



RECEIVED
FEDERAL ELECTION COMMISSION
APRIL 19, 2023 2:02 PM
OFFICE OF GENERAL COUNSEL

April 18, 2023

VIA EMAIL, REGULAR MAIL, AND CERTIFIED MAIL RETURN RECEIPT REQUESTED

Federal Election Commission
 1050 First Street, NE
 Washington, DC 20463
 Email: EnfComplaint@fec.gov

MUR 8130

Re: Violation Under 52 U.S.C. §30109

Dear Sir/Madam:

I am writing as National Chair of the national Libertarian Party ("NLP") regarding a complaint of a violation under 52 U.S.C. §30109. The attached Amended Statements of Organization for the Libertarian Party of Michigan Executive Committee, Inc. dated February 5, 2023, and March 19, 2023, (*attached hereto as **composite Exhibit A***), filed and certified by Angela Canny are knowingly and demonstrably false.

PERTINENT FACTS

The Libertarian Party of Michigan Executive Committee, Inc. is the governing body of the Libertarian Party of Michigan, a chartered state-level affiliate party of the NLP (collectively "LPMI"). The Commission issued Advisory Opinion 2016-7 (*attached hereto as **Exhibit B***), concluding that this Committee qualifies as a state committee of a national political party.

In early February 2023, a group of persons started fraudulently representing themselves to be the valid leadership of LPMI, including Angela Canny. On February 16, 2023, the NLP sent a cease and desist letter to the persons making this illegitimate claim making it clear that they did not represent the chartered state-level affiliate, and identifying the actual recognized affiliate as chaired by Andrew Chadderdon (*see letter attached hereto as **Exhibit C***). Also, on February 15, 2023, an attorney for the legitimate leadership of LPMI also sent a cease and desist to the non-recognized group (*see letter attached hereto as **Exhibit D***). The illegitimate group had appeal rights under the NLP which they failed to exercise by the deadline of March 18, 2023, and in fact filed one of the false Amended Statement of Organizations after that fact.

The NLP would also note that the false paperwork indicates that the website of the organization is michiganlp.net. On the official website of the NLP (*see <https://www.lp.org/state-affiliates/>*) the website of the recognized chartered state level affiliate is listed correctly as michiganlp.org.

CLAIMED VIOLATIONS

As stated in its Advisory Opinion 2016-7, one of the prongs in determining qualifications of a state committee of a national political party is whether or not the state party organization is part of the official structure of a national party. While there does exist a valid chartered state-level affiliation in Michigan with Andrew Chadderdon as its Chair and Greg Black as its treasurer, Angela Canny is not the treasurer or authorized representative of that organization with any authority to file documents on its behalf.

The illegitimate group has been actively fundraising using this impersonation, including potentially for federal candidates. Further, the money is not being deposited under own name, but under that of yet another group and in a different account than that identified in the filings.

REQUESTED RELIEF

The actions of Angela Canny have been done in complete knowledge of these facts and in bad faith. The NLP requests these false documents be stricken and appropriate fines be levied and any other such relief that the Commission deems is appropriate.

We note that Greg Black is the newly elected Treasurer of the recognized affiliate but has not yet filed this change with the Commission due to these false filings and is awaiting guidance from the Commission via this Complaint.



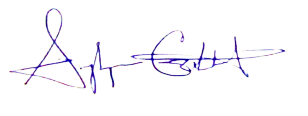
Angela McArdle, Libertarian Party National Chair
7200 Thannas Way
Austin TX 78744

State of Texas

County of Harris

Sworn to and signed before me on the 18th day of April, 20 23, by

Angela McArdle (name of principal signer).



(seal) Notary Public Signature



THIS NOTARIAL ACT WAS AN ONLINE NOTARIZATION

**FEC
FORM 1****STATEMENT OF
ORGANIZATION**

Office Use Only

1. NAME OF COMMITTEE (in full) ☐ (Check if name is changed) Example: If typing, type over the lines.

12FE4M5

Libertarian Party of Michigan Executive Committee, Inc.

