



JUDICIAL COMMITTEE

417 WEST SOUTH STREET, CARLISLE PA 17013-2829

judicial@lppa.org

Wm. Martin Sloane (Cumberland County), *Chair*
Henry E. Haller, III (Allegheny County)
Ken V. Krawchuk (Montgomery County)
Timothy A. Russell (Venango County)
Erik Viker (Snyder County)



16 September 2013

REPORT TO THE LPPA BOARD OF DIRECTORS

I. On 22 August 2013 the Judicial Committee ("JC") received the following petition:

1. On July 18, 2013, the Executive Committee of the Libertarian Party of Northampton County voted to hire as an employee former County and State Chair Dr. Tom Stevens to be the group's Executive Director effective August 1, 2013.

A three-year contract was approved and the salaried position involves the following duties and responsibilities as noted in the contract:

...to recruit candidates to run for local office, to coordinate membership recruitment drives, to schedule and co-sponsor local events and meetings, to represent and speak on behalf of the Libertarian Party of Northampton County when dealing with outside organizations and the press, to propose motions to the Executive Committee, to run its Yahoo Groups, Meetup Groups, Facebook Groups and other social media outlets, to propose meeting times and locations to the County Chair, and to handle such additional responsibilities as he may deem appropriate or that are assigned to him by the County Chair and/or the Executive Committee.

Shortly thereafter, Steve Scheetz, LPPA State Chair, falsely claimed Dr. Tom Stevens had appointed himself as Executive Director of the Northampton County LP (whereas the Executive Committee of the Northampton County LP hired him and approved his contract) and, more importantly, Mr. Scheetz ruled that under the state LPPA bylaws, the Northampton County LP could not hire an employee as Executive Director unless that employee met all of the "qualifications of a Board Member".

On July 21, 2013, Mr. Scheetz wrote to the Board, in part, as follows:

Tom Stevens appointed himself Executive Director of an affiliate of the LPPA while no longer being a member of the LPPA. According to the LPPA, an Executive Director must meet the same qualifications as a board member. Tom Stevens does not.

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As a result of the bylaw interpretations made by Mr. Scheetz, other LPPA members have also repeated the same claim.

I ask the Judicial Committee:

1. Does a hired employee of a local LPPA chartered County Organization need to be an LPPA member and meet the same qualifications as a state board member?

2. Specifically, I ask, may Dr. Tom Stevens, a former member of the LPPA, be hired to serve as Executive Director for a chartered County LP Organization, without currently being a member of the LPPA or of the local County LP Organization?

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2. At the Board of Directors Meeting held on Saturday, August 17, 2013, the Board of Directors passed a motion granting a charter to a newly organized Libertarian Party of Northampton County as if one did not exist.

Since September, 2011, an organized Northampton County LP, with adopted bylaws and elected officers has run regular meetings, endorsed candidates for office, scheduled events and has submitted required quarterly reports, without fail. An analogy was made during discussion on the motion that a new Bucks County group had been recognized last year but in that case there had been no meetings or quarterly reports submitted for over a year and the charter was automatically dissolved pursuant to the state bylaws.

On the contrary, the Northampton County LP has held regular meetings, followed its bylaws meticulously, has maintained minutes of all meetings, has endorsed candidates for public office, was the first County LP group in Pennsylvania to endorse Gary Johnson and last year, both the State Chair and the State Secretary were both from the Northampton County LP. In addition, the Northampton County LP has maintained 12+ LPPA members and a Board vote for the entire duration of its existence.

I do not believe the State LPPA bylaws provide any grounds for the revocation of an existing chartered County LP organization other than for the failure to submit quarterly reports for one year. As a result, the attempt to recognize a new Northampton LP should be declared null and void.

I believe it is a violation of the state bylaws for the Board of Directors to ignore an existing chartered group and to recognize a new one just because they don't like who is involved with a local County LP organization. The State LPPA Bylaws provide a mechanism for challenging someone who shows up claiming to be the State Representative. It provides for notice to a County LP group whose state membership has fallen below 12 but since the grounds for the loss of a charter (failure to submit 4 quarterly reports) are clearly set forth in the bylaws, it precludes the creation of other grounds.

If the Judicial Committee rules that a majority vote of the Board of Directors can revoke the charter of any local County LP organization at will, then temporary majorities on the Board will have the power to unseat County Board Representatives to appoint new ones to their liking. For example, the Board could vote to recognize new County Organizations for Montgomery, Philadelphia, Delaware, etc. and immediately permit Representatives of their liking to vote from these new groups. The floodgates would be open to major political machinations, which is exactly what is taking place in the attempt to usurp the power of an existing chartered County LP organization - namely, the Northampton LP, of which I serve as County Chair.

Respectfully,
Aaron Rosengarten
County Chair
Libertarian Party of Northampton County

II. The JC determined that no hearing was necessary regarding the Tom Stevens issue, as the facts were not in dispute. However, the JC determined that a hearing should be held regarding the recognition of a new organization in Northampton County, and that Aaron Rosengarten and the LPPA Board of Directors, represented by Chair Scheetz unless someone else is designated, would be the parties. On 25 August 2013, the JC gave notice to the parties that a hearing would be held via teleconference on 8 September 2013 at 5:30 p.m.

