

Critique of Official GPCO Response to AC #1

October 6, 2018

The Caucus to Restore Green Values (RGV) finds GPCO's official response to the GPUS AC Report, below, to be full of errors, omissions, and obfuscations. RGV's critique of GPCO's responses is interleaved below using this red text.

Official GPCO Response to AC #1

OFFICIAL RESPONSE FROM GPCO TO AC COMMITTEE REGARDING "AC Subcommittee Report Release Notes"

September 17, 2018

At the onset of this response, we will begin by saying that the timeline for voting on this matter in the Accreditation Committee (AC), as communicated to us via our appointed members of the committee from the Green Party of Colorado (GPCO), is in direct violation of your committee's rules. We consider your report, dated September 10, 2018, to constitute a completely different grievance, as we will demonstrate below.

The AC rules on responses to grievances state:

"After 30 days, the AC will inquire to see that the state party or caucus has initiated their process for review of complaints. If no action has been taken, the AC will remind the state party or caucus that action must be taken within the next 30 days. State parties or caucuses who have entered into the "grievance" process in good faith but needs more time to address the complaint must ask the AC for an extension in writing. After two weeks of receiving the complaint, the AC will assign a point person to guide the complainant through the process."

Holly Hart stated to the AC, on behalf of the "subcommittee," that:

"Due to the number of documents involved and need to read and review carefully we ask that a week be given for AC members to *read the reports and documents* before discussion. Questions, corrections etc, can be noted. This would be followed by a week for discussion, then a week for a vote."

Given that notice of the recommendation was received by us on September 10, 2018, this timeline is contrary to the rules of the AC, since this improperly imposed timeline would presumably elapse on October 1, 2018.

If the timeline for the committee would comport with AC rules, then the deadline for our *response* would be October 10, 2018. It would appear that our rights, such as they are in the AC rules, are being curtailed, while the AC has been deliberating on this matter since the initial grievance was filed on June 14, 2017 (not July, as was stated in communications to the AC members) — *more than fifteen months ago*.

We also note, with some alarm, that our "[Letter to the Accreditation Committee](#)," dated June 25, 2017 (11 days after the initial grievance was filed), signed by 46 GPCO activists and leaders was never provided in the "ACC Documents" list at <https://gpus.org/committees/accreditation/acc-documents/>.

Why did you feel that a written response from GPCO, signed by 46 activists and leaders, was not relevant to this investigation?

Our co-chair, David Bell, and our secretary, Sean Friend, participated in a conference call on July 10, 2017, with Holly Hart and Rita Maniotis of this committee. The major issues raised on that call were about the accusation of “centralization of power” as well as “tone.” The [recording of the call is here](#), for AC committee members to review.

Given the workflow specified in your committee rules, and given the scope of the “investigation” at that time and the issues raised in the grievance then, this grievance should have been dismissed because the AC subcommittee’s concerns were addressed in full.

These glaring omissions and the departures from your own committee’s rules would suggest a breakdown in basic due process rights for GPCO, as well as a disregard for the basic democratic principles of transparency and accountability to the committee’s membership.

SCOPE OF INVESTIGATION

The AC committee complaint process lists the following instructions for individual grievants:

“Greens who wish to lodge a complaint or grievance against an affiliated Green Party in the state in which they reside or a caucus with which they identify must first exhaust the complaint process of that state’s Green Party or caucus.”

In the document entitled, [“Response and Findings of the Green Party of the U.S. Accreditation Committee to Complaint Filed by Members of the Green Party of Colorado.”](#) the “subcommittee’s” recommendations, as well as our responses, are found below.

AC recommendation #1a:

We recommend that the GPCO delegate the administration of the Forum to two members in good standing who would be agreeable to both the complainants and the respondents.

GPCO response #1a:

Our bylaws actually **explicitly require** the co-chairs to facilitate the council. They clearly state that a facilitator *can* be appointed but do not under any circumstance require it. **The claim that a co-chair moderating the forum is a by-laws violation is patently false, as shown in this excerpt from our bylaws regarding duties of co-chairs:**

5.2.2. To facilitate state meetings and the state Council, or choose a representative to do so.

Andrea Mérida currently serves as forum moderator. There are now three administrators of the forum: Dave Bell, Sean Friend and Andrea Mérida. The GPCO forum has never been under the control of a single person since Andrea first became co-chair in 2015, and the individuals in control of the forum were former co-chair Bill Bartlett, forum moderator Brittany Hoover (appointed by Bartlett alone), and Andrea Mérida. Before 2015, Bartlett was the only person who had admin-level privileges to control the forum.

RGV response #1a:

The recommendation that GPCO delegate the administration of the Forum to two members in good standing who would be agreeable to the complainants **has not happened**. Instead, GPCO officers Mérida, Bell, and Friend, none of whom are agreeable to the complainants, have given admin-level privileges to themselves, and only themselves.

The parts of GPCO response #1a about facilitating council meetings and moderating the Forum, including the reference to bylaw 5.2.2, are not relevant to the AC recommendation about the **administration** of the Forum. Forum administration, Forum moderation, and Council Facilitation are three different roles. Mérida holds all three positions.

Bill Bartlett discusses the roles defined for the GPCO Forum as of June 14, 2016 in ACC Documents Folder 3.2 Admin Changes at https://gpus.org/wp-content/uploads/2018/09/3.2-Admin_changes_2017_06_14-a.pdf

AC recommendation #2a:

We recommend a call for new elections that preclude the possibility of top party offices being held by the same person. GPCO's upcoming elections in August may fulfill this Recommendation.

GPCO response #2a: Our state meeting was held on August 12, 2017. Andrea Mérida and Gary Swing (nominated by the RGV group) were elected co-chairs. Joshua James was elected treasurer, and Sean Friend won re-election as secretary. Gary Swing resigned as state co-chair on December 3, 2017, and Dave Bell was elected to fill the vacancy as co-chair by the state council on December 19, 2017.

