

Randy Stufflebeam, here and the following is a response that I made to the Response that Frank Fluckiger made to the executive committee regarding the first email that I had sent out. The blue text is my response.

First: I thank the Chairman for his response and the opportunity for clarification.

Second: I request that all emails to the executive committee include all names of who these messages are being sent in the “**To:**” section of the email and not sent out under the “**Bcc:**” for accountability.

Third: Since there are documents that have been referenced by Chairman Fluckiger in his response to me to me, I am going to be providing the copy of those documents that were forwarded to me. None of us, can do anything more than speculate as to how they were acquired. Therefore I will be referring to the documents that Lora Hubbel lost and that James Bialota acquired as “acquired documents.”

Fourth: It is my hope that this can be resolved and that Constitution Party of South Dakota will be able to remain on the hard-won effort to gain ballot access and that there will be an opportunity for candidates who have spent much time, talent and treasure will have an opportunity to compete against the two-party-duopoly.

Response to Randy’s Email to the Executive Committee

Item one:

People from South Dakota contacted me regarding the dispute on who was the rightful chairman of the party in that state. That is how I became involved with the issue.

The subject of the possible potential need to replace Lori Stacey as regional cochairman due to her having used an incorrect address on petitions she was carrying was discussed, but I certainly do not recall that I told Randy to remove her from that position. The potential for that event was discussed. Hopefully some of you on the call can help clarify that.

However, the bylaws were amended giving probable cause for the removal of a regional chairman or co-chairman. If a regional chairman or co-chairman missed three consecutive national meetings without reasonable cause it would be cause for their removal from their position. Loir did not attend the national committee meeting in the fall of 2016, neither meeting in 2017 and the Denver meeting in April of this year, making a total of four missed meetings. Randy is correct in that I do not have the authority to have her removed as there is a process of this to be done in the bylaws. Having said that, it is virtually impossible to be an effective regional office if the national committee meetings are not attended. Those in leadership positions simply need to shoulder up to their

responsibilities.

There is no refutation to the immediately preceding paragraph. The bylaws, not only state cause for removal from the executive committee, but also provides for procedure. Previously, none of the above were given as reason for cause. The reason for cause given was that Lori was going to be an embarrassment to the party and was not a resident of South Dakota (as I recall).

A financial document of the SD Constitution Party was also signed by Lori and submitted to the SD SOS on which she listed a hotel as her residence. That particular form stated that any change of information on that document had to be updated and reported to the state within 15 days. I did not see where this was done.

A link to this particular document would have been helpful, as I have viewed the required Financial Statements on the SOS Website (to which I am providing an link to) and do not see the 15 day notification that is being referred to.

Not seeing where this was done (provided update information) does not mean that it wasn't. Without trying to assume, I would think that this is one of the things, if not properly handled, the SOS would have had cause to fine the party.

<https://sdcfr.sdsos.gov/Search/SearchResults.aspx?cid=187&rid=1544>

I do not understand why Lori did not personally attend either the State Convention on July 14th or the Central State Committee meeting on the 21st. That is perplexing to me. Gordon speculated that her absence was related to her not wanting to provide a financial report as required for the meetings. He simply did not know her reasoning for missing both meetings.

While I cannot speak on behalf of Lori Stacey, I can tell you that she related to me that she had a fear of going.

Bear in mind, just like as has been going on within the executive committee where documents were not received through emails till minutes before a meeting, the same thing is true of Lori Stacey receiving the letter from Chairman Fluckiger just hours before the convention. Again, I cannot specifically speak for Lori, she has made me understand that she believed the letter to her to be representative of a hostile takeover.

Additionally, she was certain in her impression that those who were now acknowledged to be the party leaders by Chairman Fluckiger, were going to force her to read that letter (the one sent by Chairman Fluckiger to her on the night of the 13th) publicly.

She perceived a hostile takeover and felt absolutely betrayed by those with whom she had previously considered to be her friend. So, who was going to be there on behalf of Lori?? In her mind, NO ONE.

For the most part, I am sure the same holds true for this second meeting as to why she did not attend. Bear in mind, that according to Lori, there has been a hostile take over of the party, by those whom she did not recognize as having any authority to do so.

