

January 8, 2024

West Virginia State Democratic Executive Committee  
Board of Appeals

X.....X

Jarryd Powell, Democrat, member of the West Virginia Young Democrats,

Grievant/ Petitioner,

v.

Grievance

Group acting as the West Virginia Young Democrats and Jacob Hively, individual purporting to be President of the West Virginia Young Democrats,

Respondents.

X.....X

**I: Preliminary statement.**

1. On December 9, 2023, Jacob Hively (“Hively”) presided over a 6 minute meeting by Zoom purporting to be the December meeting of the WV Young Democrats (“WVYD”) (“December 9 meeting “). The primary business of the meeting, per the agenda, was the **election** of a slate of officers. However, the meeting resulted in the **appointment of officers**, and was not preceded by effective notice, nor was it a public meeting, and, in addition, the conduct of the meeting violated other rules required by the A) Charter, Standing Rules, and Call to Convention of the Young Democrats of America, adopted December 12, 2022 (collectively the “YDA national Charter”), attached hereto as [Exhibit A](#); B) The Constitution of the West Virginia Young Democrats of America, adopted March 25, 2018, (“WVYD Constitution”), attached hereto as [Exhibit B](#); C) Bylaws of the WV Democratic Party (“WVDP” or “SDEC”) (“WVDP Bylaws”) attached hereto as [Exhibit C](#); D) National Charter of the Democratic Party (“DNC Charter”) and the Bylaws of the Democratic National Committee (“DNC”) (“DNC Bylaws”) attached hereto as [Exhibit D](#); and F) the Six Basic Elements of an Open Party of the national Democratic Party (“Six Basic Elements”) attached hereto as [Exhibit E](#).
2. Prior to the Dec 9 meeting, on Dec 7, the grievant, Powell, attempted to ensure success of the organization by alerting Hively to issues and requesting information through an email (attached hereto as [Exhibit F1](#)). Specifically, Powell requested information regarding if

the Dec 9 meeting was a special meeting, the term for the officers that were to be elected, whether public notice (including use of social media) had occurred, and requested information regarding current officers, roster of members, how a quorum would be determined, a copy of the current WVYD charter, whether there was a convention in 2023, etc. Hively did not respond to Powell's request for information.

3. There have been no elections of officers for the WVYD since 2021 to date that comply with national YDA rules; rules of the WVYD; rules of the WVDP; and the rules of the national Democratic Party. Hively was not properly **appointed as the Executive Vice President of the WVYD as he has publicly claimed, has not fulfilled the duties of any office of the WVYD, and had no authority to call a meeting of the WVYD. The evidence in this grievance will show that Hively is a pseudo or false president with no authority and no organization, who knowingly deceived the WVDP State Executive Committee, legitimate members of Young Democrats in the state and nationally, and Democrats in WV who are trying to build youth involvement in the state.** Sections A-F below shows the timeline of the tenure of legitimately elected President, Sophia Mills ("Mills"), and the two subsequent illegitimate presidents. The following paragraphs explain further and provide documentation of the sequence of events.
  - A. Aug. 6-7, 2021 WVYD Convention, Mills elected as WVYD President and Alisa Clements was elected Executive Vice President
  - B. Feb. 18, 2022 Lora Walker ("Walker") illegitimately became President through a GroupMe chat. There is no evidence that the State Executive Committee consented to the appointment.
  - C. Aug. 1, 2022 Walker, who was not the legitimate President, and therefore without the power or authority, appointed Hively as a Vice President, but not as Executive Vice President. There is no evidence that the State Executive Committee consented to the appointment.
  - D. There is no evidence of Walker's resignation, but at some point in the Fall of 2022 she informed the WVDP that she resigned.
  - E. Nov. 19, 2022 Hively claimed to be President.
  - F. On December 9, 2023, after sending a notice for the election of President, informs the meeting attendees that the office of President is **not vacant** and assumes the office of President for another 2 year term, assumingly appointing himself. Additionally, Hively illegally appoints a slate of officers for 2 year terms.
4. Based on a graphic provided by the WVDP Executive Director (attached hereto as [Exhibit F2](#)), and discussions with convention attendees, the last WVYD convention was held in Huntington, WV in August 2021. Upon information and belief based on a discussion with WVYD members present and also elected at that convention, Sophia Mills was elected President and Alisa Clements was elected Executive Vice President. Upon information and belief, Clements never resigned her position as Executive Vice President. Notably, Hively was not a member of WVYD at the time of the 2021 convention.

5. As the following will show, the WVYD was in disarray for years. There were intentions and some effort to build the organization. The new officers communicated on a social media app titled GroupMe under the Chat title of “WVYD 2021-23 Exec. Board.” However, the Chat appears to be used inappropriately as a place to take votes that are required to be in public meetings with public notice in violation of Party rules and not in compliance with Robert’s Rules of Order (“RONR”) as the WVDA Constitution mandates. Art. VII, sec. 4.3: “Rules of Procedure: Both the State Executive Committee and the Annual State Convention will use *Robert’s Rules of Order, Newly Revised* as the rules of procedure for **all meetings**.” (Emphasis added. Italics in the original.)
6. On Feb 7, 2022, six (6) months after her election, on GroupMe (attached hereto as [Exhibit G](#)), President Mills shared her intention of stepping aside as President and for Lora Walker to come in as President. Mills stated:

*“I need to see what procedures we should go through as a board to approve this change and hold a meeting soon to address it.”* GroupMe ([Exhibit G](#))

However, the procedures in the WVYD Constitution were not followed.