RGV response #2a:

In the election held August 12, 2017, contrary to AC recommendation #2a, **Andrea Mérida was elected to two (2) party offices:** Co-chair and Alternate GPUS National Committee member.

Andrea was listed on the ballot for two offices (co-chair and alternate national delegate) and the alternate national delegate election was rigged to guarantee that she would be elected. The office of alternate delegate was not listed in the announcements leading up to the meeting, and no candidates for such an office were named in announcements about candidates for offices. The surprise was sprung when the ballots were distributed. Andrea and her ally Karyna Lemus were the only names on the ballot for two positions as alternate national delegate, an office that did not exist in the Colorado Green Party before the August 2017 meeting. Naturally, with no other candidates listed, they were both elected.

Andrea did not vacate one of the two offices to which she was elected. Instead, she quickly instituted a rule that would enhance the likelihood that she would be able to vote as a national delegate. A deadline (earlier than the national deadline) was set for national delegates to vote on national issues. If a delegate failed to vote by the GPCO-imposed early deadline, an alternate was empowered to cast a vote. For several months, until she managed to strip elected delegate Susan Hall of her rights of participation, Andrea closely monitored the voting and pounced whenever Susan failed to vote before the early deadline.

Andrea also instituted a rule that NC delegates must have their votes approved by Council, a requirement put in place specifically for Susan. It is important to understand that by this time Andrea had, through nefarious means as detailed in the RGV complaint, achieved total control of the state party infrastructure, stacked the vote on Council, and could get any proposal passed that she wanted.

AC recommendation #3a:

Since members of both parties expressed the willingness to enter into conflict resolution, we recommend that the complainants and the respondents or their representatives use the tools of the national party and work with the Dispute Resolutions Committee to develop a mutually respectful working relationship.

GPCO response #3a:

It should be noted that when this grievance was first submitted to the AC and the national steering committee (SC), Darryl Moch, then-cochair of the SC, offered DRC immediately. The "grievants" immediately declined.

Later, in response to [the AC's demand for dispute resolution on August 31, 2017](#), GPCO attempted to ascertain which persons or entities were expected to participate in dispute resolution. The state council discussed the possibility of participation, and they upheld that it was not their wish that individuals

participate on behalf of GPCO. Once we established that the DRC request was intended for individuals, Andrea asked for a pre-condition that the mediator be someone familiar with anti-oppression concepts, as this is a factor in this dispute. The “grievants” declined.

The AC’s procedures for complaints state:

“Complaints relating to other matters or conduct by a group or individual are not considered by this committee and will be returned with information on appropriate procedures.”

Therefore, by attempting to compel individuals to participate in a dispute resolution process, the AC is demonstrating that they are attempting to adjudicate an interpersonal matter, **in direct violation of their own rules.**

This matter should have been closed at the onset, for this reason alone.

RGV response #3a:

In answer to Darryl! Moch's original offer of DRC services, RGV explicitly declined for the moment. RGV did not reject outright and did not close off the possibility of dispute resolution at some point in the future.

The AC determined that there was no avenue for RGV to bring their complaint at the state level, so as a practical matter it was proper to file the complaint with the AC. There was no state grievance process, despite some talk of establishing one, and Andrea was actively suppressing efforts to bring the matter up in the Forum.

Acting on AC recommendation #3a, RGV members Harry Hempy, Judy Harrington, Michael Haughey, and Kevin Alumbaugh on September 7, 2017 requested the DRC to facilitate dispute resolution with Andrea Merida, Jason Justice, and David Bell. The DRC agreed.

RGV accepted the DRC's offer of mediation on October 7, 2017 with no pre-conditions. See ACC Documents Folder 4.5 RGV Acceptance of DRC mediation without conditions at https://gpus.org/4-5-rgv-acceptance-of-mediation-without-pre-conditions-10_07_2017/

The RGV complaint is not **just** an interpersonal matter. Respondents’ use of GPCO resources, including the public GPCO website, to respond to the RGV complaint makes this a party issue. Andrea’s unilateral control of GPCO infrastructure ability to dominate Council processes raises serious concern about the validity of continuing Colorado’s affiliation with the Green Party.

That is why the AC must remain involved.

AC recommendation #4a:

We recommend that one or more outside observers attend the upcoming GPCO Membership Meeting in August, and report back to the Accreditation Committee as to how the use of the state bylaws and ten key values were handled, as well as the level of discourse observed at the meeting

GPCO response #4a:

Our 2017 state meeting was publicly livestreamed on Facebook, and we intend to follow that process in 2019 and beyond. The following videos of the entire proceedings are still available at the links below.

2017 meeting part 1: <https://www.facebook.com/ColoradoGreenParty/videos/1415065098541829/>

2017 meeting part 2: <https://www.facebook.com/ColoradoGreenParty/videos/1415266295188376/>

AC recommendation #5a:

We strongly urge that GPCO does not make any involuntary changes to the status, roles, or access of

current GPCO members until the votes of the August elections.

GPCO response #5a:

State party-level disciplinary actions began on January 9, 2018, with the exception of Harry Hempy, whose rights of participation were revoked by state council on August 3, 2017. Hempy was allowed to appeal via a proposal on the floor of the state meeting on August 12, 2017, but it was overwhelmingly upheld by the assembly.

RGV response #5a:

Contrary to GPCO response #5a, state-level disciplinary actions were taken against both Judy Harrington and Harry Hempy prior to the August 2017 elections.

With regard to the banning of Judy Harrington, GPCO/Respondents Andrea Merida and Dave Bell acted to ban Judy immediately after she emailed the RGV complaint to the AC (June 14, 2017). This is the record of Judy's banning, posted on the Forum by GPCO Secretary Sean Friend on July 19, 2017.

