

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

G. Matt Johnson and)	
Lora Hubbel)	#18-4108
Plaintiff's)	
vs.)	Intervenor's Response
)	To Plaintiff's Motion For
Bartlett, in his official capacity as)	An Order
Secretary of State,)	
Defendant)	
vs.)	
)	
Dr. Terry Lee LaFleur, in his official capacity as)	
Constitution Party of South Dakota)	
Candidate for Governor,)	
Intervenor.)	

COMES NOW, THE INTERVENOR, Dr. Terry Lee LaFleur, Attorney Pro Se, and for his Response,
joins the Defendant Steven Barnett, in his motion to dismiss this cause action in 18-4108, for the
following reasons:

1. That on February 2, 2017, Lora Hubbel did by express written notice, filed with the sitting Treasurer of the Constitution Party of South Dakota (i.e. the CPSD) Ms. Lori Stacey, duly elected as Treasurer on July 11, 2016, for a term of Four years, received and accepted a letter of resignation from Ms. Hubbel and therein acted upon it in accordance with the CPSD By-Laws and state statute, gave notice, advising Mr. Joel Bergan that in accordance with Robert's Rules, Joel was then the new Central Committee Chairman of the CPSD. Joel Bergan rejected his right to CPSD Chairman. **See Attachments.**
2. Ms. Hubbel not only resigned as Chairman of the CPSD, but Hubbel changed Party status and rejoined the Republican Party as a candidate for Governor, and contemporaneously as a candidate for

Senator, and Hubbel participated in the June 5, 2018 Primary. Hubbel failed to be nominated as a candidate for her District Senate seat.

3. That on July 12, 2018, Lora Hubbel returned to the CPSD and impersonated herself as the Chairman of the Central Committee of the CPSD in a failed attempt to retake her position previously resigned from. Hubbel lied to nearly everyone that she had in fact not resigned as Chairman of the CPSD, but the record irrefutably proves otherwise. **Count One -Election Fraud.**

4. Ms. Lori Stacey caused to be filed documents in compliance with SDCL §§ 12-27-6 Statement of Organization and a Writing in accordance with 12-5-14 giving actual notice to Shantel Krebs, the then sitting Secretary of State, that Ms. Hubbel had resigned in writing, and that Joel Bergan had appointed her Interim Chairman pending the 2020 elections. These documents substantially complied with SDCL Codified Election Laws and were filed and received by Shantel Krebs on or before February 6, 2017. **See Attachments.**

5. Then on July 13, 2018, Lora Hubbel caused to be filed a calling for a Convention to be held on August 14, 2018. Ms. Hubbel called this Convention as the “Chairman of the South Dakota Constitution Party” a named political party that doesn’t exist anywhere in the State of SD. **Count Two – Election Fraud. See Attachments.**

6. On July 15, 2018, Ms. Lori Stacey caused to be filed a calling for a Convention to be held in substantial compliance with SDCL § 12-5-17. Biennial state convention—Time and place—Notice to secretary of state. Each political party shall hold a state convention in each even-numbered year in which they are necessary for the purposes of § 12-5-21. The time and place of holding such convention shall be determined by the State Central Committee of each political party, the chairman of which shall notify the secretary of state at least thirty days previous to the date so chosen. **See Attachment.**

7. That Ms. Lori Stacey then caused to be filed a Publication in the Argus Leader on July 31, 2018, in substantial compliance with SDCL § 17-2-2.1.

CUSTOMER NUMBER:	6054003568	Argus Leader <small>P.O. Box 67720, Sioux Falls, SD 57107-0720</small>
INVOICE NUMBER:	3067153	
ISSUE DATE:	7/31, 2018	
		AMOUNT DUE \$24.16 pd.

CONSTITUTION PARTY OF SOUTH DAKOTA
C/O MRS. GUNN
5906 PARAKEET PLACE
SIOUX FALLS, SD 57107

AFFIDAVIT OF PUBLICATION:

Customer Number: 6054003568
Invoice Number: 3067153

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA

Sara Kruse being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-2.1, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Tuesday, the 31 day of July, 2018.
the day of 2018.
the day of 2018.
the day of 2018.
the day of 2018.
the day of 2018.

and that \$24.16 pd. was charged for publishing the same.

