MEMORANDUM

TO: All Interested Parties
FROM: Compliance Review Commission (CRC)
DATE: March 11, 2019
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO A CHALLENGE FILED IN THE ASSEMBLY DISTRICT ELECTION MEETING (ADEM) IN ASSEMBLY DISTRICT 36

INTRODUCTION:

On January 28, 2019 Jonathan Ervin, a voter in the Assembly District Election Meeting (ADEM) for Assembly District 36, filed a challenge to the ADEM, which occurred on January 27, 2019. Specifically, Mr. Ervin alleges Darren Parker of harassing behavior and creating a hostile environment at the AD36 ADEM.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

Documents received and reviewed by the CRC associated with the challenge included the following:

2. Testimony submitted by Taisha Brown, Lourdes Everett, Roger La Plante, Diana Love, Suzann Reina, Mike Reves, Carol Robb, Chris Robles, and Cedric White.
3. 2019 ADEM Procedures
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. Ervin was submitted on January 28, 2019. The ADEM in AD36 occurred on January 27, 2019. The submission was within 7-days of the alleged incident, thus the CRC finds the challenge timely.

**STANDING:**

According to Article XII, Section 3:

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

Mr. Ervin was a voter and will be represented by those elected in the ADEM in AD36. The CRC finds Mr. Ervin has standing, as he would be adversely affected.

**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 finds it has no jurisdiction because the alleged actions of Mr. Parker do not violate any provisions of the Bylaws.

**FINDINGS:**

Mr. Ervin alleged, “My wife and I brought our children to our local 36th Assembly District election on Sunday. We were excited to see the growing enthusiasm by so many young people for our party. Unfortunately, as we were standing outside (aprx 2:30pm) after having cast our votes, Darren Parker, the Chair of the California Democratic Party’s African American Caucus and our regional director, refer to me in front of my children as a “House N-----” three times…Mr. Parker owes an apology to my children and my wife. Party leaders who use that type of hateful language have no place within our party and I think it’s time Darren step down from all positions and boards he serves on.

In 2017, in a decision regarding a challenge in the ADEM in AD47 and which applies in this case the CRC stated,

“In order to overturn an ADEM result, challengers must meet the standard which demonstrates in a quantifiable way that the conduct and/or actions complained of made a difference in the outcome that would not have been present absent that conduct and/or action. In the testimony submitted, there were a myriad of general allegations, however there was no specific quantifiable allegation, which would have resulted a different outcome. In the testimony submitted, there was none which proved that the actions of those involved were deliberately and purposefully biased, unfair or taken with ill intent. There was no evidence provided that an eligible
person was not allowed to vote, was turned away from voting, or due to the circumstances left without voting.

Accordingly, the CRC’s standards, as noted above, were not met in that there was no testimonial or documentary evidence that demonstrated in a quantifiable way that the conduct and/or actions complained of made a difference in the outcome that would not have been present absent that conduct and/or action.”

The challengers never provided any testimony, which demonstrated in a quantifiable way, that the conduct complained of made a difference in the voting results.

**ORDER:**

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

1) The CRC rejects the challenge, as the challengers failed to identify which of the Bylaws under the jurisdiction of the CRC were violated. The original voting results are affirmed.
2) The CRC notes that the challengers failed to achieve the standard necessary to invalidate an ADEM result.
3) The CRC notes that those involved in the leadership of the Party or the conduct of the ADEM itself are acting as a public face of the Party and should conduct themselves in a manner reflecting commitment to evenhanded discharge of that responsibility and our Party's values. Given this, the CRC finds the alleged statements attributed by the challenger to other participants in the process deeply disappointing and not reflective of our Party's values.

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 March 23, 2019 with the Sacramento office of the California Democratic Party, and shall be an appeal to the next meeting of CDP Credentials Committee upon conclusion of the response period.

Please note that per CDP Bylaws, Article XII, Section 6b, 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 Credentials Committee by 5 PM on April 4, 2019, at the Sacramento office of the California Democratic Party. The Credentials 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 Credentials Committee. CRC shall retain jurisdiction up until the time of an appeal, if any, is heard by the Credentials Committee.

Respectfully submitted by a 6-0 vote of the members of the CRC,
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