7. The paragraphs that follow will provide the evidence of the following reasons that Walker was not legally elected or appointed to the WVYD Presidency.
  - A. WVYD Constitution requires that if both the President and Executive Vice President cannot serve as President, a member of the Committee will be elected to serve as President. Walker was not a member of the Committee and ineligible to be elected.
  - B. An election did not occur. The meeting to hold the election did not occur. Rather, a motion was made on a GroupMe chat. Only a motion was made, not a vote. There are no provisions in the WVYD Constitution for taking votes via a chat feature.
  - C. The “meeting” was not publicly noticed and the “meeting” was not public.
8. Based on the GroupMe message thread, a Zoom meeting was scheduled for Feb. 18, 2022 at 7 PM . GroupMe ([Exhibit G](#))
9. Based on the GroupMe thread on Feb 18, 2022 (attached hereto as [Exhibit H](#)), it appears that the Zoom meeting didn’t occur but there was an attempt at a vote on the GroupMe chat thread. At 7:25 PM Alisa Clements posted:

*“I move that we instate @Lora Walker as President. Can I get a second.”*  
Mills posted, *“Second.”* GroupMe ([Exhibit H](#))

Almost 10 minutes later, at 7:33, Clements posted:

*“so moved.”* Id.

However, no voting occurred. About an hour later, at 8:34 Walker posted on GroupMe

thanking the group for the opportunity. Based on the long lags in the messages, it appears that the meeting was held on the GroupMe thread, in violation of Party rules.

10. **Walker was ineligible to be elected as President.** The WVYD Constitution (art. V, sec 7.1) provides that in the event that both the President and Executive Vice President can't serve, the State Executive Committee will elect **a member of** the Committee to serve as President. Walker was not a member of the State Executive Committee, and therefore, ineligible to serve.
11. Pursuant to the WVYD Constitution art. V, sec. 7.1, in order to fill the unexpired term of president: "In the event of the President unable or unwilling to continue his duties, the Executive Vice President will fulfill the remainder of the outgoing President's term. If both the President and Executive Vice President are unable or unwilling to continue the duties of the presidency, the State Executive Committee will **elect a member of the Committee** to fulfill the term as President." (Emphasis added.)
12. Additionally, there is no evidence that this "meeting" was publicly noticed, was open to the public, that the election for office of President was publicly noticed, all in violation of the WVYD Constitution and WVDP Bylaws. Lastly, there are no provisions in the WVYD Constitution or the WVDP Bylaws for holding a meeting or taking votes via a closed message thread.
13. Due to not following the appointment process as required by the WVYD Constitution ([Exhibit B](#)), as of February 18, 2022, the **WVYD did not have a legitimate President and has not had one since.** They only had the first of two pseudo presidents. **This is a continuing breach of the WVYD Constitution that continues to this day.**
14. Just four months later, on June 10, 2022, pseudo president Walker posted in the GroupMe thread (attached hereto as [Exhibit I](#)) that she needed to "move on" and requested help finding someone else to lead the organization and noted that they [the people on the GroupMe thread], were not the ones to do it.

*"Hey guys, who do we know that can revitalize this organization? No offense but it ain't us. **I need to move on** and people need to be interested again."* GroupMe ([Exhibit I](#))

15. On August 1, 2022 Walker posted in the GroupMe thread (attached hereto as [Exhibit J](#)) that she appointed Jacob Hively as Vice President. In the thread, she introduced Hively to the other group members as their new Vice President – not as Executive Vice President. The WVYD Constitution provides for an Executive Vice President and 4 Vice Presidents.

*"Hi everyone, in light of the bad I have some overwhelming good. As you all know, Sophia has taken a step back to focus on career and life as she goes forward for now. In light of that, **we had a vacancy in the Vice President position.** I have found someone who is not only interested but who will fill the shoes of the role and is ready and glad to put in the work. Please give your best welcome to*

*Jacob Hively as our **new VP.***” GroupMe ([Exhibit J](#)) (Emphasis added.)

There was no meeting, no effective notice, no notice of the vacancy, no consultation with the Executive Board of the WVYD, no vote of the Executive Board of the WVYD, and no consent of the State Executive Committee. Walker did not have the power or authority to appoint Hively as Vice President, and even IF she did hold that authority, she did not follow the procedures of the WVYD or the rules of the WVDP in making the appointment. And, in fact, she appointed him as Vice President, NOT **Executive** Vice President, who is the only one designated in the WVYD Constitution as the successor to an outgoing president. Therefore, as of Aug 1, 2022 Hively was a pseudo Vice President.

16. Article V, sec. 7.1 of the Constitution of the WVYD provides that in the “event the President is unable or unwilling to continue his duties, the **Executive** Vice President will fulfill the remainder of the outgoing President’s term.” (“Emphasis added.) Even though a request (attached hereto as [Exhibit K2](#)) has been made to do so, Hively has produced **no organizational documents of the WVYD at all, let alone any documents that would provide evidence that he was properly appointed as Executive Vice President at any time.**
17. Walker’s last post in the GroupMe thread was on Aug 12, 2022.
18. On Nov. 19, 2022 Hively sent an email (attached hereto as [Exhibit K](#)) to the WVDP claiming that he was the new WVYD president:

*“Lora Walker recently resigned as President of the WV Young Democrats. I will be filling out the remainder of her term.”* Hively email ([Exhibit K](#))

Notably, he did not provide any documentation of such.

