MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: April 5, 2019

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

INTRODUCTION:

On January 24, 2019, Mr. Jason Bezis submitted a challenge to the CRC relating to a meeting of the Democratic Party of Contra Costa County (DPCCC) held on January 17, 2019.

In the challenge, Mr. Bezis alleges:

1. The California Young Democrats (CYD) must have its statewide charter with the California Democratic Party (CDP) reviewed based on apparent improprieties during the June 2016 DPCCC election;
2. Amendments to the DPCCC bylaws were not approved by the CDP;
3. Contra Costa Young Democrats (CCYD) is not chartered by the DPCCC and so was improperly seated during the January 17 meeting;
4. Failure by the DPCCC to provide its members with a membership roster at the January 17 meeting.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

3. CCYD FPPC Form 460.
4. DPCCC Bylaws
5. 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 January 24, 2019, which is within seven (7) days of the meeting held on January 17, 2019, 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 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 CDP should review the chartering of CYD based on concerns of allegedly apparent improprieties during the June 2016 DPCCC election.

The CDP bylaws states:

“It shall be the duty of the Organizational Development Committee:

(3) to propose guidelines to the Rules Committee, for their consideration and approval, concerning the Chartering of Organizations under Article X of these bylaws; and,

(4) To recommend to the Executive Board the granting or rejection of applications for Charter of organizations under Article X of these bylaws pursuant to guidelines adopted by the Rules Committee. (Article V, Section 5 (i))
(1) The CRC finds that jurisdiction in the matter of statewide organization charters by the CDP lies with The Organizational Development Committee. Therefore, the CRC suggests referring this allegation to the Organizational Development Committee for review.

**Second allegation:** The DPCCC bylaws have not been approved by the CDP;

The CDP does not approve the bylaws of County Central Committees. Upon request, the Rules Committee will review County Bylaws for Compliance with CDP bylaws and general rules of fairness so that County “non-partisan” Endorsements may become the endorsement of the CDP. Please refer to CDP Bylaws Article VIII, Section 4.c. Based on this, the CRC does not find jurisdiction in this allegation.

**Third allegation:** Seating of a CCYD member on the DPCCC. The CRC separated the allegation into three specific issues;

(1) According to California Elections Code section 20201, CYD does not have independent chartering authority. As such, while the CYD can decide its own internal organization and the CCYD can register as a separate entity with the applicable government agencies for legal and reporting purposes (both of which appear to have occurred), the only recognized Charter held by the CCYD, for the purpose of this decision, is that granted by the DPCCC.

“It is unlawful for any person that includes in any part of its name the name of any political party that was qualified to participate in the last preceding primary election, to directly or indirectly solicit funds for any purpose whatsoever upon the representation either express or implied that the funds are being solicited for the use of that political unless that person shall have previously obtained the written consent of one of the following: a member of the national committee from California or the majority of the members of the national committee if there are more than two national committee members from California, chairman of the state central committee, executive committee of the state central committee, or executive committee of the county central committee of the party whose name is being used in the county in which the solicitation is to be made. If the county central committee of the party in that county does not have an executive committee, the written consent of the chairman and secretary of that county central committee is sufficient...” (CA Elections Code 20201)

The CRC finds that the DPCC can recognize CCYD as a separate entity from CYD, which it has done and which the CRC finds, based on the above information, was an appropriate exercise of its authority entitled to deference and affirmation here

(2) CCYD had the required twenty members in good standing at their time of charter with the DPCCC.

“...We officially chartered with well over twenty members.” -CCYD Vice President for External Affairs, Jonathan Bash.
The CRC finds that, based on the evidence submitted, CCYD has always had at least twenty members and so is currently chartered with the DPCCC.

(3) What does the DPCCC bylaws section relating to members from chartered organizations mean exactly, and does it extend to chapters of CYD?

"Chartered Organization Members are one member from each chartered organization within the county who is chosen by and serves at the pleasure of that organization according to their bylaws, is a Democrat registered to vote in Contra Costa County, is not already a voting member of the DPCCC, and is not otherwise ineligible to be a member of the DPCCC." (DPCCC Bylaws, Article III, Section 2e)

The DPCCC bylaws are not clear enough for the CRC to make a determination as to the meaning of this DPCCC bylaws provision, nor is it the position of the CRC to interpret the DPCCC bylaws on DPCCC’s behalf. The CRC does suggest that the DPCCC clarify this section of its bylaws to be better understood by its members.

**Fourth allegation:** Failure to advise DPCCC of its members.

Providing every member of the DPCCC with a membership roster could not be found as a mandatory action in the DPCCC Bylaws. This subject is not routinely considered when the Rules Committee looks at County Central Committee Bylaws. Therefore, the CRC does not find jurisdiction in this allegation.

**ORDER:**

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

1) The CRC denies the challenge made by Mr. Bezis, based on the absence of evidence, to the chartering of CCYD. The challenge to chartering having been rejected, the challenge to the entitlement of CCYD to inclusion in the DPCCC membership is also denied. The Bylaws of the DPCCC do not need to be approved by the CDP; The challenge that alleges the DPCCC must provide its members with a membership roster is likewise denied for lack of any evidence that the Bylaws contain such a mandate.

2) The CRC will forward the suggestion to review the CYD charter made by Mr. Bezis to the Organizational Development Committee.

3) The CRC suggests that the DPCCC revise its bylaws to be better understood by its members with regards to Chartered Organizations and DPCCC Membership.

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 April 17, 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 April 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