

**MINUTES OF THE MEETING OF THE EXECUTIVE COMMITTEE
OF THE LIBERTARIAN PARTY OF NEW YORK
HELD ON SUNDAY, JANUARY 15, 2023 ON THE ZOOM MEETING APP**

MEMBERS PRESENT

Andrew M. Kolstee, Chair
Duane J. Whitmer, 1st Vice-Chair
Richard F. Purtell, 2nd Vice-Chair
Mark S. Braiman, Secretary
William Cody Anderson, Treasurer
Maura E. Botsford, Member-At-Large (JD8)
Justin N. Carman, Member-At-Large (JD3)
Keith C. Redhead, Member-At-Large (JD5) (arrived 7:30 p.m.)
William K. Schmidt, Member At-Large (JD9)
Karyn A. Keniry Thompson, Member-At-Large (JD4) (arrived 7:10 p.m.)

OBSERVERS (10)

Paul M. Grindle, State Committee member, Judicial District 2
Amanda H. Ellithorpe, State Committee member, Judicial District 4
Daniel J. Castello, State Committee member, Judicial District 5
Adam M. Magoon, State Committee member, Judicial District 5
Christopher M. Olenski, State Committee Member, Judicial District 6
David S. Penner, State Committee member, Judicial District 6
Christian J. Vondras, State Committee member, Judicial District 6
Richard Bell, State Committee member, Judicial District 13
Rebecca Lau, Manhattan Chair
Michael J. Long, Fulton County Secretary and Acting Chair

The meeting was called to order at 7:02 p.m. by Andrew Kolstee, Chair. Secretary Mark Braiman conducted a roll call and determined that a quorum was present.

The Chair opened a period of public comment and no comments were given.

Secretary Mark Braiman issued a report. **The reading of the minutes of the October 16, 2022 Meeting of the Executive Committee was waived** without objection; and the **said minutes were approved** without objection. Reading of the minutes of the December 18, 2022 Meeting of the Executive Committee was postponed. Braiman also reported that he emailed to all the members of the State Committee the Rules Committee's proposed amendment on the Conflict Resolution Committee, which had been requested to be communicated to them as soon as possible after finalization of that proposal.

Treasurer William Cody Anderson issued a Treasurer's Report in writing (**Exhibit 1**). **The Treasurer's report was accepted** without objection.

Chair Andrew Kolstee issued a report. The first issue of the revived *Free New York* newsletter was 12 pages long, was read by over 2,400 email recipients, and responses were received from several individuals. The Chair also reported that there will be some legal issues to discuss in Executive Session at the end of the meeting regarding litigation. He plans also to send out a survey to find out the best date for the next meeting of the full State Committee.

Communications Director Duane Whitmer issued a report that included Stephen Felano's Outreach Division report. A video response and analysis of Kathy Hochul's State of the State address as well as a response to the Republicans' agenda, has been prepared by Felano and will be released this week. A response to the New York State Climate Council's new rules instituting "Climate Tyranny" is being prepared, demanding that the people who have promulgated these rules get rid of gas hookups to their own homes before even suggesting such rules. A press release pertaining to Second Amendment issues is also being prepared. A tentative meeting to prepare advocacy videos about police-state surveillance resistance, with the goal of preventing police surveillance. A commentary has been prepared on New York State's response to the western New York Christmas weekend blizzard, pointing out that based on the response to this one, central government will not be able to help individuals significantly when such events occur in the future.

Field Development Director Andrew Kolstee issued a report. **Certifications that the County Affiliates in Erie, Kings, and Onondaga, and Suffolk Counties have met the criteria required in Article 11.2.3 of the Rules of the Libertarian Party of New York** passed without objection.

The Field Development Director's report also included a list of two (2) counties that have held a convention but have not yet provided full documentation for certification—(Orange and Putnam), and a list of thirteen (13) county organizations that have previously been organized during the 2020-2022 period, but have not provided documentation of having held a convention (Albany, Chenango, Fulton, Montgomery, Otsego, Orleans, Richmond, Saratoga, Schoharie, Tioga, Wayne, Westchester, and Yates). These need to provide documentation by March 31, 2023 or they will be considered for revocation of their affiliation.

