

March 31, 2024

Re: Complaint filed by Rick and Mary Moser

Dear Commissioner Gallus:

In response to the complaint filed by Rick and Mary Moser on March 4, 2024, please find attached Exhibits A through L which will be referenced in this response. In order to respond to the complaint properly, numerous errors and misstatements in the letter provided by the Mosers need to first be corrected. This whole complaint is a witch hunt against both John Franich our Treasurer and myself, for having challenged Mary Moser's authority to act as a Chair of the CCRCC.

To begin with, Mary Moser is correct that John Franich was elected Treasurer on September 12, 2024. Although experienced in bookkeeping, he had never worked with COPP reporting before and needed help navigating the system. In their complaint, the Moser's make a multitude of spurious statements without providing any evidence to back up their claims.

In their letter to the COPP, dated March 4, 2024, Mary Moser alleges to have called John Franich shortly after receiving the CCRCC Treasurer's books on September 23, 2023. She was in possession of his email, but she does not indicate she tried to reach him via email. How can we ascertain that she had tried calling him? Does she have a detailed call log from her phone provider to show she called John Franich? One was not provided with her complaint. John Franich contends he did not receive any communications from Mary Moser until January of 2024 and asserts he normally doesn't answer calls from numbers he doesn't recognize

Mary Moser indicates John Franich was not at the October 19, 2023 CCRCC mtg. That is correct, but she fails to mention that she also was not in attendance at this mtg., and did not have a surrogate bring the Treasurer Books to this meeting. At this time, it should be noted that the previous CCRCC Treasurer was upset at losing her seat and refused to hand over the books to the new Treasurer, John Franich. She also refused to train him on the COPP reporting. Being new and never having done COPP reporting, Treasurer Franich didn't even know to whom he could turn to for help and without the books, he felt he had nothing he could report to COPP.

At the October 19, 2023 meeting, the assembly voted to meet on November 16, 2023 (see Exhibit A). John Franich was in attendance at the November meeting. Mary Moser sent out an email on November 14, 2023 saying she was canceling the November 16th meeting and stated the next meeting would not take place until sometime in January of 2024. Mary Moser lacked authority to cancel the mtg the assembly had voted to have and lacked the authority to say another meeting would not take place until she called it in January (see Exhibit B).

It became apparent to many of us that neither the GOP Rules, nor RRoO, authorized the MT GOP to bestow any authority onto Mary, who claimed to be the Chair of the CCRCC with authority to act unilaterally to cancel mtgs, form committees, dissolve committees, appoint people to committees etc. (see Exhibit C). She was only elected to be VP, and since the CCRCC does not have bylaws, we are governed by the MT GOP Rules, as it applies to central committees, and in absence of a directive in the MT Gop Rules, we default to RRoO.

Mary Moser continues to this day to tell the members of the assembly not to attend the November mtg and any other mtg that she hasn't sanctioned (see Exhibit D). As per the MT GOP Rules, a majority of precinct people can call a meeting and per RRoO, a meeting called by a majority of the assembly cannot be arbitrarily canceled by the chair. However, many of our members were new and didn't understand the rules and thought there was

succession to Chair by a VP. Consulting the MT GOP Rules, any vacancy on the Executive Committee (which includes the chair), must be filled by a vote from the assembly (MT GOP Rules Article III, Section G).

On November 15, 2023, I then reached out to Debbie Churchill MT GOP Grassroots coordinator, and Art Wittich, the Chairman of the MT GOP Dispute Resolution Committee, asking for them to provide in writing what authority they “bestowed” upon Mary, and under what authority they had the authority to bestow any power to Mary (see Exhibit E). I also ask if they are parliamentarians.

Faithfully, ten precinct members showed up at the November 16, 2024 meeting, but that was just shy of the 50% + 1 needed for quorum per RRoO. John Franich was in attendance at this meeting and Mary Moser not only didn't show, but as can be seen by Exhibits C and D, Mary did all she could to dissuade the members from attending and made no effort to show up to give John Franich the Treasurer's Books.

Neither, Art nor Debbie, replied back with a list of what authority they gave Mary Moser to act as Chair, let alone under what authority. They also did not reply back whether they were parliamentarians or not. So, on January 2, 2024 I send another email with the same request, only this time asking for a response within a couple days (see Exhibit F). When the deadline passed with no response given by either Art or Debbie, I send off another email on January 4, 2024, with a professional Parliamentarian Opinion attached (Exhibits G and H). The professional parliamentarian opinion reiterates that the MT GOP has no authority to authorize Mary Moser to be the Acting Chair. In the absence of CCRCC bylaws, the MT GOP Rules govern, and they clearly state the assembly is the only one that can confer authority to Mary Moser, and that was not given.

This brings us back to the August 10, 2023 MT GOP Chairman's Dispute Committee Opinion and Order (Exhibit I). In contradiction to RRoO, it required the election of officers prior to the vote on bylaws. For various reasons, we still don't have bylaws. This is pertinent because the CCRCC is required to file quarterly reports with the COPP; but without bylaws, and no more than 2 meetings over a 5 month period, and no books, the reports weren't filed.

Furthermore, we lost our chair and at our first mtg in October, Mary Moser was unable to attend and the venue for the meeting was changed within 30 minutes of the time of the meeting. We scrambled to find another location, and make everyone aware of the new location so we had quorum. As a result, we started 30 minutes late and we didn't get to most of the agenda items and the bylaws once again failed to be brought up. This is important, because without “rules” and without a “chair” we effectively were obligated to file COPP reports without the means (books) to do so, and it wasn't until the February Winter Kick-off we were made aware of being able to file zero reports with the ability to amend later. Due to changes in leadership, canceled meetings, illnesses, and a runaway VP (Mary Moser) who usurped authority from the assembly and provided no evidence of legitimately having the authority she exercised, CCRCC ended up several months behind in filing COPP reports.

During this entire timeframe, Mary Moser had the books and refused to relinquish them to the duly elected Treasurer. Our Treasurer, John Franich, said he did receive one phone call from Mary, which he believes occurred in January. He was hospitable, until Mary Moser continued to demand his fidelity to her cause as chair and continued to denigrate other members of the committee. He asked her to stop her character assassinations of other members and when she refused, he hung up.

Mary Moser states in her complaint that other “officers” attempted to get a hold of John with no results, but she provides no affidavits or other evidence to that affect and John Franich asserts during that time frame, he received no calls, messages, emails or visits from anyone else concerning the Treasurer's books. I spoke with one Precinct Committeeman, Tim Cole, who says Mary asked him to go to John Franich's house to check on him.

However, he went to the wrong address by mistake and of course didn't find him. No one else has come forward to say they tried getting ahold of Treasurer Franich.

Furthermore, at the January 25, 2024 CCRCC Mtg., acting Chair, Mary Moser spoke derogatorily about Treasurer, John Franich to all attending precinct people and officers. She stated Treasurer Franich was not worthy of the position and he should be replaced because he was behind in filing the CCRCC COPP reports. She added that she felt it was a dereliction of duty and that he should be removed as Treasurer. Mary Moser never mentioned Treasurer Franich was unable to file due to Mary Moser never giving him the CCRCC Treasurer's books. Due to health issues, Treasurer Franich was unable to attend the January 25, 2024 meeting; therefore he was unable to defend himself or explain the situation.

Newly elected Chair Cody Mitchell said to Treasurer Franich he would work to retrieve the books from Mary Moser, as she did not bring them with her to either the January 25 nor the February 15, 2024 CCRCC meetings (see Exhibit L). Both Chair Mitchell and Treasurer Franich understood the importance of filing the COPP reports.

At the January 25, 2024 CCRCC meeting, Chair Mitchell requested that Mary Moser bring the books him immediately. He followed up a couple days later with a phone call to remind her to get him the books. When he had not received any contact from Mary Moser by January 29, 2024, he then emailed Mary on both January 29 and Feb 12th. After several days with no reply to his phone calls or emails, he attempted to go to her home to find the gate locked and no answer on her phone. Chair Mitchell left several phone and email messages between the two meeting dates.

