



January 14, 2006

Executive Committee Meeting

As accepted

A regular meeting held at  
April & George in Raleigh, NC

These minutes were e-mailed to: [ecLPNC@yahoogroups.com](mailto:ecLPNC@yahoogroups.com), [JudicialCommittee@LPNC.org](mailto:JudicialCommittee@LPNC.org), and [affiliates@LPNC.org](mailto:affiliates@LPNC.org).

The meeting was delayed due to the late arrival of a quorum and by waiting for a member who was delayed due to a traffic accident. With Mr. Vuchnich presiding and Ms Wilcox recording the meeting came to order at 11:45 AM.

**Members present:** Ms Wilcox, Mr. Vuchnich, Ms Hogarth, Mr. Irving, Ms Gallivan, Mr. Anders, Mr. Jacobson, Mr. Pasotto and Mr. Smith.

**Members absent:** Mr. Wrights, Mr. Pitts, Mr. Ritchie and Mr. Powell.

**Staff present:** none

**Guests:** Pete Capelli, Johnny Crawford, Paul Elledge, Linda Ellis, Steven Hilton, Jason Hurst, Allison Jaynes, Maximilian Longley and Chris Spruyt.

### I. Opening

- A. The agenda was amended to add one item to old business, a new and standing item under new business called "Other New Business", and to reorder items under New Business as determined by the preference of some members. The agenda was accepted as amended by unanimous vote.
- B. Eric Smith moved and Susan Hogarth seconded, that the minutes of the December 10, 2005 meeting of the Executive Committee be accepted as presented. Voting in the affirmative: Beverly Wilcox, Alex Vuchnich, Susan Hogarth, Elise Gallivan, Neal Anders, Phil Jacobson, Rich Pasotto and Eric Smith; voting in the negative: Brian Irving; abstaining: no one. The motion passed.

### II. Staff Report

- A. Mr. Haugh sent notification that he intended to terminate his contract with the LPNC via e-mail to the ecLPNC Yahoos group, with an effective date of February 16, 2006. A hard copy will be sent to Mr. Hill.

### III. Officer Reports

#### A. Chair

NO REPORT

#### B. Vice-chair

NO REPORT

#### C. Recording Secretary

1. Ms. Wilcox reported that the electronically recorded minutes provided by Mr. Pasotto an immense help in producing an accurate report.

#### D. Treasurer

1. Mr. Vuchnich reported that he has produced a preliminary year-end report but it will not be available for distribution until he has double-checked all information.
2. The party ended the year with an approximate \$12,000 loss. Ten thousand of that was a carry-over from the previous year and the balance is due to overspending on paid petitioners.
3. Revenues are approximately equal to last year's numbers.
4. The party has outstanding legal fees of approximately \$2,900

#### E. Newsletter Editor

1. Ms Hogarth reported that the latest newsletter has just gone out. It had been delayed because of the changing status of Executive Committee resignations.
2. The next newsletter is scheduled to be delivered at the end of February with another issue being sent in early April.
3. The most recent newsletter was sent at very low cost because Ms Hogarth produced it, with the help of the Wake County affiliate.

**F. Outreach Director**

NO REPORT

**G. Ballot Access Director**

NO REPORT

1. Allison Jaynes and Paul Elledge were recognized for their outstanding petition gathering.

**H. Press Secretary**

NO REPORT

**I. Membership Secretary**

NO REPORT

**J. Political Director**

NO REPORT

**K. Webmaster**

1. Ms Gallivan reported that the corrected copy of the Platform is up and that she had begun putting up convention information.

**IV. Committee Reports**

**A. Convention**

1. Several speakers have been lined up and the work continues to set up a schedule.
2. Several outstanding auction items have been gathered but the committee is still seeking more items.
3. Early interest seems to be much higher than in prior years.
4. The search continues for a parliamentarian.

**B. County Affiliate Affairs**

NO REPORT

**C. Small Business Owners**

NO REPORT

**D. Policy Manual/Past Practices**

NO REPORT

**E. Legislative Agenda**

1. Mr. Smith reported that he had met with legislators regarding HB 88 and is setting up meetings with other legislators.
2. Every one should contact their own legislators regarding the bill both before the session opens on May 9<sup>th</sup> and also during this short session.
3. The committee distributed copies of a proposed resolution and copies of a statement that will be issued as a press release. The proposed resolution concerned the issue of eminent domain.
4. Brian Irving moved, and Eric Smith seconded, that the resolution as proposed be adopted.