19. There is a process outlined in the WVYD Constitution for the President to appoint an officer to fill an unexpired term (art.V, sec. 7.2), however, this process was not followed. The process outlined in the WVYD Constitution mandates art. V., sec.7.2 “If any other office becomes vacant... the President shall appoint a member of West Virginia Young Democrats in good standing to fulfill the remainder of the term, **with the advice and consent of the State Executive Committee.**” (emphasis added) Walker was not legally made president, and therefore did not have the power or authority to appoint Hively. And even if Walker had become president pursuant to the WVYD Constitution, which she did not, she appointed Hively as vice president (of which there are 4 provided for in the WVYD Constitution), not as **Executive** Vice President, therefore, he could not succeed Walker as president. Additionally, a request for information by Powell (attached hereto as [Exhibit K3](#)) to the WVDP Chair and Executive Director (“ED”), Ryan Frankenberry (“Frankenberry”) who responded, shows that at no point did Walker request consent of the State Executive Committee for Hively to be appointed as Executive Vice President., or as President.” Email exchange:

Powell Question: “*The 2018 WVYD Constitution requires that the State*

*Executive Committee approve certain things, such as, convention date, officer appointments, etc. Has the State Executive Committee been requested to do any of those things?”*

Frankenberry response: *“WVSDEC has not received any requests for approval of any kind.”* (Email [Exhibit K3](#))

20. YDA rules require the **election** of the president and other officers of a state chartered YDA chapter; yet at the December 9 meeting, in violation of YDA rules, Hively stated that the office of the President was not open, and continued to serve in that role, effectively **appointing** himself as president of the WVDYD for a 2 year term beginning December 2023 through December 2025, all in violation of the WVDYD Constitution..
21. Notably, after Walker “appointed” Hively there were very few messages on GroupMe. There were no meetings held. On May 23, 2023 on GroupMe (attached hereto as [Exhibit L](#)) Hively asked the group for permission to move the WVDYD bank account from United Bank to Truist:

*“I am seeking permission to close the United Bank account we currently use and move to Truist. The reason is so that the organization can have a debit card and lower monthly monthly fee. If approved Chase Jarrell and I will proceed asap.”*  
GroupMe ([Exhibit L](#))

This significant organizational business was not done in a meeting. **No one responded in the affirmative.** It is unclear if Hively undertook banking tasks that he was not authorized to perform. However, the WVDYD should be aware of and investigate accordingly, that at the very least, Hively, who was not the President of the WVDYD, and not properly authorized to act on its behalf, attempted, and perhaps succeeded in making a major change related to the finances of the WVDYD. Notably, one of the reasons given by Hively to move the account was to have a debit card. However, United Bank offers debit cards.

22. Since Hively informed the WVDYD that he was the President of the WVDYD ([Exhibit K](#)) on Nov 19, 2022 there have been **no meetings** of the officers that were legitimately elected at the Aug. 2021 convention, although the WVDYD Constitution mandates 12 meetings per year. “A minimum of twelve (12) Executive Committee meetings must be held per year, with at least one (1) being an in-person meeting.” WVDYD Constitution art. IV, sec. 4.1
23. The December 9 meeting was not convened and conducted in compliance with either national YDA’s rules, or WVDYD’s rules; or Democratic Party rules. Hively was not properly elected or appointed and therefore had no authority to call a meeting, or make appointments to offices for 2 year terms, and certainly not the authority to appoint himself as president for another 2 year term. Therefore, all actions of the Dec 9 meeting, including the “elections” or appointments of officers are null and void.

24. The chart below (also attached hereto as [Exhibit W](#)) shows the timeline of periods during which the WVYD was chartered by the national YDA (Green section) versus when they were not chartered (Pink section) and when the WVYD had a legitimate President elected by the WVYD Convention in August 2021 (Blue section) versus when they had pseudo presidents - those acting as President, but were not properly elected or appointed (Orange section - 2 shades). Each table represents one year from 2021 to 2023.

### 2021

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
							Chartered with YDA <sup>1</sup>				
							Elected Legitimate President - Sophia Mills				

In 2021, the WVYD was chartered and had a legitimately elected President. ✓

### 2022

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Chartered with YDA											
Elected Legitimate President until Feb 18, 2022		Pseudo President Walker <sup>2</sup>								Pseudo President Hively <sup>3</sup>	

In 2022, the WVYD was chartered, but had 2 illegitimate Presidents for the majority of the year. ⚠

### 2023

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Chartered with YDA						NOT CHARTERED WITH YDA					
Pseudo President Hively											

In 2023, the WVYD was chartered through June, but lost their charter in July. ✗

For the entire year, the WVYD had an illegitimate President.

