

Greetings members of the Judicial Committee,

I provide the following amicus showing some of the falsehoods, misrepresentations, and factual issues within the Appeal filed by Hector Roos on behalf of the Appellants that were not mentioned in the LNC's response. Related exhibits will also be provided.

Falsehoods

1. Appellants claim that "The [Kixie] call software does not record calls under 30 seconds, so hundreds, if not thousands, of calls were not included in their assessment." This is false: on page 46 of the Special Investigatory Committee [SIC] report, it is clearly shown that 6,200 calls were recorded that were under 30 seconds.
2. Appellants claim that "[LNC member Meredith] Hays noted the lack of independently verified evidence in the SIC report." This is false: Hays specifically stated that, to her knowledge, "there were documents that were independently verified and pulled and shared with the SIC."¹
3. Appellants claim that former chair Angela McArdle "was the only LNC member consistently making fundraising calls. This claim is supported by the Consultants report that generally only one LNC member was making these calls." This is false: page 5 of the aforementioned Consultants Report states that "four board members actively have been making calls to help raise funds".
4. Appellants repeat their claim in point 1, stating "The call software does not log calls made that were under 30 seconds in length, so a large portion of calls made were not verifiable." This is false for the same reasons stated above.
5. Appellants claim that "Mr. Malagon produced the Kixie audit that purported how LNC funds were not paid toward Freedom Calls LLC call center activities but instead diverted to Ms. McArdle." This is false: the Kixie audit did not purport or allege that funds were diverted to McArdle rather than paid toward call center activities. The Kixie audit focused on analyzing the amount of calls made and their length, not where the money went.
6. Appellants claim that the Kennedy Victory Fund "raised about \$2 million in funding for the LNC and state affiliates that were involved according to Federal Election Commission filings." This is false: using Federal Election Commission findings and based on the Joint Fundraising Agreement, I was able to calculate that the LNC and state affiliates raised a total of \$748,922.79 for themselves, with the LNC specifically making \$398,172.65. The validity of these calculations are confirmed by the LNC's May 2025 End-Of-Month Financial Report, which states on page 6 that the total gained from commissions with the Kennedy Victory Fund equals \$398,173. See Exhibits A and B.

¹ LPALive!. (2025, June 24). Is the LNC SICK? Time to read some anti-SIC opinions! [Video]. YouTube. Timestamped at 1:26:25.

<https://www.youtube.com/live/JE3lgE1Ok1U?si=rqOu7A9eXHMGGqKU&t=5185>

Misrepresentations

1. Appellants claim that the findings of the financial audit “contradicts the SIC report that reported financial mismanagement and theft by Ms. McArdle.” However, per page 2 of the audit report, the objective of the auditors were “to obtain reasonable assurance about whether the **financial statements** as a whole are free from material misstatement, whether due to fraud or error,” reasonable assurance being “a high level of assurance **but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards will always detect a material misstatement when it exists.** The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.” (emphasis my own).
That is to say that 1) the scope of the audit was limited to affirming that the financial statements provided to the auditors (which are present in the report) did not have any material misstatements. Determining whether a specific contract with a company like Freedom Calls, LLC was made fraudulently can reasonably assumed to be out of the scope of the audit; 2) even if their scope was beyond the financial statements, the report states that it cannot give absolute assurance that the audit will be able to detect a misstatement, and that such a misstatement is more likely to be missed if it was made based off fraud than if it was an error. This risk is further supported by the National Council of Nonprofits, which states that “while independent audits serve an important purpose and may prevent potential fraud, audits rarely detect fraud. Even when an organization conducts an independent audit or review of its financial statements, the auditors do not guarantee that the organization is free from fraud.”²
To claim, as Appellants do, that the SIC report was contradicted by the audit report is to misrepresent the scope and limits of the audit report.
2. Appellants claim that “The SIC report was not the product of original investigation, but largely consisted of unverified, disputed claims published in a January 2025 blog post by Jake Porter.” While both Porter and I were involved in finding the original documents, these documents were a small part of the SIC report. The documents were also independently verified and shared to the SIC, as stated by Hays above. Porter had also ensured that the documents were, to his understanding, accurate based both on publicly available records and the records he obtained from a lawyer, who was kept anonymous to protect the lawyer’s privacy. To claim as a fact that claims were unverified is to misrepresent the actual data regarding these claims.
3. Appellants claim that “According to publicly available and detailed factual rebuttals to the SIC report incorporated herein by reference, the SIC report’s contents were speculative and derivative of work performed by others rather than independently verified.” These rebuttals were made by Hector Roos and Region 1 Representative Andrew Chadderdon, and both make misrepresentations as well as falsehoods, with the falsehoods in Appellant’s appeal being in part copied from the rebuttal authored by Roos. To claim these as factual rebuttals is to misrepresent the quality of these rebuttals.