Sara Kruse
Subscribed and sworn to before me

7/31/18
Betty Gates
Notary Public, South Dakota

My Commission expires March 11, 2022



Notice of Intended Filing of
Certificate of the Constitution
Party of South Dakota
All CP members and the
party treasurer must file
this form and on August 14
1999 of the Secretary has
the CP State Annual
Meeting of 1999.
There is no charge to af-
firm. Copies should be sent
to: sdsdcp@state.sd.us
or
At the time of filing the CP
state committee will not be
allowed to attend. Any
information obtained is re-
lated to the matter will be
completely reported and
used.
File: 17-2-2.1, Constitution
Party of South Dakota, the
certification by any candidate
or candidate committee.
BETTY July 31, 2018

8. Ms. Lori Stacey is authorized as necessary by the CPSD By-Laws and State statute in the best interest of the CPSD. See CPSD By-Laws § D(2)(f). **See Attachments.**

9. Sometime between July 21, 2018 and September 27, 2018, Ms. Hubbel fraudulently identified Joel Bergan as still being the Chairman of the CPSD. This on and off pattern continues even until today. During the Preliminary hearing on September 27, 2018, Ms. Hubbel admitted for the first time publicly, that she had in fact resigned on February 2, 2017 which made her claims as Chairman Moot; Hubbel has again proffered a lie on this Court, when she lied to the Court and claimed that the date on Joel Bergan's letter of resignation was a typo. Ms. Hubbel has committed yet another felony crime identified under SDCL § 22-39-36. Forgery--Felony. Any person who, with intent to defraud, falsely makes, completes, or alters a written instrument of any kind, or passes any forged instrument of any kind is guilty of forgery. Forgery is a Class 5 felony. Hubbel committed the crime of forgery when she falsely claimed Joel's letter of resignation was dated incorrectly. And that the true date of his resignation was August 21, 2018. This was offered into evidence orally at the September 27, 2018 Preliminary hearing.

What this lie accomplished for Ms. Hubbel is not clear, but it is definitely fraud. In a secretly recorded meeting between Mike Gunn, and Joel & Paula Bergan, Joel was very adamant and very upset because Lora Hubbel and Gordon Howie failed to file his letter of resignation shortly after he submitted it on July 21, 2018. Ms. Hubbel had to keep Joel on the hook, so to speak, because Joel Bergan certified the Hubbel/Valaski (SIC) ticket to Shantel Krebs, the previous Secretary of State.

If Joel Bergan resigned on July 21, 2018, as he claims, rather than August 21, 2018, the Hubbel/Johnson lawsuit would be Moot and should be dismissed because Joel certified their ticket illegally; wherefore, Hubbel/Johnson have no standing to bring this cause of action whatsoever.

10. The Intervenor has repeatedly requested a hearing be held, so that the Intervenor can play the recording to the Court. Once this recording is made part of the case files, the 18-4108 lawsuit is over.

11. Ms. Hubbel is not only guilty of Forgery-Fraud, but she and other defendants are guilty of Perjury, Conspiracy to Commit an Illegal Act, Attempted Bribery, Extortion and Solicitation among other offenses. The Intervenor respectfully hopes that criminal charges will be brought eventually against those defendants involved in the coup d'état.


WHEREFORE:

The Intervenor respectfully joins the defendant, Steven Barnett, in his motion to dismiss civil case number 18-4108 for all the reasons stated above.

The Intervenor respectfully requests a hearing to be held, wherein, the Intervenor can play the one hour and fifteen-minute recorded meeting between Mike Gunn and Joel & Paula Bergan in its entirety.

The Intervenor requests costs to be accessed to the Plaintiffs Hubbel and Johnson accordingly.

Respectfully Submitted,

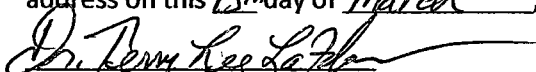

Dr. Terry Lee LaFleur
4601 E. Clark St. Apt. 8
Sioux Falls, SD 57110
Attorney Pro Se
(605) 413-0274

PROOF OF SERVICE

The undersigned certifies that a true copy of the foregoing was served

X Via US Mail postage Prepaid

on each party or their Attorney at their last known address on this 15th day of March, 2019.