**From July 2023 to present, the WVYD has had no charter and no legitimate President.**

<sup>1</sup> [Exhibit M](#)

<sup>2</sup> [Exhibit H](#)

<sup>3</sup> [Exhibit K](#)

**II: The WVYD has not been rechartered by the national YDA since July 2023, as required by national YDA rules, is NOT recognized by the national YDA, and is a pseudo organization masquerading as the WVYD. In fact, the WVYD does not exist and the pseudo organization should not have ex-officio representation on the WVSDEC.**

25. Each chartered YDA unit must be rechartered every 2 years by the national convention of the YDA. YDA Charter, Standing Rules, Rule 3 (application for unit charters).
26. The most recent YDA national Convention was held June 18-21, 2023 in Las Vegas.
27. The national YDA confirmed by email from YDA President, Quentin Wathum-Ocama (“Wathum-Ocama”), to WVDP Executive Director, Ryan Frankenberry (“Frankenberry”), dated Sept 29, 2023, attached hereto as [Exhibit M](#), that the WVYD chapter had **not** been rechartered by the national YDA during 2023, the year required for rechartering; and that the last charter of 2021 expired in July of 2023. Wathum-Ocama stated in his email:

*“West Virginia is **not currently chartered with YDA**. Their last charter was done in 2021 which expired in July.”* (Emphasis added) Wathum-Ocama email ([Exhibit M](#))

28. Per the President of the national YDA, the WVYD has not been chartered with YDA since July 2023, therefore, it cannot be recognized as a member of the WVSDEC. WVDP Bylaws provide that “It is further provided that the **duly elected** ...President of the West Virginia Young Democrats... be ex-officio voting members of the WVSDEC.” WVDP Bylaws art. V, sec. 1.b. (Emphasis added.)
29. Hivley was not “duly elected”, nor is he the legitimate President of the WVYD, nor is there a currently chartered WVYD organization. A pseudo organization masquerading as the WVYD does not meet the criteria for this representation. Until a legitimate organization is formed and chartered through the national YDA, Hivley, nor any other illegitimate representative, should have ex-officio membership or voting rights on the WVSDEC.

**III: Certification by a member of the DNC from WV that the WVYD is recognized by the SDEC was not signed by such DNC member and submitted to the YDA 2023 national convention as required in the rechartering process under national YDA rules.**

30. Each chartered Young Democrats organization is required by the national YDA to **RE**charter every two years at the national convention. The process for doing this is outlined in the YDA National Charter ([Exhibit A](#)). The process requires that a member of the DNC from WV certify that certain aspects of the organization, including that the officers were **elected** according to Party rules.

31. “Each chartered unit shall submit an application to the [YDA] National Convention to **recharter**.” YDA National Charter, art. III (issuance of charters), sec. 3. (Emphasis added.)
32. “A unit charter that has not been renewed by the close of a [YDA] National Convention [in this instance June 18 - 23, 2023] terminates at that time.” YDA National Charter, art. III, sec. 2. (Emphasis added.)
33. In order for a YDA unit charter to receive approval of the YDA National Convention’s Credentials Committee, an application for approval must include “a certificate signed by at least one member of the DNC representing the applying unit’s territory [state] stating that the unit is recognized, sanctioned or authorized by the Democratic Party of that territory [state] as the territory’s official organization of Young Democrats and that the unit's officers were **elected** subsequent to the preceding [YDA] National Convention.” YDA national Charter, Standing Rules, Rule 3.1.e (application for unit charters. (Emphasis added.)
34. Upon information and belief no member of the DNC from WV signed a certificate referred to in the immediate preceding paragraph 33 for 2023.
35. Without such certification signed by a DNC member from WV, the WVYD could not be rechartered by the national YDA.
36. According to an email from YDA President Wathum-Ocama dated Nov 29, 2023 ([Exhibit M](#)), the WVYD did not recharter as required and, thus, it was not chartered as of July 2023:  
  
*“West Virginia is not currently chartered with YDA. Their last charter was done in 2021 which expired in July.”* Wathum-Ocama email ([Exhibit M](#))

**IV: The December 9 meeting did not constitute an officer election convention as required by the WVYD Constitution.**

37. Officers **must be elected** every 2 years, during odd numbered years, at an “officer election convention.” WVYD Constitution, art, IV, sec. 3.1 and WVYD Constitution, art 4, sec.8.3. ([Exhibit B](#)). The December 9 meeting did not constitute an “officer election convention,” and, therefore, the officers purportedly appointed or otherwise designated at that meeting were not legally appointed, and those appointments must be declared null and void.
38. The WVYD did not hold an officer election convention in 2023, and therefore, no officers were elected in 2023 in violation of the WVYD Constitution. WVYD Constitution, art, IV, sec. 3.1 ([Exhibit A](#))