The screenshot shows the 'OFFICIAL GPCO Forum' interface. At the top right, the time is 21.07.17 01:09:11pm. The navigation bar includes links for Home, Help, Search, Profile, My Messages [4], Members, and Logout. The breadcrumb trail is: OFFICIAL GPCO Forum » Council » Disciplinary Actions » Proposal to ban Judy Harrington from the Poudre Valley Green Party. The topic is 'Proposal to ban Judy Harrington from the Poudre Valley Green Party (Read 11 times)'. Below the topic are buttons for REPLY, NOTIFY, MARK UNREAD, SEND THIS TOPIC, and PRINT. The post is dated 'on: July 19, 2017, 10:19:24 AM' and includes a 'Quote' icon. The post content is as follows:

Sean Friend
Council Member
Posts: 54
Local: Arapahoe Greens
State Officer: State Secretary

The following email was sent to the co-chairs and secretary this morning:
Hi Andrea, Dave and Sean,
Below is the notice of the results of the vote on the recent PVGP proposal that I just sent to Judy Harrington.
KC Terry
Co-chair Poudre Valley Green Party

Beginning early Saturday 7/15/2017 and continuing through Monday 7/17/2017 the active membership of the Poudre Valley Green Party (PVGP) weighed a proposal to ban Judy Harrington from the PVGP using our established meeting and consensus-based decision making processes.

After deliberation and considering the available options the group voted to pass the proposal with five of six voting members in support and one member choosing to abstain. There were no votes against the proposal.

The full wording of the proposal is included below.

--- begin proposal wording ---

Proposal to ban Judy Harrington from the Poudre Valley Green Party

Proposed this 12th day of July 2017.

For a decision to be made via consensus or vote, and be finalized by midnight on the 17th of July 2017.

Whereas: The bylaws of the Poudre Valley Green Party (PVGP) state:

"4.4 Active membership of an individual in PVGP can be revoked for failure to abide by the Ten Key Values, for seriously misrepresenting the positions of the PVGP or for disrupting the work of PVGP. An individual must be informed of the potential revocation of membership at least three weeks prior to the vote and have a chance to speak in his or her defense at the meeting when the vote is held."; and

Whereas: Judy Harrington (Judy) acted contrary to these bylaws by advocating for the removal of the Green Party of Colorado (GPCO) leadership — not by using normal processes and with the democratic support of her local — but by working in secret without the knowledge or involvement of her local and by submitting the grievance directly to the Green Party of the United States (GPUS) without first attempting a recall using normal and established procedures; and

Whereas: Judy acted contrary to these bylaws and the wishes and general consensus of the group on multiple occasions, even after being confronted by the group and asked not to co-sponsor proposals without the group's approval; and

Whereas: The bylaws of the PVGP state:

"2.3 The Poudre Valley Green Party agrees to accept and abide by the bylaws of the Green Party of Colorado."

"4.4 Active membership of an individual in PVGP can be revoked for failure to abide by the Ten Key Values..."; therefore,

Be it resolved that the active membership of the PVGP hereby declares that Judy Harrington is not, and may not become, a member of the PVGP in any capacity or be allowed to participate in PVGP events, activities and meetings until a period of three full calendar years have passed and a proposal for her reinstatement has been approved by the active membership of the PVGP.

In accordance with the PVGP bylaws Judy was first made aware of the potential revocation of her membership at the June 21st 2017 PVGP meeting. Three weeks later would be July 12th. This proposal was sent to Judy on July 13th 2017 and she was invited to respond in her defense by email no later than July 14th by midnight. At that time, PVGP active membership will begin our email-based meeting and decision process, which will conclude by midnight on Monday July 17th 2017.

--- end proposal wording ---

Report to moderator  Logged

[Judy Harrington and Dave Bell are both in the Poudre Valley chapter. The June 21, 2017 PVGP meeting was recorded (audio) by GPCO Co-chair Dave Bell, with the chapter's concurrence.]

At the same time, Andrea Merida, Dave Bell, and Sean Friend introduced a proposal to automatically extend chapter bans, including Judy Harrington, to state bans with a new state bylaw:

3.4.2 The state party shall not override any disciplinary action imposed by a Green local. Disciplinary actions imposed by a Green local will be binding for the state party and will extend to state party events, spaces and internet/social media portals.

(see [Proposal 012-17: Disciplinary Actions by State Council](#))

The proposal also attempted to legitimize Council's banning of Harry Hempy, in arrears, by giving Council new authority to ban members without a state meeting. Attendees at the 2017 GPCO annual meeting were not allowed to be informed of proposal 012-17.

GPCO Council revoked Harry Hempy's rights of participation on August 3, 2017 in violation of GPCO bylaws and in direct defiance of AC recommendation #5a and defiance of GPCO bylaw 3.3 which, at the time of Harry's expulsion, read:

3.3 The right of participation of an individual in the Green Party of Colorado can be revoked by a Green local using its own criteria or by a 75% vote of the members at a Green Party of Colorado state meeting. **Revocation of the rights** of participation must be based on failure of the individual to adhere to the purpose and methods of the Green Party of Colorado. Any individual must be informed of the potential revocation of their rights of participation at least three weeks prior to the vote and have a chance to speak in his or her defense at the meeting when the vote is held.

The claim in GPCO response #5a that the assembly "overwhelmingly upheld" Council's action to revoke Harry's rights is false. The vote was 28 in favor of Council and 24 in favor of Harry, i.e., 54%

approval of Council's action and 46% disapproval; hardly “overwhelming”. If Council had afforded Harry his due process rights under the bylaws to a vote at the state meeting he would not have been voted out. The bylaws required at least a 75% vote at a state meeting to revoke a member's rights.

[Note that members' rights to be heard at a state meeting before being ousted was removed from the bylaws by Council between the time Harry was illegitimately ousted by Council (August 3) and the 2017 state meeting (August 12). The fact that Council had just passed a bylaws change that gave Council the authority to oust members was not allowed to be stated to the assembly, in violation of bylaw 4.2.4.1. If the assembly had been allowed to hear that Council acted outside the bylaws to revoke Harry's rights of participation, several other people may have voted in disapproval of Council action.]

For reference, the discussion and vote on reinstating Harry is on part 1 of the 2017 meeting video at <https://www.facebook.com/ColoradoGreenParty/videos/1415065098541829/>, beginning at 2:56:15 into the video.

