

Libertarian Party of Colorado Judicial Committee

2025-01 Harlos Appeal Report

Timeline

June 14, 2023

LPCO board meeting: <https://www.youtube.com/watch?v=gA8t-I7KfOA>

Resolution discussion starts at 1 hour 18 minutes (ends at 1 hour 23 minutes).

Manual transcription:

Declaring the June 28, 2025 Holyoke Convention improperly noticed and actions void

Whereas the bylaws of the Libertarian Party of Colorado require that all state conventions and state law be properly noticed to the membership in accordance with established procedures including timely and adequate notification as specified in Article 10 section A and article 11 section 1 d of the bylaws.

Whereas the Libertarian Party of Colorado values transparency, due process, and adherence to its governing documents to ensure fair and legitimate proceedings.

Whereas it has been determined that the Holyoke Convention held on June 28th, 2025 failed to meet the requirements for proper notice as outlined in the bylaws, including but not limited to a regular convention must be noticed by 15 or more days in the newspaper circulated in every county a Libertarian resides.

Whereas the lack of proper notice deprived members of their right to participate in the democratic process of the Libertarian Party of Colorado, rendering the convention's proceedings invalid.

Now therefore, be it resolved, by the Libertarian Party of Colorado, the Holyoke Convention of June 28, 2025 is hereby declared improperly noticed due to failure to comply with the notification requirements set forth in the bylaws of the Libertarian Party of Colorado. All actions, decisions, elections, and other proceedings conducted at the June 28, 2025 Holyoke Convention are hereby declared null and void. The Libertarian Party of Colorado shall take appropriate steps to ensure future conventions comply with all bylaw requirements, including proper notice to the membership in compliance with state law to uphold principles of transparency and fairness.

Be it further resolved that this resolution shall be communicated to all members of the Libertarian Party of Colorado and recorded in the official records of the party.

August 13, 2025

Mr. Wayne Harlos submitted an appeal to the Libertarian Party of Colorado (LPCO) Judicial Committee (JC): "APPEAL TO THE LIBERTARIAN PARTY OF COLORADO JUDICIAL COMMITTEE RE: PURPORTED RESOLUTION OF THE LPCO BOARD ON JULY 14, 2025".

August 18, 2025

The JC Chair (Mr. Eric Bruetel) provided the following response to Mr. Harlos (though see August 27, 2025):

Your appeal of the resolution made at the LPCO Board meeting that concluded on July 14 at 8:29 pm is ineligible as it was submitted after the 30-day period outlined in the LPCO bylaws, Section 5d.

(d) All appeals must be in writing, submitted to the Chair of the Judicial Committee within thirty (30) days of the disputed decision.

August 23, 2025

Following convention adjournment sine die, the new JC was notified of Mr. Harlos' August 13 appeal.

At least two JC members agreed to a hearing (LPCO 2023 Bylaws - Article IX - Section 6 - subsection b). A hearing scheduled for September 13 was announced by the chair via email.

August 27, 2025

Mr. Bueltel provided the following statement:

I was made aware that you have a question about the Harlos Appeal I received as Chair of the Judicial Committee on August 13th. The appeal was received more than 30 days past the action in question; therefore, it is out of order and ineligible to be heard. Mr. Harlos was made aware of this on 8/18.

Mr. Harlos was asked about this and provided a copy of the decision in his statement (abridged):

I was asked by the JC about this email, and I did not see it at the time it came in. [...]

Per Colorado Rules of Civil Procedure 6, August 13 is within 30 days of July 14, 2025 (and under RONR in describing notice, it would also be within 30 days).

August 29, 2025

Notice of hearing published:

https://marketplace.denverpost.com/advert/Notice-of-Hearing-for-appeal-filed-with-the-Judicial-Comm-of-Libertarian-Party-of-Colorado-on-9-13-2025-at-noon-online-at-appeal-can-be-read-at-tinyurl-com-AppealText-General_8315

August 31, 2025

The JC was unable to find a copy of the published resolution at:

<https://lpcolorado.org/category/resolutions/>

A request for the publication was sent to the published LPCO Secretary's contact email.