**V: The meeting of December 9 did not comply with the rules of the national YDA nor**

**those of the WVYD, and, therefore, any action by that meeting must be declared null and void.**

39. Assuming *arguendo* that the group that met on December 9 was chartered and in compliance with YDA rules, which it was not, the December 9 meeting still failed to comply with a number of material requirements of the Constitution of the WVYD including, but not limited to:
- A. Notice of the date and location of a state convention must be made public no less than **60 days** before the start to the convention. WVYD Constitution, art. IV, sec 4.4 ([Exhibit B](#)). Yet the email for the December 9 meeting (attached hereto as [Exhibit N](#)) (“30 day notice”) and the attached agenda (attached hereto as [Exhibit O](#)) (“Agenda”) was sent on Nov. 7, 2023, 32 days before the meeting, and included the proposed agenda. **This notice did not meet the WVYD requirement of a 60 day notice.**
  - B. There is no evidence that the notice, deficient as it was, was provided to all members of the WVYD or that it was made public. Upon information and belief, the notice was only emailed to a select few people.
  - C. The 30 day notice only provides for the “Election of Officers.” It does not describe the qualifications for each office, process for nominations, or procedure for the election.
  - D. The provision of the WVYD Constitution, art. IV, sec. 7.1 regarding vote allocations was not complied with.
  - E. The WVYD Constitution, art. IV, sec. 8.1 regarding electing a presiding officer for the December 9 meeting was not complied with.
  - F. Hively presided over the meeting which is not permitted since he was standing for the office of president. Although the office of President was noticed, in the 6 minute meeting Hively announced that the office of President was not vacant.
  - G. Upon information and belief, filing for candidacy provisions of art. V, sec. 2 of the WVYD Constitution were not complied with.
  - H. Nominations for offices to be elected at the December 9 meeting did not comply with the requirement of WVYD Constitution, art. V, sec. 3.
  - I. The provisions of the WVYD Constitution, art. V, sec. 4 (order of election), sec. 2.5 (speeches); sec. 2.6 (balloting); sec. 2.7 (conducting the vote); were not complied with.
40. Failure to comply with any one of the aforementioned provisions require a determination that the actions of the December 9 meeting are null and void.

**VI: Assuming, *arguendo*, that the WVYD is chartered and a recognized organization of the WVDP, it must comply with the Bylaws and other policies and procedures of the West Virginia State Democratic Executive Committee (“SDEC”), and the DNC Charter and the DNC Bylaws and other policies of the national Democratic Party, many of which it failed to comply with as an organization and failed to comply with in connection with the December 9 meeting.**

41. Both the national Democratic Party and the state Party rules provide for recognized organizations, such as the WVYD, to conduct their organizations in a manner that is consistent with the national and state Democratic Party rules, with emphasis on those related to openness, inclusiveness, and transparency.
42. The DNC Charter, art. 10, sec. 3, “**Each official body of the Democratic Party recognized by** or created under the authority of **this Charter** shall adopt and conduct its affairs in accordance with written rules, **which rules shall be consistent with this Charter, the Bylaws and other provisions adopted pursuant to authority of the Charter**, including resolutions or other actions of the National Convention;” (emphasis added) and art. 9, sec. 11: “All meetings of the Democratic National Committee, the Executive Committee, and all other official Party committees, commissions and bodies, ... shall be open to the public, and votes shall not be taken by secret ballot or use of the unit rule.”
43. SDEC Bylaws “INTRODUCTION TO BYLAWS” “These Bylaws shall govern the organization and conduct of the business of the Democratic Party of the State of West Virginia. The Democratic Party of West Virginia shall conduct its affairs in accordance with the Democratic National Committee Charter and Bylaws. These Bylaws shall be formally adopted by all county organizations in the state **and shall control all levels of party organization in all counties**. Each county organization may adopt such supplementary bylaws as they deem necessary, in so far as they do not conflict with the state party bylaws and do not abridge the lawful political rights of any person. In the absence of other provisions, Robert's Rules of Order (as most recently revised) shall govern the conduct of all Democratic Party meetings.” (Emphasis added.)
44. SDEC Bylaws, art. 4, sec. 1 provides: “The West Virginia State Democratic Executive Committee is **the supreme governing authority of the Democratic Party in West Virginia and shall have control and supervision over all matters relating to or affecting the Party organizations** and campaigns. **All other political ... clubs and organizations**, incorporated or unincorporated existing as a segment of the Democratic Party within the state or within any political subdivision thereof, **shall be subordinate thereto and under its direction.**” (Emphasis added.)
45. The actions of the alleged WVYD group on Dec. 9 are under the jurisdiction of the WVDP and the group is required to follow the rules of the Democratic Party.

46. Additionally, the actions of the alleged WVYD group on Dec. 9 and prior to the meeting, are out of compliance with numerous Democratic Party rules. Failure of the Dec 9 meeting to comply with many Democratic Party rules requires that the actions of the meeting be declared null and void.

**VII: The December 9, 2023 meeting was not preceded with “effective notice” as required by the national YDA, and the WVYD Constitution, and Democratic Party rules.**

47. The Dec 9 meeting did not comply with the WVDP Bylaws regarding “effective notice” which requires **public** notice of a meeting in which officers will be elected. WVDP Bylaws art. 2, sec. 3. Note that the WVDP Bylaws only require 30 day notice for elections, however, the WVYD Constitution requires 60 days notice for the election of their officers.

48. DNC Bylaws, art. 2, sec. 11(c) (i): “Each state or territorial Party shall require each county or local unit of the Party which holds such meetings to **publicize effectively and in a timely fashion the dates, times, and places of all such meetings**, and the name or names of the person responsible for such meetings. (Emphasis added.)

49. WVDP Bylaws art. 2, sec. 3 provides: “**The time and place for all public meetings** of the Democratic Party **on all levels shall be publicized** at least fourteen (14) calendar days preceding the meeting, except where nominations or elections for Party office and positions and amending the bylaws in which case thirty (30) days' notice will be provided unless otherwise stated in these Bylaws or as needed for a committee or individual to comply with WV State Code requirements.” “Such meetings must be held in places accessible to all Party members.” (emphasis added) The December 9 meeting did not comply with these requirements.