ALSO, to give credence to the fear that Lori had in attending the meeting, is that the parliamentarian, Marilee Roose, providing instructions on how to keep Lori (an admitted officer of the party) from having a voice. (Proof of which is provided in the “acquired documents.”

Parliamentarian Issue.

In a letter which I signed and sent to the SD SOS, the letter stated that Lori Hubbel was the current chairman of the South Dakota Party. I took her word for it, but asked for a copy of the bylaws.

I had to ask a number of times before I was given a link to the SD SOS to download the bylaws. In reviewing those I learned that since Lora had filed for office on the Republican Party she automatically disqualified herself from being chairman. That meant that Joel Bergan, the current vice chairman of the party became the chairman. Lora had in fact written a letter of resignation but never tended it to Lori Stacey. She inadvertently left it along with other papers on the podium at the Statec Conventon meeting and it disappeared. Shortly thereafter it was sent to the SD SOS office by Lori. It appears clear that her papers were stolen, Lora then contacted the SD SOS stating that the letter was stolen.

There are two separate resignations that are being alluded to that must be kept separate:

1. Resignation at Convention

In the acquired documents, there is a “notice of resignation” signed by Lora Hubbel dated July 14, 2018. Had Lora Hubbel been recognized at the Convention as the Chairman of the party, Lora was going to resign so that she could run fore Governor. Interestingly, she was suggesting a procedure to elect new offices which would have been in violation of the bylaws. But since Lora was not recognized as chairman, there was no need for the resignation letter and therefor is really of no significance.

2. Resignation as state chairman in 2017

In other documentation, Lori Stacey has produced a copy of a resignation by Lora Hubbel in 2017 where she had at least sent out her desire to resign as chairman.

It is important to note, I believe, that while Chairman Fluckiger correctly acknowledges that Lora Hubbel removed herself from any involvement in the party the day she went back to being a republican, There had to be some point at which she had done so in order to be able to run for State Senate. We have no knowledge, that I know of, as to when that might have taken place.

- Was it the day that she proffered her resignation? If so, then Joel would have immediately ascended to the chair.
- Was it when she filed for her campaign?
- Was it when she was placed on the ballot?

While I get that regardless of whether Lora Hubbel “resigned” or simply registered as a Republican, Lora Hubbel was NOT Chairman of the party going into the July 14, 2018 convention.

However, it is important to note the time frames because if Lora Hubbel’s exit from the party did not take place till a year later, what happened during the time in between February 2017 and February 2018 within the Constitution Party of /South Dakota. Seems to be a year missing if you completely dismiss Lori’s account of how things went down.

Upon learning that Joel was the chairman, I participated in a conference call to clarify in my mind the situation of what was going on in SD. On that call was a gentleman whose voice was new to me. He obviously was very assertive and knowledgeable on parliamentary procedures. He directed those on the call on the proper procedures to follow. At one point I asked who the gentleman was and he said his name was Brian Brown and that he taught parliamentary procedures nation wide. That was all I knew at the time. I later inquired further about him and was told that he was known to Lora Hubbel and that she had invited him on the call because of his known skills. He is from North Dakota but follows SD politics very closely. I did not learn of this additional information until after the subsequent Executive Committee meeting call. Not knowing more of him at the time than I did, I felt it unwise to say more than I did on that call. For Randy to say that Brian Brown contacted me out of the blue is a misstatement. He simply was on the call and that is how I learned of him. His participation on the call “was out of the blue to me” but no more. This call occurred after the State Convention on July 14th.

Mr. Brown did attend the State Central Committee meeting on July 21st , but he did not attend the State Conventon on the 14th. Lori was advised to attend the State Central Committee meeting, but did not and declined to provide a financial report to the group. Also, she did not attend the State Convention on the 14th which proved to be very contentious.

Joel Bergan presided at the State Central Committee meeting (**I am certain you are referring to the meeting on July 21**). He then appointed Gordon Howie as the vice chairman after which he resigned with Gordon Howie becoming the chairman. The meeting went smoothly and Mr. Brown simply advised them to insure that everything was properly done.