A short recess was taken for lunch and the meeting was reconvened.

5. Rick Pasotto moved, and Susan Hogarth seconded, that the resolution be amended to substitute the alternate wording as printed on the sheet, "Alternate Wording #1" for the 'therefore clause' and

replace the original wording 'therefore clause' with what is listed as the alternative. Voting in the affirmative: Bev Wilcox, Alex Vuchnich, Susan Hogarth, Elise Gallivan, Neal Anders, Phil Jacobson and Rick Pasotto; voting in the negative: Brian Irving and Eric Smith; abstaining: none. The motion to amend passed. The revised resolution is copied below:

**Resolution by the Libertarian Party of North Carolina in Support of an Amendment to the North Carolina Constitution Limiting the Power of Eminent Domain**

*Whereas, the protection of private property rights against government seizures and other unreasonable government interference is a fundamental principle and core commitment of our Nation's Founders; and*

*Whereas, On June 23, 2005, the United States Supreme Court issued its decision in Kelo v. City of New London, which held that government may seize the private property of one owner, and transfer that same property to another private owner, simply by concluding that such a transfer would benefit the community through increased economic development; and*

*Whereas, the Court's decision in Kelo is alarming because, as Justice Sandra Day O'Connor accurately noted in her dissenting opinion, the Court has "effectively . . . delete[d] the words 'for public use' from the Takings Clause of the Fifth Amendment' and thereby 'refus[ed] to enforce properly the Federal Constitution;" and*

*Whereas, the Court in Kelo noted, "nothing in our opinion precludes any State from placing further restrictions on its exercise of the takings power," and*

*Whereas, the North Carolina Constitution contains inadequate restrictions on the State's exercise of the power of eminent domain, in that it does not specifically address the power, merely stating in Article I, Section 19 that "No person shall be ... deprived of his life, liberty, or property, but by the law of the land;" and*

*Whereas, the Libertarian Party of North Carolina opposes the taking or seizure of private property by government or by agencies acting upon governmental authority and supports compensation for owners whose property is devalued or made inaccessible by government regulations;"*

*We Therefore, The Libertarian Party Of North Carolina, support an amendment to the North Carolina Constitution affirming the government's role in the protection of private property rights. As seizure of private property for the benefit of private interests is in direct conflict with the government's role in protecting private property, we call upon the legislature and citizens to amend the constitution to prohibit in particular this form of taking.*

6. The voting on the amended motion was unanimous and the above resolution will be forwarded to appropriate parties. A press release will be issued.

**F. State Fair**

NO REPORT

**G. Finance Committee**

1. Alex Vuchnich reported that the committee met directly prior to the EC meeting.
2. Research continues toward finding an electronic record keeping system that best fits the needs of the party. By integrating all of the electronic services that the party presently has (i.e. web hosting, credit card services, etc.) in one program with added features (i.e. membership records), the party can have a far superior system without costing considerably more money. The system now has no ability to keep track of and best promote membership details.
3. The 2006 budget is still a work in progress.
4. Funding request requirements were reviewed and explained and a form will be created to facilitate requests.

**H. Lawsuit Funding Committee**

1. Ms Hogarth reported that she is working on setting up an eTapestry database to begin the work of a coordinated fund raising calling plan.

2. Contact has been initiated among other potentially interested groups so that efforts can be coordinated in support of the lawsuit and other ballot access issues.
3. The committee is still looking for volunteers to make 10 or 15 calls per week.

**I. Platform and Statement of Principles Committee**

1. Mr. Jacobson reported that the committee has begun its work. Members of the committee were involved in correcting the wording of the Platform as presented on the website.
2. There has been interest in the Statement of Principles as an issue.

**V. Old Business**

**A. Electronic Voting**

1. Motion by Mr. Mr. Irving on 12-12-05: I move we give the vice chair check-signing authority AND as posted on the website: to give the vice chair (Lee Wrights) the authority to sign party checks. Voting in the affirmative: Thomas Hill, Alex Vuchnich, Brian Irving, Bob Ritchie, Elise Gallivan, Phil Jacobson and Eric Smith; voting in the negative: no one; abstaining: Lee Wrights, Beverly Wilcox, John Powell, Richard Norman, Susan Hogarth, Jim Pitts, Neal Anders and Rick Pasotto. The vote failed for lack of a quorum.
2. Brian Irving moved, and Eric Smith seconded, that the party authorize the officers (currently Chair, Vice Chair, Recording Secretary and Treasurer) to be LPNC check signers. Voting in the affirmative: Bev Wilcox, Alex Vuchnich, Susan Hogarth, Brian Irving, Elise Gallivan, Phil Jacobson, Rick Pasotto and Eric Smith; voting in the negative: no one; abstaining: Neal Anders. The motion passed.