The Chair allowed a question from observer Michael Long, Fulton County Secretary/Acting Chair, regarding what would happen if the Fulton County's paperwork were not submitted by March 31, 2023. Kolstee responded that the full State Committee would make an assessment and determine whether or not to revoke the affiliation, in which case a county would be required to restart the affiliation process to reform.

The renewal of the appointment of Brian Wells as County Contact of Washington County for a three-month term set to expire on April 15, 2023 was approved without objection.

Information Technology (IT) Director Justin Carman issued a report. The IT Committee is still looking to set up a CRM software package and to use WordPress for a new website. The LPNY will remain on the National Libertarian Party's email server. The IT Committee is also working on developing a ticketing system for officers and other members to submit requests for IT support, including for announcement or other changes to be made on the LPNY website. The next IT Meeting is scheduled for Tuesday, January 17, 2023, at 9 p.m.

Legislative Affairs Director Richard Purtell issued a report. The Division has continued filling of positions of subcommittee chairs: Megan Mills-Hoffman as Education Chair, James Dayton as Energy Chair; Mark Glogowski as Election Law Chair. Thomas Quiter has stepped down as Health Chair. William Cody Anderson asked about whether there will be any legislation to require COVID vaccines for public school students. Purtell said that the New York State Legislature has opened the door by allowing teens to accept STD treatment without parental consent. A particular case pertains to teens accepting the HPV vaccine without parental information or consent, since this vaccine has special liability through the National Vaccine Injury Compensation Program. The Libertarian Party's position is to object to any service that has special liability treatment, and that teenagers should not be put in a position to consent to this liability waiver. Mark Braiman expressed concern about the Legislative Affairs Division taking positions in front of the New York State Legislature that are not backed up clearly by the Party Platform. Purtell responds that this adds urgency to the development of a Platform.

Personnel Division Director Keith Redhead had nothing to report.

Candidate Support Committee Chair Paul Grindle issued a report. Libertarian Party candidate for Akron Village Trustee, Charles Roggen, received the financial support that the Executive Committee approved at the December 18, 2022 meeting. He has already received the approximately 50 signatures required to get on the ballot. He needs help with campaign volunteer activities. Village election day is Tuesday, March 21, 2023. Paul Grindle requested an email be sent out to people in his area to request help with the campaign. Andrew Kolstee agrees to send out such an email to the Erie County segment of the email list. Grindle asked for additional emails to be sent to other portions of the state for phone banking, graphic design help for flyers, and other activities. Kolstee states he has no objection. Treasurer William Cody Anderson said that he supports sending of emails with a candidate spotlight but cautioned against taking any "call to action," or other action that would make the State Committee itself into a candidate support committee.

Rules Committee Chair Andrew Kolstee issued a report. A meeting was held, and another has been scheduled for January 24, 2023 and it will be open to observers.

Chair Andrew Kolstee introduced two potential candidates for the position of Political Director, Paul Grindle and Rebecca Lau. Each submitted a written application describing their qualifications and prior activities within the Libertarian Party. Each was given an opportunity to speak for five (5) minutes. Kolstee then opened a question-and-answer session. Discussion ensued, first with, and then without the two candidates present. **Paul Grindle was appointed Political Director.**

Only one candidate, Chance Haywood, has expressed interest in the position of Finance Director and will be invited to speak to the Executive Committee at the February 19, 2023 meeting.

Motion by Mark Braiman to **recommend the following as a public non-binding resolution for consideration by the full State Committee** was seconded by Karyn Thompson and debated.

WHEREAS, getting a Libertarian Presidential candidate on the New York ballot in November 2024 will require 45,000 petition signatures, a level that we did not quite achieve for Governor in 2022; and

WHEREAS, we believe our inability to petition successfully in 2022 was at least partly a consequence of our failures to lay the necessary groundwork early on, to meet the newly stringent petition requirements; and

WHEREAS, our failure to gain sufficient petition signatures, and subsequent scrambling to achieve ballot access through even less-auspicious means, led to dispiriting internal finger pointing and a net loss of momentum in building the Party;

THEREFORE BE IT RESOLVED, the Libertarian Party of New York intends to throw our enthusiastic support in 2023-2024 behind the nomination and petition-gathering for 2024 statewide candidates, including a candidate for the United States Senate; placeholder candidates for President and Vice President of the United States; as well as Presidential Electors pledged to vote for the nominees chosen by the 2024 Libertarian National Convention, IF at least three (3) out of the following five (5) criteria are met by December 31, 2023:

- 1) A total of \$300,000 is in the Libertarian Party of New York's Ballot Access bank account.
- 2) The Libertarian Party of New York has a list of at least 2,000 volunteers who have pledged, via email from a valid return email address, to collect petition signatures to get the statewide candidates on the ballot in 2024.
- 3) The Libertarian Party of New York has a list of at least 20,000 new members who have pledged via email, from a valid return address, to download and sign a copy of our independent candidate petition, and to have it witnessed and returned via US Postal mail within the first 24 hours of petitioning in April 2024;
- 4) The Libertarian Party of New York's email list of registered NY voters who have expressed some kind of interest in Libertarianism exceeds 50,000 functioning recent email addresses.
- 5) At least 50 members of the Libertarian Party of New York have successfully petitioned during the 2023 independent candidate petition period to be listed as

Libertarian candidates for public local offices, and have consequently appeared as Libertarians on the November 2023 ballot.

The motion was discussed extensively, with much debate on whether this should be structured as a non-binding resolution or as an amendment to the Rules of the Libertarian Party. Motion by William Cody Anderson to **amend the motion to read as follows** (where the green text color indicates additions and struck out red text indicates deletions) was seconded by Richard Purtell and passed without objection.

WHEREAS, getting a Libertarian Presidential candidate on the New York ballot in November 2024 will require 45,000 petition signatures, a level that we did not quite achieve for Governor in 2022; and

WHEREAS, we believe our inability to petition successfully in 2022 was at least partly a consequence of our failures to lay the necessary groundwork early on, to meet the newly-stringent petition requirements; and

WHEREAS, our failure to gain sufficient petition signatures, and subsequent scrambling to achieve ballot access through even less-auspicious means, led to dispiriting internal finger-pointing and a net loss of momentum in building the Party; ~~**THEREFORE BE IT RESOLVED**~~; **WHEREAS**, the Libertarian Party of New York intends to throw our enthusiastic support in 2023-2024 behind the nomination and petition-gathering for 2024 statewide candidates, including a candidate for the United States Senate; placeholder candidates for President and Vice President of the United States; as well as Presidential Electors pledged to vote for the nominees chosen by the 2024 Libertarian National Convention, ~~IF at~~

THEREFORE BE IT RESOLVED, the Libertarian Party of New York shall strive to attain at least three (3) out of the following five (5) criteria ~~are met~~ by December 31, 2023:

- 1) A total of \$300,000 is in the Libertarian Party of New York's Ballot Access bank account.
- 2) The Libertarian Party of New York has a list of at least 2,000 volunteers who have pledged, via email from a valid return email address, to collect petition signatures to get the statewide candidates on the ballot in 2024.
- 3) The Libertarian Party of New York has a list of at least 20,000 new members who have pledged via email, from a valid return address, to download and sign a copy of our independent candidate petition, and to have it witnessed and returned via US Postal mail within the first 24 hours of petitioning in April 2024;
- 4) The Libertarian Party of New York's email list of registered NY voters who have expressed some kind of interest in Libertarianism exceeds 50,000 functioning recent email addresses.
- 5) At least 50 members of the Libertarian Party of New York have successfully petitioned during the 2023 independent candidate petition period to be listed as Libertarian candidates for public local offices, and have consequently appeared as Libertarians on the November 2023 ballot.

The original motion by Mark Braiman passed without objection as amended. Motion by Duane Whitmer to **authorize an expenditure of up to \$400 to William Ostrowski for paid petitioning that was not previously paid by the Larry Sharpe campaign** was seconded by Maura Botsford and debated. Motion by William Cody Anderson to **lay the motion on the table** was seconded by Duane Whitmer and passed without objection.

Andrew Kolstee requested feedback on wording of the Outreach Director Contract (**Exhibit 2**). A concern was expressed that at the December 18, 2022 meeting, it had been agreed that the contract would have a 1-year term. Duane Whitmer suggested a specific termination date of December 31, 2023 or with a 30-day notice. There were no other objections to the proposed wording of the contract. William Cody Anderson requested that Duane Whitmer obtain a W-9 from Stephen Felano.

The meeting entered **Executive Session at 9:09 p.m.** for the purpose of discussing current and future legal and political strategy.