Andrea Mérida, Dave Bell and Veronique Bellamy spoke against restoring Harry's rights of participation. They made numerous misleading statements but the most egregious is probably this statement by Dave Bell at 3:08:42 into the video:

“The actual reason this proposal was run had nothing to do with disagreement about issues going on. The reason this proposal was run is because the Restore Green Values group submitted an appeal for intervention with the national party to ask the national party to first to step in and remove the duly elected leadership of the Green Party of Colorado, to ban Andrea, myself, and Jason Justice from the party for life. Failing that, to reschedule this meeting and oversee it in one way or the other. Failing that, de-affiliate the Green Party of Colorado from GPUS. The reason this [RGV complaint] is being challenged? is because at no point did this group decide to propose a recall against Andrea.”

Dave Bell is simply wrong in his assertion that the real reason for the proposal to oust Harry “is because at no point did this group decide to propose a recall against Andrea”. The Jefferson and Boulder County chapters submitted proposal 007-16 to recall both Andrea Merida and Bill Bartlett on October 15, 2016. Dave Bell himself voted against the proposal. The RGV complaint filed on June 13, 2017 clearly states RGV's efforts to resolve conflict at the state level, saying,

“After Mr. Bartlett stepped down as co-chair, the Greater Boulder chapter and the Jefferson County Green Party chapter of the GPCO submitted Proposal 007-16 calling for the replacement of both co-chairs with neutral, interim leadership due to the deep division Proposal 005-16 [to recall Bill Bartlett] had created in the party.”

CONCERNS RELATING TO SECOND GRIEVANCE

Holly Hart’s email to the AC on September 10, 2018, shows a drastic departure from the scope of the original grievance, thereby constituting a completely separate grievance altogether.

Concern: Bylaws Violations:

Alleged violation #1b:

Decisions made during the year were not ratified at state meeting

GPCO response #1b:

THIS ALLEGATION IS FALSE. The GPCO bylaws in place before August 12, 2017 state:

4.2.4. All decisions of the Council are subject to review at the next state meeting and may be overturned by a 60% vote.

Holly Hart is demonstrating an incorrect reading of the bylaws in place at the time of the initial grievance, because our interpretation of “subject to review” allows for members to raise issues. There was an informal process used by previous leadership to read out the council decisions before the membership at state meetings, but we chose not to follow this non-mandated requirement due to time constraints regarding use of the space at our August 2017 state meeting.

All council decisions are readily available for review by any registered Green who is also registered at our state council forum. This is completely transparent, and no verified registered Colorado Green is turned away.

Old bylaws are here: <http://coloradogreenparty.org/bylaws-up-to-8-11-17/>

RGV response #1b:

GPCO response #1b clearly admits that bylaws changes passed by Council were not reviewed or approved at the 2017 annual meeting, in violation of GPCO bylaw 4.2.4.1, which mandates that:

“The Council can modify these bylaws between state meetings when required to meet new state legal requirements in a timely fashion. These **modifications will be reviewed and approved at the next state meeting** after any such changes.”

GPCO response #1b is highly objectionable on the basis that bylaw 4.2.4.1 is, apparently intentionally, ignored.

GPCO response #1b claims that approval of bylaws changes was skipped “due to time constraints”. Part 1 of the video of the meeting, starting at 1:05:42 into the video tells a different story.

Harry raised a point of order when the meeting facilitator Sean Friend skipped the agenda item *Annual Meeting Review / Proposals adopted by Council* for reviewing proposals adopted by Council. The facilitator claimed that it would not be appropriate to overturn Council actions in a state meeting, in contradiction to GPCO bylaw 4.2.4.1. Here is the conversation:

Harry: Which [agenda] item are we on?

Sean: We are on Proposals.

Harry: We need to do the Annual Meeting Review [first]. . . .

Andrea: No.

Sean: For a proposal to be overturned a proposal needs to be brought so ratification doesn't happen at the state meeting.

Harry: I think that is totally wrong according to the bylaws.

Sean: Well, Harry, you are right but your rights have been suspended, so.

So, we have it: State Secretary Sean Friend agreeing with Harry Hempy that GPCO's interpretation of bylaw 4.2.4.1 is totally wrong.

Andrea moved to adjourn the meeting an hour and a half early, immediately after she and Gary Swing were elected co-chairs. The early adjournment caused the skipping these agenda items: Anti-oppression workshop, discussion of future business, and acknowledgement of volunteers.

Alleged violation #2b:

Chapter /member expulsions were done in violation of bylaws procedure

GPCO response #2b:

THIS ALLEGATION IS FALSE. The [bylaws in place at time of the first grievance](#) state:

3.3 The right of participation of an individual in the Green Party of Colorado can be revoked by a Green local using its own criteria or by a 75% vote of the members at a Green Party of Colorado state meeting. Revocation of the rights of participation must be based on failure of the individual to adhere to the purpose and methods of the Green Party of Colorado. Any individual must be informed of the potential revocation of their rights of participation at least three weeks prior to the vote and have a chance to speak in his or her defense at the meeting when the vote is held.

In this case, we refer to the matter regarding Harry Hempy. The proposal was noticed to Hempy and the entire state council on July 12, 2017 and moved to a vote on July 27, 2017, three weeks and one day from the date of notice.

The basis on failure of the individual to adhere to the purpose and methods of the Green Party of Colorado are taken directly from the proposal posted on July 27, 2017, and is as follows:

Justification/Goals: The GPCO bylaws call out grounds for such a proposal in section 3.3 of the bylaws, “(r)evocation of the rights of participation must be based on failure of the individual to adhere to the purpose and methods of the Green Party of Colorado.”

Harry Hempy returned to the Green Party on October 2, 2016, after resigning from his position as Greater Boulder Green Party’s co-chair, in order to caucus for Bernie Sanders and to primary Jared Polis in the Democratic Party. His return has been marked with debate after debate, often on trivial matters, causing unnecessary strife on the state council forums. He has been reminded of the council forum’s code of conduct regarding profanity and combative tone on several occasions. Some council members point to the strife in the council forums as the reason why they no longer engage with enthusiasm.