50. Additionally, the third element of the Six Basic Elements of an Open Party, which is official policy of the Democratic Party of the United States, and which is included as art. I of the WVDP Bylaws, provides: WVDP Bylaws art. 1, Element 3: “The time and place for all public meetings of The West Virginia Democratic Party on all levels should be publicized fully and in such manner as to assure timely notice to all interested persons. Such meetings must be held in places accessible to all Party members and large enough to accommodate all interested persons.” The December 9 meeting did not comply with these requirements.

51. WVDP Bylaws art. 1, Element 5: “The West Virginia Democratic Party should publicize fully and in such a manner as to assure notice to all interested parties **a full description of the legal and practical procedures for selection of Democratic Party officers and representatives on all levels**. Publication of these procedures should be done in such fashion that all prospective and current members of each State Democratic Party will be fully and adequately informed of the pertinent procedures in time to participate in each selection procedure at all levels of the Democratic Party organization.” (Emphasis added.) The December 9 meeting did not comply with these requirements.

52. WVDP Bylaws art. 1, Element 6 “The West Virginia Democratic Party should publicize fully and in such a manner as to assure notice to all interested parties **a complete description of the legal and practical qualifications of all positions as officers and representatives of the state Democratic Party**. Such publication should be done in timely fashion so that all prospective candidates or applicants for any elected or appointed position within the West Virginia Democratic Party will have full and adequate opportunity to compete for office.” (Emphasis added.) The December 9 meeting did not comply with these requirements.
53. Additionally, the traditional methods of promoting a meeting were not utilized by Hively.
54. Social media was not used to promote or publicize the meeting. WVYD has a website and 3 known social media accounts. None of the social media accounts had any information about the meeting or election of officers. There is no notice of the December 9, 2023 meeting on the WVYD Facebook page linked as <https://www.facebook.com/WVYoungDems> (referred hereto as **Exhibit P**), X (formerly known as Twitter) linked as <https://twitter.com/WVYoungDems> (referred hereto as **Exhibit Q**) and TikTok linked as [https://www.tiktok.com/@w.v.y.d?is\\_from\\_webapp=1&sender\\_device=pc](https://www.tiktok.com/@w.v.y.d?is_from_webapp=1&sender_device=pc) (referred hereto as **Exhibit R**). Nor was the Dec 9 meeting and election of officers noticed on the WVDP Calendar of events (attached hereto as **Exhibit S**).
55. There is no mention of the Dec 9 meeting or election of officers on the WVYD website at <https://www.wvyoungdems.org/> (referred to as **Exhibit T**).
56. Specifically:
- A. The Hively notice was not widely distributed to interested Democrats throughout the state.
  - B. The Dec 9 meeting and notice of elections was not posted on the WVDP website calendar of events.
  - C. There are 3 social media sites (Facebook, Twitter and TikTok) belonging to the WVYD, none of which contained any information about the Dec 9 meeting or elections.
  - D. The Dec 9 meeting and notice of elections was not posted on the WVYD website.
  - E. The Hively notice did not include a **full description of the legal and practical procedures for selection as required by Element 5**. Six Basic Elements.
  - F. The Hively notice did not include a **complete description of the legal and practical qualifications of all positions as officers as required by Element 6**. Six Basic Elements.
57. Additionally, the WVYD Constitution art. IV, sec. 4.4 provides that “The date and location of the State Convention **must be made public no less than sixty (60) days** before the start of the Convention.” (Emphasis added.) The WVYD Constitution mandates that their officers are elected at a convention with 60 days PUBLIC notice. The Dec 9 meeting was not a convention, which will be discussed in **section IX** below, however, not even their own notice requirements regarding election of officers were

followed.

58. Simply put, there was no way that a young Democrat interested in running for any office, including running for President of the WVYD, could know about the election, unless they received the email from Hively. Upon information and belief, the only people who received the notice were those who Hively handpicked to be informed about the election. This is the complete antithesis of what the Democrat Party stands for. There was no “effective notice” in blatant violation of numerous Democratic Party rules, and, therefore, the meeting and the elections must be declared null and void, and all actions taken at the meeting should be vacated.

#### **VIII: The December 9, 2023 meeting was not public.**

59. National and state Democratic party rules require that all meetings are open to the public.
60. WVDP Bylaws art. 2, sec. 4: “**All meetings at all levels of the WV Democratic Party, including organizations recognized by the WVDP, shall be open to the public,** and votes shall not be taken by secret ballot or use of the unit rule.” (Emphasis added.)
61. The December 9 meeting was held via Zoom. The link to the Zoom meeting was not posted publicly ANYWHERE, preventing the public from accessing the meeting. However, in addition, members of the public who, by happenstance, learned about the meeting and who registered to attend and logged onto the meeting were not allowed into the meeting. They were kept in the waiting area for the entire 6 minutes of the meeting.
62. It is unclear why the December 9 meeting was not public and why Hively chose to allow some members of the public in the meeting and excluded others. However, the fact that Hively declared that the office of President was not vacant and appointed all of the officers in a 6 minute meeting might explain why he wanted the meeting to be closed.
63. The meeting was recorded, and as a purported meeting of the WVYD this file should be considered organizational record and property of the membership, however, a request for a copy of the recording by Powell through the Chair of the WVDP (attached hereto as [Exhibit T2](#)) has been ignored by Hively.

