

Minutes of ExCom Meeting Saturday, September 8, 2001

As approved

Minutes

Date: September 8, 2001
Time: Saturday, 10 a.m. - 5 p.m.
Place: Renaissance Los Angeles Airport Hotel
9320 Airport Blvd.
Los Angeles, CA 90045

In attendance:

Officers:	Aaron Starr	Chair
	Rodney Austin	Northern Vice Chair
	Mark Selzer	Southern Vice Chair
	Sandi Webb	Secretary
	Lori Adasiewicz	Treasurer
At-Large Reps:	Ted Brown	
	Doug Scribner	
	Starchild	
	Dan Wiener	
	Elizabeth Brierly	
Alternate At-Large Reps:	Al Carlan	ExCom Alternate #1
	Bruce Dovner	ExCom Alternate #2
Regional Reps:	Wayne Nygren	Region 1
	Brian Lee Cross	Region 30
	JR (nobody) Graham	Region 37
	Mark Hinkle	Region 43
	Mark Hilgenberg	Region 61
Alternates:	Paul Studier	Region 30
	Steve Cicero	Region 37
	RobRob	Region 37 2 nd Alternate
	Joe Dehn	Region 43
Staff:	David Molony	Executive Director, LPC

Visitors: Audrey Carlan, Region 66 Chair; Jonathan Zwickel, Region 20 Vice Chair; Dorothy Noland, Region 56 Secretary.

- 1. Call Meeting to Order** - Aaron Starr called the meeting to order at 10:10 a.m.
- 2. Public Statements and Announcements** -

Audrey Carlan announced the up coming Region 66 meeting on Sept. 20, 2001 in San Pedro. Aaron Starr will be the featured speaker. She explained how here region was getting postcards mailed by the Post Office at very low cost. She announced that a student in her region has formed a club, Students for Individual Liberty, at Harbor College. The club will be having a debate on September 8 between Adrian Moor, Executive Director of Reason Foundation and Tomas Omera of the Volunteer Oaks Project. The subject of the debate will be the deregulation of electricity.

Jonathan Zwickel asked that the LPC investigate the feasibility of the LPC allowing partisan LP candidates to use its MasterCard and Visa processing of campaign contributions. Aaron Starr said that credit card agreements do not normally allow one entity to use its facility by another. He said that the Regions can use the processing because they are seen as a part of the LPC as is specific projects. Jonathan asked that we still look into it. Aaron said that he would have David Molony look into it and report back.

3. Starchild said that San Francisco Region 38 will be having a film screening of "Silenced: TWA Flight 800 and the Subversion of Justice" Screening and Reception with producer Jack Cashill. Showings on October 20th, 2001, at 6PM and 8PM, UCSF Laurel Heights Campus Conference Center, 3333 California Street, San Francisco. Conference Center Phone: 415-476-8050. Tickets: \$30 each. To order tickets, call 1-800-929-4714 For more info, go to www.LPSF.org Please note that tickets for Libertarian Party members are only \$25 each! Also, all orders received by September 30 will receive \$5 off per ticket. Sponsored by the Libertarian Party of San Francisco. Portion of the proceeds to benefit the Flight 800 Family Relief Charity. *(This event has been postponed until February 23, 2002.)*

4. Approval of Agenda - Joe Dehn asked to expand his LNC Report, Item 8, to include a report on the Strategic Planning Committee. Time was extended to 30 minutes from 15 minutes. Time was added to some items; add Item 6d Discussion of Definition of an Active Region - 15 minutes; Agenda was approved as amended.

5. Consent Calendar -

a) June Executive Committee Minutes. Rodney Austin asked for clarification on Item 12a. The motion in question in the minutes had been withdrawn by the maker and the minutes were amended. Approved as amended.

b) Standing Resolutions - Approved.