Mary Moser never responded to Chair Mitchell between the January 25 and February 15, 2024 meeting. Chair Mitchell even shared with me that he asked three or four other individuals if they could get Mary to give them the books to him (Chair Mitchell). To no avail, either the individuals asked were unable to get the books from Mary or Mary refused to relinquish them. All parties indicated they had no luck in retrieving the books.

Mary Moser was in attendance at the February 15, 2024 meeting, but did not bring the Treasurer's books with her. She did bring a COPP letter requesting either corrections or updates to COPP reports. Mary Moser then brought up Lisa Bennett being listed as a Deputy Treasurer. Since Treasurer Franich was in attendance at this meeting he indicated he needed help filing the reports and requested that Lisa Bennett be the Deputy Treasurer. Mary Moser once again attacked Treasurer Franich. As Chair Mitchell was working to unify the assembly, he indicated that he would take responsibility to look into all COPP matters and correct any issues and reply back to everyone before the next meeting. In order to keep the meeting on track and to follow the agenda, Chair Mitchell close discussion on the COPP issues.

On February 9, 2024, I attended the COPP workshop at the Winter Kick-off in Helena. I spoke with Kim at the event and the following week, I called the COPP Office, spoke with Deb and explained the situation facing Treasurer Franich. Deb recommended filing zero reports and going back to amend if necessary. I spoke with both Cody Mitchell, the Chair of the CCRCC and John Franich the Treasurer about the training and assured Cody Mitchell our Chair that our Treasurer would have all outstanding reports filed by our meeting on February 15, 2024.

John and I walked through how to sign in and file reports and I showed him how to enter the data into the COPP reporting system. Together we learned how to get it done and filed zero reports, as no money had been spent (the CCRCC had not voted to spend any money at the October or January mtg) nor was any money received by the CCRCC during that time.

Cody Mitchell, the CCRCC Chair was aware I was training John Franich how to file the reports; but Chair Mitchell was not aware of the fields and data entry needed for getting the reports filed. It was during this time, with Deb walking us through it on the phone, that I asked her about the Deputy Treasurer field and asked her if it needed to be filled out or not. Since John had not attended the training at the Winter Kick-off and was still a bit unsure of the process he asked if I could be his assistant (AKA Deputy Treasurer). After discussing with Deb at the COPP how it was a good idea to add a Deputy Treasurer in case someone needed to assist John down the road, she recommend the field be filled out.

Neither John nor I were informed that any type of "certification" was required and Deb said the MCA allowed for a Treasurer to appoint a Deputy Treasurer. Turns out that is in MCA 13-37-202. Since we had no bylaws that prohibited Treasurer Franich from appointing a Deputy Treasurer, and with assurances from Deb at the COPP office, that a deputy treasurer was a good idea, we thought it would be the right thing to add a Deputy Treasurer. Please remember, this was all done on February 14, 2024, just one day prior to the CCRCC meeting where John attempted to request I be added as the Deputy Treasurer.

It is my impression, that Mary's goals, clearly were not to ensure CCRCC was compliant. Mary wanted the CCRCC to be non-compliant so she could ask for a vote to remove John Franich as Treasurer. She nearly ensured this by not delivering the books until February 23 (five months in her possession).

Mary Moser stating that no one answered her when she asked about the C2 filing, is incorrect. At the February 15, 2024 meeting, John Franich stated he wanted help and asked that I, Lisa Bennett be the Deputy Treasurer because he needed help until he mastered how to do the entries in the COPP system. However, due to the attack Mary Moser made on John our Treasurer, Chair Cody Mitchell said he was closing debate on the issue and would look into the situation and get it resolved by the next meeting (see Exhibit J-February 15, 2024 minutes where there is no mention of "conducting an investigation").

For the record, I do not care whether I am the Deputy Treasurer. Treasurer John Franich and I were simply trying to make sure everything was done correctly and with transparency. I was trying to assist the Treasurer make the CCRCC compliant and we were led to believe by Deb of COPP that listing my name as a Deputy Treasurer would be helpful. We wanted to be transparent and be able to have a back-up knowing John would be having surgery in the near future and might need a back-up person to help him stay compliant with COPP deadlines.

This brings us back full circle to not having bylaws that would delineate the process for how a Deputy Treasurer gets selected and "certified." As of today, the CCRCC still doesn't have bylaws, nor has it had an official meeting since the February 15, 2024 mtg. due to Mary Moser continuing to request precinct people not attend meetings called by the Chair and/or the assembly. Her actions towards the CCRCC and individual members has been destructive and led to non-compliance with COPP filings. All of this is due to the lack of authority and clarity from the MT GOP and due to the MT GOP authorizing the committee to operate without bylaws (see Exhibit K).

Since MCA Title 13, Section 37 doesn't define "certified" nor "served," it is not clear that a violation of 13-37-203 has occurred. However, it should be clearly stated that I, Lisa Bennett, have not "served" as the Deputy Treasurer. Meaning I have not written any checks, made any deposits etc. John Franich, our Treasurer's intent was to have someone help him until he firmly understood the requirements of being the CCRCC Treasurer. My name was added to the COPP site on February 14, 2024 and on February 15, 2024, at the CCRCC mtg., John Franich asked for a Deputy Treasurer and specifically asked that I be the Deputy Treasurer. His intent was to be transparent.

However, due to the ruckus Mary made about it, it seemed to Cody Mitchell, our Chair, who is trying to bring unity to the committee, that the easiest thing to do would be to remove my name as Deputy Treasurer. I wholeheartedly agreed with Cody; and John reluctantly agreed that for the unity of the group this was the best decision. Within a short time after the February 15, 2024 meeting, Lisa Bennett was removed as Deputy Treasurer. We hope this clarifies the situation and rectifies the matter.

Sincerely,

Handwritten signatures of Lisa Bennett and John Franich. The signature on the left is a stylized cursive 'LB' for Lisa Bennett. The signature on the right is a cursive signature that reads 'John Franich'.

Lisa Bennett and John Franich

Exhibit A

Subject **CCRCC November 16 Meeting**
From Great Plains Fence <greatplainsfence@gmail.com>
To Pat & Art Plowman Republican Committee
<partplowman@hotmail.com>
Bcc <Lisa@wildskies.com>
Date 2023-11-09 18:25



- Flathead CDC recommended Bylaws.pdf(~109 KB)
- Opinion & Order re Carbon County 8.14.23.pdf(~732 KB)
- PROXY Carbon County Republican Central Committee Members.pdf(~180 KB)

Fellow Carbon County Central Committee Members and Officers,

The next regular meeting of the CCRCC is scheduled for **Thursday, November 16, 2023, at 6:00 PM at the Refuge Church located at 113 South Main Street, Joliet, MT.**

The main order of business will be to complete the work assigned to us by the Chairman's Dispute Committee (CDC), including adoption of the Flathead bylaws and a plan to elect Republicans and defeat Tester in 2024.

I have again attached the Flathead bylaws that are recommended by the CDC, which you were given a copy of at the last meeting. Please read. I have also attached again the opinion order from the GOP and a proxy form if you need it for the meeting.

Agenda:

1. Adoption of Flathead bylaws (recommended by CDC)
2. Plan to elect Republicans and to defeat Tester in 2024.

Thank you,

Mary Moser
Pro tem Chair

GREAT PLAINS FENCE CO, LLC

18 Ridgeway Rd
Bridger, MT 59014
406-861-3710 Rick Moser
406-861-3715 Mary Moser

<https://www.greatplainsfence.com>

Exhibit B

Subject **CCRCC Thursday meeting**
From Great Plains Fence <greatplainsfence@gmail.com>
To Pat & Art Plowman Republican Committee
<partplowman@hotmail.com>
Bcc <Lisa@wildskies.com>
Date 2023-11-14 18:47



Hello All,

I am cancelling the meeting on Thursday November 16th 2023.

The next meeting will be in January 2024.

Thank you,

Mary Moser
CCRCC Chair

GREAT PLAINS FENCE CO, LLC

18 Ridgeway Rd
Bridger, MT 59014
406-861-3710 Rick Moser
406-861-3715 Mary Moser
<https://www.greatplainsfence.com>

Exhibit C

Subject **Fwd: Authority of the Chair**
From Great Plains Fence <greatplainsfence@gmail.com>
To Pat & Art Plowman Republican Committee
<partplowman@hotmail.com>
Bcc <Lisa@wildskies.com>
Date 2023-11-16 10:34



Hello all,

If you are tired of the back and forth, you do not need to read this email. This is for your information on what has been going on behind the scenes.

