. Harlos requested interim orders which involved the complaint as follows:

INTERIM ORDERS REQUESTED 1. Order that Harlos produce the "Internal Complaint" under seal upon signing of a Non-Disclosure Agreement by each Judicial Committee member and the redaction of names of any non-LNC members contained therein. It is believed that Rutherford can be consulted as to the general nature and subject matter of this Internal Complaint and that Party counsel can advise if a redacted portion can be made public.

In light of yet another request to sail into uncharted territory, the EPCC decided to wait to see if the JC would request the complaint. On July 23, I filed an Amicus on behalf of the EPCC as follows:

The Harlos appeal regarding the above-entitled action requests the Judicial Committee, "Order that Harlos produce the "Internal Complaint" under seal ..."

The internal complaint is not directly or substantively related to the Executive Committee's motion to authorize the Libertarian National Committee to enter into a Joint Fundraising Committee with the Robert F. Kennedy, Jr., 2024 campaign or any other LNC decision. The complaint is subject to internal review procedures and is confidential. Ordering Harlos to produce the internal complaint could prejudice third parties and have other far-reaching unintended consequences unrelated to this appeal.

The same day Ms. Harlos filed a response:

I choose to respond by email and I appreciate the brevity of the Yeniscavich objection. However, there are no far-reaching consequences if it produced under seal, names of non-LNC members are redacted, and the JC sign an appropriate NDA. There are pertinent

³ The EPCC policies were created and adopted by the full LNC in response to complaints last term which created varying interpretations as to the appropriate procedure to distribute complaints to the Executive Director and LNC Chair, triggering cross complaints and consultation with LNC Counsel. The EPCC could not make any exceptions as the policies were adopted by the LNC.

allegations, emphasis on allegations, that the JC is entitled to investigate and review as it regards LNC behaviour.

I would like this email to be part of the record.

On August 9, the JC issued their decision on the appeal without ordering Ms. Harlos to produce the complaint. On August 21, the EPCC sent Ms. Harlos an email stating we do not find sufficient evidence to withhold the complaint from Ms. McArdle. Given Ms. Harlos' concerns, we requested her input on three paths forward: 1) Disclose the complaint to Ms. Kennedy and Ms. McArdle as written, 2) Rewrite the complaint in a manner she is comfortable before providing to Ms. McArdle, 3) Provide additional evidence Ms. McArdle is a subject of the complaint, and 4) Present more evidence of other violations by the staff member that should be investigated.

I inadvertently sent the email to the wrong secretary's email which caused a four-day delay in Ms. Harlos receiving the email. Upon receipt, Ms. Harlos requested additional time to respond until her lawsuit against LPCO was resolved, thereby moving the deadline for response until September 16. No response was received on September 16. On September 17, Ms. Harlos emailed the EPCC, "Did you make a decision on this issue?". In a series of emails through September 29, the EPCC again attempted to get Ms. Harlos to clearly select one of the options presented in the letter so that we could proceed in a manner compliant with our procedures that was acceptable to Ms. Harlos. We were unable to get a clear answer as Ms. Harlos refused to select an option, instead insisting she wants to go forward with the complaint without the involvement of Ms. McArdle. The responses from Ms. Harlos became increasingly hostile, including multiple legal threats and various allegations with no basis in fact.

One example is that on September 29, Harlos sent an email with a screenshot stating, "Additional evidence Angela knew. This is Allison Spink, the former LPCO treasurer who resigned immediately after the vtr." The screenshot showed that on July 6 Ms. Harlos sent me a screenshot from Ms. Spink in which she stated, in part, "But if you're going through with it I'm like 99% sure Angela was either aware of, or leading this. She should feel some wrath too." Instead of being a smoking gun, I had, in fact, disclosed this allegation to Mr. Nekhaila and Mr. Watkins during the first EPCC meeting to discuss the complaint and to the Investigatory Committee ("IC") during my interview. I informed them that I asked Ms. Harlos multiple times if Ms. Spink had any evidence and the answer was either that she was unsure or no. The IC Report covers this matter on page 11 indicating that Ms. Harlos believed the Chair was involved and stated, "I do not have any proof of it, but I believe it." I later learned that Ms. McArdle was not involved in the plan to replace the LP ticket with RFK/Shanahan. In late July, while assisting the LNC Chair with the Joint Fundraising Committee, I began working with Glenn Fink, a volunteer advisor for Team Kennedy. I learned that Mr. Fink was introduced to the LPCO Chair by Hector Roos, Co-Chair of Libertarians for Kennedy. Mr. Roos had been advocating for the LP to nominate RFK before the National Convention and was involved in an effort to disqualify the LP ticket and replace them with RFK/Shanahan. It was Mr. Fink who took the lead for Team Kennedy and worked with the LPCO board to place RFK/Shanahan on the ballot and organized meeting. The big push was from Mr. Roos and not Ms. McArdle. Mr. Fink also advised me that he did not meet Ms. McArdle until mid-late July and that she was not in any meetings or phone calls regarding the effort. While Ms. Harlos was unaware of this information at the time, she was also unaware of any proof that Ms. McArdle was involved. A belief is not proof. Yet, while only

armed with this belief, Ms. Harlos continued to make the allegations about Ms. McArdle's involvement.