Lora Hubbel does have an interest in running for governor and was in attendance at that meeting. As mentioned, she was a former member of the party and recently rejoined. Randy accuses that group of trying to take over the Constitution Party. What he does not mention though is that Terry LeFluer whom Lori is supporting also joined that Constitution Party and wants to run for governor. He ran as a Republican for governor and lost so now seeks the CP nomination. I did not see that disclosed in any of the documents provided.

“Lori Stacey supported Terry Lafleur for Governor” Again, another unsubstantiated allegation. Lori Stacey had also supported Lora Hubbel’s run for governor with the Constitution Party and told me, personally, that she actually preferred Lora.

There are several reasons for “Non” disclosure.

#1 – There has been no mention of Terry LaFeur’s name anywhere else and so didn’t see the need to do so now as I see no relevance to the narrative of the story. In other words, no previous allegations of mischief as would now suggested to be.

#2 – Unlike Lora Hubble, Terry Lafleur had never claimed to have had any official position within the party and also had verifiable proof of being registered for the Constitution Party, so what is the need for discussion?

#3 – Though indeed Lafleur had intended to run for Governor. unlike Lora Hubble, Terry Lafleur’s name did NOT appear on the Republican Primary, as can be noted on the SD website at the following link:

<http://electionresults.sd.gov/>

On that website, click on “Statewide Races” to note the absence of Terry LaFleur’s name in the Primary and then go back and click on “Legislative Races” to note in State Senate, District 9; the presence and noted loss by Lora Hubble.

<http://electionresults.sd.gov/> (click on)

Therefore, Terry Lafleur losing is a Non Sequitur.

#4 – Terry Lafleur changed his registration from Republican to Constitution back in April. I can and am willing to get an affidavit from Terry Lafleur stating such. Lora Hubbel states that she did so on June 22, if I recollect correctly.

#5 – Just because Terry Lefleur was a Republican doesn't make him a part of the coup, nor does in unsubstantiate the premise.

Lori did assume the chair position, but as secretary had no authority to do so, nor did she have the authority to appoint a new secretary. Per the party by laws the secretary does not have the authority to do so. Only the chairman and in his vacancy, the vice chairman can fill those positions. The party bylaws submitted to the SD SOS on April 20, 2016 were signed by Lori Stacey as chairman and Joy Howe as party secretary. This is all in order since both of those people held those offices at that time. However, the document that is not provided is one submitted to the SD SOS of State on July 11, 2016 and also signed by Lori recognizing Lora Hubbel as chairman, Joel Bergan as vice chairman and Lori Stacey as Secretary. Those are on file with the secretary of state.

Randy claims that Joel Bergan called a meeting on February 2, 2017 to appoint Lori Stacy as Vice Chairman and then resigned as chairman making Lori chairman is not substantiated by Joel. Below is a copy of an email from Joel to disclaim that. Kurt Evans is no longer a member of the party. I understand that he is running for the office of governor on the Libertarian Party.

To be clear, my claim is based upon the "Press Release" presented on the Constitution Party of South Dakota's website on February 2, 2017 and the statement of organization filed with the SO on February 6, 2017. Again, the links are here provided:

<http://constitutionpartysd.blogspot.com/2017/02/new-party-officers.html>

<https://sdcfr.sdsos.gov/Search/SearchResults.aspx?cid=187&rid=1544>

However, despite the allegation that Joel Bergman doesn't substantiate anything, the facts suggest something else. Whether or not Bergman officially appointed Lori Stacey as Vice-Chairman and then resigned as Chairman, making Lori Stacey the Chairman (as he did with Gordon Howie in 2018), the facts remain that he abdicated his role as chairman and was missing in action for over a year and a half.

So, Lori did what any of us who fight for the preservation of this party, she took on the vacant role of Chairman.

Further, tell me how many states are having similar circumstance of absent leaders. And when they are absent, what does the responsible individual do? **THEY STEP UP!!**

Here is a statement from Joel about the situation of Lori claiming to be the chair:

Paula Bergan <berganpaulac@yahoo.com>

Today, 8:44 AM You; Gordon Howie (gkhowie@yahoo.com)

To whom it may concern,

To the best of my recollection, the only communication with Lori Stacy was via telephone when she called late afternoon, early evening telling me Lora Hubbel had resigned her position as chairman of the Constitution Party. I told her I did not want the chairmanship of the Constitution Party. There was no meeting, therefore there are no minutes that would have been taken by the then sitting secretary, Kurt Evans. The following day there was another phone conversation when I called her and I told her I would take the chairman position and Lori told me it was too late, she had already filed the papers to the Sec of State. Furthermore, I do not remember any dates.