Lisa contacted Art Wittich last night asking him for help again. Art gave me permission to share his response email will you all. Art Wittich is the Chair of the Chairman's Dispute Committee of the GOP.

RRO or RRoO refers to Robert Rules of Order.

Sunlight is the best disinfectant.

I would also like to reiterate that as chair of the Carbon County Central Committee I do not want you to go to the meeting tonight. I want you to stand firm with me to work on our bylaws together going forward.

Thank you,

Mary Moser
Chair

----- Forwarded message -----

From: **Arthur Wittich** <artw@montana.com>
Date: Thu, Nov 16, 2023 at 9:43 AM
Subject: RE: Authority of the Chair
To: <lisa@wildskies.com>
CC: Ron Tibbetts <tibbsjune@gmail.com>, Debbie Churchill <debbie@mtgop.org>

Lisa

I don't understand your argument. If you want to rely on RRO, you need to cite the section number, the exact language, and how it applies. Sending me pictures of pages is not persuasive.

Here is what I do understand. RRO do not exist to prevent action. Just the opposite, they exist to allow a group to orderly act to accomplish its purpose.

I also understand it has now been 3 months since the CDC issued its Order. Part of that Order was to require Carbon County to enact acceptable by laws. It also found your bylaws were not acceptable.

I also understand there has been no action to comply with the Order to develop a 2024 Plan to address how Carbon County can maximize turn out to beat Jon Tester.

In the future, please copy the County Chair on your communications to me. I have copied Debbie Churchill and Ron Tibbetts on this, who you should also copy.

-----Original Message-----

From: lisa@wildskies.com <lisa@wildskies.com>
Sent: Wednesday, November 15, 2023 11:20 PM
To: Art Wittich <artw@montana.com>
Subject: Authority of the Chair

Exhibit D

Subject **Re: Authority of the Chair**
From Great Plains Fence <greatplainsfence@gmail.com>
To Pat & Art Plowman Republican Committee
<partplowman@hotmail.com>
Bcc <Lisa@wildskies.com>
Date 2023-11-16 11:39



Hello All again,

A couple members brought to my attention that in my last email I told everyone not to go to the meeting. I should have said do not go to any form of a meeting because the one that was scheduled for CCRCC has been officially canceled.

If they have a meeting it is unofficial. Even if they happen to have a quorum, which I do not believe they have because everyone I have talked to is not going and are respecting my wishes as chair, they can not vote on a new chair because it would need to be announced ahead of time so that all members would know and possibly have someone that would also like to be considered for chair. They also can not vote on bylaws, especially drafted by Lisa, that were not announced ahead of time to be voted on.

So to make myself perfectly clear, the meeting that was scheduled for tonight is officially canceled and I do not want you to go to anything that would be considered a CCRCC meeting.

Thank you,

Mary Moser
Chair

GREAT PLAINS FENCE CO, LLC

18 Ridgeway Rd
Bridger, MT 59014
406-861-3710 Rick Moser
406-861-3715 Mary Moser

<https://www.greatplainsfence.com>

On Thu, Nov 16, 2023 at 10:34 AM Great Plains Fence <greatplainsfence@gmail.com> wrote:

Hello all,

If you are tired of the back and forth, you do not need to read this email. This is for your information on what has been going on behind the scenes.

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I would also like to reiterate that as chair of the Carbon County Central Committee I do not want you to go to the meeting tonight. I want you to stand firm with me to work on our bylaws together going forward.

Thank you,

Mary Moser
Chair

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Date: Thu, Nov 16, 2023 at 9:43 AM

Subject: RE: Authority of the Chair

To: <lisa@wildskies.com>

CC: Ron Tibbetts <tibbsjune@gmail.com>, Debbie Churchill <debbie@mtgop.org>

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I also understand it has now been 3 months since the CDC issued its Order. Part of that Order was to require Carbon County to enact acceptable by laws. It also found your bylaws were not acceptable.

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In the future, please copy the County Chair on your communications to me. I have copied Debbie Churchill and Ron Tibbetts on this, who you should also copy.

-----Original Message-----

From: lisa@wildskies.com <lisa@wildskies.com>

Sent: Wednesday, November 15, 2023 11:20 PM

To: Art Wittich <artw@montana.com>

Subject: Authority of the Chair

Art,

Carbon County still doesn't have bylaws, mostly due to our acting chair. Without bylaws, we have to revert to what RRoO states. Please read the email below and please advise. I have read through RRoO (the only document that governs us with regards to bylaws committees as well as who can cancel a meeting).

RRoO seems pretty clear that what Mary is saying is not correct. RRoO states that if the assembly makes a motion the chair cannot unilaterally override it. We voted in October to hold a mtg on Nov 16th and Mary, our acting chair decided to cancel the mtg. yesterday and postpone it until January.

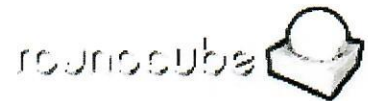
Many of our members think the chair has the authority to do this. I asked Mary to tell us where she gets this authority because RRoO does not give that authority to her. She says she consulted you (see her email below). She says she was told by the "Chairman's Dispute Committee and they confirmed I have the authority."

She also states she has the power to "dissolve" standing committees like the Bylaws Committee. I have attached RRoO and it states that standing committees are permanent and I cannot find anything in RRoO that allows for the "dissolving" of a committee, let alone that this power is given to the chair. It looks to me that Mary is usurping authority from the assembly (precinct people).

I respectfully ask that you intervene and attach your opinion and documentation from RRoO that clarifies your opinion so all of us can be on the same page. I attached the pages from RRoO that I believe apply and contradict what Mary is stating. Let me know if I am misunderstanding or missing something.

Exhibit 5

Subject **Authority of the Chair**
From <lisa@wildskies.com>
To Art Wittich <artw@montana.com>
~~From g.bennett@montana.com~~
Date 2023-11-15 23:20



- 50 13 D Appointments by the Chair.pdf(~1.0 MB)
- Standing Committees and Their Term.pdf(~505 KB)
- How Committee Members are Appointed.pdf(~472 KB)

Art,

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I respectfully ask that you intervene and attach your opinion and documentation from RRoO that clarifies your opinion so all of us can be on the same page. I attached the pages from RRoO that I believe apply and contradict what Mary is stating. Let me know if I am misunderstanding or missing something.

Thank you,
Lisa Bennett
970.926.0216

Exhibit F

Subject **Art/Debbie, neither of you ever answered the question of what authority and by what authority did the MT GOP give VP Mary Moser the duties of the Chair?**



From <lisa@wildskies.com>
To Art Wittich <artw@montana.com>, Debbie Churchill <debbie@mtgop.org>, Great Plains Fence <greatplainsfence@gmail.com>, Tammy Helsper <helspertl@gmail.com>, Shirley Schwend <mgschwend43@gmail.com>, Lloyd Mackenzie <macenzies8@hotmail.com>, Amy & Lou Seymour <lamontan2000@yahoo.com>, Bjgray5058 <bjgray5058@outlook.com>, Pam Haus <pam.haus@rockcreeklumber.com>, Pat Plowman <partplowman@hotmail.com>,
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Date 2024-01-02 19:07

Art/Debbie,

Since you haven't answered this question I asked of both of you over a month ago (see email from Nov 22 below), can we safely assume that the only authority you granted to Mary was solely to chair the next mtg. where a new county chair was to be elected? If we are mistaken and you gave her any additionally authority to act as chair, please specifically reply back by 5pm on Wednesday with a list in writing of what authority you gave her and under what authority you had the right to do so. We need to know in writing so we can take the correct actions moving forward to get the work of the committee done. If we don't hear back from you by 5pm on Wednesday, January 3, 2024, we will assume you only gave her the power to chair the next mtg. where the next chair was supposed to be elected.