ADDRESS (number and street)

P.O. Box 614

☒ (Check if address is changed)

Royal Oak

CITY ▲

MI

STATE ▲

48068

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

☒ (Check if address is changed)

angelat0763@gmail.com

Optional Second E-Mail Address

swmi4liberty@be-innovative.net

COMMITTEE'S WEB PAGE ADDRESS (URL)

☒ (Check if address is changed)

www.michiganlp.net

2. DATE

MM / DD / YYYY
02 / 05 / 2023

3. FEC IDENTIFICATION NUMBER ►

C C00403907

4. IS THIS STATEMENT ☐

NEW (N)

OR

☒

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Thornton, Angela, , ,

Signature of Treasurer

Thornton, Angela, , ,

[Electronically Filed]

Date

MM / DD / YYYY
02 / 05 / 2023

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 52 U.S.C. §30109.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
OnlyFor further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100**FEC FORM 1**
(Revised 06/2012)

COMPOSITE EXHIBIT A

5. TYPE OF COMMITTEE:

Candidate Committee:

- (a) ☐ This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) ☐ This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of
CandidateCandidate
Party AffiliationOffice
Sought:☐

House

☐

Senate

☐

President

State

District

- (c) ☐ This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of
Candidate**Party Committee:**

- (d) ☒ This committee is a (National, State or subordinate) committee of the (Democratic, Republican, etc.) Party

Political Action Committee (PAC):

- (e) ☐ This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:

☐

Corporation

☐

Corporation w/o Capital Stock

☐

Labor Organization

☐

Membership Organization

☐

Trade Association

☐

Cooperative

☐

In addition, this committee is a Lobbyist/Registrant PAC.

- (f) ☐ This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)

☐

In addition, this committee is a Lobbyist/Registrant PAC.

☐

In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

- (g) ☐ This committee is an independent expenditure-only political committee (Super PAC).

☐

In addition, this committee is a Lobbyist/Registrant PAC.

- (h) ☐ This committee is a political committee with both contribution and non-contribution accounts (Hybrid PAC).

☐

In addition, this committee is a Lobbyist/Registrant PAC.

Joint Fundraising Representative:

- (i) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (j) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1.

2.

C

C

Write or Type Committee Name

Libertarian Party of Michigan Executive Committee, Inc.**6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor**

NONE

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship: ☐ Connected Organization ☐ Affiliated Organization ☐ Joint Fundraising Representative ☐ Leadership PAC Sponsor**7. Custodian of Records:** Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name Thorton, Angela, , ,

Mailing Address 15223 Ripple Dr.

Linden

MI

48451

CITY ▲

STATE ▲

ZIP CODE ▲

Title or Position ▼

Treasurer

Telephone number

517

375

9924

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Thorton, Angela, , ,

Mailing Address 15223 Ripple Dr.

Linden

MI

48451

CITY ▲

STATE ▲

ZIP CODE ▲

Title or Position ▼

Treasurer

Telephone number

517

375

9924

Full Name of
Designated
Agent

Brandenburg, Jason, F, ,

Mailing Address

2763 Chestnut Ridge Ave.

Portage

MI

49024

CITY ▲

STATE ▲

ZIP CODE ▲

Title or Position ▼

Telephone number

586

491

8853

9. **Banks or Other Depositories:** List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Comerica Bank

Mailing Address

PO Box 75000

Detroit

MI

48275

CITY ▲

STATE ▲

ZIP CODE ▲

Name of Bank, Depository, etc.

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

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swmi4liberty@be-innovative.net

COMMITTEE'S WEB PAGE ADDRESS (URL)

☐ (Check if address is changed)

www.michiganlp.net

2. DATE

03 / 18 / 2023

3. FEC IDENTIFICATION NUMBER ►

C C00403907

4. IS THIS STATEMENT ☐

NEW (N)

OR

☒

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Thornton, Angela, , ,

Signature of Treasurer

Thornton, Angela, , ,

[Electronically Filed]

Date

03 / 19 / 2023

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 52 U.S.C. §30109.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 06/2012)

COMPOSITE EXHIBIT A

5. TYPE OF COMMITTEE:

Candidate Committee:

- (a) ☐ This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) ☐ This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of
Candidate

” ” ” ” ”

Candidate
Party Affiliation
Office
Sought:☐ House☐ Senate☐ President

State

District

- (c) ☐ This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of
Candidate
Party Committee:

- (d) ☒ This committee is a (National, State or subordinate) committee of the (Democratic, Republican, etc.) Party

Political Action Committee (PAC):

- (e) ☐ This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:

☐

Corporation

☐

Corporation w/o Capital Stock

☐

Labor Organization

☐

Membership Organization

☐

Trade Association

☐

Cooperative

☐

In addition, this committee is a Lobbyist/Registrant PAC.

- (f) ☐ This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)

☐

In addition, this committee is a Lobbyist/Registrant PAC.

☐

In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

- (g) ☐ This committee is an independent expenditure-only political committee (Super PAC).

☐

In addition, this committee is a Lobbyist/Registrant PAC.

- (h) ☐ This committee is a political committee with both contribution and non-contribution accounts (Hybrid PAC).

☐

In addition, this committee is a Lobbyist/Registrant PAC.

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- (i) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
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Committees Participating in Joint Fundraiser

1.

C

2.