6. Officers Reports

a) Chair - Aaron Starr

Aaron reported that at the focus of the last three months had been candidate recruitment. He said that Operation Breakthrough had a total of 46 volunteers manning phones throughout a four day period. He reported that we have 86 candidates and 6 victories on of which was an elected Libertarian who was re-elected to a post that we didn't know about. We also found 3 other elected Libertarians that we didn't know about. This brings the total elected Libertarians through Operation Breakthrough to 20.

Aaron said that he has been trying to see how to fund a scaled up Operation Breakthrough for next year. He said that it would cost about \$70,000 for the total program that he would like to do. He suggest that we could have people sponsor victories. This would mean that a person would pledge \$5 - \$10 per victory.

b) Northern Vice Chair - Rodney Austin

Rodney said that he had spent most of his time working on the Annual Conference of Regional Chairs that took place on August 25 and 26 in Fresno. He said that 19 people attended from 11 different regions. He reported on the different speakers and seminars.

Rodney explained the progress on a generic campaign brochure that he and others are working on. He had samples that he handed out.

c) Southern Vice Chair - Mark Selzer

Mark reported on several media contacts. He said that he was looking for people to be on his show and changing some of the show formats to a debate.

d) Secretary - Sandi Webb

Sandi reported that there had been six email votes. The results of those votes can be read at her web site at <http://www.peoplesveto.org/lp>

e) Treasurer - Lori Adasiewicz

Lori reported that the cash flow was down. She said that this should be resolved in the next few weeks when expected receivables come in. She reported that one of the unexpected expenses was the resignation of Juan Ros. She said that there was some clean up of the accounts still to be done from the past Treasurer. She handed out a written report. Lori and Aaron answered questions on the accounting programs used. The level of reporting was discussed.

Lori reported on her efforts to add health care program as a member benefit for the LPC. This would include such things as discount vitamins to members.

f) Executive Director - David Molony

David gave a written report that had been prepared by the outgoing Executive Director, Juan Ros. David then gave a short written report of his first two weeks at the office.

Lunch

7. Old Business

a) Campaign 2002 - Ted Brown

Ted updated the ExCom on his efforts to recruit candidates. Aaron asked that the candidates make a concerted effort to ask people to join the party as they are going around gathering signatures on "in lew of" petitions.

b) 2003 LPC RFP

Aaron reported that Juan did not prepare an in house bid for the 2003 convention. We also did not receive any bids from outside. With no bids, no site can be selected at this meeting.

Motion: Wayne Nygren moved that a detailed RFP for the 2003 LPC convention be proposed and distributed to the Executive Committee, Regional Chairs, and other known activists or other competent convention contractors by Nov. 15, 2001. Seconded.

Mark Hinkle spoke in opposition. He said that we should the running of the convention in house with professional staff.

Ted spoke in favor. He said that there is no reason that the party can't put in a bid in house. He said that when Juan did the convention it took a lot of his time away from other duties. He said that although we had problems with the last convention contractors, the current contractor is doing a better job.

Motion to amend: Change date to Oct. 15, 2001. Seconded. **Passed.**

Motion passed as amended.

Wayne Nygren was appointed Chair of the Convention Committee.

c) Program Coordinator Bruce Dovner

Bruce gave a report on the progress of the Program Committee. He said he was setting up a web page forum at <http://www.liberty66.org/cgi-bin/dcforum/dcboard.cgi?az=login> for all members wanting to work on the LPC Program. He distributed a draft Program that he has written to start the discussion. (A link to this site can be found at the Secretary's Corner web site at <http://www.peoplesveto.org.lp>) The purpose of the Coordinator was discussed as well as the timeline of events.