#### **IX: The December 9, 2023 alleged appointment of officers is not in compliance with the WVYD Constitution.**

64. Even if the WVYD is a legally constituted organization and Hively is the legally constituted President, and even if the December 9 meeting had been effectively noticed, and even if the meeting had been public, the **appointment** of officers was illegal.
65. Assuming, *arguendo*, that the WVYD was legally constituted on December 9, which it was not, the WVYD Constitution mandates that officers are ELECTED (not appointed) every 2 years, in odd numbered years (WVYD Constitution, art IV, sec. 8.3) at an “officer election convention.” WVYD Constitution, art. IV, sec. 3; art. V, sec. 2.

66. Neither Walker, nor Hively held a convention in 2022, nor did the WVYD hold a convention in 2023, when officer elections were to be held.
67. Even if Hively had been a legitimate President, his term was set to expire in 2023 at the election of his successor. It was his responsibility to hold a convention to provide for the election of a President and officers. He failed to do so.
68. At the beginning of the December 9 meeting Hively appointed a Secretary and a Parliamentarian and **announced that the office of the President was not open even though the meeting notice that Hively sent indicated that there would be an election for President.** There was no election for the WVYD President. In addition, rather than call for nominations and hold elections for the other offices, Hively **appointed** a slate of individuals as officers for a 2 year term, all while ignoring Powell's point of order which attempted to address the numerous procedural failings.
69. During the December 9 meeting, Powell raised a point of order regarding the lack of public and effective notice. The point of order was never ruled on, however, the Hively-appointed Parliamentarian stated that a legal opinion had been obtained that provided that Hively had the authority to make the appointments.
70. It is assumed that Hively and whomever he consulted with to render the "legal opinion" is trying to misconstrue WVYD Constitution art. V, sec. 7.2, which provides the President the authority to appoint officers in certain situations, of which this is not one. Art. V, sec. 7.2 provides: "Other Officer Vacancies: If any other office becomes vacant, or no member of West Virginia Young Democrats runs for an elected office, the President shall appoint a member of West Virginia Young Democrats in good standing to fulfill the remainder of the term, **with the advice and consent of the State Executive Committee.**" (Emphasis added.) This section ONLY applies when there is a legitimate vacancy such as when an officer resigns, moves out of district, etc. It does not apply to replace the process for holding elections as required by the WVYD Constitution. Furthermore, upon information and belief, Hively did not obtain the "advice and consent of the State Executive Committee."
71. Art. V, sec. 2 of the WVYD Constitution provides the proper election process for officers which requires chartered clubs to send delegates to the convention and for the State Executive Committee to set the date for the convention, for chartered clubs to re-charter each year and to designate 1 delegate to represent them, to have committees, including an all important Credentials Committee which would determine who is eligible to vote in the officer elections, all of which is detailed in art. IV of the WVYD Constitution, but none of which was complied with in connection with the December 9 meeting.

**X: Upon information and belief, Hively set the meeting of December 9 only minutes after he was requested to provide the charter and informational documents and a list of WVYD officers, presumably because the information requested did not exist and he could not provide proof of his alleged position.**

72. Due to no response from Hively to Powell's email ([Exhibit F1](#)) when organizational documents, minutes, etc were requested, Powell, sent an email to Chair Pushkin ("Pushkin") and Executive Director Frankenberry on Jan. 5, 2024 (email thread attached hereto as [Exhibit K3](#)) asking if they knew if the WVYD was chartered, who the officers were, if they had any WVYD organizational documents, etc. On Jan. 6, 2024, Frankenberry responded (see email thread [Exhibit K3](#)) and provided answers.

73. Some of the information provided in that email was used to provide evidence in this grievance. However, information gained from the exchange was quite notable and indicates that Hively knew that his "presidency" was illegitimate. The paragraphs that follow will elaborate and provide evidence of the timeline of Nov 7, 2023:

**November 7, 2023**

- A. 10:38 AM: Frankenberry requested that Hively provide WVYD organizational documents (Charter, minutes and notice of meeting where Hively was elected, officer updates from YDA, list of officers)
- B. 10:42 AM: Hively responds that he will send the information asap
- C. 11:29 AM: Hively emails 30 day notice of WVYD officer elections.

74. In response to Hively's request for statewide Voter Access Network ("VAN") access, on **November 7, 2023 at 10:38 AM**, Frankenberry sent Hively an email (attached hereto as [Exhibit K2](#)) which requested:

*"please provide the following documents:*

- 1. Current WVYD Charter*
- 2. Minutes and Public Notice of the West Virginia Young Democrats state convention in which you were elected President of WVYD.*
- 3. Any correspondence with Young Democrats of America regarding officer updates.*
- 4. List of current WVYD office holders with titles, contact information and minutes of when they were elected."* Frankenberry email ([Exhibit K2](#))

75. **Four (4) minutes later, at 10:42 AM**, Hively responded (attached hereto as [Exhibit V](#)):

*"I will compile all information and send it to the WVDP as soon as possible."*  
([Exhibit V](#))

As of Jan. 5, Hively never provided the information requested to the WVDP.

76. However, **at 11:29 AM**, exactly 47 minutes later, Hively sent the email ([Exhibit N](#)) noticing the December 9 meeting and election of officers.

77. The timing of the emails described above are incredibly eye-opening. Upon information and belief, Hively has known **for over a year** that he was not the legitimate President of the WVYD and that WVYD had not been chartered since July 2023, yet, he continued to

masquerade as such to the detriment of the organization. The appointments made by Hively on Dec 9 were illegitimate and he knew he had no authority, and that the organization had not been rechartered by the national YDA.