Under the MT GOP Rules it says all vacancies of the Executive Committee are filled by calling a meeting of the central committee to elect a new chair. MT GOP Rules supersede Roberts Rules of Order (RRoO). I find no refence in either RRoO or the MT GOP Rules for such delegation of authority.

Since we can't find, in the MT GOP Rules, anything that allows the MT GOP the authority to give a VP chair authority, or central committee chairs the power to act outside of the central committee's authority; then we have to rely on the fact that all such authority only comes from the county bylaws or the membership of the central committee through a vote.

Being an election year, we have a lot of important work that we need to get done and not having had a mtg in almost 3 months due to Mary saying she didn't want any precinct people to meet until January has caused us to get severely backlogged. As of this writing, VP Mary still hasn't set a meeting date since our October 19th Mtg. and no Executive Committee meetings have been held either.

Cooperatively yours,
Lisa Bennett-Precinct 16 Committeewoman
970.926.0216

----- Original Message -----

Subject: Re: Authority of the Chair

Date: 2023-11-22 10:47

From: lisa@wildskies.com

To: Arthur Wittich <artw@montana.com>

Cc: Ron Tibbetts <rtibbetts@gmail.com>, Debbie Churchill <debbie@mtgop.org>, Great Plains Fence <greatplainsfence@gmail.com>, Tammy Helsper <helspertl@gmail.com>

Art/Debbie,

Please share with us what power you gave to Mary and under what authority it came from (i.e. where in the MT GOP Bylaws or RRoO you used as your guidelines). I understand Debbie called and told Mary she would be the pro tem chair when Dan resigned, but please reply to this email with a list of what specific authority you or Debbie assigned to Mary.

Happy Thanksgiving,

Lisa Bennett

On 2023-11-17 17:43, lisa@wildskies.com wrote:

Art-I inadvertently hit the sent button before I was finished. As you know, the Republican Party has "Chairs" and RRoO refers to "Presidents" and the two terms are pretty much synonymous with RRoO frequently using the term President.

Essentially, the GOP Bylaws say in Article II G), if there is a vacancy in an officer position (this includes the chair), then the assembly (CCRCC) has to vote for a replacement. It does not allow for the VP to move up to the Chair position and the MT GOP Bylaws supersede RRoO. Additionally, RRoO says that two positions cannot remain vacant and must be filled right away and are to be the first order of business. They are the positions of Secretary and Chair.

Specifically, section 50:11 of RRoO states the assembly has the power to appoint committees and members to those committees. In essence, all power in a central committee is held by the assembly (CCRCC precinct committee people), not the chair. Which means Mary's creation of the Bylaws Committee and the Nomination Committee are illegal, as well as her appointment of members to those committees. RRoO 50:13 D) also says that bylaws should not allow the Chair to appoint any members to the Nominating or Disciplinary Committees.

In RRoO 47:20 the chair has administrative duties, but only those given to the Chair through the bylaws (which we don't yet have). It further states that the chair only has the authority the assembly votes to give him/her. The Pro Tem or acting chair does not have the authority the chair has. In fact, RRoO 50:13 D) specifically states that the acting chair does not have the ability to create committees, appoint committee members etc. without it coming from the assembly either in a vote or through the bylaws (which we don't have).

It is for these reasons I stated that I believe all the actions Mary has taken have been illegal. Through her actions she has usurped the authority of the assembly to vote on those matters. As such, I advise that it is imperative we get a chair voted in as well as our bylaws and that a meeting to at least elect a chair be done immediately. All precinct people are allowed to nominate anyone they chose to as long as they meet the state requirements of being an elector of the county and seeing as we have a woman as our VP, by state law, our chair must be male.

I await your reply,
Lisa Bennett
970.926.0216

On 2023-11-17 15:17, lisa@wildskies.com wrote:
Art,

To clarify my earlier email to you. I am looking for affirmation that you, or Debbie, did indeed tell Mary she had the authority to dissolve the bylaws committee, cancel central committee mtgs that we had voted to have, and to run roughshod over our Secretary and completely ignore her minutes and rewrite them and declare that the gentleman elected as Treasurer was having his position taken away from him when he did not resign and meets all the requirements to hold the position. Is this correct that you told her she had this authority? If so, I would like to know under what authority you gave Mary that advice (i.e. from where in Roberts Rules of Order, the State GOP Bylaws or State Law that authority is derived).

I did underline sections of Roberts Rules of Order in the attached documents I supplied to you, but since you prefer to have me cite the sections I will list them here:

#1. 50:13 d) RRoO says that the President (aka Chair) does not have the authority to appoint members unless the bylaws or the assembly authorized the chair to do so. In this case, we do not have bylaws and we did not take such a vote as an assembly. So my question to you is if you or Debbie did say she had that authority, what are you basing that on? Where does her power to appoint members

On 2023-11-16 08:43, Arthur Wittich wrote:
Lisa

I don't understand your argument. If you want to rely on RRoO, you need to cite the section number, the exact language, and how it applies. Sending me pictures of pages is not persuasive.

Here is what I do understand. RRoO do not exist to prevent action. Just the opposite, they exist to allow a group to orderly act to accomplish its purpose.

I also understand it has now been 3 months since the CDC issued its Order. Part of that Order was to require Carbon County to enact acceptable by laws. It also found your bylaws were not acceptable.

Exhibit G

Subject **The CCRCC needs to meet**
From <lisa@wildskies.com>
To Art Wittich <artw@montana.com>, Debbie Churchill <debbie@mtgop.org>, Great Plains Fence <greatplainsfence@gmail.com>, Tammy Helsper <helspertl@gmail.com>, Shirley Schwend <mgschwend43@gmail.com>, Lloyd Mackenzie <macenzies8@hotmail.com>, Amy & Lou Seymour <lamontan2000@yahoo.com>, Bjgray5058 <bjgray5058@outlook.com>, Pam Haus <pam.haus@rockcreeklumber.com>, Pat Plowman <partplowman@hotmail.com> ,



[Redacted recipient list]

Date 2024-01-04 15:25

- Cavin - Final Opinion (2024-1-2)_cjc signed.pdf(~236 KB)
- 240104 Proposed CCRCC Bylaws.pdf(~380 KB)

All,

The purpose of our organization is to get things done for the conservative cause of the Republican Party in Carbon County. I agree with the Gray's. We signed up to have a positive affect in rallying conservatives in our county and the divisiveness among ourselves has got to end. We are all volunteers, and our work is serious, but we should enjoy it. We have many things we can do with our time so lets make our time together impactful, effective and lets have enjoy what we do. I believe all of us are good conservatives that want what is best for Carbon County and I believe each of us "thinks" we are doing just that. However, it appears that some of the factions in our organization are intentionally keeping us divided to suit their individual goals.

My goal is to properly represent our county and have our chair, whomever, that ends up being, facilitate the work that needs to be done in order for us to be effective. Each of us has talents and knowledge that needs to be put to good use in achieving the objectives of CCRCC. None of us should be left out or ignored and that goes both ways, within our organization and in the state and federal organizations. A good organization values all of its members and cultivates the talents of each in a positive direction towards our collective goals. That is why we do things based on a majority vote of the assembly. It appears our local disfunction within our organization is a reflection of the disfunction at higher levels. With good leadership you don't have this level of disfunction.

In order to follow the direction of the MT GOP's minimal goals of getting our bylaws approved, a Tester Plan done, and election of our officers etc; we need to meet. It has been nearly 4 months since our elected chair has resigned and our Pro tem Chair has stalled progress by interfering with the assembly's ability to meet. When there is no chair the authority of the organization reverts to the assembly (each of us) not one person. However, the power in the assembly cannot happen if we do not meet; hence the reason why our Pro Tem Chair cancelled the November meeting and implored us not to meet.