III. On 26 August 2013, the JC received the following from LPPA Chair Scheetz:

I have a factual disputes.

FACT 1: The Board did NOT decertify any county organization.

FACT 2: according to the bylaws the board is REQUIRED to recognize ANY group of two or more individuals as "A" county committee.

FACT 3: We did not certify a county committee as if none existed.

FACT 4: When Paul Rizzo went to file paperwork with the county board of elections, His committee was the first organization from the Libertarian Party to do so.

If you wish to continue with a hearing, you are welcome to do so, but the way things stand, there is nothing for Aaron's organization to dispute.

Now, if Aaron's group continues to associate themselves with Tom Stevens, and the board decides to NOT associate with them per the decision on August 17, you may have a dispute to have a hearing about as it relates to the Board's ability to not associate with groups associating with Tom Stevens.

Sincerely,

Steve Scheetz

ARTICLE III. COUNTY AND REGIONAL COMMITTEES

Section 1 - Definition of County and Regional Committee

Any group of two or more members in good standing residing in the same county, shall, upon their request to the Party be recognized by the Board of Directors as a "County Committee".

IV. The Judicial Committee held a hearing on 8 September 2013, beginning at 5:30 p.m.. Present were Chair Sloane; Members Haller, Krawchuk and Russell; and Aaron Rosengarten and his representative, Tom Stevens. Toward the end of the hearing (6:06 p.m.), Member Krawchuk asked whether Dr. Stevens should have been allowed to participate on the call. Chair Sloane cited the following provision of the LPPA Bylaws: "Each party to a hearing shall have the right to represent his or her interests in the manner of his choosing" (art. VII, § 4).

V. On 9 September 2013, the JC received the following from LPPA Chair Scheetz:

My understanding was that the JC heard from someone who had no business on the call. The Board voted that we would NOT associate with Tom Stevens, or any organization he is associated with.

IF the LPNC continues to associate with Tom Stevens, this will, more than likely, create cause for a hearing as the board DID act in creating its statement, but the LPNC does have the option of continuing its association with Tom Stevens, or continue to be recognized by the LPPA.

I spoke with Ken K briefly. I was not able to attend the meeting due to a flat tire, and me being without my cell phone. I HAVE been re-united with my phone if anyone wishes to speak with me regarding the following. 610-636-8039

When considering your decision, Ken K told me that the Constitution says "the county committee" and not "A County Committee"

ARTICLE IV. ORGANIZATION

Section 1 - Functional Division

The functional division of the Party shall be the County Committee. A member of the Party may join a County Committee subject to the rules and regulations of that Committee.

I have to disagree with his statement. When the Constitution says "the county committee," it is simply stating what to call a functioning sub-unit. It does not say there can be only one, (If it does, please highlight the relevant text.) it does say that a member of the party may join a county committee. On a side note, the Constitution says nothing Regional Committees at all, and yet we have them. Does this mean we should not?

We can split hairs, but the reference in the Constitution does not go against the bylaws as written in my opinion, because if it did, it would have stated that members could join THE recognized county committee. It does not. One could suggest that the spirit of the document is this, or the implications are that, but at the end of the day, the document says what it says. We either follow it, or we figure out a way to change it, but in the mean time, we do not put words into the document that are not there.

I know, for a fact, that the NCLP will welcome Aaron, who, to my understanding, is the only member of the LPNC who is still a Libertarian and who has not already moved over and joined with the NCLP.

Not sure if this matters to anyone, but it does to me. If the JC rules against the existence of the NCLP, there will be no candidates representing the LP in Northampton County either this year, or next year... In fact, the LPPA may lose a presence in that county forever due to the fact that nobody in that group wanted to be affiliated with Tom Stevens, and they will believe, rightly so, that the LPPA has its proverbial head up its proverbial

I may also decide that I should be doing other things instead of trying to save an organization that is bent on self-destruction... I may be overreacting, but Ken told me how the vote on this issue may come down, and while I am extremely concerned, I sincerely hope the JC acts in the interest of the LPPA..

Sincerely,

Steve Scheetz

VI. OPINION OF THE JUDICIAL COMMITTEE.

A. On the first question presented, we hold unanimously that "a hired employee of a local LPPA chaptered County Organization need" not "be an LPPA member and meet the same qualifications as a state board member".

B. On the second question presented, it appears that the employment of Dr. Stevens violates the county organization's bylaws. However, a majority of the Judicial Committee holds that the LPPA Bylaws do not authorize the LPPA Board of Directors to require that county organizations adhere to their county bylaws.

C. On the third question, which is implied rather than stated explicitly, we hold unanimously that the LPPA Board of Directors did not withdraw official state recognition from the Northampton County Libertarian Party (the group headed by Mr. Rosengarten).

D. On the fourth question, which is also implied rather than stated explicitly, a majority of the Judicial Committee holds that there is no express prohibition in the LPPA Bylaws to having more than one organization in a county. We strongly recommend that diplomatic efforts be undertaken to consolidate the two Northampton County groups.

Respectfully submitted,

+William Martin Sloane

William Martin Sloane
Chair, Judicial Committee