C

Write or Type Committee Name

Libertarian Party of Michigan Executive Committee, Inc.**6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor**

NONE

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

Relationship: ☐ Connected Organization ☐ Affiliated Organization ☐ Joint Fundraising Representative ☐ Leadership PAC Sponsor**7. Custodian of Records:** Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name Thornton, Angela, , ,

Mailing Address 15223 Ripple Dr.

Linden

MI

48451

CITY ▲

STATE ▲

ZIP CODE ▲

Title or Position ▼

Treasurer

Telephone number

810

458

4698

8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Thornton, Angela, , ,

Mailing Address 15223 Ripple Dr.

Linden

MI

48451

CITY ▲

STATE ▲

ZIP CODE ▲

Title or Position ▼

Treasurer

Telephone number

810

458

4698

Full Name of
Designated
Agent

Brandenburg, Jason, F, ,

Mailing Address

2763 Chestnut Ridge Ave.

Portage

MI

49024

CITY ▲

STATE ▲

ZIP CODE ▲

Title or Position ▼

Telephone number

586

491

8853

9. **Banks or Other Depositories:** List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Comerica Bank

Mailing Address

411 W Lafayette Blvd

Detroit

MI

48226

CITY ▲

STATE ▲

ZIP CODE ▲

Name of Bank, Depository, etc.

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲

FEC MISCELLANEOUS TEXT RELATED TO A REPORT, SCHEDULE OR ITEMIZATION

Form/Schedule: F1A

Transaction ID :

This amendment is to correct the spelling of the Treasurer and correct the bank address.

Form/Schedule:

Transaction ID:



FEDERAL ELECTION COMMISSION
Washington, DC 20463

November 17, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 2016-17

William W. Hall, Esq.
Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street, N.W.
Grand Rapids, Michigan 49503-2487

Dear Mr. Hall:

We are responding to your request on behalf of the Libertarian Party of Michigan Executive Committee, Inc. (the "Committee") regarding its status as the state committee of a political party under the Federal Election Campaign Act, 52 U.S.C. §§ 30101-46 (the "Act"), and Commission regulations. The Commission concludes that the Committee qualifies as a state committee of a national political party.

Background

The facts presented in this advisory opinion are based on your advisory opinion request ("AOR") received on September 28, 2016, the Committee's articles of incorporation and bylaws attached thereto, public filings with the Commission, and public filings with the Michigan Secretary of State.

In 1975, the Commission determined that the Libertarian National Party ("LNP") was a national political party. Advisory Opinion 1975-129 (National Committee of the Libertarian Party). The Libertarian National Committee, Inc. ("LNC") is the national party committee of the LNP. The LNC's Executive Director, Mr. Wes Benedict, has confirmed by letter that the Committee is a "chartered state-level affiliate part[y]" of the LNC. AOR003.

The Committee "assisted in placing" Gary Johnson, a candidate for President, on the 2016 general election ballot in Michigan. AOR001. Mr. Johnson was listed on that general

election ballot in Michigan as a candidate of the Libertarian Party.¹ Mr. Johnson received contributions or made expenditures in excess of \$5,000 according to disclosure reports filed with the Commission.²

Pursuant to its articles of incorporation and bylaws, the Committee engages in various political party activities in Michigan. *See generally* AOR005-014. These activities include: serving as “the governing body and operational arm of the Libertarian Party of Michigan . . . , the political party designated by the Libertarian National Committee as the affiliate of the Libertarian Party in the State of Michigan,” AOR006; furthering the “principles of individual liberty as expressed in the Statement of Principles of the National Libertarian Party by nominating and working to elect candidates for political office and by entering into political information activities,” AOR012; contributing funds to political committees, AOR006; and making independent or coordinated expenditures in support of or in opposition to candidates or other political activities. *Id.*

The articles of incorporation and bylaws also provide for an Executive Committee, the members of which are elected by delegates at an annual convention. AOR012-013; *see also* AOR006. In addition to governing the affairs of the party, the Executive Committee supervises and manages conventions, at which nominations of candidates for public office are made. AOR013-014.

Question Presented

Does the Committee qualify as a state committee of a political party within the meaning of the Act and Commission regulations?

Legal Analysis and Conclusion

Yes, the Committee qualifies as the state committee of a political party within the meaning of the Act and Commission regulations.

A “state committee” is an organization that, “by virtue of the bylaws of a political party . . . is part of the official party structure and is responsible for the day-to-day operation of the political party at the [s]tate level, . . . as determined by the Commission.” 11 C.F.R. § 100.14(a); 52 U.S.C. § 30101(15). A “political party” is an “association, committee, or organization that nominates a candidate for election to any federal office whose name appears on the election ballot as the candidate of such association, committee, or organization.” 52 U.S.C. § 30101(16); 11 C.F.R. § 100.15.