I tried to seek a solution to the quandary we are in by explaining the rules (MT GOP and RRoO) but it appears few either understood what I submitted or wanted to take the initiative to do what was required. That is why I sought the help of one of the top parliamentarians in the US. I believe we need to read the attached parliamentary opinion, hold a meeting to make sure everyone understands it, and act on it. Mr. Cavin volunteered to make a phone call to answer questions and help us as needed. Perhaps, if needed, we can schedule a Zoom call or something similar during our meeting. The point is, we need to follow rules properly in order for us to execute our responsibilities faithfully and move on to the pressing business the committee needs to undertake in order to be effective. As Art Wittich said, the rules are supposed to help us get our business accomplished: they are not meant to be used as a weapon to deter or sabotage the work as some in our organization have sought to do. I call for an end to this and ask that everyone understand the rules, everyone study the bylaws and give their input (Mary and Tammy and whomever worked with them should be coming out with a competing set to the one the volunteer committee put together-see attached for the volunteer committee bylaws).

Mr. Cavin points out that when the chair resigns, the first order of business is to immediately elect a chair. He points out that without bylaws or the central committee itself granting authority to a chair or a pro-tem chair, the authority of each is extremely limited. He advises steps we can take to move forward. I highly suggest we call a central committee meeting ASAP so we can get these issues resolved and work on the highly important issues at the local, state and federal level we need to get done in 2024 which all have deadlines and require our joint efforts to accomplish. There are real deadlines looming that we need to meet. If Mary will not suggest a meeting date by tomorrow, then I suggest a majority of us agree on a date.

In addition to passing bylaws, electing officers and possibly precinct people, we need to get working on training poll watchers, lining up election judges, electing state delegates, and the list goes on and on. All of us are busy, but we need to get out in our precincts and do the work that needs to be done to inform and motivate the grassroots in our community.

Time is of the essence. I suggest we meet no later than January 18th and we hold two back-to-back meetings to ensure we get done all that needs done.

Sincerely,
Lisa Bennett
Precinct 16 Committeewoman
970.926.0216

On 2024-01-02 19:07, lisa@wildskies.com wrote:

lisa@wildskies.com

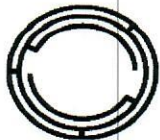
ar10@montana.com

tibs:june@gmail.com

greatplainsfence@gmail.com

debbie@rtgon.org

helpertl@gmail.com



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Lisa,

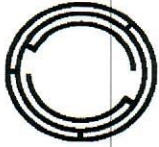
I appreciate the opportunity to provide an opinion based on your shared scenarios and my understanding of the current issues. In your communications, there were numerous issues identified that you asked me to address; however, upon reviewing the information, the issues boil down to a few specific issues.

As with all my parliamentary opinions, this is not legal advice and should not be construed that way. I am not a licensed attorney in this jurisdiction, and any working knowledge of legal issues here is incidental and likely because statutory references were included in the documents that I reviewed; however, those citations were not checked for accuracy and are not relied upon here.

In preparation for writing this letter, I reviewed numerous communications, but most importantly, the Montana Party Rules (MPR), adopted July 16, 2022, and Robert's Rules of Order Newly Revised, *Twelfth Edition* (RONR). Numerous personality conflicts are currently eroding the work of the county party. This opinion will ignore any reference to any action or inaction that does not pertain to the procedural issues.

The specific questions that I think are important to answer concisely are the following:

- What powers does a temporary chair have in this situation?
- Can a chair, whether temporary or not, cancel meetings established by a vote of the assembly?
- Can a chair, whether temporary or not, cancel committee meetings?
- Can a chair, whether temporary or not, establish, dissolve, or change the composition of committees?
- What obligation does a chair have to remain impartial?
- What options does the county party have moving forward?



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I will answer these questions individually, but it is important to note here that this situation is unique due to the Carbon County Republican Central Committee's (CCRCC) lack of bylaws. I have also reviewed some guidance from the state party. While generally, a state party has the authority to give direction and guidance, the specific grant of authority in the state party rules is not clearly defined. The purpose of parliamentary procedure and RONR is to provide an assembly with tools for effective decision-making. Used correctly, these tools allow an organization to get things done. The rules are not handcuffs; however, they start with the fundamental premise that the people making decisions are a group of people acting on behalf of the organization, not a single person or a small group of people, unless the organization has granted specific authority. Here, because no bylaws or other are adopted, the organization has not delegated any of that authority, so, by default, it retains that authority for itself.

Questions Posed

What powers does a temporary chair have in this situation?

Generally, when referring to a "temporary chair," the term is used to identify a temporary chair in a meeting, not necessarily a temporary president. Here, the situation is that the county chair resigned, and the county vice-chair assumed the duties, but not the office, of the county chair. The Montana State Party Rules states in Section C: Committees, §III, County Central Committee(G), "**In the event of vacancy** in any office which entitles the holder thereof to membership on Executive Committee, except for that of Precinct Committeeman or Committeewoman, due to death, **resignation**, failure to maintain status as an elector of the county, or removal from the county, **the vacancy shall be filled by majority vote of the members of the County Central Committee present at a meeting called for that purpose.**" (emphasis added).

The vice chair, or possibly the secretary, should have timely called a special meeting to elect a permanent chair. The state party rules do not appear to contemplate that a county party could go several months with the chair's role being vacant. It is important to note that nothing in state party rules states that the vice-chairs automatically assume the role or duties of the chair. RONR uses the terms president and vice-president, and those roles are analogous to chair and vice-chair in this content. RONR states in 47:28, "In case of the president's **resignation**, death, or removal, **the vice-president automatically becomes president** for the remainder of the term, **unless the bylaws expressly provide otherwise for filling a vacancy in the office of president.**" Here, the state party rules



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expressly state that the vacancy is “filled by ... the County Central Committee.” (MPR §C(III)(G)). That means the County Committee must conduct an election for a new chair.

RONR also states that “the vice-president serves in (the president’s) stead” when the president vacates. (RONR 47:23). Here, the vice-chair has the authority to act as the chair until the County Central Committee elects a new chair. While the MPT does not dictate the timeframe of when the meeting must be called, the intent is that the County Central Committee convene as rapidly as possible to fill the vacancy.

Can a chair, whether temporary or not, cancel meetings established by a vote of the assembly?

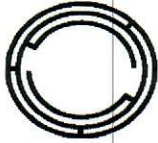
The chair, whether temporary or not, does not have the authority to cancel or alter a meeting that a vote of the assembly has established without a bylaws provision authorizing that authority.

The chair, whether the president or a temporary presiding officer, is a servant of the organization. Indeed, the chair could inform the attendees that there are issues and that the meeting should not take place; however, if there is a quorum of the members and they have opted to proceed, they are simply carrying out the will of the majority. An analogous situation is if the assembly adopts a motion to spend money on a particular item and the treasurer refuses to make the assembly’s decision. This could lead to disciplinary action for failing to comply with the assembly’s express instructions.

Can a chair, whether temporary or not, cancel committee meetings?

A chair or president would generally only be able to cancel committee meetings if given that authority in some adopted rules or bylaws. When committees are established, they are generally free to meet when the members are available without approval from the assembly, executive committee, or the president. In fact, the committee chair is generally charged with organizing the meetings or, alternatively, two of its members if the assembly has yet to give specific instructions. (RONR 50:21)

Here, I am unaware of how the committee was formed. If the assembly had formed the committee, it could have included instructions for how it was to meet, including possibly giving the president/county chair the authority to schedule, alter, or cancel committee meetings. If the assembly adopted that instruction, the president/county chair could



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exercise that authority, but that is not the case here. Therefore, the county chair or vice-chair does not have the authority to alter a committee meeting.

Can a chair, whether temporary or not, establish, dissolve, or change the composition of committees?

This answer is situational. The base answer is that the appointing authority, in this case, the county committee, can determine any rules placed on a special committee. Since no bylaws exist, there should be no standing or permanent committees. Any work happening is likely a special committee, which would be dissolved when the work is complete. Like the other questions posed here, the power to run the county rests exclusively with the county committee since there are no bylaws. The county committee could, when establishing a special committee through a motion during a meeting, authorize the chair to dissolve or change the composition. The county committee could also expressly authorize the chair to appoint committees as needed; however, if the county committee has yet to authorize the chair, that authority rests with the assembly.

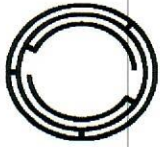
RONR 50:1 states, that “(a) committee ... is a body of one or more persons, elected or appointed by (or by direction of) an assembly or society.” A committee’s job is to report an action or recommendation so the assembly can make an informed decision. Absent a bylaw provision or rule, only the assembly, in this case, the county committee, has the authority to establish, dissolve, or change the composition of committees. Since there are no bylaws or known rules, the county committee retains exclusive control over committees and their structure.

