MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: October 24, 2018

RE: DECISION RELATING TO A CHALLENGE FILED BY MR. JASON BEZIS

INTRODUCTION:

On August 16, 2018 the Democratic Party of Contra Costa County adopted numerous Bylaw amendments. On August 23, 2018 Mr. Jason Bezis, a member of the DPCCC, filed a challenge regarding the adoption of Bylaw amendments. Mr. Bezis challenged the notice of the meeting as well as the substance of the Bylaw amendments.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

2. Mr. Bezis’ late response to the CRC’s request for information

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, 2017, unless otherwise indicated.)

The complaint by Mr. Bezis was submitted on August 23, 2018 within 7 days of the meeting where the Bylaw amendments were adopted, thus the challenge is timely.

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 thus he 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.”

In its initial review of the challenge, the CRC preliminarily found that its jurisdiction is limited to the notice requirements found in Article XIII (General Policies), Section 3 of which states:

“NOTICE OF AGENDAS AND MEETINGS
The time, place and agendas of all public meetings of the Democratic Party on all levels shall be publicized fully and in such manner as to assure timely notice to all interested persons. Such meetings must be held in places accessible to all Party members and large enough to accommodate all interested persons.”

Due to this preliminary finding, the CRC requested more information from Mr. Bezis.

REQUEST FOR INFORMATION:

The CRC met regarding this specific challenge on October 1, 2018. At this meeting, the CRC instructed State Party Staff to send a letter to the complainant, Mr. Bezis, seeking written documentary proof of the allegations as it relates to “notice”. The “Request for Information” was sent by State Party Staff on October 4, 2018 with a response deadline of 5pm, October 16, 2018, which provided Mr. Bezis, twelve (12) days to respond. Mr. Bezis responded at 5:12pm on October 18, 2018 which was not timely nor were the contents responsive to the request of the CRC.

ORDER:

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

1) The CRC denies the challenge based on lack of written documentary proof of the allegations made by Mr. Bezis.
2) The CRC notes that challengers should, to the extent possible, provide the CRC with such information and exhibits as will prove the allegations being asserted.

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 November 7, 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 November 19, 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