MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: October 6, 2018

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

INTRODUCTION:

On August 20, 2018 the Democratic Party of Orange County (DPOC) met and held endorsements for local races. For the Irvine City Council, the DPOC endorsed Ms. Farrah Kahn and Ms. Lauren Johnson-Norris and not Mr. Kev Abazajian who was also eligible for endorsement.

On August 23, 2018, Mr. Abazajian filed a challenge alleging the endorsement process of the DPOC was not properly conducted because “No Endorsement” was not included as an option for voters even though the body suspended the rules.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

2. Response submitted by DPOC Chair Fran Sdao on September 19, 2018.

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 July 2018, unless otherwise indicated.)
The challenge filed by Mr. Abazajian was submitted on August 23, 2018, three days after the endorsement occurred thus making the challenge timely.

**STANDING:**

According to Article XII, Section 3:

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

As a candidate for office who was seeking the endorsement of the DPOC, Mr. Abazajian has standing to bring this challenge.

**JURISDICTION:**

Article XII, Section 2a states:

“The Compliance Review Commission shall have initial jurisdiction over all challenges and/or appeals arising under Article II (Membership); Article VI (Assembly Districts and Assembly District Election Meetings); Article VII (Executive Board), Article VIII (Endorsements, etc.), Article X (Charters), Article XI (Special Group Caucuses) and Article XIII (General Policies). The Compliance Review Commission shall have jurisdiction to hear and decide any challenge that is initiated before the 42nd day prior to any meeting of This Committee or its Executive Board.”

The CRC does not have jurisdiction as the CDP’s Rules Committee has not approved the DPOC’s Bylaws and despite any provisions within the DPOC’s Bylaws the County’s endorsements are not the endorsements of the State Democratic Party and therefore Article VIII does not apply. Additionally, the challenger does not allege any violations under Article XIII.

**ORDER:**

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

1) The CRC does not have jurisdiction in this challenge for reasons mentioned above.
2) The CRC notes that the DPOC’s Bylaws should be amended to remove the language regarding the DPOC’s endorsements becoming the endorsements of the State Party.

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 October 18, 2018.
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 October 30, 2018, 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,

Kathy Bowler, Co-Chair, Rules Committee
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