78. Upon information and belief, instead of running an open and fair election process, Hively selectively sought legal advice to align with their predetermined preferences, irrespective of the actual facts via a “legal opinion” in an attempt to mislead others into believing that he had the authority to bypass elections for President and appoint a full slate of officers to a two year term.
79. The damage that Hively has done to the reputation and nature of the WVYD may be insurmountable, however, efforts must be taken to mitigate the damage done and prevent further damage by Hively.

#### **XI: Summary of reason.**

80. The WVYD has been a struggling organization for years. Over the years, there has been little effort to engage young Democrats to join and organize to help Democrats win elected seats in WV. It seems that the primary interest in the last several Presidents of the WVYD has been to hold an ex-officio voting seat on the WVSDEC and do little, if anything, to build a sustainable organization for young Democrats.
81. It is critical for West Virginia to have a robust and actively engaged Democratic youth organization dedicated to electoral politics. To attract and involve interested youth, it is essential that the organization operates democratically, fostering open communication and adherence to both Party and parliamentary rules. Transparency should be upheld through open meetings, and officers should be elected through a fair and transparent process, steering clear of appointments. By prioritizing both Democratic and democratic principles, the organization can better resonate with and inspire the participation of the youth it aims to engage.
82. Young individuals are unlikely to show interest in participating in an organization that operates in an authoritarian manner, conducting brief 6-minute meetings, disregarding Party and parliamentary rules, holding closed meetings, and appointing officers without open and fair elections.

#### **XII: Relief sought**

83. The grievant requests that the BOA:
  - A. Determine that Walker was not properly elected as President of the WVYD.
  - B. Determine that Hively was not properly appointed as Executive Vice President, or otherwise, of the WVYD.
  - C. Determine that Hively did not have the authority to claim that he was the President of the WVDP or act accordingly.
  - D. Acknowledge the statement of the YDA President Wathum-Ocama, specifically

stating that the WVYD charter expired in July 2023. Therefore, no one was authorized to act as a representative of the WVYD from July 1, 2023, to the present, and therefore, the actions of December 9 are null and void, and no officers were elected or appointed.

- E. Determine that the December 9 meeting did not comply with the rules and procedures of the the DNC Charter, the DNC Bylaws, the Six Basic Elements, the WVDP Bylaw, and additionally did not comply with the YDA national Charter and the WVYD Constitution, and therefore, the actions of the December 9 meeting are null and void, and no officers were elected or appointed.
- F. Find that the WVYD is not recognized by the national YDA and therefore it is not eligible for membership or representation on the SDEC.
- G. And such other relief that the BOA considers appropriate.

### **XIII. Witnesses**

84. Witnesses that can attest to certain aspects of this grievance are as follows:  
Jarryd Powell, Chair, Marion County Democratic Executive Committee  
Aryanna Islam, former national committeewoman to the YDA  
Delegate Joey Garcia, member, WV House of Delegates  
Ariana Velasques Strider, former Executive Director of WVYD, current YDA member  
Adam Strider, former WVYD Executive Committee member

### **XIV. List of Exhibits**

Exhibits linked in document and below

[Exhibit A - 12.10.2022 YDA Charter\\_ Standing Rules\\_ Call.pdf](#)  
[Exhibit B - WVYD State Constitution](#)  
[Exhibit C - 05.13.2023 WVDP Bylaws.pdf](#)  
[Exhibit D - DNC Charter & Bylaws 09.10.1022.pdf](#)  
[Exhibit E - Six Basic Elements of an Open Party.pdf](#)  
[Exhibit F1 - 12.07.2023 Gmail - WVYD Meeting & 2024 Org Plans](#)  
[Exhibit F2 - 2021 WVYD Convention graphic.png](#)  
[Exhibit G - 02.07.2022 GroupMe.png](#)  
[Exhibit H - 02.18.2022 GroupMe thread.png](#)  
[Exhibit I - 06.10.2022 GroupMe thread](#)  
[Exhibit J - 08.01.2022 GroupMe thread](#)  
[Exhibit K - 2022NOV19 New Young Dems President.pdf](#)  
[Exhibit K2 - 2023NOV7 VAN Access - WVDP Request for Information.pdf](#)  
[Exhibit K3 - Gmail - Seeking Clarification on WV Young Democrats \(1\).pdf](#)  
[Exhibit L - 05.23.2023 GroupMe thread](#)  
[Exhibit M - 2023SEP29 WVDP Mail - WVYD Charter information.pdf](#)  
[Exhibit N - 11.07.2023 WVYD Meeting notice email](#)  
[Exhibit O - WVYD agenda for dec 9 mtg](#)  
[Exhibit P – WVYD Facebook](#)  
[Exhibit Q – WVYD X \(formerly Twitter\)](#)

[Exhibit R – WVYD TikTok](#)

[Exhibit S - 12.09.2023 WVDP Event calendar](#)

[Exhibit T – WVYD website](#)

[Exhibit T2 - 2023DEC9 WVDP Mail Pushkin - Request for recording of WVYD call from 12\\_9\\_23.pdf](#)

[Exhibit V - 2023NOV7 VAN Access - 10-42 response - WVYD Hively response.pdf](#)

[Exhibit W - WVYD Chart showing when Chartered and having a legitimate President](#)

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