Bruce mentioned the need for regions to appoint regional representatives to provide input on the Program. He said he would bring various plank ideas to the December 1 ExCom meeting and report on the amount of support expressed for each.

d) Discussion of definition of an active region

8. Aaron Starr said that it was up to the ExCom to define what is an active region. He said that he thought that the level of regional activity was at too low. He said that although the bylaws require regional elections, there is no reporting requirement. Aaron Starr proposed the following minimum criteria for a region to be considered active: (1) It has its own bylaws; (2) It holds elections of which proper notice is given; (3) It communicates with its members at least quarterly; (4) It holds in-person meetings at least quarterly. No motion was presented. It was suggested that a generic set of regional bylaws be written so regions can just use them as a starting point. The scope of what the ExCom can do in this regard was discussed. No motion was presented. **New Business**

a) Generic Campaign Speech

Doug Scribner and Mark Selzer presented an idea for a generic speech aimed at the colleges. They showed clippings from South Park that can be used to demonstrate our view. It was discussed to have several generic speeches for the several different audiences that may be encountered. No decision was made and the topic was to be continued on email.

b) Revocation of Membership of Cullene Lange for Cause

Aaron Starr gave some background on what had transpired up to this point: Cullene Lang was awarded the bid for the 2001 LPC Convention. A few days before the convention the hotel insisted that Ms. Lang put up \$6,000 security because her credit was not sufficient. The LPC Operations Committee (composed of Mark Hinkle, Sandi Webb, Eric Lund, Ted Brown, and Aaron Starr) voted to give the hotel the \$6,000 as an emergency measure, with the understanding that this money was secured against credit card receipts of approximately the same amount that the LPC was processing for Ms. Lang, and that such funds would not be remitted to Ms. Lang. The Chairman of the time, Mark Hinkle, ruled that then Treasurer Eric Lund had a conflict of interest due to his romantic and financial entanglements with Ms. Lang. Though Eric did not vote on the measure, he did engage in debate via e-mail after the motion was proposed.

At the ExCom meeting immediately following the convention this issue was discussed. There was concern about the security of the money advanced to the hotel, but assurances were made to the committee that this was not an issue because the LPC had the credit card money as security. Eric Lund, the outgoing LPC Treasurer, was present at that meeting and said nothing to the contrary.

When Lori Adasiewicz, current LPC Treasurer, received the financial records and bank accounts statements several weeks after she was elected to the position, she found that Mr. Lund had written checks to Ms. Lang covering the credit card transactions, effectively eliminating the LPC's security on the \$6000. These checks were dated after the OpCom vote and at least one check was dated on the day of the ExCom meeting immediately following the convention. These amounts were disbursed in violation of the OpCom vote. Aaron Starr suspected that the then Treasurer disbursed these amounts due to the financial problems that Ms. Lang was having with her recently acquired restaurant.

Subsequent to that, Aaron Starr had a conversation with Ms. Lang. Ms. Lang claimed that she understood that the LPC was loaning her the money and that she had no knowledge that the credit card receipts were being used as

collateral. She later contradicted that statement by telling Mr. Starr that she recalled Mr. Lund telling her about the events of the ExCom meeting immediately following the convention. Mr. Starr told the committee that it is quite normal for couples to engage in "pillow talk" and that he did not believe that she did not know exactly what had happened. Aaron Starr stated that he didn't feel that it was worth it to pursue the matter further even though he believed that she was taking advantage of us. At that point, he just wanted to make sure that we got the money back as soon as possible. Aaron Starr and Juan Ros made arrangements for Ms. Lang to make payments on the amount due. Payments were to be \$1000 per month, final payment to be no later than in seven months. Ms. Lang made one payment of \$400 and the party was able to collect on some credit card transactions that couldn't be processed at the convention even though Ms. Lang had received the money for these transactions. Processing these amounts had the effect of reducing the balance due to us to \$5,140. Ms. Lang defaulted on the payments and would not initiate phone calls to us. She continued to default on her promises. The LPC filed a claim in the Small Claims Court. Attempts were made to collect money after the filing in Small Claims Court.

Aaron Starr mentioned that LPC Bylaw 3, Section 13 suspends membership automatically when there are monies owed the LPC over 90 days. Membership is reinstated automatically when this debt is paid. On August 13th her membership was suspended due to a violation of LPC Bylaw 3, Section 13.

The purpose of the hearing today is to invoke Bylaw 3, Section 8 which allows the ExCom the authority to suspend membership indefinitely for cause.