September 13, 2025

The hearing proceeded as originally scheduled.

Mr. Harlos and the committee members were present but no identified respondents attended.

A recording is available: <https://www.youtube.com/watch?v=e83G1i8SEWc>

September 18, 2025

Voting completed to “grant the relief [Appellant] requested” (1 vacancy):

Yes - Clayton Casciato, Darren Hill, John Hjersman

Expressed abstention - Caryn Ann Harlos

Scope

“appeal [...] submitted [...] within thirty (30) days”

Bylaws - Article IX - Section 5 - subsection d

All appeals must be in writing, submitted to the Chair of the Judicial Committee within thirty (30) days of the disputed decision.

The previous JC declined to hear the appeal as it was allegedly past the required 30 days (see August 18).

Bylaws - Article XIV

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Party in all cases to which they are applicable and in which they are not inconsistent with these Bylaws, any Standing Rules, and any Special Rules of Order the Party or the Board of Directors may adopt.

The Bylaws prescribe Robert's Rules of Order (RONR) as the parliamentary authority.

RONR 9:4 and 56:34 (abridged):

Unless otherwise provided in the bylaws, the number of days is computed by counting all calendar days (including holidays and weekends), excluding the day of the meeting but including the day the notice is sent.

This language addresses notice but needs to be reversed for the applicable “within” language.

This is discussed in the RONR Q&A forum:

<https://robertsrules.forumflash.com/topic/43694-calculating-days-until-action-is-to-be-taken/>

Using the day of an event as one (1) day of notice does not appear to be a reasonable interpretation. Consider a scenario in which a board adopts a motion at 11:55 PM.

This would make August 13 the final day for the appellant to submit the appeal.

Therefore, this JC believes “Bylaws - IX - 5 - d” was met and chose to proceed in taking up the appeal.

Deciding whether to hear the appeal

Bylaws - IX - 6 - b

The Chair of the Judicial Committee must present all requests for appellate review to the Committee within five (5) days of receipt. The Committee shall then have five (5) days to decide whether or not to hear the appeal, with the agreement of two (2) or more Judicial Committee members being sufficient to hold a hearing. The Committee Chair shall then schedule this hearing to be held within thirty (30) days with at least ten (10) days' notice to the Party Membership and all involved parties.

The appeal was submitted on August 13, 2025, making August 23 the last possible decision day.

The hearing was scheduled within 30 days of August 23 (for September 13).

Unofficial and official notices were provided more than 10 days in advance of September 13 (August 23 and August 29 respectively).

Resolution

Bylaws - IX - 4 - a - 4

The Judicial Committee shall be limited to hearing and deciding cases involving [...] appeals of Board decisions pertaining to items of business

RONR 10:1

[...] a main motion is a motion whose introduction brings business before the assembly [...]

RONR 10:13

[...] a main motion – particularly an original main motion – is frequently offered as a resolution [...]

Board resolutions are in scope for JC decisions.

Analysis

RONR 49:7

[...] no action of the board can alter or conflict with any decision made by the assembly of the society, and any such action of the board is null and void [...]

RONR 56:41

A board may never alter a decision of the society's assembly [...] unless expressly authorized by the superior body or by the bylaws. [...]

RONR 58:1

[...] the word convention refers to an assembly of delegates [...]

Decisions made at a convention, an assembly of the LPCO, are superior to board decisions.

If the convention did not meet notice requirements, it may be null and void. However, the board has not been granted the authority to make this decision.

Verdict

The resolution exceeded the board's authority, especially the following:

All actions, decisions, elections, and other proceedings conducted at the June 28, 2025 Holyoke Convention are hereby declared null and void.

The burden of proof (Bylaws - IX - 6 - d) was met by the Appellant and grants relief as requested:

The JC should recognize the resolution as moot, which it de facto is, while allowing it as an expression of the Board's opinion if it wishes.

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September 22, 2025

Clayton Casciato

Judicial Committee Chair on behalf of the Judicial Committee