



JUDICIAL COMMITTEE

417 WEST SOUTH STREET, CARLISLE PA 17013-2829

judicial@lppa.org

Wm. Martin Sloane (Cumberland County), *Chair*

John M. DiLiberto (Luzerne County)

Michael J. Robertson (Clarion County)

Marakay Jessica Rogers (York County)

Timothy A. Russell (Venango County)



7 May 2013

REPORT TO THE LPPA BOARD OF DIRECTORS

I. A. The Judicial Committee received three questions from Immediate Past Chair Tom Stevens on 27 April 2013. The first two are as follows:

[1] I am being disenfranchised as a voting member of the Board of Directors and I would like the Judicial Committee to direct the Secretary Ken Krawchuk to do his job, to add me to the list of Board members, to record my votes and monitor all activity on the lpBoard-Business Yahoo Group where only Board Members and alternates vote on motions and participate in discussions.

[2] In addition, Joshua Chaires of Chester County was never authorized to vote as the Northampton LP State Board Representative. Paul Rizzi [sic] was and is currently authorized to vote in that capacity. It is my understanding that Joshua Chaires was encouraged by some Montgomery County LP members to claim the right to vote as Northampton LP Representative at the last Board of Directors Meeting, when he was never authorized, ever, to vote in that capacity since, although he was an officer in the Northampton LP, he was a resident of Chester County. Although the Northampton LP Executive Committee has now ejected Josh Chaires as a member of the Northampton LP, Ken Krawchuk continues to list him as our Rep and is allowing him to cast votes in currently pending motions. Finally, since Josh Chaires was never authorized to vote and yet attended the Board Meeting on April 13, 2013, participating in debate and voting on motions, I believe whatever decisions were made there were tainted by the illegal participation of Josh Chaires and should be declared null and void.

The third issue, as stated by Dr. Stevens, is as follows:

[3] The bylaws requires [sic] 50 days [sic] notice of the "time, place & schedule of events" of the Annual Convention be given to all LPPA Members.

The below e-mail notice fails to mention the "schedule of events" and, in fact, explicitly states that "details will be announced shortly" and that "the full schedule and pricing will be announced soon".

Deferring notice of the "details" and "full schedule" of events makes notice of this Annual Convention insufficient. The "schedule of events" must be included in the 50 day notice.

Since many members do not have e-mail addresses noted in the membership database, notice of the "time, place & schedule of events" needed to be sent to all LPPA members. This was not done. I did not receive said notice and others didn't as well.

In addition, and as further evidence, below is an e-mail posted by James Babb, who calls himself the Convention Faciliator:

"I would like to report that on April 15th, 499 current and previous members were mailed a postcard notifying them of our annual convention. Also, an email notification was sent to 613 current and previous members with an email of file. LP membership information was not included in the data I received. Was this data lost? It used to be stored in the member data file. It would be great to notify them as well. An outstanding lunch speaker was confirmed today. We should have the schedule, pricing and registration webpage up soon. Thanks, Jim Babb, Convention Facilitator"

James Babb admits that "LP membership information was not included in the data (he) received". He then asks "was this data lost"?

How can Babb say he sent the postcards to 499 current and previous member but then admit his data didn't indicate who were members.

In addition, Babb himself admits they should have the "schedule, pricing and registration webpage" up soon. The delay is because the "schudule of events" was not determined or distributed with the 50-day notice of the Annual Convention.

My posted notice and "schedule of events", which were deemed an insufficient notice of the schedule of events, was the following:

Friday, April 26th 8 p.m. to 10 p.m. - Meet & Greet at CLUB FUSION (in the Days Inn)

Saturday, April 27th 8 a.m. to 6 p.m. - Banquet Room (Danville Days Inn Conference Center)

8:00-8:30 a.m. - Check In
 8:30-10:30 a.m. - Business Session (Free Admission)
 10:30-12 noon - Speakers & Presentations
 12 noon to 1:15 p.m. - Lunch Break
 1:15 p.m. to 5:45 p.m. - Speakers & Presentations

The cost for this portion of the Annual Convention (not including the free Business Session) is \$44.00.

Every effort was made to keep the convention as reasonably priced as possible.

Please go to the Donation Page at the LPPA Website to pay this \$44.00 through PayPal:

<http://www.lppa.org/actions/contribute-to-the-lppa.html>

When you have done so, send me an e-mail at DrTomStevens@aol.com to let me know you did it.

On Saturday night, there will be a sit-down dinner at A Taste of Italy in Bloomsburg, PA. If you will be attending the dinner on Saturday night from 7:30 p.m. to 10 p.m., rsvp to let me know. We are still working out the pricing for the dinner. When we have those details, everything will be posted on our website and sent to you.

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The current noticed schedule of events does not even come close.