Respectively submitted,

Joel Bergan

Interestingly, the acknowledgement by Joel Bergan that Kurt Evans was the “sitting secretary” at the time would destroy the notion that Lori Stacey was filling the role as Secretary/Treasurer at the time, invalidating any claim that Lori Stacey took the chair while additionally being the secretary and treasurer all that the same time.

The bylaws state that in the event both Chair and Vice Chair become vacant, the ranking officer is to call a meeting of the executive committee to fill vacancies. Joel never OFFICIALLY resigned. In fact, after a conversation with Lori, he informed her the next day that he was, in fact, accepting the responsibilities as chair.

So, the question was Lori Stacey the Secretary or was Kurt Evans. If Joel wasn't the Chairman, who was the ranking officer.?

IF... IF he had resigned, the secretary would have been required to call a meeting (not Lori) of the exec committee to fill the position. There would have been minutes, and proper notice of the meeting. None of those things occurred.

And yet, there has been a consistent claim that Lori Stacey was elected Secretary/Treasurer, given to the claim that she could not be all three at the same time, thus invalidating her claim to the chair. So, now is there an elimination of that claim and allegation?

Any reasonable conclusion would be that Joel remained Chair until his recent letter of resignation.

Actually, given that Joel Bergan completely abdicated his role as Chairman for over a year and a half, that is NOT a reasonable conclusion. The ONLY thing that can be substantiated is that Lori Stacey single-handedly not only kept the party afloat for over a year and a half while Bergman completely abdicated his role as chairman, but put the party in position to be on the ballot, recruit candidates, and not only maintained responsibility for filing the financial reports, but actually financed the party herself.

Gordon Howie

Why is Gordon Howie included in all of this, since he had NO knowledge whatsoever of the previous situations?

It is clear from these documents that there is a disagreement as to who is chair of the party.

I agree that there is a disagreement.

It is something that will have to be settled between the two parties and the SD Secretary of state.

I absolutely agree with this statement as well and should have been the principle from the very beginning. HOWEVER, that's not what happened when the ill researched issues and allegations were levied against Lori Stacey on July 13, 2018.

The By law changes signed by Lori and Joel is yet another item of interest. The by laws changes were made but the procedures in the party bylaws were not followed again, making those changes invalid and open to dispute. Joel stated to me that the only reason he signed the documents is because Lori threatened him and said a state convention could not be held unless he signed them.

WHAT?? Lori Stacey threatened Joel?? With what??

Again, unsubstantiated allegations. If Lori Stacey Threatened Joel, the Joel should have filed legal complaints against her. In this ridiculous allegation, Joel perjured himself in signed a legal document as the Vice-Chairman of the party, when it is suggested that was in face the chairman.

Both Joel and his wife Paula can be asked personally about that. Both Lora Hubbel and Lori Stacey filed notice for the State Convention in August. The procedures for by law changes were not followed at all. Again, it is one person's statement against another's. Yes, James Bialota signed the document as well, but with Lori not being chairman, she had no authority to appoint James as secretary. From reports of the meeting of the 14th, James was the source of the chaos and disruption of the meeting.

And yet, Frank, signed the initial letter indicating that Lora Hubbel was the Chairman and that Joel was the Vice-Chairman.

From reports received from the Convention of the 14th, it appeared that a main source of contention was which former republican candidate was going to be the party's choice for governor.... Lora Hubbel or Terry LaFleur.

James Bialota refused to recognize that Lora was registered as Constitution Party and was therefore disallowed to be seated as a delegate.