Other allegations were included in several messages. One was the allegation that I destroyed evidence and placed the LNC in legal jeopardy. As discussed above, no evidence was destroyed and Ms. Harlos had a full archive of the messages, yet Ms. Harlos continued to make such allegations. She also claimed that Mr. Watkins and I had conflicts in reviewing this matter. Ms. Harlos also stated that the EPCC was pressuring her to withdraw her complaint and that the EPCC was placing the LNC in legal jeopardy. The EPCC never pressured Ms. Harlos to withdraw her complaint but tried to determine a path forward **with her input**. Without a clear response from Ms. Harlos, the complaint could not proceed.

Finally on September 29, Ms. Harlos selected option one and stated that we should proceed with review with the original complaint. On October 2, the EPCC submitted the complaint and all the emails to LNC Counsel Oliver Hall for review as it was clear that legal action by Ms. Harlos was imminent. Mr. Hall cleared the EPCC to proceed with the review and provide Ms. McArdle the complaint. He was satisfied that the EPCC had gone above and beyond to accommodate Ms. Harlos. At this time, I recused myself from the matter, although Mr. Hall did not believe it necessary. Mr. Nekhaila and Mr. Watkins conducted the review and determined the disposition of the case. Ms. Harlos has been notified that a review was completed and closed. Accordingly, contrary to the allegations that I put the LNC in legal jeopardy, I discussed these matters with the EPCC, LNC Counsel and the Investigatory Committee.

This lengthy description of the complaint review was necessary to demonstrate that the EPCC made every effort to work with Ms. Harlos to develop a plan compliant with our policies but also acceptable to Ms. Harlos. The delays were due to her actions or inactions, except for a ten-day period where committee members had overlapping vacations and the four-day delay when I sent an email to the wrong address. To state that I did nothing with her complaint is disingenuous and misleads the JC.

You may read the emails and judge for yourself. All are attached to the end of this brief.

3. I Did Not Provide Ms. Harlos With Information Regarding a Mises Caucus Meeting About LPCO.

On page 3 of Ms. Harlos' reply/Amicus to the LNC response she states:

Kathy Yeniscavich also briefed me on the meeting that Mises had with the LPCO Chair which was all about how they are keeping with the plan how wonderful it was according to the LPCO Chair and Colorado State Organizer -- the Chair was her apologist. I am not one-hundred percent sure on this but I believe I hopped on that call briefly and left out of disgust

The call in question was held at 5 pm Pacific on July 6. I was not on that call as I was out all afternoon and evening on July 6 celebrating my anniversary with my husband. Accordingly, I could not have shared information from this call. Ms. Harlos herself may have been on the call.

Ms. Harlos believes that the Mises Caucus was also involved in the efforts by LPCO to put RFK/Shanahan on the ballot and appears to allege that I concurred. This also is not true as the

Caucus has neither endorsed or denounced LPCO's actions. Given that there are strong views on this matter from both sides, the Caucus has maintained a neutral position on LPCO's actions.

Complaint and Emails Between the EPCC and Ms. Harlos Regarding Complaint:

Emails are attached by thread. Since there are multiple threads, some emails may be chronologically out of order.

See below.

July 14, 2024

Near the beginning of this month, I had a phone call with Ms. Yeniscavich regarding concerns I had about [REDACTED] and his involvement with planning firstly, the refusal of the Libertarian Party of Colorado (LPCO) to place our duly nominated candidates (Oliver/ter Maat) on its ballot line and then later, the plan to place Robert F. Kennedy Jr. and Nicole Shanahan (RFK/Shanahan) on the LPCO ballot line. I first became aware of his involvement since he grilled me extensively about whether or not a refusal to place our ticket on the ballot line would constitute a violation of the LPCO Bylaws and the national Bylaws. I explained to him in detail how it would. Subsequently, the LPCO announced it would not be placing Oliver/ter Maat on its ballot line, and Chair McArdle formed the Reconciliation Committee. Discussions with LPCO Chair Ms. Goodman indicated that there may be an appetite to resolve. At the time, I did not realize [REDACTED] was an employee and mistakenly believed he was a contractor over whom we can exercise a lot less control. This is likely a failure of memory on my part, but that was my belief at the time, and I did not think too much of that first conversation. We talked about bylaws and rules a lot over the years.