Harry Hempy has misrepresented information or his own role on various occasions, demonstrating a failure to “adhere to the methods of the Green Party of Colorado,” as follows:

On June 14, 2017, Harry Hempy submitted a grievance in collaboration with Judy Harrington to the GPUS Steering Committee, which listed the names of Arn Menconi and Scott Olson as co-signers. An email Harry sent to Arn Menconi and Scott Olson on June 15, 2017, asking them to support the grievance, shows that their names were listed without their approval because they received the email on the day AFTER Hempy and Harrington submitted the grievance. Scott Olson has been a registered Democrat since July 2015. The grievance asks GPUS to de-affiliate the GPCO.

In an attempt to circumvent the democratic election of delegates already scheduled for the August state meeting, on June 18, 2017, Harry Hempy emailed Green Party of the Pikes Peak Region Treasurer Bob Kinsey and Chair Karyna Lemus to recommend that they submit a proposal to Council nominating a temporary alternate delegate to the GPUS Annual Meeting since National Convention delegate Bob Kinsey is unable to attend due to an injury.

There is no need to nominate another delegate because of the following:

- Delegates are not required to be physically present at the National Convention and can vote online if needed
- Colorado already has an appointed alternate delegate, Andrea Mérida, so there is no need to appoint anyone else until the upcoming State Convention when new GPUS delegates will be elected. Link to Colorado Green Party forum discussion where Andrea was originally elected delegate: <http://coloradogreenparty.org/forum/index.php?topic=217.0>

Harry Hempy has already stated that his purpose for trying to send other Colorado Greens is to ensure that Andrea Mérida doesn't "attempt to avoid personal accountability to actions," a clear attempt to cause disruption at the national meeting (see attached email).

On February 9, 2017, Harry Hempy submitted a proposal for holding the state meeting in Grand Junction, misrepresenting that Andy Hamilton (Mesa co-chair) suggested holding the meeting there.

Also on February 9, 2017, Harry Hempy submitted a proposal that included Bob Kinsey (Pikes Peak) as a co-sponsor, though Bob asserted he had not co-sponsored the proposal.

On June 11, 2017, Harry Hempy misrepresented his role in the GPCO by attempting to speak on behalf of the Denver Green Party and the Adams County Green Party regarding the membership status of persons living within their party boundaries, and subvert the role of the co-chairs to speak on behalf of GPCO, to the Annual Meeting Committee of the GPUS (see "escape accountability" document).

Section 2.3 of the bylaws, under "Purpose," states, "The Green Party of Colorado (GPCO) is the affiliate of the Green Party of the United States for the State of Colorado." Harry Hempy has listed himself as a co-author of the grievance against GPCO's accreditation with GPUS and is acting as one of the organizers of this initiative. This action is a direct threat to the very existence of the GPCO and is therefore grossly counter to the purpose of the GPCO.

It should be noted that Hempy has ignored the democratic remedies delineated in the bylaws, which allow for submission of proposals to the state council to overturn decisions made by the co-chairs via a 60% affirmative vote. The stated purpose of the grievance was to ask GPUS to overrule the GPCO bylaws and remove the democratically elected leadership of the GPCO. The bylaws are clear that the state council may remove an officer via a proposal that is submitted to the council, and an affirmative vote of 75% must be reached. As the leader of the grievance proponents, Hempy has never pursued that avenue and instead attempted to retaliate for their own lack of effectiveness in changing the tenor of the state party by pursuing de-accreditation of the GPCO with the GPUS.

The new bylaws provide for a more robust due process when these situations arise.

3.3 The right of participation of an individual in the Green Party of Colorado can be revoked by a Green local using its own criteria or by a 75% vote of the members of the state council or state party meeting. Revocation of the rights of participation must be based on failure of the individual to adhere to the purpose and methods of the Green Party of Colorado.

3.3.1 The Green Party of Colorado affirms the following rights of due process for individuals facing any disciplinary action:

- The individual must be informed of the potential revocation of their rights of participation at least three weeks (21 days) prior to the vote
- The individual will have a chance to speak in their defense at the meeting when the vote is held, either via a written statement or a telephone or web conference with a quorum of state council members.
- The individual may call witnesses to support their case, and the state council may ask questions of the witness.
- The individual will receive a written report with the decision with reasons for the decision and the length of time the disciplinary action will be in effect.
- Rights of participation will not be automatically reinstated, and a member whose rights of participation have been revoked must file a formal appeal with the Secretary. Rights of participation can be reinstated by an affirmative vote of 75 percent of the state council or by 75 percent of the voting members present at a state meeting.

3.3.2 The state party shall not override any disciplinary action imposed by a Green local. Disciplinary actions imposed by a Green local will be binding for the state party and will extend to state party events, spaces and internet/social media portals.

GPCO's position is that not only was Harry Hempy allowed an intensely robust and transparent process in our state council that respected his rights of due process, he was also allowed an opportunity to challenge that state council decision by petitioning the state assembly on August 12, 2017. He offered remarks in his defense to the assembly. He organized a small contingent of approximately 15 individuals to support him at that meeting, which even included some individuals who misrepresented their voter registrations as Greens. At the time of the vote, some had left the room and did not vote.

Upon their return, noticing the vote had been held, they burst into a violent uproar, spewing profanities and personal epithets. However, Harry (as well as his supporters) was allowed to attend the rest of the state meeting and even allowed to participate in the anti-oppression training that was held at the end.

We consider the matter of Harry Hempy's revocation of rights to be closed, until such time as a local chooses to sponsor a proposal before the state council at the end of his three-year revocation period.

There were some other individuals, whose rights of participation were revoked at the local chapter level before the state meeting of August 12, 2017. GPCO respects the key value of Decentralization and is therefore not amenable to imposing a change of course for these individuals due to the localized nature of their infractions. It is up to those individuals to petition their respective locals, to make amends as necessary, and to commit going forward to a positive, nonviolent organizing environment.

