MEMORANDUM

TO: All Interested Parties
FROM: Compliance Review Commission (CRC)
DATE: March 5, 2019
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO A CHALLENGE FILED BY NORMA ALCALA

INTRODUCTION:

On February 19, 2019, Norma Alcala, submitted a challenge concerning interactions with Acting Chair Alexandra “Alex” Gallardo-Rooker at a Sacramento Central Labor Council’s event held at the Veterans of Foreign Wars (VFW) Post 67 Hall on February 8, 2019 and at the California Democratic Party’s (CDP) headquarters on December 3, 2018. Additionally, Ms. Alcala requests to view security footage of the alleged incident that took place at CDP headquarters on December 3, 2018.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

2. Letter sent to the CDP Officers by Ms. Alcala on December 4, 2019.

JURISDICTION

Article XII, Section 2a states:

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

Ms. Alcala, in her complaint, does not identify any violations of Bylaws, but in fact affirmatively states the Bylaws don’t address the situation. Thus the CRC does not find any jurisdiction in this matter.

To the extent that Ms. Alcala purports to be renewing the complaint in her December 4, 2018, to the CDP Officers, this letter wasn't considered at the time to be a complaint because it was addressed to the officers and didn't mention any violation of the bylaws or appeal to the CRC or anything else to suggest that she was attempting to avail herself of CRC jurisdiction. Moreover, as stated above in connection with the February 19, 2019 renewal of that complaint, nothing on the face of the December 4, 2018, letter suggests any basis for CRC jurisdiction and the CRC finds that there is no such jurisdiction.
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 challenges filed by Mrs. Alcala were officially submitted on February 19, 2019, which does not appear to be within the seven (7) calendar days after the alleged violations occurred. Since the CRC lacks jurisdiction, timeliness did not have to be determined.

STANDING:

According to Article XII, Section 3:

“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.”

Standing did not have to be determined as the CRC lacked jurisdiction.

ORDER:

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

1) The CRC denies the challenges as a violation of CDP Bylaws has not been identified or alleged by the filer; therefore, jurisdiction could not be determined.

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 17, 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 Rules Committee by 5 PM on March 29, 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,

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