**B. Inclusion in political debates**

TABLED

**C. Lifetime Membership plaque to Michael Badnarik**

1. Ms Wilcox showed the purchased plaque to the members and it was decided that the plaque should be mailed to Mr. Badnarik at his Texas residence with a cover letter of explanation.

**D. Follow-up – Greensboro bulk mail permit**

1. Ms Wilcox reported that the Greensboro permit had been obtained.
2. The Guilford College Libertarians are already putting the permit to good use with a mailing to be sent shortly.
3. Ms Hogarth and Mr. Vuchnich agreed to check into potential problems with the Raleigh bulk mail permit and attempt to resolve any problems.

**E. Discussion – info packets for referrals**

TABLED

**F. Discussion – unBlack decision**

1. Mr. Irving noted that although there had been a decision at the last EC meeting to issue a statement in support of the “Black Must Resign” rally, the Buncombe County LP had decided not to support that activity and it was decided to defer to the local view and not take part.

**VI. New Business**

**A. Acceptance of the resignation of Thomas Hill as Chair**

1. Brian Irving moved and Eric Smith seconded, that the resignation of Thomas Hill be accepted with reluctance. The motion passed unanimously.

**B. Acceptance of the resignation of Richard Norman as Membership Secretary**

1. Susan Hogarth moved, and Neal Anders seconded, that the resignation of Richard Norman as Membership Secretary be accepted. Voting in the affirmative were: Bev Wilcox, Alex Vuchnich, Susan Hogarth, Brian Irving, Elise Gallivan, Phil Jacobson; Neal Anders and Rick Pasotto; voting in the negative: Eric Smith; abstaining: no one. The motion passed.

### **C. Appointment of Chair**

1. Phil Jacobson moved, and Neal Anders seconded, that at this meeting the floor be open for nominations for appointment to all of the open EC positions of the LPNC.
2. Brian Irving moved, and Susan Hogarth seconded, to substitute a motion that we table all appointments to offices until proper notification that has been the practice of this committee to the general membership has been made through the Tarheel Libertarian. Voting on the motion to table all action on appointments – in the affirmative: Brian Irving, Neal Anders, Rick Pasotto and Eric Smith. Voting in the negative: Bev Wilcox, Alex Vuchnich, Susan Hogarth, Elise Gallivan and Phil Jacobson. Abstaining: no one. The motion to table failed.
3. The voting on the original motion to open the floor to nominations was as follows - voting in the affirmative: Beverly Wilcox, Susan Hogarth, Elise Gallivan, Neal Anders and Phil Jacobson; voting in the negative: Brian Irving, Rick Pasotto and Eric Smith; abstaining: Alex Vuchnich. The motion passed.
4. The floor was opened for nominations and the following people were nominated:
  - a. Phil Jacobson, by Beverly Wilcox
  - b. Lee Wrights, by Brian Irving
  - c. NOTA, by Alex Vuchnich
  - d. Allison Jaynes, by Eric Smith

With the help of Mr. Spruyt, and using the Proportional Representation method of voting, members voted and the votes were tallied. Mr. Jacobson was declared the winner on the second-round tally.

5. Bev Wilcox moved, and Susan Hogarth seconded, that Phil Jacobson be appointed Chair until the close of the convention. Voting in the affirmative: Bev Wilcox, Susan Hogarth, Elise Gallivan, Phil Jacobson and Eric Smith; voting in the negative: Brian Irving, Neal Anders and Rick Pasotto, abstaining: Alex Vuchnich. The motion passed.
6. Mr. Jacobson resigned his at-large position on the Executive Committee. Susan Hogarth moved and Eric Smith seconded, that Phil Jacobson's resignation from his position as an at-large member of the Executive Committee be accepted. Voting in the affirmative: Phil Jacobson, Bev Wilcox, Alex Vuchnich, Susan Hogarth, Elise Gallivan, Rick Pasotto and Eric Smith; voting in the negative: no one and abstaining: Brian Irving and Neal Anders. The motion passed.