RGV Response #2b:

It is clear from bylaw 3.3 (quoted in GPCO response #2b above) that Harry was denied due process guaranteed by state bylaws. In particular, he did not get to speak at a state meeting before being ousted. He only got two weeks from notice until voting; compared to the three weeks required in the bylaws. And, of course, Council exceeded its authority to revoke rights of participation.

GPCO response #2b gives an exhaustive list of charges against Harry. Harry answered the charges between July 12 and July 27 on the GPCO Forum. For the national party to impartially assess these charges against Harry it is imperative that his defense on the GPCO Forum be supplied to the AC, along with the charges. For GPCO/Andrea to selectively release information from the Forum that bolsters Andrea's case but hides Harry's defense is an abuse, by Andrea, of her multiple roles in GPCO as webmaster, Forum administrator and Co-chair, while she is a named respondent in the RGV complaint.

In the spirit of transparency and fairness, we recommend that AC members be provided read access to all documents on the GPCO Forum until such time as the RGV complaint is resolved.

Alleged violation #3:

Co-chair, acting as treasurer, failed to produce a treasurer's report at the state meeting

GPCO response #3:

THIS ALLEGATION IS MISLEADING: The previous treasurer resigned, a new treasurer was elected at the state meeting on August 12, 2017, and a report was provided to the state council on September 6, 2017.

Alleged violation #4:

Office of alternate delegates to be elected to the national committee were not announced before the state meeting

GPCO response #4:

THIS ALLEGATION IS MISLEADING: This omission from the agenda was a mistake, and clarification was made at the meeting on August 12, 2017.

RGV response #4a:

There were many irregularities at the 2017 annual meeting. The omission of alternate NC delegates from the agenda was a minor issue, compared to gross changes to Council's agenda by Andrea and/or GPCO elected officers.

Council sets the agenda for state meetings. (bylaw 4.2.3). But the agenda presented by GPCO/Andrea at the meeting bore little resemblance to the agenda set by Council.

This is the agenda set by Council on April 17, 2017:

- 9:00 a.m. – 9:45 a.m. Sign-in / Credentialing
Pre-registration and on-site credentialing will be administered by the Secretary.
- 9:45 a.m. – 10 a.m. Convene Meeting – State Co-Chairs
Welcome from Local Chapter Host/Logistics
Agenda Review and Adoption
- 10 am – 10:30 am Credentials Report and Establishment of Quorum
- 10:30 am – 11 am Chapter Introductions and Reports, Unaffiliated Greens introductions
- 11 am – 11:15 am Reports from State Party Officers
Report from Statewide Youth Coordinator
Report from Political Director
- 11:15 – 11:30 am Annual Meeting Review / Proposals adopted by Council
- 11:30 – 12:30 pm Election of State Officers: 2 Co-Chairs, Treasurer, Secretary, 2 National Representatives
- 12:30 – 1:30 pm Lunch
- 1:30 – 2 pm Discussion: Whether to Run a Gubernatorial Candidate in 2018
Vote: Will the Green Party of Colorado focus on local and legislative candidacies, instead of the governor's race.
- 2 pm – 2:30 pm Resolutions and Proposals
- 2:30 pm – 3:30 pm Discussion: Chapters report back on implementation of Section 3.1 of the Bylaws.
- 3:30 pm – 3:45 pm Acknowledge Volunteers
- 3:45 pm – 4:30 pm Wrap up / Future Business
Local and State Legislature Candidates
- 4:30 p.m. Adjourn

This is the agenda used by GPCO/Andrea at the meeting:

**2017 Green Party of Colorado Annual Meeting
Agenda**

9:00 a.m. - 9:30 a.m.	Sign-in / Credentialing Pre-registration and on-site credentialing will be administered by the Secretary.
9:30 a.m. - 9:45 a.m.	Convene Meeting - State Co-Chairs Address from Lynn Eagle Feathers
9:45 am - 10:00 am	Welcome from Local Chapter Host/Logistics Credentials Report and Establishment of Quorum Agenda Review and Adoption Unaffiliated Greens introductions
10:00 am - 10:30 am	Annual Meeting Review / Proposals adopted by Council
10:30am - 11:00 am	Resolutions and Proposals
11:00 am - 12:00 pm	Election of State Officers: 2 Co-Chairs, Treasurer, Secretary, 2 National Representatives
12:00 pm - 1:00 pm	Lunch
1:00 pm - 4:30 pm	Anti-Oppression Training/Workshop
4:30 pm - 4:45 pm	Wrap up / Future Business Acknowledge volunteers Adjourn & clean up

The following agenda items, set by Council, were omitted from the agenda by GPCO/Andrea without notice to, or approval from, Council:

Chapter Introductions and Reports

Reports from State Party Officers

Report from Statewide Youth Coordinator

Report from Political Director

Discussion: Whether to Run a Gubernatorial Candidate in 2018

Vote: Will the Green Party of Colorado focus on local and legislative candidacies, instead of the governor's race.

Discussion: Chapters report back on implementation of Section 3.1 of the Bylaws.

Local and State Legislature Candidates

The following agenda item was added to Council's agenda by GPCO/Andrea without notice to, or approval from, Council:

Anti-Oppression Training/Workshop (three and a half hours)

In the actual meeting, the following items on the GPCO/Andrea agenda were skipped:

Annual Meeting Review / Proposals adopted by Council

Anti-Oppression Workshop

Acknowledge volunteers

Wrap up / Future Business

[Note: Andrea moved to adjourn the meeting at about 3:10, immediately after the announcement that Gary Swing and Andrea Merida won the election for 2 co-chairs.]

Andrea's unilateral dismissal of the agenda set by GPCO Council resulted in a 2017 annual meeting that did not meet the minimum requirements for a GPCO annual meeting:

Bylaws changes by Council went unapproved.

Discussion of GPCO electoral strategy for 2018 was dropped.

Future business was not addressed.