Dr. Terry Lee LaFleur

Copy to:

Attorney General Jason Ravnsborg
1302 E. Hwy 14, Ste. 1
Pierre, South Dakota 57501
Attorney for Respondent Barnett

Steven Bartlett
500 E. Capital Ave. Ste. 204
Pierre, South Dakota 57501

Matt Johnson
204 S. 7th Ave.
Brandon, South Dakota 57005

Lora Hubbel
4605 W. Graceland Ct.
Sioux Falls, South Dakota 57106

Feb 2, 2017

From: Lora Hubbel, Past Chair of Constitution Party

RE: Vice Chair to receive Chair duties

To South Dakota Constitution Party Board Members:

I, Lora Hubbel, resign my chairmanship and wish to announce to those concerned that Vice Chair, Joel Bergan is next in line to serve in the Chair position,

Sincerely,

Lora Hubbel

Lora Hubbel, 605-521-9504,

Great American Homes

510 W 24th St, Ste 2, Sioux Falls, SD 57106

From: Lori Stacey [mailto:sdakotacpa@yahoo.com]

Sent: Sunday, February 05, 2017 4:39 PM

To: Schmidt, Rachel

Subject: Re: YEAR-END Campaign Finance Report due by February 6, 2017 5PM

Rachel,

I was having difficulties getting into the online campaign finance system. I will be scanning and emailing both committee reports as I normally do but here are the leadership changes for the party and a change of address.

Constitution Party of South Dakota
48106 Spring Valley Place
Brandon, SD 57005

Dear Secretary Krebs,

Lora Hubbel has decided to step down as State Chairman.

The State Central Committee met on Thursday evening, February 2, 2017 to fill vacancies due to State Chairman's resignation. The new and current party officers are as following:

Statement of Organization

SDCL 12-27-6

The Treasurer for a political action committee shall file a statement of organization not later than 15 days after the date upon which the committee made contributions, received contributions, or paid expenses in excess of \$500.00. However, if such activity falls within 30 days of any statewide election, the statement of organization shall be filed within 48 hours. A candidate shall file a statement of organization for a candidate campaign committee not later than 15 days after becoming a candidate (**SDCL 12-27-3**).

If you are intending to file with your local jurisdiction (county, school or municipality: candidate, ballot question committees and PACs) contact your local election official for the required form.

If you are submitting this Statement to the Secretary of State's office choose a **Committee Type** below.

Committee Type (you must select one):

<input type="checkbox"/> Auxiliary Political Parties	<input checked="" type="checkbox"/> Statewide Political Parties	<input type="checkbox"/> Statewide Political Action Committee (PAC)
<input type="checkbox"/> County Political Parties	<input type="checkbox"/> Statewide Ballot Question Committees	<input type="checkbox"/> Statewide Candidate Committees
<input type="checkbox"/> Legislative Committees		

Committee Information

(ALL fields required unless indicated otherwise, please print):

→ only ONE candidate campaign committee may be organized for each candidate (**SDCL 12-27-1 (3)**) ←

Full Name of Committee Constitution Party Of South Dakota

If you are a **Candidate**, list your name below as it appears on your nominating petition and the office you are seeking.

Candidate Name N/A

Office Sought N/A

Street Address 48106 Spring Valley Place, Brandon, SD 57005

Postal Address Same as Street Address

Committee website address (optional) www.constitutionpartysd.org

Chair (Candidate can serve as Chair of their Committee)

Name Lori Stacey

Daytime Telephone Number (605) 400-3568

Evening Telephone Number (605) 400-3568

Street Address 1508 Russell Street, #307, Sioux Falls, SD 57104

Postal Address PO Box 88041, Sioux Falls, SD 57109

Email Address info@constitutionpartysd.org

☒ Check this box if **Chair is also serving as Treasurer**. If the same, you are not required to fill out Treasurer fields below.

* the Treasurer is responsible for all campaign finance reports and forms; letters and notices, sent by the Secretary of State's office, will go to the Treasurer only.

Treasurer*

Name _____ **Evening Telephone Number** _____

Daytime Telephone Number _____

Street Address _____

Postal Address _____

Email Address _____

Political Action or Ballot Question Committees: you must list the full name, street address and postal address of the organization with which the committee is connected or affiliated. **OR** if the committee is not connected or affiliated with any one organization, state the trade, profession, or primary interest of the committee.

Name of Affiliated Organization N/A

Statement of Purpose or Goals N/A

Street Address N/A

Postal Address N/A

Trade, Profession, or Primary Interest of Committee N/A

If you are a **Ballot Question Committee**, indicate which measure the committee was involved with during the reporting period and whether the measure was supported or opposed.