The determination as to whether a state party organization qualifies as a state committee of a national political party turns on three elements: (1) the national party with which the state party

¹ Michigan Secretary of State, 2016 Michigan Candidate Listing, Oct. 17, 2016, http://miboecfr.nictusa.com/election/candlist/2016GEN_CANDLIST.html.

² *See, e.g.*, Gary Johnson 2016, FEC Report 3P at 2 (Sep. 20, 2016), http://docquery.fec.gov/cgi-in/fecimg?_201609209032026391+0 (showing net election cycle contributions totaling more than \$7,921,000).

organization is affiliated must itself be a “political party;” (2) the state party organization must be part of the official structure of the national party; and (3) the state party organization must be responsible for the day-to-day operation of the national party at the state level. *See, e.g.*, Advisory Opinion 2016-14 (11 Libertarian State Committees); Advisory Opinion 2015-01 (Green-Rainbow Party); Advisory Opinion 2012-39 (Green Party of Virginia). The Commission therefore addresses each of these three elements in turn.

(1) Qualification of the LNP as Political Party

The national party, the LNP, must qualify as a “political party” under the Act and Commission regulations. The Commission has previously determined that the LNP qualifies as a political party. *See* Advisory Opinion 1975-129 (National Committee of the Libertarian Party). The Commission is aware of no factual changes that would alter that conclusion.

(2) Status of the Committee as Part of the Official Structure of the LNP

To determine whether a state party organization is part of the official structure of a national party, the Commission evaluates documentation from the national party. *See, e.g.*, Advisory Opinion 2016-14 (11 Libertarian State Committees); Advisory Opinion 2015-01 (Green-Rainbow Party); Advisory Opinion 2012-39 (Green Party of Virginia). The letter from Mr. Wes Benedict, Executive Director of the LNC (AOR003), confirms that the Committee is part of the official party structure of the LNP.

(3) Responsibility of the Committee for Day-to-Day Operation of the LNP at the State Level

To determine whether a state party organization is responsible for the day-to-day operations of a national party at the state level, the Commission considers: (a) whether the state organization has placed a federal candidate on the ballot (thereby qualifying as a “political party” under 52 U.S.C. § 30101(16)); and (b) whether the bylaws or other governing documents of the state party organization indicate activity commensurate with the day-to-day functions and operations of a political party at the state level. *See, e.g.*, Advisory Opinion 2016-14 (11 Libertarian State Committees); Advisory Opinion 2012-39 (Green Party of Virginia); Advisory Opinion 2012-36 (Green Party of Connecticut).

(a) Candidate on the Ballot

Because an organization must place a federal candidate on the ballot to qualify as a “political party,” *see* 52 U.S.C. § 30101(16); 11 C.F.R. § 100.15, an organization must obtain ballot access for a federal candidate to qualify as a “state committee” of a political party. *See* 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3(a); Advisory Opinion 2016-14 (11 Libertarian State Committees); Advisory Opinion 2015-01 (Green-Rainbow Party); Advisory Opinion 2012-39 (Green Party of Virginia); Advisory Opinion 2012-36 (Green Party of Connecticut).

The Committee assisted in placing the LNP’s nominee for President, Gary Johnson, on the 2016 general election ballot in Michigan. AOR001. Mr. Johnson received contributions or

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Page 4

made expenditures in excess of \$5,000 according to disclosure reports filed with the Commission. Mr. Johnson therefore satisfies the Act's definition of a "candidate." See 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3(a).

(b) Day-To-Day Functions and Operations

In addition to gaining ballot access for a candidate for federal office, the Committee must show, in its bylaws, constitution, or other governing documents, that it is responsible for activity commensurate with the day-to-day functions and operations of a political party at the state level.

Here, the articles of incorporation and bylaws establish the organizational structure of the Committee and describe the election process for, and responsibility of, party officers. They also set forth the Committee's responsibilities with respect to its role as the operational arm of the LNP, membership, fundraising, communications, and other party-related tasks.

These governing documents indicate activity commensurate with the day-to-day functions and operations of a political party at the state level and are similar to other state party rules that the Commission has found sufficient to qualify an organization for state-committee status. See, e.g., Advisory Opinion 2016-14 (11 Libertarian State Committees); Advisory Opinion 2015-01 (Green-Rainbow Party); Advisory Opinion 2012-39 (Green Party of Virginia); Advisory Opinion 2012-36 (Green Party of Connecticut); Advisory Opinion 2010-22 (Working Families Party of Connecticut). Therefore, the Committee satisfies the requirement of being responsible for the day-to-day operation of the LNP at the state level pursuant to 52 U.S.C. § 30101(15) and 11 C.F.R. § 100.14(a).