² National Council of Nonprofits. “Myth: Audits Uncover Fraud.” Retrieved 20 Sep. 2025, <https://www.councilofnonprofits.org/running-nonprofit/nonprofit-audit-guide/myth-audits-uncover-fraud>

4. Appellants claim that “The Kixie data contradicts the conclusion of the call center work presented in the LNC report. When only realistic connect rates and wait times are considered, the call center’s estimated hourly rate (\$23.73) is in line with industry norms.” Appellants base this claim off of two bid responses for call center jobs, without providing any evidence or documentation of these bids. Assuming they are true, however, both of the companies cited are American-based call center companies, not overseas call centers like Freedom Calls, LLC. Appellants thus misrepresent the payment expectations for a call center by comparing to American-based rather than overseas-based call center bids.
5. Appellants claim that “The Kixie audit in the SIC report does not include any discussion on” factors impacting call performance, including power dialer settings. However, the SIC report did contain discussion regarding power dialers on page 54 of the report, stating how the settings and abilities of the power dialer would allow “the caller to be able to efficiently and expediently make their way through an assigned call list.” To claim that no discussion was had is to misrepresent the facts regarding the content of the SIC report.
6. Appellants claim that “the SIC did not make the effort to independently confirm evidence contained in the Porter report.” The evidence provided in Jake Porter’s report were publicly available, and were directly provided to the SIC by him and I. The only document not publicly available was the incorporation document, which was independently verified by Hays as real and was provided to the SIC.³ Appellants thus misrepresent the nature of the evidence provided by Porter as not being independently verified, and speculate on the work done by the SIC without proper evidence.
7. Appellants claim that “Ms. Hays claims to support the idea of publicly sharing call center data, which was partially included in the Kixie audit that could provide exculpatory evidence to the conclusions made in the SIC report. However, no such disclosure has been made by the LNC weeks later by the date of this petition.” Hays stated that there may be issues with releasing the data due to certain privacy laws.⁴ While she did try to ask, it can be reasonably assumed that the LNC have not released such data due to those privacy issues. Appellants misrepresent this issue to make it appear that the LNC is simply choosing not to release rather than, more reasonably, attempting to follow connected privacy laws.
8. Appellants claim that “Mr. Malagon produced a faulty Kixie audit that included enough information to exonerate McArdle despite conclusions in the SIC report.” This conclusion is based on misunderstandings and false claims regarding the content of the audits, and thus misrepresents the information and results presented in the Kixie audit.
9. Appellants claim that “the SIC report attempts to fit the evidence to meet a forgone conclusion” because without the evidence provided by Malagon and Yeniscavich, the SIC report would not have “met the DC Code requirements to sue Ms. McArdle.” This is a wild misrepresentation of the SIC report, based on the assumption that because

³ LPALive!. (2025, June 24). Is the LNC SICK? Time to read some anti-SIC opinions! [Video]. YouTube. Timestamped at 1:43:45. <https://www.youtube.com/live/JE3lgE1Ok1U?si=dtDlf33iHv1MrO1&t=6225>

⁴ Ibid. Timestamped at 1:53:13. <https://www.youtube.com/live/JE3lgE1Ok1U?si=ioHjRDJczyA7CZDe&t=6793>

evidence was provided and was misunderstood by Appellants, that the SIC was trying to fit the evidence to a conclusion.

10. Appellants claim that “Any LNC member who served on the SIC would have their objectivity impaired when the SIC report would be considered by the entire LNC.” This claim fundamentally misunderstands the parliamentary procedure regarding committees. While it is true that members of a board that were part of a committee would support the final report of that committee, it would not logically stand that their objectivity was impaired. Appellants attempt to misrepresent standard parliamentary procedure regarding the adoption of committee reports as impeding the objective nature of their judgement when voting to adopt the report, painting it as more nefarious than it is.
11. Appellants claim that “Mr. Malagon’s extensive involvement with the SIC report also would have created a material interest conflicting him from participating in the SIC report adoption.” This misrepresents what is considered as material interest per the DC Code, which Appellants cited. “Material interest” means an actual or potential benefit or detriment, other than one that would devolve on the nonprofit corporation or the members generally, that would reasonably be expected to impair the objectivity of an individual’s judgment when participating in the action to be taken. D.C. Code § 29-401.02 (22). Appellants provide no evidence that Malagon would have any “actual or potential benefit or detriment” due to the adoption of the SIC report, and misrepresent prior involvement by providing evidence to the SIC as material interest.
12. Appellants claim that “Given the SIC accepted Jake Porter’s report and Adrian Malagon’s Kixie audit on its face, the SIC failed to perform a “diligent, thorough and exhaustive investigation” of their own.” No evidence was provided that the aforementioned report and audit were accepted “on its face,” and as stated previously Appellants have made misrepresentations and false statements regarding the report and audit. Thus Appellants are misrepresenting the quality of the SIC report based on faulty reasoning.
13. Appellants claim that McArdle raised “\$1,000,000 or twenty times that amount” for the LNC. No evidence is provided, and the claim of \$1,000,000 raised is based off the same misunderstandings of Federal Election Commission filings and the joint fundraising agreement that led to the Appellants asserting as fact the falsehood that the Kennedy Victory Fund “raised about \$2 million in funding for the LNC and state affiliates that were involved.” Appellants thus misrepresent the impact McArdle had on the LNC’s fundraising successes.
14. Appellants claim that “If the Delaware incorporation document that is highlighted in the SIC report is real then its existence contradicts Finding 2(1) [of the SIC report] since the public can obtain the identity of incorporators.” Finding 2(1) states that McArdle acted to conceal the ownership of Freedom Calls, LLC by “Registering the LLC in Delaware, a state that does not publicly provide the identity of incorporators.” This is true: Delaware has firm privacy protections for business entities so that their incorporators are not publicly available. This does not mean incorporation documents do not exist, but rather that it is behind either a paywall or requires certain permissions, such as Jake Porter gaining a copy of the incorporation document from a lawyer who has special access to