Ballot Measure Number: N/A

☐

Support

☐

Oppose

Verification below must be SIGNED BEFORE SUBMITTING this Statement

This statement shall be signed by the candidate and treasurer for a candidate committee and by the chair and treasurer for other political committees. The treasurer of a political committee shall file and updated statement of organization not later than fifteen days after ANY change in the information contained on this statement.

I Lori Stacey

(Treasurer)

I Lori Stacey

(Chair)

certify that I have examined this report and to the best of my knowledge and believe it is true, correct and complete. I also understand that failure to timely file any statement, amendment, or correction required subjects the Treasurer responsible for filing to an administrative penalty of ten dollars (county political parties only) or fifty dollars per day for each day that the statement remains delinquent (SDCL 12-27-29.1).

Date: Feb 6 2017 3:55PM

Document submitted electronically by Lori Stacey
Signature of Treasurer

Date: Feb 6 2017 3:55PM

Document submitted electronically by Lori Stacey
Signature of Chair

Date/Time Received: Feb 6 2017 3:55PM

Date/Time Filed: Feb 6 2017 3:55PM

Rachel Schmidt
Election Coordinator
Office of Secretary of State
500 East Capitol Ave., Ste. 204
Pierre, SD 57501
Phone 605.773.5007 / Fax 605.773.6580
Email: Rachel.Schmidt@state.sd.us
Website:

This E-mail (including any attachments) is covered by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521, as confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply to the sender that you received the message in error, then delete it. Thank you.

From: Lori Stacey []

Sent: Friday, February 03, 2017 4:11 PM

To: Schmidt, Rachel

Subject: Re: YEAR-END Campaign Finance Report due by February 6, 2017 5PM

Rachel,

We just had some changes in party leadership. Can that be updated online or does it still need to be done by letter?

Joel Bergan will remain State Party Vice-Chairman.
Kurt Evans has become the new State Party Secretary.
Lori Stacey will resume duties as State Party Chairman and remain Treasurer.

Thank you,

Lori Stacey
State Chairman
Constitution Party of South Dakota

On Wednesday, February 1, 2017 11:50 AM, "Schmidt, Rachel" <Rachel.Schmidt@state.sd.us> wrote:

Reminder, the Year-End report is due by 5:00pm CT on February 6, 2017. The report must be received by our office by 5:00 pm no matter how it was sent. If you are receiving this email reminder, you have a report due.

Our office still has over 250 committees left to file, do not wait until the last minute to file. If you wait until the last minute with questions and filing your report, we cannot guarantee responding right away.

If you file by paper, call to confirm that our office has received your report. If you file online, you will receive a confirmation email that it has been approved or returned for revisions.

From: Schmidt, Rachel

Sent: Tuesday, January 24, 2017 8:39 AM

Cc: SD Campaign Finance Reporting System

Subject: FW: YEAR-END Campaign Finance Report due by February 6, 2017 5PM

----- Forwarded Message -----

From: "info@constitutionpartysd.org" <info@constitutionpartysd.org>
To: "loriforsos@yahoo.com" <loriforsos@yahoo.com>
Sent: Tue, Jan 8, 2019 at 10:12 PM
Subject: [FWD: Statement of Organization Approved]

----- Original Message -----

Subject: Statement of Organization Approved
From: "South Dakota Campaign Finance Reporting System" <cfrr@state.sd.us>
Date: Mon, February 06, 2017 3:00 pm
To: info@constitutionpartysd.org
Cc: cfrr@state.sd.us