Conclusion

The Commission determines that the Committee qualifies as the state committee of a national political party under the Act and Commission regulations because: (1) The LNP qualifies as a political party; (2) the Committee is part of the official structure of the LNP; and (3) the Committee is responsible for the day-to-day operation of the LNP at the state level.

This response constitutes an advisory opinion concerning the application of the Act and Commission regulations to the specific transaction or activity set forth in your request. See 52 U.S.C. § 30108. The Commission emphasizes that, if there is a change in any of the facts or assumptions presented, and such facts or assumptions are material to a conclusion presented in this advisory opinion, then the requestor may not rely on that conclusion as support for their proposed activity. Any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which this advisory opinion is rendered may rely on this advisory opinion. See 52 U.S.C. § 30108(c)(1)(B). Please note that the analysis or conclusions in this advisory opinion may be affected by subsequent developments in the law including, but not limited to, statutes,

AO 2016-17

Page 5

regulations, advisory opinions, and case law. Any advisory opinions cited herein are available on the Commission's website.

On behalf of the Commission,

A handwritten signature in blue ink, appearing to read "Matthew S. Petersen", with a horizontal line drawn underneath it.

Matthew S. Petersen
Chairman



February 16, 2023

Joseph Brungardt

[REDACTED]
Sterling Heights, MI 48314
michiganlibertarians@gmail.com,
[REDACTED]

Via Email

Re: The Libertarian Party of Michigan

Mr. Joe Brungardt:

The national Libertarian Party (“LP”) has a vested interest in protecting its rights and the rights of its affiliate parties, including the Libertarian Party of Michigan (“LPM”). It has come to our attention that you are holding yourself out to the public and members of the LPM as the Chair of the “Libertarian Party of Michigan”. This is patently false.

The presently recognized Chair of the Michigan affiliate is Andrew Chadderdon and his legitimately elected successors, as affirmed by the LPM Judicial Committee and explicitly authorized by the LPM Bylaws. On or about December 13, 2022, the LPM Judicial Committee (in accordance with the LPM Bylaws) ruled that the actions taken at the July 9, 2022, Candidate Nominating Convention which led to your initial selection as LPM Chair are invalid.

Your claim that Michigan corporate law provides otherwise is irrelevant to the identity and leadership of the legitimate affiliate. Likewise, your recent correspondence to LPM members advertising an unauthorized and illegitimate convention was also incorrect.

Rumors have circulated that LPM’s Judicial Committee removed officers with their decision. Your state affiliate’s Judicial Committee did not “remove” any officer or director. Their decision invalidated a motion of no confidence that removed Andrew Chadderdon as chair because the removal and election in controversy was not validly noticed. Individuals cannot be removed from positions to which they were not validly elected. Thus, the act of voiding an invalid removal is not a removal. It is the national LP’s understanding that LPM’s judicial committee decision has been affirmed by counsel retained by the rightful LPM.

Absent a decision from the LNC or the national Judicial Committee to the contrary, national Platform Committee appointments and national delegate entitlements, along with ballot access, remain with the Party presently chaired by Mr. Chadderdon, and his legitimately elected successors.

In these pursuing statements and activities (holding yourself out to be chair, holding yourself out to be LPM, soliciting for donations, and other similar activities), you have violated LPM’s bylaws, the national Libertarian Party’s bylaws, and made unauthorized use of Libertarian Party trademarks, including but not

1444 Duke Street – Alexandria VA 22314 – 1-800-Elect-Us – www.LP.org

LPM
2/16/23
Page 2 of 3

limited to the trademarked name “Libertarian Party.” Further, neither the Libertarian National Committee (“LNC”) nor the LPM has authorized you to make use of its trademark(s) in order to promote a different political party, and any such use is hereby expressly prohibited. We are therefore sending you this letter in an attempt to resolve this matter without the need for legal action. We demand that you immediately cease and desist from making further unauthorized use of Libertarian Party trademark(s) and fraudulently advertising a non-Libertarian Party convention as one of the Party.

In particular, the LNC has registered trademarks on the following:

- “Libertarian Party” (Reg. No. 2,423,459);
- “The Party of Principle” (Reg. No. 2,423,458);
- Libertarian Party Logo (Reg. No. 6,037,046).

Your unauthorized use of Libertarian Party trademark(s) and false claims of official position and calling of an illegitimate convention harms the LNC and LPM by willfully misleading members of the public and the LPM into believing that your alleged chairmanship and advertised convention is affiliated with the Libertarian Party, when in fact no such affiliation or authorization exists. Consequently, to avoid legal action in this matter, we demand that you immediately take any and all actions necessary to prevent your further infringement on our legal rights and interests. This includes, without limitation, that you cease and desist from using the trademarked name “Libertarian Party” in your organization in any published materials, including your mailing list, Facebook and social media pages, or any other electronic forum, as well as any other communications, whether electronic, print, audio or any other medium, including but not limited to campaign literature, brochures, advertisements, email or any other communication.