I later learned that [REDACTED] was in touch with RFK campaign insiders and was openly talking about his involvement with talking with them trying to supplant our duly nominated candidates. To make matters worse, this was done in an organizing channel for the Mises Caucus PAC. This raises all kind of potential FEC violation issues and potential involvement of a paid staffer in supplanting the will of the delegates and being complicit in orchestrating a gross violation of our bylaws putting us at legal liability. I made a verbal complaint to Ms. Yeniscavich. She did ask me to put it in writing. I told her I was reluctant because of Chair McArdle's behavior to me once she learned that I or others, may, as members of LPCO pursue legal remedies against the LPCO Board. Chair McArdle made comments to me about my mental health, and I later learned she told at least one other LNC member, in a serious discussion about Party business, that I was "mentally ill." Because of this pattern, I believed that Chair McArdle was engaged in retaliatory behavior to me, and I did not want to place my complaint in writing since she attended EPCC meetings. Ms. Yeniscavich stated she would try to get to the bottom of this, leaving my name out of it.

I also let Ms. Yeniscavich know that the former Treasurer of LPCO told me that she was 98% positive that Chair McArdle not only knew about LPCO's action before they did it but was also instrumental in organizing it. I asked the former Treasurer for proof. She stated she believed it was discussed in LPCO Executive Session. That is not enough proof for such a serious accusation, but it certainly heightened my fear of retaliation and cast what I believed was the Chair's over-reaction to, and interest in, my activities as a member of LPCO in holding our Board to account in a darker light. To be clear, this was just an accusation from the former LPCO Treasurer without concrete proof. I want to make it clear that I am not accusing the Chair of anything except knowing about this ahead of time – and that alone, can be construed as within her prerogative though not something I find

appropriate to keep from the Reconciliation Committee which is one reason I resigned and included in my resignation Signal text to the Committee. It is just as likely that the former Treasurer conflated knowing ahead of time with having active involvement.

On July 9, 2024, I sent a letter to the LPCO Board with a request to inspect corporate records which legally must contain a justification which was that members might consider suit – this is all in state and has nothing to do with the LNC. Nothing. That letter was transmitted to Chair McArdle by the LPCO that very night though I have never received any confirmation of receipt from the LPCO. This again is far too much connection and activity with an affiliate that has given just cause for disaffiliation and in violating our Bylaws and sabotaging Oliver/ter Maat in potential conjunction with a staff member. Then it just so happens that the Chair receives a letter from LPCO falsely accusing me of submitting false electors. I submitted nothing but our Certificate of Nomination.

So, all of this is to say, I believe one of our staffers was involved with planning a violation of our bylaws, helping a rival candidate, and potentially involving a PAC in all of this in a highly inappropriate and potentially illegal manner. The EPCC policy manual says that a copy of this is to be given to the Executive Director and the Chair unless the Chair is a subject of the Complaint which I believe I have shown reasonable basis that she is far too involved and has already engaged in behavior against me that I believe is retaliatory. I am requesting that this matter be given to the Vice-Chair or the Treasurer to handle as the next ranking Officers.

I believe this entanglement of a staff member with these activities with the potential knowledge of the Chair (I believe she is in that chat group) is a very serious problem. I like [REDACTED] and that is part of my reluctance in coming forward but this whole thing has now become even more out of hand with the national Party entangling itself with Mr. Kennedy by letting his donors use our higher donation limits and refusing to order the sending out of nomination certificates, all of which can reasonably look like providing cover to LPCO and potentially other states.

It is my fiduciary duty to come forward with these things and I believe the EPCC has a duty to resolve this issue with another Officer and not the Chair since she is to some extent entangled in these issues and exhibited overt personal hostility towards me. This is only compounded by the hiring of the former chair of the selfsame Caucus while keeping it from the LNC Officers and most of the LNC for several weeks. I admire Mr. Heise very much but all of this is a terrible look for the Party at a time when the Chair keeps reminding us we are very legally vulnerable, and her response to my complaint that she never told the Officers is that “you have a point, I could use more help from the officers” which is not only a flippant deflection of my concern, but an absolutely ridiculous thing to say to me who has for years done far and above my duties.

Caryn Ann Harlos, Secretary



Outlook

Re: Written complaint

From LP Secretary <secretary@lp.org>

Date Tue 7/16/2024 3:47 PM

To Kathy Yeniscavich <kathy.yeniscavich@lp.org>; Steven Nekhaila <steven.nekhaila@lp.org>; Andrew Watkins <andrew.watkins@lp.org>

Correct, but your policy manual does say there are circumstances in which the chair would not be given the report. Since we both agree it cannot be above, that must mean something, and it is my position it means exactly the type of situation here.