these documents. Appellants misrepresent the findings as contradicting each other when no such contradiction exists.

15. Appellants claim that “The SIC report claims the call center performed inefficiently based on expectations of “industry standards”. However, this is false equivalence when the LNC is not the equivalent of a for-profit business. The LNC operates as a political nonprofit, not a profit-seeking business, making such comparisons invalid. Outreach initiatives like this are expected to have a “net loss” in the short term, as demonstrated by the approval of similar efforts such as Project Archimedes.” While the LNC is a non-profit, it is still reasonable for any corporation, for-profit or non-profit, to expect that a service they contract is efficient and not simply a waste of the corporation’s funds. Appellants misrepresent the fact that the LNC is a non-profit to argue that the LNC should not be seeking net neutral or net gains for the service they requested, which is illogical.
16. Appellants claim that “The allegation that Padgett owned [Swing Vote Strategist] is again one reliant on a third party providing a Delaware incorporation document like in the case of Freedom Calls LLC” While the Delaware incorporation document is one piece of evidence, another piece of evidence is the fact that all payments to Swing Vote Strategist reported in Federal Election Commission filings have the address of 14900 Avery Ranch Rd, Austin, TX 78717-3951. This address both matches the address listed on McArdle’s PAC Libertarian Unity listed in its statement of organization, and the address listed in payments to McArdle made by Libertarian Unity. See exhibits C, D, and E.
17. Appellants claim that “Instead of an official document proving a relationship between Freedom Calls LLC and McArdle, a screenshot of a text message between McArdle and Yeniscavich is used to support this claim. This evidence is either unsubstantial, like a text message out of context or fabricated, like the Kixie audit.” No evidence is provided by Appellants that the screenshot of the text showing McArdle confessing to running Freedom Calls, LLC was either fabricated or taken out of context. McArdle herself confessed, in the exhibit provided by Appellants, that her domestic partner Padgett was running Freedom Calls. Appellants are misrepresenting the evidence as faulty while providing exhibits confirming the truth of that evidence.
18. Appellants claim that “the adoption of the SIC report conflicts with the motion authorizing the creation of the SIC, a main motion previously adopted and still in force (RONR 12th ed. 10:26-1, 23:6-b). The adoption of the report and its purported appurtenant motions were “never in order, even if adopted by a unanimous vote”.“ The report, however, did as instructed, looking into “issues of conflict of interest and business practices of the Libertarian National Committee”. That the report implicated McArdle is not viable grounds to claim that it went beyond its authorization.
It may be argued that, because the report offered recommendations, that it went beyond the scope of the motion authorizing it. However, a committee is not barred from providing recommendations in their reports even if they are not explicitly instructed to provide recommendations. This is confirmed by multiple parliamentarians in comments on the

official RONR forum.⁵ Appellants thus misrepresent the validity of the adoption of the report.

Conclusion

Appellants claim that the adoption of the SIC report violated the Libertarian Party's Statement of Principles by going against the clause supporting the prohibition of fraud and misrepresentation. To do so, Appellants used both fraud and misrepresentation to present certain false statements as fact and misconstrue what the SIC report actually stated. Thus, they themselves violated the Party's Statement of Principles in order to allegedly contest a violation of those same Principles.

Because we cannot trust the Appellants to provide factual evidence or honest presentation of the facts, I ask that the Judicial Committee reject the appeal.

Regards,

John Ponty

⁵ See here: <https://robertsrules.forumflash.com/topic/46229-special-committee-recommendations/>