Without proof, Convention Secretary Biolata was absolutely right to refuse to recognize Lora Hubbel's alleged Constitution Party registration. The State of south Dakota provides an app in which a person's registration can be verified. Secretary Biolata used that app to verify the registration of others. HOWEVER, in the case of Lora Hubbel, she was not listed as a Constitution Party member. Bear in mind, I'm not sure if there is a 30 day period in which a person has to be registered before a convention but Hubbel's registration was June 22 and the convention was on the 14th, which was only 22 days before the convention. If I wanted to make sure that I would be recognized as a registered Constitutionalist, I would have had the proper documentation on me. That was not Secretary Biolata's responsibility.

Further, according to the minutes that were taken by Secretary Biolata, the Convention Chairman, Gordon Howie, permitted anyone who was there regardless of their registered status to be able to vote. Tell me that would be permitted at the Constitution Party National Committee or Convention.

However, Lora had given Lori documentation earlier that she was in fact registered and had done so in June.

Again, it was Lora Hubbel's responsibility to be able to prove she was registered, as Secretary Biolata did what reasonable in using the State Provided app which did not have Hubbel listed as being registered with the Constitution Party.

Here again is another unsubstantiated allegation, with NO documented proof. If Lora Hubble would have brought said documented proof with her that she alleges to have provided to Lori Stacey, there would have been no contention.

The update of party registration had not yet been done on the SD Secretary of State's office. Lori was not present in the meeting, but from observers in the meeting she was in constant communication with James electronically during the entire meeting.

Randy wanted to know who Gordon Howie is. Gordon was a former SD state senator from Western South Dakota He was also the leader of the Tea Party movement in that part

of the state. This year he was approached by conservative party leaders to run for both governor and also the lone US House seat in that state. He considered both options, but did not feel either option was right for him. He was aware of the Constitution Party and also recognized the need for a third strong conservative party in the state. He was also aware that there were candidates who would not be willing to run for office on the party ticket if Lori Stacey was the chairman. Several people have made comment that Lori has a reputation in the state that is less than stellar. When he learned that there was disagreement as to who was the rightful chairman of the party, he felt his talent and experience could be of benefit to the party. That is how he became involved.

Interestingly, Lori Stacey had called Gordon Howie as Lora Hubbel had let her know that Howie was interested in running for office. It wasn't until she talked with Howie that it was clear he wanted the chairman seat.

Interestingly, in an interview on my show, which at the time was Constitution Party Talk Radio, Lora Hubbel said that she resigned from the party in 2017 because the party was not ready. However, she felt the party was ready for the big times now. What's so interesting about that is the fact that it was Lori Stacey who single-handedly put the party into that position. Both Joel Bergman and Lora Hubbel abdicated their roles of leadership, whether you believe they officially resigned or didn't.

It seems odd to me that our party members were excited to learn of our success in NC and were pleased when at least one currently serving officer changed party registration once the party was recognized as a party by the State of NC. We were also thrilled to learn of Don Blankenship's switching to Constitution Party and running for the US Senate seat in WV. And yet we shun the same type of people in South Dakota who express an interest in becoming involved in the CP in that state.

NOT THE SAME !!

Let me be clear, I have NOT, nor do I believe any others are "shunning" the same type of people.

Again to be clear, these are NOT the same circumstances. Those in NC and WV and other places are not trying to take over the leadership of those state parties. They are running as candidates. Apples and oranges here. Maybe all politics, but a vastly difference in the attempt of what they are trying to do and accomplish.

In the North Carolina example, Don Blankenship was running for a political office. Lora Hubbel with the help of the National Chairman and the Joel Bergman, sought to unseat Lori Stacey as chairman and take over the party.

Seriously, how do you even possible make the connection?

Our presidential candidate has always done well in that state in spite of the fact that the party is not well organized there. South Dakota has great potential of becoming a strong state for the party, but for that to happen many more people must be searched for and brought into the party. We simply have to acknowledge that if we are to grow and become a viable political force we need to bring many more good people into the party.

Totally agree. But welcoming a republican coup to accomplish that is contrary to every principled position that our founding fathers laid down for this country and how we accomplish that.

In closing, I received notice of these complaints second handed so have not had a great deal of time to respond to them by our conference call time on Saturday morning. I have simply had to address the challenges as best I can. Hopefully, being able to read this email prior to the conference call will clarify at least some of the allegations.

Frank