As a last ditch effort, Aaron Starr tried to come to an agreement with Ms. Lang that would make sense to the party. Ms. Lang offered to pay \$250 per month until the balance was paid. She asked that Mr. Starr present that to the ExCom today. Ms. Lang was not willing to collateralize this new note with anything. Mr. Starr felt that Ms. Lang merely wanted to exchange one broken promise with a new promise that he believes she is also likely to break. Ms. Lang has assets, including unencumbered raw land with an estimated value of \$25,000. Mr. Starr stated that he was willing to come to an agreement with Ms. Lang for a smaller monthly amount provided that she was willing to secure the debt with property that Ms. Lang owns. She refused, stating that she believed that having a first trust deed on the property would impede the sale of the property, which she was planning. Aaron Starr told her that this wasn't true; that escrow companies handle this as a routine matter and that she should check with either her attorney or her escrow company and get back to him. In accordance with her previous pattern of behavior, she did not get back to him. A week and a half later he called her to follow-up. She once again refused to secure her note with the property because she believed it would impede the sale. Mr. Starr interpreted that to mean that she simply did not want to secure the note and that her intentions were less than honorable. What bothered Mr. Starr most is that he asked her why she wasn't paying us \$250 per month all along if that was what she was willing to pay. Ms. Lang stated that since a Small Claims Court judgment is limited to \$5,000, and since she owed us more than \$5,000, any amount she paid would make it possible for the LPC to collect more money from her. Ms. Lang also stated that it was her intention to frustrate our efforts in Small Claims Court by having the case thrown out on a technicality that she would not disclose. Mr. Starr believes that the actions of both Mr. Lund and Ms. Lang were done to specifically benefit them to the detriment of the LPC.

There was lengthy debate and questions and answers. Daniel Wiener expressed his opinion that Cullene Lang and Eric Lund stole, embezzled and cheated the members of this party who have contributed money -- often in small contributions to try and accomplish the purposes of this Party. He was very strongly in favor of throwing both out of the party. J.R. Graham stated his belief that this whole problem arose out of a cavalier attitude toward "conflict of interest." He is not in favor of expelling her at this time. J.R. Graham stated that we should wait and see if she engages in further acts to delay and frustrate our attempts to collect money, such as interfering with the upcoming court proceedings. Brian Lee Cross stated there was no longer a reason to keep them in the party. He believed that at one time the threat of expelling them would be enough that they would want to pay us back. At this point he believes that we should also consider seeking criminal charges against them. Wayne Nygren officiated the "marriage" of Cullene and Eric. He described past dealings with both of them in relation to a previous convention and he was not surprised by the behavior described. He stated that he was very glad that he was not part of the committee that awarded the contract to Ms. Lang. Mr. Starr stated "for the record" that he and others on the committee were not aware of the relationship between Ms. Lang and Mr. Lund at the time of the awarding of the contract. Mr. Nygren stated that Ms. Lang has assets that can be attached and that her first husband's assets and wages can be garnished. Mr. Nygren felt that there was no good reason to keep them in the party. Jonathan Zwickel inquired as to when Mr. Lund wrote the checks, before or after the election. Mr. Starr replied that checks were dated as of the last day of the convention, but that it was at least three weeks before Ms. Adasiewicz could get the records from Mr. Lund. It was very odd that the checks were not cashed for at least a couple of weeks after the convention. There was speculation that the checks could have been issued after the convention by Eric, but backdated. Joe Dehn was concerned that the proceedings were addressing both individuals at the same time, rather than treating each separately. He wasn't sure whether Cullene was intentionally defrauding the party, but he does recollect Cullene

stating to him that she felt that she was being loaned the money. He stated that Cullene was not a party to the OpCom vote, nor was she a member of this committee. He believes that there was ample evidence after the convention that she has not been very cooperative with us. He stated that he believes that we never formally or informally asked Eric for his side of the story. Mr. Starr stated that he wasn't dealing directly with Mr. Lund on the request of Ms. Lang because she felt that it would be very damaging to Mr. Lund's fragile nature. Mr. Starr stated that he had in good faith been honoring that request in the hopes that it would get Cullene Lang to pay us, since she seemed more concerned about Eric's well being than her own. He said it might be appropriate to table the discussion of Mr. Lund until the next meeting so that we can give him adequate notice to participate and make any statement he wished to make. Wayne Nygren wanted assurances that Cullene Lang was informed of these proceedings. Ms. Adasiewicz described how a series of letters were sent to Cullene Lang including the final one back in June that told her that the issue of her membership being terminated would be addressed at this meeting.