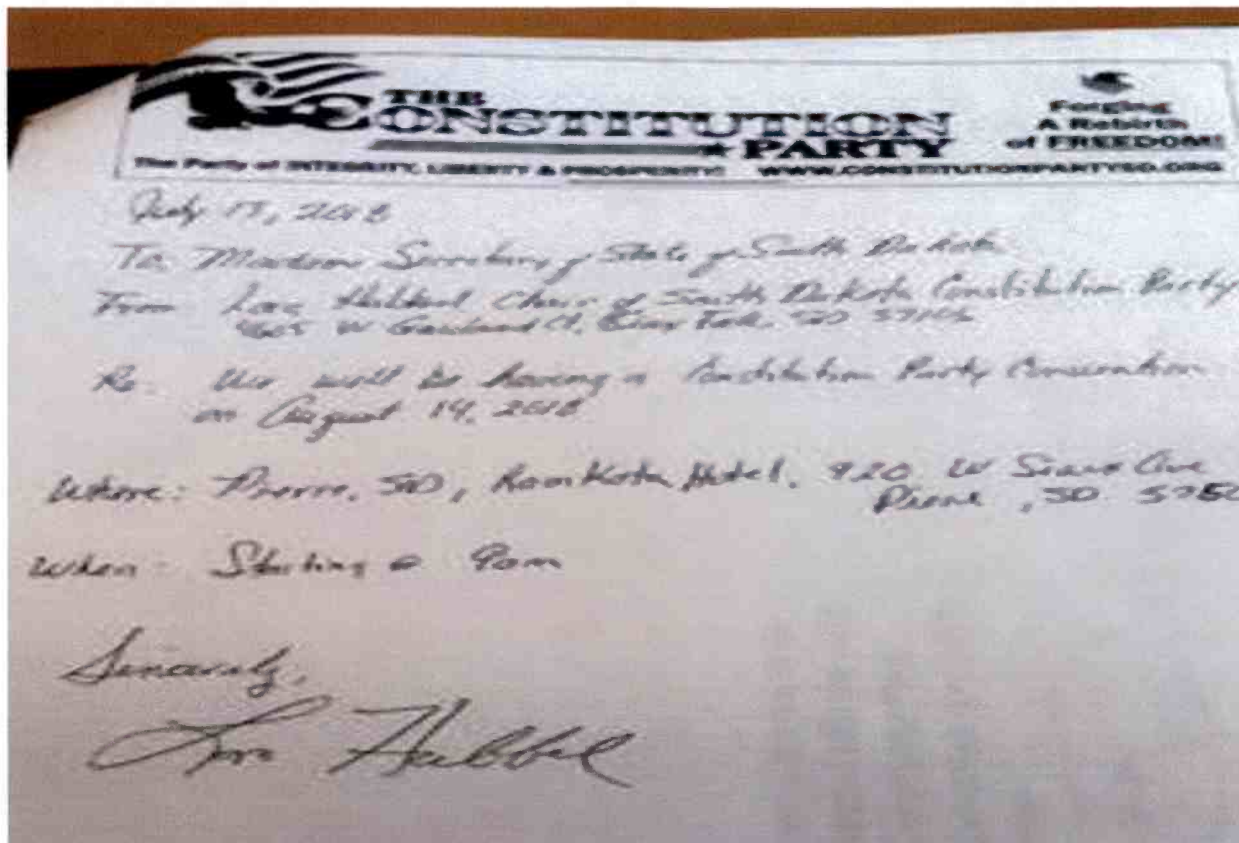
Hello,

We are pleased to inform you that your most recently submitted Statement of Organization has been approved by the South Dakota Secretary of State's office. It will now be publicly viewable, and is considered to be the most up-to-date record of your committee.

If any information on this document changes, such as an address or the name of a committee officer, please edit and resubmit it. At that time, it will need to go through the approval process again.

Thank You!

Shantel Krebs
South Dakota Secretary of State



Section D: Duties

1. **State Central Committee:**

a. The State Central Committee shall formulate and provide for the execution of such policies, plans, and measures as it may deem conducive to the best interests of the CPSD, and in conformity with the State Party By-Laws.

b. It shall call all regular and special State Conventions and make arrangements therefore, including the basis of representation, the time, place and manner.

2. **State Chairman:**

a. The State Chairman shall be the chief executive officer of the Party and Chairman of the State Central Committee.

b. The State Chairman shall issue the call for Statewide Conventions and shall preside at all meetings of the CPSD.

c. The State Chairman shall observe and enforce the by-laws and rules of the CPSD.

d. The State Chairman shall appoint necessary staff members to all standing and special committees.

e. The State Chairman shall be ex officio a member of all committees on State or County levels.

f. The State Chairman shall act as necessary to promote the functions of the CPSD.

Dr. Terry L
4601 E. Clark
Sioux Falls, SD 57110



STIOUX FALLS SD 57104

FRI 15 MAR 2019 PM

Federal Court Clerk
400 S. Phillips Ave.
Sioux Falls, SD 57104

X-RAYED BY
SOUTH DAKOTA
CSO

X-RAYED BY
SOUTH DAKOTA
CSO