### **D. Appointment of Membership Secretary**

1. Nominations were opened for the position of Membership Secretary and Susan Hogarth nominated herself. With no other nominations, nominations were closed.
2. With all members voting Susan Hogarth was elected to fill the vacant position.
3. Bev Wilcox moved, and Eric Smith seconded, that Susan Hogarth be appointed to the position of Membership Secretary until the close of the convention. Voting in the affirmative: Phil Jacobson, Bev Wilcox, Susan Hogarth, Elise Gallivan, Neal Anders and Eric Smith; voting in the negative: Brian Irving and Rick Pasotto; abstaining: Alex Vuchnich. The motion passed.
4. Ms Hogarth resigned her Newsletter Editor position on the Executive Committee. Eric Smith moved and Neal Anders seconded, to accept Susan Hogarth's resignation as Newsletter Editor. Voting in the affirmative: Phil Jacobson, Bev Wilcox, Alex Vuchnich, Susan Hogarth, Elise Gallivan, Neal Anders, Rick Pasotto and Eric Smith; voting in the negative: Brian Irving; abstaining: no one. The motion passed.

### **E. Discussion – Legal Requirements of Fund Raiser / ED Contract**

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### **F. Discussion – LPNC Regional Organizations**

1. After short discussion this item was removed from the agenda

### **G. Discussion – Use of Titles by LPNC Members**

1. Phil Jacobson moved and Bev Wilcox seconded, that the use of any title by LPNC members, where this title is intended to represent a position or job within the organization at the state level, is disapproved unless the name, powers and duties of the title are specifically authorized by the Bylaws,

by a State Convention, or by the Executive Committee. Voting in the affirmative were: Phil Jacobson, Bev Wilcox, Alex Vuchnich, Susan Hogarth, Elise Gallivan, Neal Anders, and Eric Smith; voting in the negative: Brian Irving; abstaining: Rick Pasotto. The motion passed.

**H. Discussion – Ownership of the official LPNC list-serve**

1. Phil Jacobson moved and Bev Wilcox seconded, that the ownership of the official eLPNC list-serve must always rest with a member, or members of the EC itself. After discussion, those voting in the affirmative were: Phil Jacobson, Bev Wilcox, Alex Vuchnich, Susan Hogarth, Elise Gallivan, Neal Anders and Rick Pasotto; voting in the negative: Brian Irving; and abstaining: Eric Smith. The motion passed.

**I. Request for Funding – Regional Alternate to LNC Meeting**

1. Bev Wilcox moved, and Eric Smith seconded, that it be the policy of the EC not to fund Regional Alternate travel expenses to LNC meetings. Voting in the affirmative: Phil Jacobson, Bev Wilcox, Alex Vuchnich, Susan Hogarth, Elise Gallivan, Neal Anders, Rick Pasotto and Eric Smith; voting in the negative: no one; abstaining: Brian Irving. The motion passed.

**J. Other New Business**

1. Susan Hogarth moved, and Neal Anders seconded, that Max Longley be appointed Acting Newsletter Editor until the close of the convention. The motion passed unanimously.
2. Eric Smith moved, and Susan Hogarth seconded, that nominations be opened for the vacant At-Large position. Voting in the affirmative: Phil Jacobson, Bev Wilcox, Alex Vuchnich, Susan Hogarth, Elise Gallivan, Neal Anders and Eric Smith; voting in the negative: Brian Irving and Rick Pasotto; abstaining: no one.
3. Nominations were opened for the At-Large position and Eric Smith nominated Allison Jaynes. With no other nominations, nominations were closed.
4. With all members voting, Allison Jaynes was elected to fill the vacant position.
5. Susan Hogarth moved, and Eric Smith seconded, that Allison Jaynes be appointed to the vacant at-large position until the close of the convention. The voting was unanimous.
6. As a point of personal privilege, Mr. Pasotto asked for input regarding an audiotape that he had posted to the list so that he could best determine how it should be distributed. It was well received.
7. There was a general discussion of issues but no other business was conducted. Mr. Jacobson invited everyone for an informal discussion elsewhere at the close of the meeting.

**VII. Adjournment**

- A. The meeting was adjourned at approximately 4 PM.
- B. The next meeting will be March 4, 2006 in Charlotte under the direction of Rick Pasotto.
- C. The April meeting will be April 1<sup>st</sup> with no site or host yet named.