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## Parliamentary Opinion

RE: Notice of Harlos Trial

### Summary

On October 11, 2024 the Chair of the Libertarian National Committee (LNC), Angela McArdle, contacted the parliamentarian, with some questions regarding the notice process in regard to disciplinary action against the LNC Secretary, Caryn Ann Harlos. Charges were filed against her at a special meeting of the LNC on October 6, 2024; a trial was set for November 9, 2024, at an adjournment of that special meeting.

Chair McArdle asked the parliamentarian to evaluate, "the correctness of the notice, compliance with service requirements non specified claim of improper notice." The reasons for this are some comments and a point of order raised during the meeting by Ms. Harlos and a comment made by her on social media.

At the October 6 meeting, Ms. Harlos raised and then withdrew a point of order that no action could be taken to adopt any recommendations in that report, stating that the notice only permitted the LNC "To hear it, not to vote (36:10)." Presumably the claim would be that the charges and other motions recommended in the report could not be adopted.

During the October 6 meeting, the consideration of the report was referred to a select committee appointed by motion. Ms. Harlos raised a point of order that was, "Since this is a matter that has not come before the assembly, this is a main motion, um, for which there has been no notice given, that you cannot do this committee this meeting because of it's a special meeting and there is insufficient notice." The chair inquired, "No notice given for what." Harlos' reply was, "Um, appointing a subcommittee to hear it. The notice was given for the LNC to hear it (Timestamp 1:11:15)." She later referred to these as "original main motions." The point of order was not well taken. Ms. Harlos appealed, which died for lack of a second.

On October 7, 2024, the Chair, with the assistance of the parliamentarian, drafted a letter with the notice to Ms. Harlos<sup>1</sup>. It was delivered on October 8, 2024<sup>2</sup>.

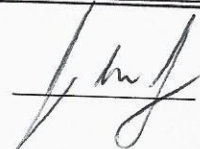
In a "tweet" on X, dated at 4:41 PA on October 11, 2024, Ms. Harlos tweeted, "The Party has now plowed about \$100 of your money still defectively trying to defectively serve with notice while denying my rights."<sup>3</sup> This has raised the possibility of some flaw or contention with the content of the notice or its delivery of the notice.

These are claims that the parliamentarian will be evaluating.

### Works Cited

The Bylaws of the LNC shall be cited as Bylaws, with the appropriate article and section numbers, shall be cited as Bylaw. The Policy Manual of the LNC, which contains a mixture of standing and special rules, will be cited as PM, with appropriate article and section numbers.

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Bylaws, Article 16, provide that "the current edition of Robert's Rules of Order, Newly Revised," is the parliamentary authority of the LNC. That is the 12<sup>th</sup> edition published in 2020. It shall be cited as RONR, with the appropriate paragraph citation.

In addition, a recording of the meeting was placed on Youtube by one of the LNC members, Mr. Paul Darr.<sup>4</sup> Citations from that are as Timestamp with the time of the event starting. It should be noted that the Bylaws (Article 7.14) permit "Any person may record the National Committee's proceedings while in open session,...," and this recording is of the open session.

Other items will be referenced in the footnotes.

### Commentary

There are two separate types of notice involved in this issue. First is the general notice protecting absentee rights and the second is specific notice to the accused that is a due process right.

Notice, in most cases, protects the rights of absentees and is the reason that special meeting require notice (RONR, 9:3). Someone may decide to attend a special meeting only because there is some subject upon which they wish to have input, e.g. opposing it, supporting it, wanting to modify it. Failure to provide adequate notice of special meetings to any member will deprive any absentee of this right (25:15). The violation of the right of an absentee would render an action taken in violation of that right null and void (23:6 e).

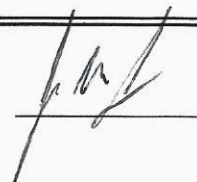
RONR (9:15) notes that only business specified in the call of the meeting may be considered at the meeting. It also notes, " This rule, however, does not preclude the consideration of privileged motions, or of any subsidiary, incidental, or other motions that may arise in connection with the transaction of such business or the conduct of the meeting." The PM (1.92 8) d) notes that only "topics" be listed in the notice.

Notice is required to be e-mailed to be emailed to all members at least five days in advance (PM 1.92 8) d). This notice was sent five days in advance and included this line, "1) Notice to hear the Investigatory Committee Report with recommendations of charges."<sup>5</sup> The topic is the Investigatory Committee and recommendations of charges. That would include the adoption of those charges and any ancillary motions. Likewise, motions growing out of the report "arise in connection with the transaction of such business," the presentation or hearing of a report.<sup>6</sup> Any member of the LNC or outside observer could reasonably know that charges may be considered at this special and that ancillary motions to those charges may be adopted.

The second dealt with the motion to commit. The main motion that was pending was consider the committee report (which was ultimately adopted by the LNC). Then the motion to refer the motion to a committee, consisting of most of the LNC members, was made. This was clearly a subsidiary motion to commit the pending motion, which was to adopt the committee report (RONR, 13:7, 2.).