What obligation does a chair have to remain impartial?

Primarily, the chair, whether temporary or permanent, only has the obligation to remain impartial *inside the meeting*.

RONR 43:29 states, “If the presiding officer is a member of the society, he has as an individual — the same rights in debate as any other member; but the impartiality required of the chair in an assembly precludes his exercising these rights **while he is presiding.**”

Outside of the meeting, there is no obligation for a chair or president to remain impartial. Leaders or members must be able to carry out their responsibilities to the organization, which often requires them to take a position on an issue.



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What options does the county party have moving forward?

If there is a belief or ongoing concerns that a chair, whether temporary or permanent, has exceeded the scope of their authority, the assembly has a few options to clear up any issues about the scope of authority because the assembly, the county committee, is the ultimate authority in the county party. The committee could ratify any decisions of the chair that there are questions about, which would effectively make those issues right. Alternatively, the committee could also adopt motions that would undo any decisions of the chair that they might disagree with. One example might be that the committee, not its chair, establishes a bylaws committee and selects its members. This would clear up any issues with which group is authorized and which is not.

A basic rule in organizations is that the ultimate deliberative assembly can do almost any action as long as it is not expressly prohibited. Since this county does not have a fundamental governing document, there are likely very few things, if any, that the county committee is prohibited from doing.

Conclusion

There are many issues to unpack here. While there may be other specifics I have not addressed or overlooked, the questions addressed here cover the relevant principles that appear to be competing. Of course, individuals can work together in “volunteer committees.” Hopefully, they will produce work that will benefit the organization, but the assembly can choose not to entertain the unauthorized work. The solution is to have the county committee, not a single person or a small group, try to determine this work.

The assembly has the right and obligation to govern itself and make its own decisions. The assembly retains those rights unless they are forced or choose to give them away in governing documents. Many issues could have been avoided here if the assembly had discussed the issue and taken a vote. Then, there would be no ambiguity or strike on the procedural issues.

Finally, it is reasonable to believe that the temporary chair receives information and instructions from the state party; however, there does not appear to be any basis in the state party rules that allows a temporary chair to act in a way inconsistent with *Robert's*



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Rules. Many of these issues would have been resolved had a new chair been elected at any of the meetings that have been held since the previous chair resigned.

All the best,

C.J. Cavin, JD, CPP-T, PRP

Biography

I am sometimes asked to provide a biography to provide further confidence in my opinion. A brief biography is below:

I am a licensed Oklahoma attorney and a credentialed and experienced parliamentarian.

I am a Certified Professional Parliamentarian-Teacher through the American Institute of Parliamentarians (AIP) and a Professional Registered Parliamentarian through the National Association of Parliamentarians (NAP).

I serve as the Parliamentarian for NAP and was the former Chair of the NAP Commission on Credentialing, the former AIP Parliamentarian, the President of the American College of Parliamentary Lawyers, and the president of the Oklahoma State Association of Parliamentarians. I also served on the authorship team for the *American Institute of Parliamentarians Standard Code*, Second Edition.

I have also advised state and county political committees across the country, including on similar issues related to what the Carbon County Republican Central Committee of Montana is experiencing.

Exhibit I

CHAIRMAN'S DISPUTE COMMITTEE OPINION AND ORDER

DATE: August 10, 2023
TO: Ed Halland, Amy Seymour, Cynthia Marble, Scott Kreamer, and Lisa Bennett
FROM: Art Wittich, Chair
Ron Tibbetts, Regional Chair District 2
CC: Don Kaltschmidt, MTGOP Chair
Danielle Tribble, MTGOP Executive Director
Debbie Churchill, MTGOP Grassroots Director
RE: Carbon County Dispute

The Carbon County Republican Central Committee (CCRCC) Dispute (Dispute) has been referred to the Chairman's Dispute Committee (CDC) by Chair Kaltschmidt for resolution. This Dispute and the Call to County Convention offers the opportunity for a RESET, and to reacquaint our members with the rules.

QUESTIONS PRESENTED

1. Whether CCRCC has any effective bylaws;
2. Who are the proper CCRCC Officers; and
3. Who are the proper CCRCC Precinct Committeemen and Committeewomen (PCs).

SCOPE OF OPINION

The scope of this Opinion is limited to the information provided by the parties, as set forth below, as well as MTGOP Bylaws, Montana Code Annotated, and Robert's Rules of Order:

1. Documents submitted by Lisa Bennett (Lisa) via emails dated July 21st and July 25th, 2023, and hard copy documentation received by MTGOP via USPS received July 27, 2023;
2. Documents submitted by Ed Halland (Ed) via USPS to MTGOP dated July 17, 2023, and received on July 24, 2023; and
3. Supplemental information submitted by Lisa Bennett via emails dated July 31, 2023, and August 1, 2023.

Question #1 Presented: Are the CCRCC Bylaws effective?

The CDC received multiple sets of bylaws. Based on the documents received from Lisa and Ed, the CDC concludes that CCRCC does not have effective county bylaws that were properly noticed or voted upon. The CCRCC, however, now has an opportunity to enact bylaws by following the process set forth in the Resolution and Recommendations below.

Question #2 Presented: Who are the proper officers of the CCRCC?

The CDC was not presented with enough information that either slate of officers presented were properly elected. As such, rather than endorse one of the two slates of officers presented, the CDC recognizes that now is the time to look forward. Pursuant to the MTGOP Bylaws, each county central committee must hold a convention for the purpose of electing its officers between August 1 and November 1, 2023. On July 7, 2023, Chair Kaltschmidt sent a notice to all county central committee chairs to call their county conventions. (See attached email and Notice.) On July 17, 2023, Executive Director Tribble sent a follow-up email regarding the notice required to call a county convention. (See attached email.)

The CDC appoints Ron Tibbets, the Regional Chair for District 2 as Temporary Chair of the CCRCC for the purpose of conducting the county convention. The Temporary Chair may appoint a Parliamentarian for the county convention, and set a date, time and place for the convention. The Temporary Chair will notify Ed and Lisa of the convention particulars, who must then notify all PCs and interested parties as described below.

Question #3 Presented: Who are the proper Precinct Committeemen/Committeewomen (PCs)?

Ed Halland submitted a list of the following individuals that “took office” as of June 7, 2022, as the current members of the CCRC.

	<u>Name</u>	<u>Position</u>
Precinct 1:	Louis Seymour	Committeeman
Precinct 1:	Amy Seymour	Committeewoman
Precinct 2:	Joel Adkins*	Committeeman
Precinct 2:	Ann Royce*	Committeewoman
Precinct 3:	Arthur Plowman	Committeeman
Precinct 3:	Patricia Plowman	Committeewoman
Precinct 4:	James White	Committeeman
Precinct 4:	Lonna Weiss*	Committeewoman
Precinct 5:	Richard Moser	Committeeman
Precinct 5:	Mary Moser	Committeewoman
Precinct 6:	Gordon Aisenbrey	Committeeman
Precinct 6:	Diana Aisenbrey	Committeewoman
Precinct 7:	William Plowman	Committeeman
Precinct 7:	Cherie Mondragon	Committeewoman
Precinct 8:	Lee Stevens	Committeeman
Precinct 8:	Kathy Serrat*	Committeewoman
Precinct 9:	Dan Hormon*	Committeeman
Precinct 9:	Mary Hormon*	Committeewoman
Precinct 10:	Micah Hoffman*	Committeeman
Precinct 10:	Vacant	Committeewoman
Precinct 11:	Eric Jorgenson-Olson	Committeeman
Precinct 11:	Marie Jorgenson-Olson	Committeewoman
Precinct 15:	Lloyd Mackenzie*	Committeeman
Precinct 15:	Teresa Pirtz	Committeewoman
Precinct 16:	Albert Bennett	Committeeman
Precinct 16:	Lisa Bennett	Committeewoman

*These individuals were appointed, they were not elected on June 7, 2022.