Motion to extend for 10 minutes. Passed. Motion: Lori Adasiewicz moved to suspend Cullene Lang's membership to the LPC under Bylaw 3, Section 8 for cause. Seconded.

There was debate as to whether the motion should include specific language of the cause, such as for financial malfeasance, for defrauding the party, for refusing to negotiate in good faith, etc. Some felt that it was important to delineate what all the causes were. There was concern by others that making specific charges would open up the party to libel. Ms. Adasiewicz stated that truth is a defense against libel. Mr. Wiener believed that all the bylaws require is that we simply state that the reason for suspension was for "cause" and the minutes would be available for anyone to review. He didn't want to limit the motion to one or two reasons because it could be appealed to the Judicial Committee on the basis that those one or two points are insufficient to revoke her membership. He preferred that we instead keep the motion general in nature. If she should appeal this matter to the Judicial Committee, representatives of the ExCom will testify as to the reasons behind her revocation and the minutes will be available for their review. Brian Lee Cross stated that we could broadly state that the reasoning include Ms. Lang's breach of trust and continued disregard for the well-being of the party, but such language was not viewed as a friendly amendment to the motion.

<u>Roll Call Vote</u>	<u>Vote</u>
<u>Officers</u>	
Aaron Starr	Yes
Mark Selzer	Yes
Rodney Austin	Yes
Lori Adasiewicz	Yes
Sandi Webb	Yes
<u>At-Large Reps</u>	
Elizabeth Brierly	Yes
Ted Brown	Yes
Doug Scribner	Yes
Starchild	Yes
Dan Wiener	Yes
<u>At-Large Alternates</u>	
Al Carlan, #1	
Bruce Dovner, #2	
<u>Region Reps</u>	
Wayne Nygren, Region 1	Yes
Jeff Sommer, alternate R1	
Brian Lee Cross, Region 30	Yes
Paul Studier, Region alternate 30	
JR (nobody) Graham, Region 37	No
Steve Cicero, alternate R 37	
RobRob, 2 nd alternate R 37	
Mark Hinkle, Region 43	Yes
Joe Dehn, alternate R43	
Mark Hilgenberg, Region 61	Yes
Erich Miller, alternate R61	
14Yes; 1 No; 0 Abstentions. Passed	

- c) Revocation of Membership of Eric Lund for Cause

Aaron Starr explained the background on this issue. He said that he has emails between Mr. Lund and Mark Hinkle. He also has cancelled checks.

Motion: Lori Adasiewicz moved to table this item to the next Executive Committee meeting to allow Eric Lund time to be notified and to respond. Seconded.

Motion to substitute: Rodney moved to put on the agenda of the next ExCom meeting the suspension of membership of Eric Lund for cause. Seconded. **Passed**

Motion passed by a voice vote with one abstention.

9. LNC Report & Update for the Strategic Planning Committee - Joe Dehn

Joe Dehn handed out a written report on the Strategic Planning Committee activities. He said that he has started to archive the National Committee reports on his web page. Joe briefed the ExCom on the situation with Perry Willis.

10. Standing Committee Reports

- a) Legislative Committee - Brian Lee Cross - No Report
- b) Membership Committee - Vacant - No Report
- c) Legal Committee - No Report
- d) Budget Committee - Lori Adasiewicz - No Report
- e) Convention Oversight Committee - Elizabeth Brierly - No Report
- f) Convention Committee - Mark Selzer - No Report
- g) Human Resources Committee - Aaron Starr - No Report
- h) Style Committee - Dan Wiener - No Report
- i) Audit Committee - Dale Ogden - No Report

11. Evaluation of Standing Resolutions

Aaron said that he has had Mark Hinkle and Joe Dehn working on new Standing Resolutions.

