
Subject: [Ext] Complaints re ICANN org / GNSO EPDP Leadership / [REDACTED]

Date: Friday, November 16, 2018 at 2:26:57 PM Pacific Standard Time

From: John Poole

To: ICANN Complaints Office

Krista:

Pursuant to Herb Waye's email today (Nov 16), I am forwarding to you the relevant excerpts from my previous 3 emails to him in order to "bring you up to speed." Please review and contact me with any questions, next steps, or discussion of the issues that might be helpful in resolving this. Enjoy your weekend!--John Poole

1st followup email to Herb on Nov 13 (edited):

As I said in my prior email, I immediately took offense to her patently false statement in her first email responding to my inquiry, particularly in the context of my past experience with ICANN org (management and staff), and responded, I thought, appropriately and correctly, pointing out that I knew her statement was on its face false (a "lie"), and even giving her a link to a prior EPDP small team meeting showing that until Nov 12, EPDP small team meetings were open to observers and alternates.

I have closely observed this EPDP since the beginning and have attended, as an observer, almost every EPDP meeting (full and small) other than Nov 12. Why my interest? 1. I am a domain name registrant directly impacted by the outcome of this EPDP; 2. I write a blog DomainMondo.com with an audience geared to technology and internet issues, with a weekly "News Review" (dateline Sundays CET), focused predominantly on ICANN issues including, lately, this EPDP.

In context of what occurred yesterday (Nov 12), earlier in this EPDP, the EPDP working group and staff were successful in having an Adobe Connect for observers and alternates established, since no one except select ICANN staff, EPDP leadership, and EPDP team members (or their alternates substituting for them for that meeting only) are allowed in the regular Adobe Connect meeting room.

Normally most ICANN Policy Development Processes (PDP) are open to participation by anyone. This EPDP is different. The EPDP was intentionally, and with some controversy within the GNSO Council, restricted in the number of participants, all of whom are specifically designated, as provided in the Charter, per specific SO/ACs. The rules are so strict that when a regular EPDP member cannot attend a meeting and designates an alternate, that regular EPDP member loses all posting rights to the EPDP mail list and cannot attend the regular Adobe Connect room for that meeting, but can attend the Adobe Connect specifically set up for Observers and Alternates which has no Chat functions, speaking functions, etc., only viewing and listening.

From my perspective, to suddenly, without any posted announcement or explanation, close all EPDP small team meetings to observers and alternates, effective Nov 12, is a serious breach of the ICANN articles and bylaws, taints the whole EPDP process, and sets a terrible precedent for future EPDPs. Remember, this is the first EPDP in ICANN's history. If I just "let this pass," next time there is an EPDP, what's to stop ICANN management, ICANN staff, or EPDP leadership, from closing all the EPDP meetings by having "small teams" do all the work, citing this example as precedent? I know of at least one ongoing regular GNSO PDP that has essentially broken up most of its work into 5 small teams (but anyone can participate). After yesterday, what's to stop [REDACTED] from essentially adopting that model of small teams doing the majority of the work, and in that way, essentially shut out everyone from even observing? Is this what ICANN is all about?

Transcripts are full of errors, I know because I read lots of them. Recordings sometimes have glitches or are hard to understand. Neither are an equal substitute for LIVE observation.

As I noted in another email late yesterday to third parties, ICANN and the GNSO each need to decide whether they will follow the articles and bylaws, be open, transparent, and accountable, or just become closed societies of special interests acting at the whims of management, staff, or the "special" members of the "ICANN community" a/k/a "ICANN insiders." If you haven't noticed [REDACTED] are what I consider "ICANN insiders." They aren't alone

ICANN insiders. If you haven't noticed, [REDACTED] are what I consider ICANN insiders. They aren't alone, there's probably about 150-200 people total, who to one degree or another, are "ICANN insiders" at any given time.

As to past history, I have no interest in sending you on a "wild goose chase" running down all the incidents, some dating to the era of Fadi Chehade. Most recently, I did have a run-in with [REDACTED] [REDACTED] co-worker on the EPDP, about a malformed hyperlink to an EPDP adobe recording that she (Terri) repeatedly denied there was a "problem" but eventually corrected. That matter is closed as far as I am concerned but it may help provide context for you--the ICANN Complaints Officer has all the details and can fill you in.

Let's keep "the main thing the main thing." As I see it, there is the overriding issue of closing EPDP small team meetings to observers and alternates. Who made that decision, why did they make that decision, who was consulted, is that decision a standing order from Nov 12 to the end of the EPDP? Why wasn't there an announcement, notice, or discussion before the decision was made? Why were links for observers and alternates posted on the wiki meeting page for Nov 12, and removed after I inquired, without any notice posted that the Nov 12 meeting was a "closed meeting" to observers and alternates? How are those actions, omissions, and decisions, in compliance with the 'letter and spirit' of the ICANN articles of incorporation, bylaws, or rules applicable to the GNSO, any PDP, or specifically this EPDP?

The secondary issue is [REDACTED] lying to me. I don't appreciate being treated that way by anyone. It is demeaning and disrespectful. My perception and experience is that it is common practice within ICANN org, from top to bottom. I don't like it, and as they say in the Ozarks, "I don't take kindly to it."

I will let you digest the above, confer with the ICANN Complaints Officer, the EPDP leadership, and whomever. You may then have additional information that will help guide our next steps.--end of first email--

2nd & 3rd emails to Herb combined (in edited format):

"Yesterday's small team call was extremely important"---

Herb: The below [REDACTED] link will give you additional factual context re: closing the small group meeting Monday Nov 12 (w/o notice) to alternates and observers--one thing I forgot to tell you is that [REDACTED] and EPDP member, told me last night she was on yesterday's (Nov 12) meeting ("call") early, and stayed for the full meeting, and at no time did anyone mention or disclose that the meeting had been closed by ICANN staff and/or EPDP leadership to Observers and Alternates. In fact, [REDACTED] was completely unaware of what ICANN staff and/or EPDP leadership had done until I informed her. One would think EPDP Leadership and/or ICANN staff would at least have the courtesy to inform an ICANN Stakeholder Group Chair of what they were up to! --John Poole

"Yesterday's small team call was extremely important"---

LINK to the original email from Stephanie Perrin at <https://mm.icann.org/pipermail/gnso-epdp-team/2018-November/000844.html>