MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: January 25, 2019

RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO A DECEMBER CHALLENGE FILED BY MR. BEZIS

INTRODUCTION:

On December 12, 2018, Mr. Jason Bezis submitted a challenge to the CRC relating to a meeting of the Democratic Party of Contra Costa County (DPCCC) held on December 5, 2018.

Mr. Bezis alleges:
1. The meeting violates the open meeting policy of the CDP due to the fact that the meeting is held in a location inaccessible to public transportation;
2. Unfairness by being denied access to the DPCCC’s Facebook page.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

Documents received and reviewed by the CRC associated with the challenge included the following:
1. Challenge by Mr. Bezis submitted on December 12, 2018.
3. DPCCC Bylaws
4. CDP Bylaws

TIMELINESS:

According to CDP Bylaws, Article XII, Section 4:

“All challenges must be commenced by the filing of a written challenge with the Secretary of This Committee, with copies served on the Chair of This Committee, as well as the appointing person, and the chair of the relevant organization, where applicable no later than seven (7) calendar days after the alleged violation occurred. Upon a showing of good cause, sustained by unanimous vote, the Compliance Review Commission may waive this requirement.”

(All By-Law references are to the California Democratic Party Bylaws, as amended through November 2018, unless otherwise indicated.)
The challenge filed by Mr. Bezis was submitted on December 12, 2018, which is within seven (7) days of the meeting held on December 5, 2018, thus the challenge is timely, unless otherwise noted below.

**STANDING:**

According to Article XII, Section 3:

“Any party to a challenge must be adversely affected to bring the challenge.”

Mr. Bezis is a member of the DPCCC and thus could be adversely affected by any actions taken.

**JURISDICTION**

Article XII, Section 2a states:

“The Compliance Review Commission shall have initial jurisdiction over all challenges and/or appeals arising under these Bylaws.”

The CRC has jurisdiction under article XIII (General Policies) unless otherwise noted below.

**FINDINGS:**

The CRC decision in Mr. Bezis’ November challenge addressed the allegations made in this challenge and are copied verbatim below.

**CRC November Bezis Decision**

**First Allegation:** The meeting violates the open meeting policy of the CDP due to the fact that the meeting is held in a location inaccessible to public transportation.

CDP’s Open Meeting Policy states,

“In contrast, the principle of accessibility does not necessarily mean that a Democratic Party organization must provide for telephonic participation or meeting times only when public transportation is available as these types of accommodations carry with them financial, practical and other burdens—or changes in the fundamental character of the proceeding—that must be evaluated. As a result of that evaluation, it will often be the case that certain accommodations are reasonable while others are not.”

The CRC finds the DPCCC is not in violation of the CDP’s Open Meeting Policy in choosing their meeting location.
**Second Allegation:** DPCCC continues to bar Mr. Bezis from the Facebook discussion group.

The CRC does not find jurisdiction nor is the challenge on this specific allegation timely since he was removed from the group in May 2018.

**ORDER:**

Based upon the above facts and Bylaws of the CDP, the CRC makes the following Orders:

1) As the CRC November Bezis Decision states, “The CRC denies Mr. Bezis on all challenges as noted above.”

Appeal of this order, if any, must be filed with the CDP Secretary, with copies to the Chair of the CDP State Central Committee, within twelve days of the date of this decision. (Article XII, section 6(a).) Thus, any appeal must be filed on or before February 6, 2019 with the Sacramento office of the California Democratic Party, and shall be an appeal to the next meeting of CDP Rules Committee upon conclusion of the response period.

Please note that per CDP Bylaws, Article XII, Section 7b, the filing of an appeal shall not stay any decision of the CRC. Parties may additionally respond in person, if so desired, provided there has been a timely filing of an appeal and notice of intent to testify is provided in writing to the Lead Chair of the Rules Committee by 5 PM on February 18, 2019, at the Sacramento office of the California Democratic Party. The Rules Committee may accept such additional testimony, written or oral, considering the nature and import thereof, as well as the time available for its proper consideration, as it deems appropriate, in its discretion.

Accordingly, this decision is so ordered, and is in effect, unless, and until, a successful appeal is made, decided, and contrary orders made whether by the CRC, or by the Rules Committee. CRC shall retain jurisdiction up until the time of an appeal, if any, is heard by the Rules Committee.

Respectfully submitted by a 6-0 vote of the members of the CRC. Member Laramendi did not participate in the meeting, but concurs with the decision.

Coby King, Co-Chair, Rules Committee  
Lara Larramendi, Co-Lead Chair, Credentials Committee  
Garry S. Shay, Lead Chair, Rules Committee  
Keith Umemoto, Co-Chair, Credentials Committee  
Michael Wagaman, Lead Chair, Credentials Committee  
Laurence Zakson, Co-Chair, Rules Committee