Further, it has been communicated to us by the Chair of the Libertarian Party of Michigan as well as by membership that their contact information secured in CiviCRM was potentially used to further these false representations. As you are aware, all users of CiviCRM are required to sign a Non Disclosure Agreement (“NDA”) which limits the use of this data to legitimate Party business authorized by the affiliate or the national Party.

You are advised not to destroy or otherwise spoliage any evidence of your actions relating to any potential NDA violations, and/or the dissemination of confidential information, pursuant to Va. Code § 8.01-379.2:1. You have, “a duty to preserve evidence that may be relevant to reasonably foreseeable litigation.” If this conflict results in litigation and you have “disposed of, altered, concealed, destroyed, or not preserved” evidence, you may place yourself at risk of an unfavorable finding by a jury, or a default judgment.

“‘The textbook definition of ‘spoliation’ is ‘the intentional destruction of evidence[.]’ . . . However, spoliation issues also arise when evidence is lost, altered or cannot be produced.’” Wolfe v. Virginia Birth-Related Neuro, 40 Va. App. 565, 581 (Va. Ct. App. 2003) The law on this matter is clear in the state of Virginia and in the District of Columbia, which have overlapping jurisdiction regarding the LNC’s legal affairs. “[T]here now exists in the District of Columbia an independent action for negligent or reckless spoliation of evidence”. Holmes v. Amerex Rent-A-Car, 710 A.2d 846, 854 (D.C. 1998)

Based on the foregoing, we demand that you and your agents cease using the LP’s registered trademarks and return all property belonging to the LP within 10 days of the date of this letter. Furthermore, we

EXHIBIT C

LPM

2/16/23

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request you immediately terminate any further misrepresentation that you are affiliated with the LP.
Thank you for your attention to this matter.

Angela McArdle, Chair

Libertarian National Committee

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February 15, 2023

Joseph Brungardt

[REDACTED]
Sterling Heights, Michigan 48314

By Email Transmission

[REDACTED]

RE: Demand by Libertarian Party of Michigan (LPM) for Return of all Property Belonging to LPM; Cease and Desist Demand by LPM to Immediately Terminate any Further Misrepresentation as Having any Authority to Govern the Affairs of LPM

Dear Mr. Brungardt:

INTRODUCTION

This office represents LPM with respect to the serious issues raised in this letter. It has come to our attention that you are misrepresenting yourself to be the current Chair of the LPM; however, as you know as a result of your personal and direct participation in the matter, on or about December 19, 2022, the Judicial Committee (in accordance with the LPM Bylaws) ruled that the actions taken at the July 9, 2022 Candidate Nominating Convention which led to your initial selection as LPM Chair --- are invalid. Specifically, the Judicial Committee unequivocally determined:

“We have decided to grant Mr. Chadderdon’s appeal. The vote of no confidence, the election of officers, and the election of Congressional district representatives conducted at the Candidate Nominating Convention on July 9th are to be considered out of order as a violation of our bylaws and parliamentary procedures. The Libertarian Executive Committee shall be reverted to its composition as of July 8th. Any actions taken by the erroneous board which are of a continuing nature are null and void.”

Consequently, as a result of this Judicial Committee determination, any “actions taken by the erroneous board which are of a continuing nature are null and void” including without limitation, your selection as LPM Chair.

In defiance of the Judicial Committee’s determination, you apparently are claiming that Section 535 of the Michigan Nonprofit Corporation Act (MCL 450.2535) precludes the taking of any action with respect to your status as LPM Chair since you were not removed by any members of

EXHIBIT D

the Michigan nonprofit corporation known as “Libertarian Party of Michigan Executive Committee, Inc.” (State of Michigan Identification Number 800902778). Such a claim fails for many reasons.

“LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.” DOES NOT HAVE MEMBERS

The Michigan nonprofit corporation known as “Libertarian Party of Michigan Executive Committee, Inc.” does not have members. According to Article IV of the Articles of Incorporation of “Libertarian Party of Michigan Executive Committee, Inc.” filed on January 19, 2005, this nonprofit corporation is organized on a directorship basis. Nowhere in these Articles of Incorporation or in the Bylaws of “Libertarian Party of Michigan Executive Committee, Inc.” dated January 23, 2005 is there any reference to members. Consequently, because “Libertarian Party of Michigan Executive Committee, Inc.” is organized on a directorship basis and has no members in law and in fact, any reference to a “member removal requirement” under Section 535 of the Michigan Nonprofit Corporation Act is misplaced.