12. Next Meeting - December 1, 2001 location to be determined within the Bay Area.

13. Special Presentations and Discussions

- a) Making of email motions and seconding by alternates.

Sandi said that she would like direction from the ExCom as to who may make email motions and seconds. This problem arose when an ExCom member made a motion and four members seconded it for an email vote under Bylaw 9, Section 2. An alternate wanted to second the motion. Aaron ruled that only direct members can make motions and seconds. An alternate may make motions and second only if the member he/she is alternate for goes on vacation and notifies the alternate. It would be advisable to also notify the LPC Secretary.

Motion: JR (nobody) Graham moved that alternates be treated in all manor as the spokesperson unless overruled by the regular rep. Seconded. It was discussed whether this would need a change in the bylaws. Second withdrawn. Motion dies for lack of a second.

It was decided that the status quo was to be used.

- b) Commissions for fundraising. Mark Hilgenberg and Mark Selzer handed out a written proposal.

Any person who applies before the Executive Committee of the Libertarian Party of California and who is approved by at least 8 members can be a commissioned fundraiser for the Libertarian Party of California. This commission will be set at 15% of funds collected by each fundraiser. This commission can be revoked by a 8 member vote of the L.P.C. Executive Committee or voluntarily by the fundraiser.

Any person may apply for this commission to the Executive Committee in person or in writing or by having their name submitted for approval by a member of the Executive Committee. Members of the Executive Committee or employees of the California Libertarian Part or L.P.C. Executive committee may not apply.

Any money collected improperly or fraudulently may be returned by a 8 member vote of the L.P.C. Executive Committee. Any commission for funds deemed improperly collected may be revoked by a 8 member vote of the L.P.C. Executive Committee.

No commission will be given if money is collected from some one who has previously donated \$5,000. to the Libertarian Party of California.

Any person previously approved to collect funds on commission can be decommissioned at any time by a 8 member vote of the L.P.C. Executive Committee.

The L.P.C. Executive Committee reserves the right to revoke a commission or Commission Status for any reason. Commissioned persons are not employees of the L.P.C. Executive Committee or The Libertarian Party of California and have no rights as such.

All funds not specifically earmarked by the donor for a specific project will go into the general fund.

All funds donated can be earmarked for a specific project and may not be spent elsewhere with out the written permission of the donor.

This resolution does not apply in any way to employees of the L.P.C. or its Executive Committee and does not effect or add too commissions previously negotiated (if any) or already in place.

Commissions will be paid only from funds collected by the commissioned fundraiser and only paid when the funds have cleared and are placed in the bank account of the Libertarian Party of California.

The Libertarian Party of California or its Executive Committee is not liable for commissions or funds not yet cleared by the bank.

All persons commissioned by the Libertarian Party of California Executive Committee must agree to and understand the above provisions in writing.

It was decided to continue this discussion on email.

- c) Online email discussion forum(s). - Mark Hinkle (I want to submit a motion to make the list private, i.e. only members of the LPC ExCom would have access to the online discussions.) 15 minutes requested.

Motion: Mark moved that a Standing Resolution be adopted that ExCom email be considered private. Seconded.

Mark explained that the current email list is not secure. The email gets sent to a list that Joe Dehn operates. This list is sent out to a wider list. He said that it seemed poor policy to put all of our records open to all of the world. Joe explained that the idea of the email list is to extend the policy of an open meeting that is in place for the ExCom meeting itself.

It was discussed whether to have all things open or not. Sandi said that other than things that are confidential, email should be open. Dan Wiener said that he was undecided. He said that he had found the URL for the Green Party and had been reading some of their minutes and such. He suggested that this could be handled procedurally. He said that anyone can send email to the specific people with "private" in the subject line, indicating that the receiver should "reply to all."

It was decided to move continue this on email.

14. Adjourn