Lisa objects to the individuals who were appointed as PCs on April 27, 2023, and maintains that “Technically, in my opinion, there are no precinct people because a central committee did not properly exist when the people listed below filed, and you cannot run for a position that does not exist.”

Such a hyper “technical” reading of the rules, for the sake of compliance over all else, minimizes the very purpose of the rules (to allow for orderly action to advance the organization’s goals).

Based on the information provided, the CDC approves the following individuals as the current PCs of CCRCC:

	<u>Name</u>	<u>Position</u>
Precinct 1:	Louis Seymour	Committeeman
Precinct 1:	Amy Seymour	Committeewoman
Precinct 2:	Vacant	Committeeman
Precinct 2:	Vacant	Committeewoman
Precinct 3:	Arthur Plowman	Committeeman
Precinct 3:	Patricia Plowman	Committeewoman
Precinct 4:	James White	Committeeman
Precinct 4:	Vacant	Committeewoman
Precinct 5:	Richard Moser	Committeeman
Precinct 5:	Mary Moser	Committeewoman
Precinct 6:	Gordon Aisenbrey	Committeeman
Precinct 6:	Diana Aisenbrey	Committeewoman
Precinct 7:	William Plowman	Committeeman
Precinct 7:	Cherie Mondragon	Committeewoman
Precinct 8:	Lee Stevens	Committeeman
Precinct 8:	Vacant	Committeewoman
Precinct 9:	Vacant	Committeeman
Precinct 9:	Vacant	Committeewoman
Precinct 10:	Vacant	Committeeman
Precinct 10:	Vacant	Committeewoman
Precinct 11:	Eric Jorgenson-Olson	Committeeman
Precinct 11:	Marie Jorgenson-Olson	Committeewoman
Precinct 15:	Vacant	Committeeman
Precinct 15:	Teresa Pirtz	Committeewoman
Precinct 16:	Albert Bennett	Committeeman
Precinct 16:	Lisa Bennett	Committeewoman

The approved PCs above have an opportunity to appoint new PCs to fill the vacant seats at the county convention as set forth in the Resolution and Recommendations below.

Notably, anyone who doesn't like the particular PCs in their precinct has an opportunity to subsequently file a nomination for that public official position starting in January 2024. All persons interested in running for and serving in a PC position can file for office and campaign in their precinct in the upcoming June 2024 primary election cycle.

RESOLUTION AND RECOMMENDATIONS

Call to County Convention

The CDC orders Ed and Lisa to send out the county call to convention to the PCs affirmed in this decision and pursuant to the notices sent out by Chair Kaltschmidt and Executive Director Tribble, within 5 days of the Temporary Chair's decision and notice on the convention date, time and place.

In particular, the CDC also orders Ed and Lisa to employ best practices in fulfilling their duties as follows:

1. Prepare the call to convention notice stating:

A meeting of the Carbon County Republican Central Committee is called for the election of officers, pursuant to Montana GOP Bylaws and Montana Code Annotated. The county convention will take place on [day of week], [date], at [location of meeting] at [time of meeting].

The Temporary Chairman will preside at the county convention and no person other than a duly elected or appointed Precinct Committeemen, Committeewomen or officer of the committee is entitled to participate in the convention. Only duly elected and appointed Committeemen and Committeewomen will be allowed to vote.

At such convention, the Central Committee shall elect by majority vote the following officers, who need not be Precinct Committeemen or Committeewomen, but who must be registered electors of the county: 1) County Chairman and Vice Chairman (one must be a man and the other a woman; 2) Secretary; 3) Treasurer; 4) State Committeeman, 5) State Committeewoman, 6) Congressional Committeeman, 7) Congressional Committeewoman, 8) Finance Chair, and other offices as deemed necessary.

2. Contact the newspaper to determine the date of publication to allow for sufficient timely (4 day minimum) notice. The contact to the newspaper should include the notice for publication, and requesting proof that the notice was timely published and the name of the newspaper. The contact should state:

Attached please find a Call to County Convention of the Carbon County Republican Central Committee for publication no later than [insert date at least 4 days prior to the convention date]. Please provide me with Proof of Publication.

3. Send the notice to PCs by certified mail in a manner to prove that it was sent timely, who it was sent to and the address it was sent to.
4. On the same day the notice is mailed, send an email to PCs stating that the notice has been sent via USPS pursuant to the rules. Attach the notice to the email along with the following agenda.
5. The agenda for the county convention shall state the purpose of the convention as follows:
1. Nominate and appoint PCs to fill vacancies (list the precincts where vacancies exist);
 2. Elect officers;
 3. Adopt county bylaws as recommended by CDC (see attached); and
 4. Prepare a plan to work together to elect Republicans.

Nomination and Appointment of PCs

The first order of business at the county convention is to fill the vacancies in the office of PCs. The Temporary Chair shall announce the precincts with vacancies (as set forth in the email and agenda). Nominations may be made from the floor during the convention providing there is a second for the motion. Any person nominated must be present at the meeting and indicate their willingness to serve. If there are two or more candidates for one office, a secret ballot shall be used for that position. The Temporary Chair shall receive nominations for each vacant precinct. At the end of three calls, nominations for that precinct position shall close and PCs shall vote. Votes will be counted by the Temporary Chair. Each nominee may have a representative present for the count of secret ballots. Once the ballots are counted, the Chair shall announce the successful nominee. The successful nominee will be

determined by majority vote of the PC members of the CCRCC present at the meeting. For the appointment to be effective, a quorum of duly elected and appointed PCs must be present at the meeting where a vacancy can be filled. A quorum shall be a majority of the eligible PCs as represented in person or by verified proxy.

A person holding a proxy must be a resident of the same precinct as the PC being represented by the proxy holder. A proxy need not be held by a person of the same sex as the PC being represented by the proxy holder. PCs may vote in their own right and may hold and vote the proxy of an absent PC. A proxy holder may carry no more than one proxy.

Election of Officers

The Temporary Chair shall preside over the officer election. The approved current elected PCs (from the list above) and newly appointed PCs shall be eligible to vote in the election of officers. Appointed PCs shall have the same rights, privileges, duties, and responsibilities as elected PCs. A designated proxy holder shall check in with the Secretary before the meeting and provide a written proxy signed by the PC being represented. The same rules for Nomination and Appointment of PCs apply to the election of officers.

The newly elected Chair shall then assume the gavel from the Temporary Chair and preside over the remaining agenda items.

Adopt Bylaws

The newly elected Chair shall preside over the approval of bylaws. The CDC has provided (attached hereto) a set of form county bylaws that comply with MTGOP Bylaws and the Montana Code Annotated. The CDC recommends that the CCRCC adopt these bylaws. The safest process is to adopt county bylaws that are as close as possible to the bylaws that are already known to comply with the applicable rules.

County Committee Rules or Bylaws will be effective only if adopted by a two thirds (2/3) majority vote of all elected and appointed PCs present and voting at a properly noticed meeting of the CCRCC.

The newly elected Chair shall file the adopted county bylaws with the Executive Office of the Montana Republican Party within two weeks of adoption. Failure to properly file County Rules or Bylaws with the State Party shall render them null and void.

Plan to Elect Republicans and beat Tester in 2024

Each member of the CCRCC should be working together to elect Republicans and defeat Jon Tester in 2024. It is critical to recruit and register new Republicans to vote, and to ensure that all voters who align with Republican principles to vote Republican in November 2024. The CCRCC must accordingly draft a plan to achieve those objectives, and report that plan to the MTGOP when the Bylaws are submitted. The CDC hopes that this orderly reset process will eventually bring people together, grow our volunteer base, and leverage the Republican energy that exists in Carbon County. The County GOP can achieve more results by embracing the MTGOP Motto.... "Better Together."

Report to MTGOP

In addition to other reporting requirements, the newly elected Chair and Secretary of the CCRCC will report the results of its county convention as required by MTGOP Bylaws as follows:

The Report shall include copies of the Convention notice, the approved minutes of the county convention, a roster of those eligible to vote that includes the elected and appointed precinct officers or their respective proxies, a record of who constituted a quorum, a list of those elected along with their contact information including address, email address, and phone number. The Report shall be submitted no later than December 1, 2023.