LPM EXISTS SEPARATELY FROM “LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.” AND CONTROLS “LIBERTARIAN PARTY OF MICHIGAN EXECUTIVE COMMITTEE, INC.”

LPM is the political party designated by the Libertarian National Committee as the affiliate of the Libertarian Party in the State of Michigan. As previously referenced, “Libertarian Party of Michigan Executive Committee, Inc.” (State of Michigan Identification Number 800902778) is a Michigan nonprofit corporation. According to Article II of the Bylaws of “Libertarian Party of Michigan Executive Committee, Inc.”:

“The LPM Bylaws are incorporated by reference in these Bylaws. In the event of any conflict between the LPM Bylaws and these Bylaws, the LPM Bylaws shall take precedence.”

According to Article III of the LPM Bylaws:

“The officers of the Party shall be a chair, a first vice chair, a second vice chair, a secretary, a treasurer, and the Congressional district representatives described below, hereinafter referred to as the “Executive Committee.” These are the same individuals who shall serve as the directors of the “Libertarian Party of Michigan Executive Committee, Inc.””

Consequently, members of the LPM Executive Committee (as established and recognized pursuant to the LPM Bylaws) automatically become officers and directors of “Libertarian Party of Michigan Executive Committee, Inc.” without further corporate action. Conversely, once an individual is no longer a member of the LPM Executive Committee (as established and recognized pursuant to the LPM Bylaws) this individual automatically is no longer an officer or director of “Libertarian Party of Michigan Executive Committee, Inc.” without further corporate action. Therefore, because the decision of the Judicial Committee (which established the current officers and representatives thereby invalidating your selection as LPM Chair) was made pursuant to the LPM Bylaws, and the LPM Bylaws establish the officers and directors of “Libertarian Party of Michigan

Executive Committee, Inc.”, the LPM Bylaws, and any actions taken pursuant to the LPM Bylaws, take precedence.

AS A MATTER OF CONSTITUTIONAL LAW (NOT TO MENTION LIBERTARIAN PRINCIPLES), THE AFFAIRS OF THE LIBERTARIAN PARTY OF MICHIGAN ARE GOVERNED BY THE LPM BYLAWS---AND NOT A STATE STATUTE

Bylaws constitute a “binding contractual agreement between the [entity] and its various members.” *Conlin v Upton*, 313 Mich App 243, 255 (2015). Accordingly, a board must follow the bylaws—a binding contract—unless they take steps to amend them. *See also Allied Supermarkets, Inc v Grocer's Dairy Co*, 45 Mich App 310, 315 (1973), *aff'd sub nom. Allied Supermarkets, Inc v Grocers' Dairy Co*, 391 Mich 729 (1974) (“[t]he bylaws of a corporation, so long as adopted in conformity with state law, constitute a binding contract between the corporation and its shareholders”). Here, the LPM Bylaws govern the affairs of LPM and control the affairs of “Libertarian Party of Michigan Executive Committee, Inc.”. Therefore, unless LPM amends the LPM Bylaws under the proper procedure outlined in Article XII, the LPM Bylaws (including the authority of the Judicial Committee pursuant to Article V) govern. *See Slatterly v Madiol*, 257 Mich App 242, 250; 668 NW2d 154 (2003) (noting that bylaws are generally construed in accordance with the same rules used for statutory construction; thus, courts must first look at the specific language of the bylaw).

As indicated earlier in this letter, there is no conflict between the operation of the LPM Bylaws and the Michigan Nonprofit Corporation as both require adherence to the Judicial Committee’s December 19, 2022 decision invalidating your selection as LPM Chair and recognizing the current LPM officers and representatives. However, for the sake of argument, let’s assume that there is a conflict between a state statute (such as the Michigan Nonprofit Corporation Act) and the LPM Bylaws as to the composition of the current officers of the LPM. Even in such an instance, the consistent principles articulated by the United States Supreme Court have made it clear that where the rules of a political party conflict with state law, the First Amendment requires that the political party rules prevail. For example, in *Cousins v Wigoda*, 419 US 477 (1975), the United States Supreme Court held that political party rules supersede state law concerning the delegate selection process. The *Cousins* decision is based upon the principle that “[t]he National Democratic Party and its adherents enjoy a constitutionally protected right of political association.” 419 US at 487. This First Amendment freedom to gather in association for the purpose of advancing shared beliefs is protected by the Fourteenth Amendment from infringement by any State. *Democratic Party v Wisconsin*, 450 US 107, 121 (1981). And the freedom to associate for the common advancement of political beliefs “necessarily presupposes the freedom to identify the people who constitute the association, and to limit the association to those people only.” *Democratic Party v Wisconsin*, 450 US 107, 122 (1981). “Any interference with the freedom of a party is simultaneously an interference with the freedom of its adherents.” *Sweezy v New Hampshire*, 354 US 234, 250 (1957). According to the United States Supreme Court, on “several occasions this Court has recognized that the inclusion of persons unaffiliated with a political party may seriously distort its collective decisions - thus impairing the party’s essential functions - and that political parties may accordingly protect themselves ‘from intrusion by those with adverse political principles.’ *Ray v Blair*, 343 US 214, 221-222 (1951).” *National Democratic Party, supra*, 450 US at 122. Furthermore, in *Roberts v United States Jaycees*, 104 S.Ct. 3244, 3249 (1984), the United States Supreme Court emphasized that:

“There can be no clearer example of an intrusion into the internal structure or affairs of an association than a regulation that forces the group to accept members it does not desire. Such a regulation may impair the ability of the original members to express only those views that brought them together.”

In this regard, the United States Supreme Court struck down a Connecticut statute which required voters in a political party primary to be registered members of that party, which conflicted with a state Republican party rule permitting independent voters to vote in its primaries for federal and statewide offices. See *Tashjian v Republican Party of Connecticut*, 479 US 208 (1986). Similarly, in *Heitmanis v Austin*, 899 F2d 521 (6th Cir. 1990), the Sixth Circuit Court of Appeals held as invalid certain portions of the Michigan Election Code which were contrary to the rules of the Michigan Republican Party. Significantly, the *Heitmanis* Court found that the Michigan Election Code created a significant burden on the party’s right to freedom of association because it infringed upon the right of political parties to choose a method for selection of their party nominees. 899 F2d at 529.

Accordingly, to the extent that there is a conflict between a state statute (such as the Michigan Nonprofit Corporation Act) and the LPM Bylaws as to the composition of the current officers of the LPM, the LPM Bylaws, and any actions taken pursuant to the LPM Bylaws, take precedence once again.

THE LIBERTARIAN NATIONAL COMMITTEE RECOGNIZES THE COMPOSITION OF THE CURRENT OFFICERS AND REPRESENTATIVES OF LPM, AS DETERMINED BY THE JUDICIAL COMMITTEE

In Federal Election Commission Advisory Opinion 2016-17, the Federal Election Commission determined that the LPM qualifies as the state committee of a national political party under the Federal Election Campaign Act and Commission regulations because: (1) The Libertarian National Party (LNP) qualifies as a political party; (2) LPM is part of the official structure of the LNP; and (3) LPM is responsible for the day-to-day operation of the LNP at the state level. Consequently, recognition from the Libertarian National Committee establishes LPM as an affiliate of the Libertarian National Committee. Stated differently, without recognition from the Libertarian National Committee, there is no LPM.

According to Article 6 of the Bylaws of the Libertarian Party as adopted in 2008 by the Libertarian National Committee, there shall be no more than one state-level affiliate party in any one state. Significantly, the Libertarian National Committee recognizes the composition of the current officers of the LPM, as determined by the Judicial Committee, to be the state-level affiliate party of the Libertarian Party: See [Leadership - Libertarian Party of Michigan \(michiganlp.org\)](http://michiganlp.org).

Because the Libertarian National Committee does not recognize you as LPM Chair or the other officers and representatives you contend are legitimate, you are not allowed to use the name “Libertarian Party” pursuant to Article 6 of the Bylaws of the Libertarian Party:

“No person, group or organization may use the name "Libertarian Party" or any confusingly similar designation except the Party or an organization to which the Party grants affiliate party status or as otherwise provided in these bylaws.”

Consequently, a separate cease and desist letter has already been sent to you (or will soon be sent to you) by the Libertarian National Committee demanding that you and your colleagues not use the name "Libertarian Party".

ACTIONS RESPECTFULLY DEMANDED AND REQUESTED

On behalf of the Libertarian Party of Michigan (LPM), it is hereby DEMANDED that you and your agents return all property belonging to LPM within ten (10) days of the date of this letter. Further, you are hereby REQUESTED to immediately terminate any further misrepresentation as having any authority to govern the affairs of LPM. At a minimum, you and your agents must do the following:

1. Sign any documentation to transfer the LPM bank accounts to Andrew Chadderdon, LPM Chair and/or his designee(s).
2. Cease to engage in any fundraising on behalf of LPM.
3. Turn over the PO Box and any/all other accounts belonging to the LPM to Andrew Chadderdon, LPM Chair and/or his designee(s).

Your anticipated cooperation is appreciated.

Sincerely,

DOSTER LAW OFFICES, PLLC



Eric Doster

CC: BY EMAIL TRANSMISSION

ANDREW CHADDERDON, LPM CHAIR chair@michiganlp.org

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