INTRODUCTION:

On November 22, 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 November 15, 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. Insufficient notice was given in the adoption of the past ten (10) meeting minutes;
3. Jeff Koertzen serving as parliamentarian while he also speaks to motions and votes on issues in which he makes rulings is in violation of Robert’s Rules Newly Revised 11th ed., (hereinafter “RRONR”);
4. Insufficient notice in the charter of a club;
5. Improperly seating of club members;
6. John Hall has a conflict of interest serving in dual roles; and
7. 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 November 22, 2018.
2. Testimony in support submitted by Diddo Clark.
3. Late testimony in opposition submitted by Jeff Koertzen.
5. DPCCC Bylaws
6. 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 November 22, 2018, which is within seven (7) days of the meeting held on November 15, 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:

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 violation of the CDP’s Open Meeting Policy in choosing their meeting location.

**Second allegation:** Insufficient notice was given in the adoption of the past ten (10) meeting minutes;

DPCCC Bylaws, Article IV, Section 2.c. states,

“As a Level 2 notification, agendas and minutes of the previous Regular Meeting, should be distributed to members at least ten (10) days before each Regular Meeting. ”

DPCCC Bylaws, Article IV, Section 7.b.2. states,

“Level 2 notifications are those that should be sent in a timely manner. Failure to send a Level 2 notification in the timeline defined, however, does not postpone the event or issue being addressed.”

The CRC finds the DPCCC Bylaws are clear in stating the previous agenda and meeting minutes should be distributed ten (10) days in advance. However, the by-laws clearly provide that for minutes a lack of full notice does not postpone their consideration. Thus, the adoption of the ten (10) sets of meeting minutes at the November 15, 2018 Meeting was not in violation.

**Third allegation:** Jeff Koertzen serving as parliamentarian while he also speaks to motions and votes on issues in which he makes rulings is in violation of Robert’s Rules Newly Revised 11th ed., (hereinafter “RRONR”);

The CRC does not find jurisdiction in this allegation, but notes the DPCCC should review the role of parliamentarian as RRONR 11th ed. Section 47 (page 467) provides clear guidance that the parliamentarian should not “make motions, participate in debate, or vote on any question except in the case of a ballot vote.” And unlike the chair, who may temporarily “step down” to participate, the parliamentarian may not do so.

**Fourth allegation:** Insufficient notice relating to the chartering of the Marsh Creek Democratic Club.

The DPCCC November 15, 2018 Agenda Item 6.c.i. states,

“The Development Committee Chair, John Hall: Approval of Club Voting Representatives.”

DPCCC Bylaws, Article IV, Section 7.b.2. states,

“Level 2 notifications are those that should be sent in a timely manner. Failure to send a Level 2 notification in the timeline defined, however, does not postpone the event or issue being addressed.”

The CRC finds the description of the agenda item 6.c.i. and the amendment to that agenda item as interpreted by the DPCCC membership appropriate in accordance with their Bylaws.
The CRC does encourage the DPCCC to take more care in listing their agenda items so as to not be so specific as to preclude a broader set of issues from being discussed.

**Fifth allegation:** Improperly seating of club members as voting delegates of the Marsh Creek Democratic Club.

The DPCCC November 15, 2018 Agenda Item 6.c.i. states, “Club Development Committee Chair, John Hall: Approval of Club Voting Representatives.”

The CRC finds the approval of the club voting delegates was noticed properly in the meeting agenda.

**Sixth Allegation:** John Hall has a conflict of interest serving in dual roles.

The CRC does not find any conflict of interest in John Hall serving dual roles within the DPCCC.

**Seventh 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 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