MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: Amended on September 22, 2018

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

Please note, the below decision was amended upon review of the CRC based on evidence previously submitted in this challenge. The amendments pertain to issue #4 and can be found in both the findings and the order.

INTRODUCTION:

On July 14, 2018 the Chicano Latino Caucus (CLC) unanimously adopted Bylaw amendments at its meeting during the California Democratic Party’s Executive Board.

On July 16, 2018, Mr. Chris Stampolis filed a challenge including four (4) different issues, which will be referenced by number in the following decision. The four issues are:

#1: March 11 Executive Committee meeting of the CLC where the challenger alleges amendments to the CLC Bylaws were adopted in violation of those Bylaws;
#2: Improper notice and adoption of Bylaw amendments at the July 14 Full CLC Meeting;
#3: Chair of CLC improperly holding office due to term limits; and
#4: Improper use of “California Democratic Party” by the Chicano Latino Movement California Democratic Party.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

1. Challenge submitted by Mr. Stampolis filed on July 16, 2018.
2. Response submitted by Chair Carlos Alcala on July 29, 2018.
3. Late testimony filed by Royce Kelley, Annette Gonzalez-Buttner, Chris Stampolis and Carlos Alcala

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. Stampolis was submitted on July 16. The actions of the March 11 and July 1 CLC Executive Committee were beyond seven (7) calendar days and no good cause was shown as to why the CRC should waive the seven (7) day requirement. The election of Chair occurred in 2017 and as such was beyond the seven (7) day requirement without a submission of good cause. Thus items #1 and #3 are not timely.

The CLC meeting where the Bylaw amendments were adopted by the full body occurred on July 14 which is within seven (7) calendar days of the submission and thus timely.

Finally, because the Chicano Latino Movement California Democratic Party still exists as a committee, the challenge regarding item #4 is deemed timely.

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.”

With regards to item #2, the CRC has jurisdiction under Article II (Membership), Article XI (Special Group Caucuses) and Article XIII (General Policies). Having previously granted Chartered status under Article X (Charters), This Committee maintains jurisdiction over actions and event occurring while that charter was in place, thus the CRC has jurisdiction under item #4.

**STANDING:**

According to Article XII, Section 3:

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

As a member of the CLC since March 30, Mr. Stampolis has standing to bring this challenge as it relates to items #2, but not to items #1 and #3 as he was not a member of the caucus at the time the events occurred. For item #4, as a member of This Committee, Mr. Stampolis has standing.
FINDINGS:

Challenger Stampolis alleges, with regards to item #2, that the Bylaw amendments were not properly noticed, as an email regarding the July 14 meeting wasn’t sent out until July 11, three days prior to the meeting. CLC Chair Alcala stated that the agenda and Bylaw amendments were posted on the CLC website 10 days prior to the meeting and the CLC Bylaws allows flexibility in terms of when caucus is required to send out notice. The CLC Bylaws state:

**CLC Bylaws, Article XI: Amendments to the Bylaws**

*Section 2: Whenever practical, the membership should receive proposed changes to these By--Laws, in writing, at least two (2) weeks before the meeting at which time they are considered.*

The CDP Open Meeting Policy defines notice as:

**Policy Statement By the Rules Committee of the California Democratic Party on the Open Meeting Rule**

*XIII General Policies, i.Notice*

*The Rules Committee notes that less than seven (7) days written notice by first class mail, or five (5) days personal notice, actually received and acknowledged, or five (5) days email notice if allowed by their bylaws is impermissible, except in emergency situations, in which case additional means of notice such as the telephone, hand delivery, or other similar means should be provided for and employed to the maximum extent practicable.*

According to the CDP Open Meeting Policy Statement above, posting proposed changes to the CLC bylaws to the CLC website 10 days prior to the meeting, as the CLC claims, is not sufficient in terms of notice. Additionally, emailing the information 3 days prior the a meeting is not sufficient notice and doesn’t fit the “whenever practical” rule since the Bylaw amendments that were adopted by the Executive Committee occurred on both March 11 and July 1. There was no reason provided for why it was practical to post the notice on the website on July 1, but was impractical to send out an email notice until July 11.

In item #4, the evidence shows that the Charter of the CLM was provisionally granted in June of 2016 and was extended for a period no later than the upcoming November E-Board. By mutual agreement of the CLM and the CDP, the CLM will not continue to pursue chartering and its provisional charter will lapse as of the upcoming November E-Board as reported by the Org. Dev. Committee and adopted at the July 2018 E-Board. The CRC notes a prohibition on use of "Democratic Party" would take effect at that time.

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1 The seven (7) day written notice policy has been the Open Meeting Rule Policy for more than a decade. Most recently this was section was amended to allow for five (5) days email notice, if allowed by an organization’s bylaws.
ORDER:

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

1) The CRC sustains the challenge filed by Mr. Stampolis on item #2 and finds any actions to approve the Bylaw amendments at the July 14 meeting to be null and void. The CRC recommends the CLC properly notice the Bylaw amendments for the November 2018 meeting.

2) The CRC finds that items #1 and #3 were not timely and good cause was not provided to waive the 7-day requirement.

3) Although the CRC did not find timeliness with respect to item #3, the CRC notes that the existing CLC Bylaws allow for the Chair to run for a third term.

4) The CRC dismisses the challenge filed by Mr. Stampolis on item #4 as the CLM was and is duly chartered by the CDP.

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 4, 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 16, 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