My complaint does not merely allege retaliation but prior knowledge and potential tacit approval by the Chair of the inappropriate activities of the staffer.

If that doesn't fall under that provision it is an empty provision.

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From: Kathy Yeniscavich <kathy.yeniscavich@lp.org>

Sent: Tuesday, July 16, 2024 3:54:35 PM

To: LP Secretary <secretary@lp.org>; Steven Nekhaila <steven.nekhaila@lp.org>; Andrew Watkins <andrew.watkins@lp.org>

Subject: Re: Written complaint

Ok so what I'm hearing is this is one complaint about [REDACTED] that involves Angela and there is no second complaint about retaliation against Angela.

I'm not trying to be difficult, I want to be sure I am understanding you because the EPCC has no authority to review complaints from one LNC member about another LNC member - that would be the full board.

In Liberty,
Kathy Yeniscavich
At-Large Member, Libertarian National Committee
Kathy.yeniscavich@lp.org

From: LP Secretary <secretary@lp.org>

Sent: Tuesday, July 16, 2024 2:44:36 PM

To: Kathy Yeniscavich <kathy.yeniscavich@lp.org>; Steven Nekhaila <steven.nekhaila@lp.org>; Andrew Watkins <andrew.watkins@lp.org>

Subject: Re: Written complaint

It doesn't fall into a neat category. I don't believe the Chair can properly look into this due to her potential involvement/interest and mutual caucus entanglement t. So yes the complaint involves her too closely.

In Liberty, Caryn Ann Harlos
LNC Secretary and LP Historical Preservation Committee Chair ~ [561.523.2250](tel:561.523.2250)

From: Kathy Yeniscavich <kathy.yeniscavich@lp.org>
Date: Tuesday, July 16, 2024 at 2:23 PM
To: LP Secretary <secretary@lp.org>, Steven Nekhaila <steven.nekhaila@lp.org>, Andrew Watkins <andrew.watkins@lp.org>
Subject: Re: Written complaint

We are in receipt of your complaint dated 7/14/24.

Your complaint indicated the reasons you are asking for a copy of the complaint not to be given to the Chair. I would just like to be clear, In addition to the complaint about [REDACTED] are you filing a complaint about the Chair. Or are you asking for another officer to be involved with respect to receiving a copy of your complaint due to the reasons you laid out.

In Liberty,
Kathy Yeniscavich
At-Large Member, Libertarian National Committee
kathy.yeniscavich@lp.org

From: LP Secretary <secretary@lp.org>
Sent: Sunday, July 14, 2024 1:12 AM
To: Kathy Yeniscavich <kathy.yeniscavich@lp.org>; Steven Nekhaila <steven.nekhaila@lp.org>; Andrew Watkins <andrew.watkins@lp.org>
Subject: Written complaint

See attached.

In Liberty, Caryn Ann Harlos
LNC Secretary and LP Historical Preservation Committee Chair ~ [561.523.2250](tel:561.523.2250)

 Outlook

Re: Complaint Regarding [REDACTED]

From: Kathy Yeniscavich <kathy.yeniscavich@lp.org>
Date: Tue 9/17/2024 2:21 PM
To: LP Secretary <secretary@lp.org>
Cc: Andrew Watkins <andrew.watkins@lp.org>; Steven Nekhaila <steven.nekhaila@lp.org>

Hello,

Did you make a decision on this issue?

In Liberty,
Kathy Yeniscavich
At-Large Member, Libertarian National Committee
kathy.yeniscavich@lp.org

From: LP Secretary <secretary@lp.org>
Sent: Tuesday, September 3, 2024 4:50 PM
To: Kathy Yeniscavich <kathy.yeniscavich@lp.org>
Cc: Andrew Watkins <andrew.watkins@lp.org>; Steven Nekhaila <steven.nekhaila@lp.org>
Subject: Re: Complaint Regarding [REDACTED]

Definitely. Please remind me if I don't. I'm marking my calendar but then I forget to look at my calendar.

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From: Kathy Yeniscavich <kathy.yeniscavich@lp.org>
Sent: Tuesday, September 3, 2024 5:39:30 PM
To: LP Secretary <secretary@lp.org>
Cc: Andrew Watkins <andrew.watkins@lp.org>; Steven Nekhaila <steven.nekhaila@lp.org>
Subject: Re: Complaint Regarding [REDACTED]

No problem. If possible, please either respond by 9/16 or give us a further status update as the next EPCC is scheduled for 9/16.