Executive Session was **adjourned** at 9:50 p.m.

The motion to **authorize an expenditure to William Ostrowski was taken off the table** without objection. Motion by William Cody Anderson to **postpone the motion until William Cody Anderson has further conversation with the Larry Sharpe campaign** was seconded by Richard Purtell and passed without objection.

Motion by William Cody Anderson to **adjourn** was seconded by Karyn Thompson and passed without objection.

The meeting was adjourned at 9:52 p.m.

Mark Stephen Braiman,
Secretary

Exhibit 1

LPNY Treasurer's Report
January 15, 2023

Housekeeping Committee account balance as of 01.15.23: \$693.07 (-\$233.79 since 12.18.22)

Constituted Committee account balance as of 01.15.23: \$21,984.52 (+\$843.02 since 12.18.22)

LPNY 2022 Petitioning Committee account balance as of 01.15.23: \$4,335.95 (no change since 12.18.22)

Disbursements from Housekeeping account since 12.18.22:

Grasshopper - \$33.72

Constant Contact - \$200.07

Disbursements from CC account since 12.18.22:

Committee to Elect Charles Roggen - \$100.00

Deposits to CC account since 12.18.22:

Net Donations - \$943.02

Disbursements from petitioning account since 12.18.22:

none

Respectfully submitted,

W. Cody Anderson
Treasurer

Exhibit 2 (page 1 of 2)

LIBERTARIAN PARTY OF NEW YORK OUTREACH DIRECTOR CONTRACT PAGE 1 OF 2

1. **PARTIES.** This Independent Contractor Agreement (“Agreement”) is by and between Steve Felano with a mailing address of 25 Knoche Way, Orchard Park NY 14127 (“Contractor”) and the Libertarian Party of New York with a mailing address of P.O. Box 13402 Albany, NY 12212 (“LPNY”) and shall be effective as of the date of acceptance. In consideration of the mutual terms, conditions, and covenants hereinafter set forth, Contractor and the LPNY agree as follows:

2. **PURPOSE.** The purpose of this Agreement is to engage the Contractor as Outreach Director to operate the Outreach Division of the Libertarian Party of New York.

3. **SCOPE OF WORK.** The Contractor shall be responsible for operating the Outreach Division of the Libertarian Party of New York, which is responsible for developing and implementing strategies for content creation, activism opportunities, direct citizen action, networking with other organizations, and coalition building. Furthermore, the Outreach Division shall fundraise as part of its implementation of the work of the Outreach Division.

4. **COMPENSATION.** The Contractor shall be compensated based on the funds raised by the Contractor for the LPNY through identifiable fundraising links provided by the LPNY. The Contractor shall receive thirty percent (30%) of such funds raised. The remaining seventy (70%) of the funds shall be used at the sole discretion of the LPNY, except such funds shall not be used to pay petitioners for any 2024 statewide candidates in any ballot access drive.

5. **TERM.** This Agreement shall remain in effect until December 31, 2023 or until terminated by either party upon thirty (30) days' written notice.

6. **INDEMNIFICATION.** The Contractor shall indemnify and hold the LPNY harmless from any loss or liability from performing the Services under this Agreement.

7. **ASSIGNMENT.** Neither the LPNY nor the Contractor may assign this Agreement without the express written consent of the other party.

8. **RELATIONSHIP DEFINED.** Nothing in this Agreement shall indicate the Contractor is a partner, agent, or employee of the LPNY. The LPNY employs the Contractor as an independent contractor, and the Contractor hereby accepts.

Exhibit 2 (page 2 of 2)

**LIBERTARIAN PARTY OF NEW YORK
OUTREACH DIRECTOR CONTRACT
PAGE 2 OF 2**

9. **OTHER AGREEMENTS.** It is agreed between the parties that there are no other agreements or understandings between them relating to the subject matter of this Agreement. This Agreement supersedes all prior agreements, oral or written, between the parties and is intended as a complete and exclusive statement of the agreement between the parties. No change or modification of this Agreement shall be valid unless the same be in writing and signed by the parties.

10. **GOVERNING LAW.** This Agreement shall be construed in accordance with and governed by the laws under the state of New York.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first above written.

_____ Date: _____
Andrew M. Kolstee
Chair, Libertarian Party of New York

_____ Date: _____
Steve Felano
Contractor