Art Wittich

Art Wittich
National Committeeman, Montana

Ron Tibbetts

Ron Tibbetts
Regional Chair, District 2

Exhibit J

CARBON COUNTY REPUBLICAN CENTRAL COMMITTEE (CCRCC)

Meeting Minutes Draft

Date: Thursday, February 15, 2024

Time Called to Order: 6:34 pm (actual starting time)

Time Adjourned: 8:42 pm (actual ending time)

- 1. Location:** Roberts Firehall: 3 S. 1st St., Roberts

PCR Attendance

PCR	Pct. Location	Name	Proxy Name	Present?	Officer?
Pct. 1 M	Silesia	Lou Seymour		Yes	
Pct. 1 W	Silesia	Amy Seymour		Yes	Finance Ch.
Pct. 2 M	Joliet City	VACANT		n/a	
Pct. 2 W	Joliet City	LaRue Schara		Yes	
Pct. 3 M	Joliet Rural	Art Plowman		Yes	
Pct. 3 W	Joliet Rural	Pat Plowman		Yes	
Pct. 4 M	Bridger City	Todd Edelman		Yes	
Pct. 4 W	Bridger City	Shirley Schwend	Peach Weiss	Yes	
Pct. 5 M	Bridger Rural	Rick Moser		Yes	St. Comtee.M
Pct. 5 W	Bridger Rural	Mary Moser		Yes	Vice Chair
Pct. 6 M	Belfry/Bear Creek	Doug Stringari		Yes	
Pct. 6 W	Belfry/Bear Creek	VACANT		n/a	
Pct. 7 M	Roberts	Will Plowman		Yes	
Pct. 7 W	Roberts	Cherie Mondragon		NO	
Pct. 8 M	RL Ward 1	Lee Stevens		NO	
Pct. 8 W	RL Ward 1	Pam Haus		NO	
Pct. 9 M	RL Ward 2	VACANT		n/a	
Pct. 9 W	RL Ward 2	VACANT		n/a	
Pct. 10 M	RL Ward 3	Tim Cole		Yes	
Pct. 10 W	RL Ward 3	Andrea Sager	Tim Cole (via phone message)	Yes	
Pct. 11 M	RL Rural	Eric Olson		NO	
Pct. 11 W	RL Rural	Marie Olson		NO	
Pct. 12 M	Fromberg/Edgar	Lloyd McKenzie	Sarah McKenzie	Yes	
Pct. 12 W	Fromberg/Edgar	Teresa Pirtz	Sarah McKenzie	Yes	
Pct. 13 M	Roscoe/Luther	Chip Bennett	Lisa Bennett	Yes	
Pct. 13 W	Roscoe/Luther	Lisa Bennett		Yes	St. Comtee W
Non-Voting Officers					
n/a	Chairman	Cody Mitchell		Yes	
n/a	Secretary	Peach Weiss		Yes	
n/a	Treasurer	John Franich		Yes	
n/a	Cong. Wm./Parli.	Tammy Helsper		Yes	

Discussion on whether precinct members, elected at this meeting should be allowed to vote on current business. At the dispute committee meeting new members were allowed to vote. According the MTGOP rules they are not allowed to vote. Vote was 11-4 to not allow new members to vote during this meeting.

V. Vote on Congressional Man

Mary Moser nominated Lou Seymour, Rick Moser seconded the nomination.

Lisa Bennett nominated Cory Wolfe, Will Plowman seconded the nomination.

Each Candidate gave a brief presentation.

Vote was done by secret ballot. Cody Mitchell, Lou Seymour and Cody Wolfe counted the ballots. Vote was 9-8 in favor of Lou Seymour.

Chairman Cody Mitchell gives an encouraging message on how to work together as a team. He also asked assembly members to sign up to be ballot judges.

VI. Adjournment

A. The next regular Board Meeting: Thursday, March 14, 2024, at 6 pm, at TBD8

B. The meeting was adjourned at 8:42 pm

Exhibit K



Subject **MTGOP Requirements**
From Danielle Tribble <danielle@mtgop.org>
To <lisa@wildskies.com>, Amy & Lou Seymour
<lamontan2000@yahoo.com>, Great Plains Fence
<greatplainsfence@gmail.com>, Arthur Plowman
<arthurplowman67@gmail.com>, William Plowman
<wplowman4@mac.com>, Cody Mitchell <codybeartrack@gmail.com>,
John Franich <JMF4life@aol.com>, Teresa Pirtz <pirtz517@gmail.com>,
Lloyd Mackenzie <mackenzies8@hotmail.com>, Lee Stevens
<stevele03@yahoo.com>, 11 more...
Cc Debbie Churchill <debbie@mtgop.org>, Ron Tibbetts
<tibbsjune@gmail.com>, Art Wittich <artw@montana.com>
Date 2024-02-14 09:34

Good morning Carbon County,

It has come to my attention that there is some misinformation being circulated regarding County Central Committees and their bylaws.

You are NOT required to pass County Central Committee bylaws in order to be in good standing with the MTGOP. The only requirements from the party are clearly outlined in section C. III. F which state,

"Results. No later than thirty (30) days after the deadline for holding County Conventions in each odd numbered year, each County Central Committee will submit a report of the results of the convention to the State Central Committee. The Report shall include copies of the Convention notice, the approved minutes of the county convention, a roster of those eligible to vote that includes the elected and appointed precinct officers or their respective proxies, a record of who constituted a quorum, a list of those elected along with their contact information including address, email address, and phone number. Failure to file the report within the allotted time period may result in the county delegation not being seated at the next convention if the County does not file corrected reports within thirty (30) days after receiving notice from the State Party office of an incomplete filing."

I hope this provides some clarification. Please let me know if you have any additional questions.

Thank you!

Danielle

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Danielle Bradley
Executive Director
Montana Republican Party
1300 Aspen Street, Ste. B
Helena, MT 59601
Cell: 406-924-3840

Subject **John Franich complaint response**
From Cody Mitchell <codybeartrack@gmail.com>
To <lisa@wildskies.com>
Date 2024-04-01 11:54

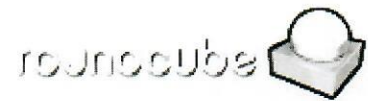


Exhibit 1

- A. Upon being elected Chair at Jan 25th meeting it was noted by outgoing fill in Chair Mary M. to all attending captains John was not worthy of position as he was not responding to her contact efforts and he should be replaced.
- B. Due to health issues John F. did not attend meeting and was unable to defend or explain his side of situation
- C. I contacted John and told him as new Chair I would work to retrieve books, as they where not turned over at conclusion of Feb 15 meeting to me from now Co Chair Mary M. I let John F. know it's important to catch up on report submissions.
- D. I left phone messages and sent an email on 29th of Jan and 12th of Feb to Mary in efforts to get books and discuss meeting and CCRCC focus needs.
- E. At Feb 15th meeting Mary had received a courtesy letter from COPP as she was still in system as Chair that she shared at meeting to make known COPP had requested corrections or updates to recent filed Treasury reports.
- F. In effort to keep meeting moving and productive I informed assembly I would look into the questioned errors and fix and get back to each as best possible as we need to move forward with agenda and was not time to attack and get meeting bogged down in attacks.
- G. As I talked to John and Lisa they informed me how Lisa was assisting John F. Per his request so help catch up on report submission and Lisa was I formed that there was time to make amendments to notes and I was unable to retrieve books by Feb 15 th meeting. As no business was conducted and no votes from CCRCC to approve any expenses there was no activity for months submitted. Working with COPP (Deb) Lisa was following COPP recommendation as books had not been turned over to Chair or Treasure at that time.
- H. I received book on Feb 19th from CCRCC secretary and delivered directly to John F. that afternoon so any corrections could be made asap.
- I. A email on Feb 20th was received by myself and John F. from Kimberly Truillo with COPP stating we appeared to be in compliance as corrections where made to change and deputy Treasure removed and position open with myself also now being recognized as CCRCC Chairman.
- J. I sent email to Cheryl Wilson after speaking with her and going over what I know and was done for corrections stating correction had been made to best of my knowledge.

Thank you
CCRRC Chairman
Cody Mitchell