In Liberty,
Kathy Yeniscavich
At-Large Member, Libertarian National Committee
kathy.yeniscavich@lp.org

From: LP Secretary <secretary@lp.org>
Sent: Wednesday, August 28, 2024 12:47 PM

To: Kathy Yeniscavich <kathy.yeniscavich@lp.org>
Subject: Re: Complaint Regarding [REDACTED]

The court made no decision and wants briefs on 9/13 (based off CO ballot deadline) and Court and counsel availability.

I ask EPCC to hold until then (and then the EPCC will know if damage done to CO too), or preferably until after vote on IC as prejudicial to me and these complaints are intended to be made with no real fear of retaliation.

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From: LP Secretary <secretary@lp.org>
Sent: Sunday, August 25, 2024 7:59:18 PM
To: Kathy Yeniscavich <kathy.yeniscavich@lp.org>
Subject: Re: Complaint Regarding [REDACTED]

I do, I have a court status on Wed at which they will schedule a discovery hearing. I should have the opportunity it's to have documents.

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From: Kathy Yeniscavich <kathy.yeniscavich@lp.org>
Sent: Sunday, August 25, 2024 8:22:08 PM
To: LP Secretary <secretary@lp.org>
Subject: Re: Complaint Regarding [REDACTED]

Preferably next Monday as we have an EPCC meeting on 9/3. If you need more time please let us know.

In Liberty,
Kathy Yeniscavich
At-Large Member, Libertarian National Committee
kathy.yeniscavich@lp.org

From: LP Secretary <secretary@lp.org>
Sent: Sunday, August 25, 2024 8:18:23 PM
To: Kathy Yeniscavich <kathy.yeniscavich@lp.org>
Subject: Re: Complaint Regarding [REDACTED]

How much time do I have to decide?

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From: Kathy Yeniscavich <kathy.yeniscavich@lp.org>
Sent: Sunday, August 25, 2024 8:16:36 PM
To: LP Secretary <secretary@lp.org>
Subject: Fwd: Complaint Regarding [REDACTED]

Ms Harlos,

My apologies. When I sent that I inadvertently sent to the wrong email. When I typed your name to send it defaulted and I didn't notice.

In Liberty,
Kathy Yeniscavich
At-Large Member, Libertarian National Committee
Kathy.yeniscavich@lp.org

From: Kathy Yeniscavich <kathy.yeniscavich@lp.org>
Sent: Wednesday, August 21, 2024 1:04:40 PM
To: Caryn Ann Harlos <caryn.ann.harlos@lp.org>
Cc: Andrew Watkins <andrew.watkins@lp.org>; Steven Nekhaila <steven.nekhaila@lp.org>; Kathy Yeniscavich <kathy.yeniscavich@lp.org>
Subject: Complaint Regarding [REDACTED]

Ms. Harlos,

We have received and reviewed your complaint dated July 14, 2024, regarding the involvement of Mr. [REDACTED] and the actions of the Libertarian Party of Colorado (LPCO).

The EPCC, comprising Kathy Yeniscavich, Andrew Watkins, and Steven Nekhaila, convened in confidential sessions to discuss the matter. After thorough consideration and discussion, we have reached the following conclusions:

1. Involvement of Chair McArdle:

- At this time, we do not find sufficient evidence to categorize Chair McArdle as a subject of the complaint. Therefore, according to our procedures we are unable to bypass her involvement in the investigation concerning [REDACTED]

2. Potential Conflict of Interest:

- We have determined this matter is within our purview and identified a potential conflict of interest violation involving [REDACTED]. His failure to disclose his involvement with the RFK campaign as both a member of LPCO and a staffer warrants further investigation.

Given these preliminary findings, we are willing to further proceed with investigating this potential violation. However, we require your guidance on how to move forward:

1. Disclosure of Complaint:

- You may choose to proceed with the complaint as currently written, which will be disclosed to both the Executive Director and Ms. McArdle.

2. Rewriting the Complaint:

- You may opt to rewrite the letter in a manner that you are comfortable with, ensuring it can be disclosed to the aforementioned parties.

3. Providing Additional Evidence:

- If you believe Ms. McArdle should be included as a subject in the investigation, please provide more evidence to substantiate this claim.

4. Bylaws Violations:

- Additionally, you may present more evidence or reasoning regarding other potential bylaws violations by [REDACTED] that the EPCC should investigate.

Alternatively, you may choose not to submit a complaint at this time. Please inform us of your preferred course of action so we may proceed accordingly.

We appreciate your diligence in bringing these concerns to our attention and look forward to your response.