To avoid a challenge as to the legitimacy of the upcoming convention, I ask for a quick ruling so the Convention Committee to put off the convention by two weeks allowing them to send out sufficient and proper notice.

I. B. JURISDICTION: "The Judicial Committee shall be the final body of appeal in all matters regarding interpretations of the Constitution, Bylaws, and Rules or Resolutions of the Party, subject to the provision that a decision of the Judicial Committee can be overturned by a three quarters vote of the members present at a convention." LPPA Const., art. IV, § 4 (http://lppa.org/documents/lppa_constitution.pdf). "The Judicial Committee Chair shall review any question of non-compliance with LPPA Constitution, Bylaws, or written policy put forward in writing to the Committee by any LPPA member in good standing to determine the need for committee action." LPPA Policy Manual, art. VII, § 2 (http://lppa.org/documents/LPPApolicymanualMay29_2012.pdf).

I. C. APPLICABLE BYLAWS.

ARTICLE V. BOARD OF DIRECTORS

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Section 5 - Transaction of business over the Internet

Any business of the Board of Directors can be conducted over the Internet in the same manner as via mail or telephone, except that multiple motions may be on the floor simultaneously provided they do not overlap or conflict with one another. If any members of the Board of Directors do not wish to transact Board business over the Internet, when a vote is required the Secretary will forward to them via mail or phone sufficient information regarding the business at hand to allow them to vote knowledgeably.

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ARTICLE IX. CONVENTION

Section 1 - Arrangements

It shall be the responsibility of the Board of Directors to set the time, place, and schedule of events of the convention. At least fifty days [*sic*] notice by phone, email or postal service must be provided to the membership concerning these arrangements.

II. A. DISCUSSION. During the last several months, the LPPA Board of Directors has been conducting much of its business via "LpBoard-Business@yahoo.com". This is in effect a continuous, round-the-clock board meeting at which motions are made without recognition by the Chair, sometimes without seconds, and at which the Secretary acts as the *de facto* presiding officer. Board members are apparently expected to monitor this "group" on a regular basis—plowing through a morass of objectionable language and commentary—in order to see whether any actual business motions are pending. Votes are then cast by being posted for other members to see.

At best this is a disorderly, confusing and time-intensive procedure, probably not one contemplated by the applicable bylaw, and one that operates oblivious to the applicable provisions of *Robert's Rules of Order, Newly Revised* (adherence to which is mandated by the Bylaws, Art. XIII, http://lppa.org/documents/lppa_bylaws_2012.pdf). These issues are not before us, however, and so we shall proceed to consider the specific complaints of Dr. Stevens.

II. B. UNANIMOUS OPINION OF THE JUDICIAL COMMITTEE.

① We find as a fact that the LPPA Secretary wrote as follows on 27 April 2013:

I wouldn't know what Tom said. I've had him in my kill file for a while. I asked him to behave himself and he refused, and no one on the board has raised a point of personal privilege to start the process to silence

his rude rants, so I took personal action myself to stop them. Nothing coming from any of his e-mail addresses can reach me. The resulting silence is quite nice, thank you, and I'd advise others to do the same (except Erik, of course, who seems to enjoy it all).

The Bylaws back me up in my actions too. Article V Section 5 says, "If any members of the Board of Directors do not wish to transact Board business over the Internet, when a vote is required the Secretary will forward to them via mail or phone sufficient information regarding the business at hand to allow them to vote knowledgeably." I refuse to transact board business over the Internet with Tom. Period. If he has anything to say to me regarding board business, he can call or write.

The Bylaws' phrase "If any members of the Board of Directors do not wish to transact Board business over the Internet" manifestly grants an option to board members who are called upon to vote. There is no conceivable interpretation of this provision that gives the Secretary authority to refuse to count the e-mail vote of a particular member and require him instead to vote my mail or telephone. Any vote count as to which Dr. Stevens or any other Board member was subjected to this discriminatory burden is null and void *ab initio* and is of no force and effect.

② For the past month the only authorized Board representative from the Northampton County LP has been Paul Rizzo. Any votes cast on or after 13 April 2013 on behalf of Northampton County by Josh Chaires or any person other than Paul Rizzo is null and void and may not be included in the vote total. If Mr. Chaires' vote was decisive on any issue, then that question must be re-voted.

③ The notification of the 8 June 2013 convention was adequate as to the date, place and time of the business session. The information provided in the notice sent by postal service and by email directed recipients to a website that included a tentative schedule of events of the convention. This was found to meet the intent of the Bylaws to provide members with a schedule of events sufficient to enable them to determine their own schedules. We have found no indication that any LPPA member did not receive this notice. Therefore there is no reason to prevent the convention from proceeding as scheduled.

Respectfully submitted,

+*William Martin Sloane*

William Martin Sloane, Chair