MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: October 24, 2018

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

INTRODUCTION:

On August 30, 2018 the DPCCC made endorsements in the race for Pinole City Council. The Democratic Party of Contra Costa County (DPCCC) endorsed 2 candidates for three seats. The endorsed candidates were Mr. Vince Salimi and Mr. Anthony Tave. There was a third candidate Ms. Maureen Toms who was not endorsed.

On September 6, 2018 Mr. Jason Bezis, a member of the DPCCC, filed a challenge relating to the DPCCC endorsement process for Pinole City Council. Mr. Bezis alleges the DPCCC:

• Failed to keep section 5 of candidate Maureen Toms’ questionnaire confidential,
• Failed to make available a paper copy of the candidate Tom’s questionnaire;
• Did not add candidate Tom’s name to the whiteboard until after an inquiry by Mr. Bezis;
• Neglected to add candidate Tom’s resume to the DPCCC Dropbox even though another candidate’s resume was loaded;
• Did not allow Ms. Toms to speak at the meeting even though Mr. Salimi and Mr. Tave did; and
• Allowed undue influence by the Firefighters’ union over the county committee and leadership of the county committee.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

1. Challenge by Mr. Bezis submitted on September 6, 2018
2. No other testimony was submitted.

TIMELINESS AND JURISDICTION:

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 challenge filed by Mr. Bezis was submitted on September 6, 2018 relating to an August 30, 2018 meeting, which is within seven (7) days and thus the challenge is timely. Due to jurisdiction issues cited below, timeliness does not apply to the specific issue of undo influence of the firefighters’ union over the DPCCC.

**STANDING:**

According to Article XII, Section 3:

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

Mr. Bezis, as a member of the DPCCC, has standing in 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.”

At the CDP’s July 2018 Executive Board meeting, the DPCCC’s Bylaws were approved by the Rules Committee, which means the endorsements made by the county committee became the endorsements of the State Party. However, the DPCCC’s Bylaws were amended at their August meeting, which would require the county committee to resubmit their Bylaws for approval by the Rules Committee. Thus in this specific challenge, the CRC lacks jurisdiction regarding local endorsement made by the DPCCC because they do not become the endorsements of the State Party, since their bylaws have not been approved by This Committee pursuant to Article VIII, Section 4.c. Additionally, the challenger didn’t allege any violations under Article XIII. The CRC notes that it does not have jurisdiction over organizations not within the purview of the State Party like the Firefighters’ union.

**ORDER:**

Based upon the above facts and Bylaws of the CDP and DPCCC, 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 DPCCC, if they want their endorsements to become the endorsement of the State Party, needs to resubmit their Bylaws for approval by the Rules Committee.

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