Sincerely,

Kathy Yenicavich
Andrew Watkins
Steven Nekhaila
Employment Policy and Compensation Committee (EPCC)
Libertarian National Committee

 Outlook

Re: Question on Complaint

From LP Secretary <secretary@lp.org>

Date Fri 9/20/2024 5:43 AM

To Employment Policy and Compensation Committee <epcc@lp.org>

I believe I already answered below and in my prior email that now that there is an IC that I have every reason to believe the Chair is actively influencing through phone calls she has made and inappropriate comments and retaliatory threats to me, this is my response as well. I am NOT withdrawing my complaint nor my request that the Chair not be involved. I reiterate my other statement:

I ask EPCC to hold off informing her until preferably until after vote on IC as prejudicial to me and these complaints are intended to be made with no real fear of retaliation.

One question is answered. Chase and Mike are on the ballot but damage has certainly been done to the Colorado Party-it is in shambles due in part to the machinations of a paid staffer. However, there is still no reason for the Chair to be informed until a minimum after the IC vote, and if that progresses- any "trial." Protecting the organization is paramount. We have a perfectly functioning ED and Vice Chair.

I fear retaliation in votes. It is unfathomable and inexcusable to me that the EPCC does not see the conflict here, but then again, everyone on the EPCC except Nekhaila was also potentially aware of this and did nothing. Perhaps an independent committee needs to be assigned to assist. This has put the Party in grave legal danger that any retaliation against me won't fix. Any party member can take legal action and this was not taken seriously.

Please don't bother me again to get me to withdraw.

In Liberty, Caryn Ann Harlos

LNC Secretary and LP Historical Preservation Committee Chair ~ [561.523.2250](tel:561.523.2250)

From: LP Secretary <secretary@lp.org>

Date: Thursday, September 12, 2024 at 10:52 AM

To: Employment Policy and Compensation Committee <epcc@lp.org>

Subject: Question

I know you are honoring my request so far not to involve Angela but I sure hope this is not being held in abeyance totally until then. It would be completely against (IMHO) to "sit on" on a claim of a paid employee actively seeking to replace our presidential candidate. This isn't a disclosure thing. This is a serious legal liability issue against our bylaws. I still do not consent to involve Angela but it seems to me that the legal interests of the corporation with a perfectly functioning VC should have had this taken care of already.


In Liberty, Caryn Ann Harlos

LNC Secretary and LP Historical Preservation Committee Chair ~ [561.523.2250](tel:561.523.2250)

 Outlook

Re: Response to Complaint and Required Clarifications

From LP Secretary <secretary@lp.org>
Date Sun 9/29/2024 12:58 PM
To Steven Nekhaila <steven.nekhaila@lp.org>
Cc Kathy Yeniscavich <kathy.yeniscavich@lp.org>; Andrew Watkins <andrew.watkins@lp.org>

 1 attachment (967 KB)
Image.jpeg;

Additional evidence Angela knew. This is Allison Spink, the former LPCO treasurer who resigned immediately after the vtr.

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From: LP Secretary <secretary@lp.org>
Sent: Sunday, September 29, 2024 1:50:35 PM
To: Steven Nekhaila <steven.nekhaila@lp.org>
Cc: Kathy Yeniscavich <kathy.yeniscavich@lp.org>; Andrew Watkins <andrew.watkins@lp.org>
Subject: Re: Response to Complaint and Required Clarifications

FYI I will be submitting an addendum to the Complaint at my next opportunity documenting Ms. Yeniscavich's legal spoliation of evidence with the screenshots. That should not hold up my current Complaint which has been inexcusably held up to this day.

In Liberty, Caryn Ann Harlos
LNC Secretary and LP Historical Preservation Committee Chair ~ [561.523.2250](tel:561.523.2250)

From: LP Secretary <secretary@lp.org>
Date: Sunday, September 29, 2024 at 1:42 PM
To: Steven Nekhaila <steven.nekhaila@lp.org>
Cc: Kathy Yeniscavich <kathy.yeniscavich@lp.org>, Andrew Watkins <andrew.watkins@lp.org>
Subject: Re: Response to Complaint and Required Clarifications

I never withdrew. Period. You guys will proceed how you decide. The complaint is submitted. If the EPCC keeps insisting it was withdrawn and resubmitted despite the spoliation of evidence, I'm content for a court to decide if it ever comes to that.

My complaint stands on day submitted and today again if that is WHAT THE EPCC insists.