Alleged violation #5:

Violations having to do with the revocations of chapters and members which occurred several months later

GPCO response #5

THIS ALLEGATION IS MISLEADING. Chapters are not "revoked." They became inactive, per the old and new bylaws, which require voting on state council proposals of at least one member. When no delegate votes after three votes, the local becomes inactive. They then have six months to apply for reinstatement. One local was reinstated at the state meeting of August 12, 2017 but became inactive again due to failure to vote on three consecutive state council votes. The window for re-application for these locals is closing, and they have not petitioned the state council for reinstatement. GPCO cannot reinstate if locals are not willing.

Concern: Communication controls:

AC allegation #1b

The GPCO consolidated control of the forum under one person's control, moving it from a platform that was administrated by several people to a group selected solely by one individual. Under the new system, members were censored from using the forum, some messages or portions of messages were removed, and at least one county chapter encountered great difficulty, or was unsuccessful, in having their rightfully elected state committee delegates subscribed.

GPCO response #1b:

THIS ALLEGATION IS FALSE. Andrea Mérida serves as forum moderator. There are three administrator-level members of the forum: Andrea, Dave Bell and Sean Friend. Members were censored because of repeated warnings of violations of the GPCO Code of Conduct for the forum. New delegates are added as soon as practicable, but in some cases, the delegate may not understand how to activate their account, etc. There have been repeated requests for local chairs to assist in troubleshooting, but they have been unwilling to take the time to coach their delegates themselves.

The GPCO Forum has never been under the control of a single person since the time Andrea Mérida was first elected state co-chair in August 2015. At that time, admin level members were Bill Bartlett (former co-chair), Andrea Mérida and Brittany Hoover, forum moderator. Andrea has been acting as forum moderator since Brittany Hoover resigned due to harassment from Harry Hempy, of which we have documentation.

When the first grievance was filed, Bill Bartlett unilaterally hijacked the forum and removed all admin-level users. The forum was then moved to a different website host, and the admin users aside from Bill Bartlett (who held no official title, nor was a state council delegate at that time) were restored.

Our bylaws actually require the Co-chairs to facilitate the council. They clearly state that a facilitator can be appointed but do not under any circumstance require it.

5.2.2. To facilitate state meetings and the state Council, or choose a representative to do so.

Therefore, the claim that a co-chair moderating the forum is a bylaws violation is patently false.

RGV response #1b:

GPCO response #1b makes it clear that control of the so-called “OFFICIAL Forum”, created on Andrea’s server on about June 14, 2017, is entirely under the control of the complaint respondents: Andrea Merida and Dave Bell.

GPCO response #1b contains several errors that raise doubt about the forum administrators' understanding. Forum administration, Forum moderation, and Council facilitator (for proposals) are three different roles. The Council Facilitator works to move Council proposals through a fair process of drafting, agreement seeking and, if necessary, voting. Brittany Hoover served as Council Facilitator, not Forum moderator. The Forum moderator role is to enforce the online code of conduct for the forum, including resolving complaints from a Council member who disagrees with a ruling by the Council Facilitator. If the Council Facilitator is also the Forum Moderator, appealing a decision to the moderator is an exercise in futility. Andrea is both.

GPCO response #1b refers to “the claim that a co-chair moderating the forum is a bylaws violation is patently false.” We are not aware of such a claim. When and by whom was such a claim made?

Bill Bartlett discusses the roles defined for the GPCO Forum as of June 14, 2016 and the theft of the Forum to Andrea's server (unauthorized by Council) in ACC Documents Folder 3.2 Admin Changes at https://gpus.org/wp-content/uploads/2018/09/3.2-Admin_changes_2017_06_14-a.pdf

AC allegation 2b:

Folder #4 includes documentation regarding the AC’s request for GPCO/Respondents and RGV to engage in dispute resolution. Respondents’ unwillingness to engage in dispute resolution became the AC’s Fourth concern.

GPCO response 2b:

THIS ALLEGATION IS FALSE. See “GPCO response #3 [a],” above.

RGV response #1b:

RGV accepted the DRC's offer of mediation on October 7, 2017 with no pre-conditions. See ACC Documents Folder 4.5 RGV Acceptance of DRC mediation without conditions at https://gpus.org/4-5-rgv-acceptance-of-mediation-without-pre-conditions-10_07_2017/

Also, see Hemy response 3a, above.

Concern: Revocations of Participation

AC allegation #3b:

The GPCO/Respondents dealt with the RGV complaint by revoking the rights of participation of RGV-associated GPCO members, stating that the reason for the revocations was because they filed a grievance.

GPCO response #3b

THIS ALLEGATION IS MISLEADING. The actual reasons for revocation of nine individuals after August 12, 2017, include:

- Sexual predation
- Dissemination of personal criminal history of a member through social media, with the intent to cause personal harm
- Gross misrepresentation and slander of state party operations and decisions with the intent to cause discord
- Attempting to override the democratic actions of the state council and by bypassing all democratic means of resolution by attempting to have GPCO de-accredited
- Unilateral hijacking the state party communications/voting forum without authorization of the state council
- Disregard for the GPCO bylaws, repeated ad hominem attacks
- Failure to follow established democratic procedures of the GPCO state council

The GPCO bylaws call out grounds for such a proposal in section 3.3 of the bylaws:

“(r)evocation of the rights of participation must be based on failure of the individual to adhere to the purpose and methods of the Green Party of Colorado.”

The GPCO is a democratically-operated organization, where most decisions are made by a nearly 50-member state council composed of delegates from the various locals and outreach caucuses of the state party. No one person controls dialog, vote outcomes, or policy. But in order to influence the direction of the GPCO, one must be willing to offer mutual respect, use non-violent communications, and ultimately accept democratic decisions. The grievants hold grave ideological differences from the anti-oppression trajectory of the Green Party of Colorado, and these grievants have lapsed in their own local party-building and have neglected to foster relationships with other locals and state council members, and they have finally arrived at a situation in which their once solitary control of the state party and its mission has escaped their grasp.