Note that even if the motion to commit was made when nothing was pending, a motion to refer the report of a committee that already reported to a new committee would be an incidental main motion, as the assembly took action to form the Investigatory Committee in August (13:6). Even in that case, it still would be considered to be one those "other motions that may arise in connection with the transaction of such business," within the meaning of RONR 9:15. Under either claim, the motion to refer the matter to a committee was in order at this special meeting.

In short, there is no deficiency for notice for the consideration of the items arising from the Investigatory Committee report nor of referring that report to a select committee at the October 6, 2024 special meeting.





The second type of notice in this case is the notice to the accused. The PM (1:01 4)) states that, "The process for removing Officers and At-Large Members shall be the trial procedure as outlined in the Party's parliamentary authority." That authority is RONR, and RONR creates a formal notification requirement that must be met, even if the accused member is present when adopted (63:28). This is not an absentee right, but the basic right of an individual member as mention in 23:6e; if there was a problem with the content of the notice that could result in the trial being null and void.

RONR (63:28) requires that the notice, sent to the accused, is a "letter notifying him of the date, hour, and place of the trial, containing an exact copy of the charge(s) and specifications with the date of their adoption, and directing him to appear as cited." The parliamentarian prepared the initial draft of this notice for the Chair, and has inspected it several times since. It contains of the required material. Note that there is no requirement to list the resolution appointing the manager. Also note that, as an adjourned meeting of a special meeting, no additional notice is needed for the actual meeting (22:9).

Finally, there is the issue of the delivery of notice to the address of the accused. This is required to be done, "by a method providing confirmation of delivery to his address (63:28)." The Chair provided evidence that the letter was delivered by the USPS on 10/8/24.<sup>2</sup> Note that personal delivery into the hands of the accused is not required; only delivery at the address of the accused is necessary to comply with this requirement. Note also that this may be delivered by some method other than the USPS.

### Opinion

- 1. Notice of the October 6, 2024 Special Meeting was sufficient to consider the report of Investigatory Committee and motions growing out of that report.**
- 2. It was well within the scope of notice of the October 6, 2024 Special Meeting to appoint a special committee to consider the report and report back to the LNC.**
- 3. The text of the notice to the accused corresponded to the requirements of disciplinary notice in the parliamentary authority.**
- 4. Evidence of the delivery of the notice is sufficient to demonstrate compliance with the parliamentary authority.**

Signed:

  
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Jonathan M Jacobs, RP, CPP

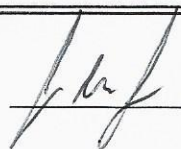
Date:

11/8/24

This is based on general principles of parliamentary procedure, the bylaws of this organization, and the cited parliamentary authorities; nothing in this opinion should be construed as an interpretation of statutory or case law.

End Notes:

<sup>1</sup> As per the recently amended PM 1.01 4), if the secretary is charged, "the chair shall appoint some individual to send the secretary the charges." The Chair appointed herself. A copy of the letter was furnished to the parliamentarian.  
<sup>2</sup> A USPS return receipt was furnished to the parliamentarian.



<sup>3</sup> Tweet of 4:51 PM, October 11, 2024, account of @carynannharlos.

<sup>4</sup> [https://www.youtube.com/watch?v=1IPoDw2CE\\_8](https://www.youtube.com/watch?v=1IPoDw2CE_8)

<sup>5</sup> <https://groups.google.com/g/inc-business-list-public/c/l3SQKRVX1VI>

<sup>6</sup> Interestingly a similar question was posted on the RONR message board by a poster using the name "LP Guest," who posted this question:

"If there is an assembly with five days notice required for a special meeting and in the notice as written by the author and not reworded by secretary it says:

1) Notice to hear the Investigatory Committee Report with recommendations of charges.

Is that sufficient notice to VOTE on the recommendations or to just hear what they are with a new meeting required to vote on the recommendations?

Honestly don't know. And I understand that anyone can comment but in this organization a certain member is very invested and know who they are, and I am looking for objective answers here. No chickens in the coops."

An answer was posted that read in part:

"It will ultimately be up to the organization to make its own determination on this matter.

My own view is that members of the organization should understand that "consider and vote on" is a thing that happens at meetings, and that a call need not specifically say "consider and vote on" in order for this to occur. Indeed, it should be assumed that this will occur, especially for a special meeting.

A special meeting "is a separate session of a society held at a time different from that of any regular meeting, and convened only to consider one or more items of business specified in the call of the meeting" and "The reason for special meetings is to deal with matters that may arise between regular meetings and that require action by the society before the next regular meeting, or to dedicate an entire session to one or more particular matters." RONR (12th ed.) 9:13, emphasis added

Unlike regular meetings, special meetings are called only when necessary. So it should be assumed that special meetings are called for a reason, and are not intended to waste the assembly's time by doing nothing.

In my view, a call that provides that a special meeting is called "to hear the Investigatory Committee Report with recommendations of charges" is sufficient to act upon the recommendations of charges."

The answer was from Josh Martin, PRP, who served as the parliamentary consultant for the Classical Liberal Caucus at the 2024 LP National Convention. <https://robertsrules.forumflash.com/topic/44508-special-meetings-and-note/>