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From: Steven Nekhaila <steven.nekhaila@lp.org>
Sent: Sunday, September 29, 2024 1:37:20 PM
To: LP Secretary <secretary@lp.org>
Cc: Kathy Yeniscavich <kathy.yeniscavich@lp.org>; Andrew Watkins <andrew.watkins@lp.org>
Subject: Re: Response to Complaint and Required Clarifications

Just to be clear,

You wish to resubmit your complaint as originally submitted with the EPCC moving forward with your complaint. This will require disclosure to the Chair and Executive Director as required by our policies and procedures.

Sincerely,
Steven Nekhaila

From: LP Secretary <secretary@lp.org>
Sent: Sunday, September 29, 2024 3:34:07 PM
To: Steven Nekhaila <steven.nekhaila@lp.org>
Cc: Kathy Yeniscavich <kathy.yeniscavich@lp.org>; Andrew Watkins <andrew.watkins@lp.org>
Subject: Re: Response to Complaint and Required Clarifications

BTW since I made clear very early on this was a legal matter it was already on a "legal hold" and Ms. Yeniscavichs deletions of her knowledge are in violation of the law.

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From: LP Secretary <secretary@lp.org>
Sent: Sunday, September 29, 2024 1:30:56 PM
To: Steven Nekhaila <steven.nekhaila@lp.org>
Cc: Kathy Yeniscavich <kathy.yeniscavich@lp.org>; Andrew Watkins <andrew.watkins@lp.org>
Subject: Re: Response to Complaint and Required Clarifications

Consider it resubmitted if you must but I made it clear I was NOT voluntarily withdrawing and it stood. I presume you already have a copy.

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From: LP Secretary <secretary@lp.org>
Sent: Sunday, September 29, 2024 1:29:28 PM
To: Steven Nekhaila <steven.nekhaila@lp.org>
Cc: Kathy Yeniscavich <kathy.yeniscavich@lp.org>; Andrew Watkins <andrew.watkins@lp.org>
Subject: Re: Response to Complaint and Required Clarifications

I clearly chose number 1. I am NOT withdrawing my complaint.

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From: Steven Nekhaila <steven.nekhaila@lp.org>
Sent: Sunday, September 29, 2024 1:25:49 PM
To: LP Secretary <secretary@lp.org>
Cc: Kathy Yeniscavich <kathy.yeniscavich@lp.org>; Andrew Watkins <andrew.watkins@lp.org>
Subject: Re: Response to Complaint and Required Clarifications

Dear Ms. Harlos,

We acknowledge receipt of your recent emails dated September 27th, in which you reiterated your decision to leave your complaint as originally submitted and your refusal to withdraw it.

We must make it clear that the EPCC cannot proceed with your complaint under the current circumstances. As we have communicated previously, the EPCC is bound by the policies and procedures established by the Libertarian National Committee and those set forth by the EPCC itself. According to these policies, we cannot exclude Chair McArdle from the process unless you provide additional evidence to substantiate her inclusion as a subject of the complaint or choose to amend your complaint to allow us to proceed with her involvement.

While it is technically within the committee's authority to propose changes to its procedures, we have determined that there is no valid reason to do so in this case, and we are not willing to alter our established protocols. These procedures exist to ensure fairness, transparency, and consistency in handling all complaints, and we are committed to adhering to them.

We have offered you several options to move forward:

1. **Proceed with the complaint as currently written**, which will involve disclosure to Chair McArdle, as required by our procedures.
2. **Rewrite the complaint** in a manner that you feel comfortable disclosing to Chair McArdle.
3. **Provide additional evidence** if you believe Chair McArdle should be included as a subject in the investigation.

Despite multiple requests and a clear deadline, you have not selected any of these options nor provided the additional information necessary for us to proceed in accordance with our policies. Your insistence that we override or change our established rules is not feasible, as we have determined there is no justification for doing so in this situation.

Given that you have not provided us with a course of action that allows the EPCC to move forward within the framework of our policies, we are unable to proceed with your complaint. As per our previous communication, the deadline to make a decision was **September 27, 2024**. Since we have not received a decision that enables us to act, we must consider your complaint **voluntarily withdrawn**.

This decision is final. Should you decide to resubmit your complaint in the future, in a manner consistent with our established procedures, we will review it accordingly at that time.

Sincerely,

Kathy Yeniscavich
Andrew Watkins
Steven Nekhaila
Employment Policy and Compensation Committee (EPCC)
Libertarian National Committee

From: LP Secretary <secretary@lp.org>
Sent: Friday, September 27, 2024 10:11:10 PM
To: Steven Nekhaila <steven.nekhaila@lp.org>
Cc: Kathy Yeniscavich <kathy.yeniscavich@lp.org>; Andrew Watkins <andrew.watkins@lp.org>
Subject: Re: Response to Complaint and Required Clarifications

By doing anything further I mean amending etc. I am NOT waiving any legal rights.