This group of members do not contribute to the state party in work, donations, candidate support, outreach or party building. “contributions” are mostly along the lines of infrequent state council participation, and when they are engaged, their communications are disruptive, violent and laden with ad hominems and other attacks.

We do not feel that the members who faced revocations of rights of participation, beginning January 9, 2018, respected the purpose or methods of the Green Party of Colorado. Nor do we believe that these individuals exhausted the full process of dispute resolution afforded to every member of our state council. Instead, after many attacks but very little in the way of legitimate proposals before the state council, instead of accepting the democratic decisions of the GPCO, they chose to violate the key values of Grassroots Democracy and Decentralization, to effect their aims that are counter to the purposes and methods of the GPCO. Their first grievance asked for the following:

- The expulsion from the Green Party of the current leadership due to the deceptive tactics they have employed in order to take over the GPCO, and also for the invalidation of the prior registration requirement, and the delay of the annual meeting.
- Appoint a National Committee sub-committee to oversee restoration of the Green Party of Colorado (GPCO).

Clearly, the grievants are calling for a resolution that runs flagrantly counter to both the spirit and the letter of the key value of Decentralization. Further, they show a complete disregard of the key value of

Grassroots Democracy with a their unreasonable demand that disenfranchises the voices of 13,000 registered Greens in Colorado and cancels the fundamental right of Colorado Greens to democratically choose the direction of their state party, by demanding that GPUS oversee GPCO's internal affairs, a request that harkens back chillingly to the State of Michigan placing Detroit and other cities in receivership.

RGV response #3b:

AC allegation #3b is exactly right: The GPCO/Respondents dealt with the RGV complaint by revoking the rights of participation of RGV-associated GPCO members, stating that the reason for the revocations was that they filed a grievance.

This is Dave Bell's statement at the 2017 annual meeting:

“The actual reason this proposal [to revoke Hempy's rights] was run had nothing to do with disagreement about issues going on. The reason this proposal was run is because the Restore Green Values group submitted an appeal for intervention with the national party”.

GPCO CONCLUSION

The Green Party of Colorado's reputation has been damaged, due in no small part to the intensely undemocratic actions of AC co-chairs Holly Hart and Tamar Yager, as well as the lack of controls on confidentiality during these proceedings and even the failure of the Green Party of the United States to abide by its own ethical standards. While the GPCO has waited for some communication from the AC over the last 15 months, the grievants have slandered our members, disclosed personal and sensitive information from the backgrounds of our members, and have even attacked GPCO candidates on social media. The damage caused by these ethical lapses is nearly irreparable.

We note as well that AC co-chair Holly Hart has attempted to speak the mind of the GPCO by asserting that the core impetus for these grievances was not white supremacy and misogyny, simply because we did not address these aspects in our fact-based public statements focused on the technical issues of the two grievances. She arrived at that assessment independently of any communication with us, and the fact that we restrict our public statements to technical issues of this matter should not constitute a change of opinion. Further, a careful review of the actual text of the first grievance demonstrates white supremacy and misogyny as a core impulse. The grievants state specifically on their first grievance that Andrea Mérida (again an indication of the interpersonal nature of this grievance):

“elevated values of social justice and feminism above other party values in the bylaws of two local chapters and twisted them into “anti-racism” and “anti-white (male) supremacy”; this is a violation of the Green Party key values of Grassroots Democracy, and Feminism and Gender Equity which says- “We recognize that the processes for determining our decisions and actions are just as important as achieving the outcomes we want”, and “Social Justice and Equal Opportunity”

The Green Party of Colorado requests that this “investigation” be ended immediately, and with prejudice, on the grounds that the scope of the “investigation” has exceeded GPUS guidelines, has findings based on false conclusions and assertions, as well as on the fact that by imposing their own opinion on how GPCO is to conduct its internal dispute resolution, the GPUS and its Accreditation Committee are violating the Key Values of Decentralization and Grassroots Democracy, as well as the Ethical Standards of the GPUS Bylaws.

GPCO is responding under duress, and we have been deprived of the basics of due process. It has been asserted multiple times by the co-chairs of the committee that it is GPCO's responsibility to respond to evidence that was collected over a 15 month period and which was not presented to us until this report was published on September 10, 2018. This is a wholly unfair position to be in and is a blatant

violation of basic principles of due process, which require a method of discovery and notification in order to properly adjudicate matters. We believe that this report is invalid for that reason.

Read also: <http://coloradogreenparty.org/disciplinary-proposal-background/>

For reference, this is RGV's Response to the GPUS AC Report, dated September 10, 2018 (from <http://restoregreenvalues.org/appeal/clone-page-4>)

The Caucus to Restore Green Values (RGV) is pleased to see that the Green Party of the United States has released the subcommittee report regarding the problems that have arisen in the Colorado party leadership.

Violations of party by-laws and formal procedures, personal attacks on persons who disagree with the current leader, alleged financial improprieties, election improprieties, and wholesale abandonment of democratic approaches, all documented in a complaint and in voluminous evidence submitted to the national Accreditation Committee, give a clear picture of a Colorado political party that has lost touch with its professed ideals. The Green Party of Colorado should be better than this. Greens cannot claim to be the solution to our country's political problems when we allow these very problems to corrupt our party leadership.

Much damage has already been done, some of it irreparable. This can be seen in the following excerpt from the report:

“Escalation of actions by GPCO/Respondents [Green Party of Colorado leaders] have resulted in alienation of a significant group of experienced and active members, exclusion of members from state meetings, abusive control of access to the state website discussion boards, concentration of state offices in a small group, manipulation of locals allowed to vote, violation of the letter and spirit of state bylaws, silencing and purging of members, and refusal to participate in conflict resolution in good faith. The manner and scale are unprecedented in the history of the GPUS [Green Party of the United States], and will result in further difficulties and embarrassment for the national party.”

The investigation report is now under review by the full national Accreditation Committee and a final vote on the report is expected this fall. The Caucus to Restore Green Values looks forward to a decisive renunciation of corrupt practices and a return to the party's democratic ideals.