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From: LP Secretary <secretary@lp.org>
Sent: Friday, September 27, 2024 9:10:26 PM
To: Steven Nekhaila <steven.nekhaila@lp.org>
Cc: Kathy Yeniscavich <kathy.yeniscavich@lp.org>; Andrew Watkins <andrew.watkins@lp.org>
Subject: Re: Response to Complaint and Required Clarifications

I re-read my email and realized it could be unclear. I am NOT withdrawing my complaint or doing anything further with it. What the EPCC does is up to them realizing this *might* be a thorny legal situation and you CAN override your rules. I also want on the record I find the arbitrary deadline interesting. October 4. Not October 7. Not midnight October 6. I think IF this ever became a legal issue that this would be viewed unkindly. That's just my opinion and all my requests stand.

But to be 20,000 percent clear. I do NOT withdraw my complaint and am appalled that a complainant is being pressured in this manner. The EPCC will do whatever it needs to but claiming in any form I withdraw it is not one of those options.

I hope that was clearer.

And if those messages that Ms. Yeniscavich already told me about in writing are "deleted" that can be very bad news for both organizations. Once there is notice of potential legal issues in law there is an automatic "legal hold." I have screenshots of Ms. Yeniscavich's messages to me which we also discussed in detail over the phone in which she conceded it was a problem for the staffer but also the chair.

But you know my position on my complaint.

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From: LP Secretary <secretary@lp.org>
Sent: Friday, September 27, 2024 9:28:04 AM
To: Steven Nekhaila <steven.nekhaila@lp.org>
Cc: Kathy Yeniscavich <kathy.yeniscavich@lp.org>; Andrew Watkins <andrew.watkins@lp.org>
Subject: Re: Response to Complaint and Required Clarifications

I am leaving my complaint as submitted. I had indicated in the past. The evidence I provided was suggested by Ms. Yeniscavich herself and quite honestly I believe both her and Mr. Watkins due to their (one known and the other very likely previous knowledge) are hopelessly conflicted out.

My complaint stands as submitted and presents serious legal issues for the Party. I highly suggest non-conflicted people handle.

But that is up to you guys. My complaint stands. I've always said so, and it's beyond belief it has sat this long with no action at all. It is a standing rule. A majority could have proceeded with the McArdle determination to be decided later rather than continuing this legal exposure.

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From: Steven Nekhaila <steven.nekhaila@lp.org>

Sent: Friday, September 27, 2024 6:58:14 AM

To: LP Secretary <secretary@lp.org>

Cc: Kathy Yeniscavich <kathy.yeniscavich@lp.org>; Andrew Watkins <andrew.watkins@lp.org>

Subject: Response to Complaint and Required Clarifications

Dear Ms. Harlos,

Thank you for your response to our previous correspondence. The EPCC acknowledges your concerns and respects your persistence in bringing this matter to our attention. However, we would like to address a few key points to ensure clarity and the smooth progression of this process.

First, the EPCC has provided you with ample time and multiple options to address your complaint. These options remain consistent with the current policies and procedures outlined by the committee. Unfortunately, nothing in our existing protocols grants us the ability to exclude the Chair from this process. As you are aware, the Chair is a de facto member of the EPCC, and we are bound by the committee's structure as it stands. Likewise, we have no authority to substitute the Chair's involvement with that of the Vice Chair or another party.

Given the importance of procedural fairness, we must adhere to our established guidelines. You have until **Friday, October 4th, 2024** to make a decision regarding the three options previously provided to you:

1. Proceed with the complaint as currently written, which will involve disclosure to the Executive Director and Ms. McArdle.
2. Rewrite the complaint in a manner suitable for such disclosure.
3. Provide additional evidence if you believe Ms. McArdle should be included in the investigation as a subject.

If we do not receive your decision by this deadline, we will consider the matter voluntarily withdrawn. Please note that you are free to resubmit your complaint after the fact if you choose.

We remain committed to handling this matter professionally and transparently, and we appreciate your cooperation as we move forward.

Sincerely,

Kathy Yeniscavich

Andrew Watkins

Steven Nekhaila

Employment Policy and Compensation Committee (EPCC)

Libertarian National Committee

1:56

5G%



Kathy Yeniscavich

Active 10m ago



[REDACTED]

No

JUL 6 AT 1:42 PM

It's getting smokier

1:41



Alli



So Im not a huge fan of the bylaw violation submission thing, part of me wants to see how it plays out. If it's good, great if not they'll

great, if not, they
suffer the
consequences. But if
you're going through
with it...I'm like 99% sure
Angela was either aware
of, or leading this.

She should feel some
wrath too.

This was unprompted



Not to my knowledge



Aa

