MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: February 13, 2017

RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO THE IMPERIAL COUNTY DEMOCRATIC CENTRAL COMMITTEE

INTRODUCTION:

On January 31, 2017, Tomas Oliva filed a complaint against Mr. Raul Urena and Ms. Annette Gonzalez-Buttner. He is requesting the California Democratic Party and more specifically the Compliance Review Commission remove, censure, or sanction Mr. Urena and Ms. Gonzalez-Buttner and requests an extension of the deadline to submit a roster including delegates to the State Party.

DOCUMENTS RECEIVED AND REVIEWED

Documents received and reviewed by the CRC were the following:

2. Response and opposition to the Challenge letters by Raul Urena and Annette Gonzalez-Buttner.
3. Letters in support of the challenge were received from Juan Vargas and Darrell Perchtl.

TIMELINESS AND JURISDICTION:

According to CDP Bylaws, Article XII, Section 2a:

“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 XII (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.”

(All By-Law references are to the California Democratic Party Bylaws, unless otherwise indicated.)
“All other challenges initiated after the 42nd day prior to any meeting of This Committee or its Executive Board may either be heard and decided by the Compliance Review Commission or referred to either the Standing Committee on Credentials or the Standing Committee on Rules in the discretion of the Compliance Review Commission.”

The complaint from Tomas Oliva was filed on January 31, 2017; as this is an ongoing issue the CRC, by unanimous vote, waives the 7-day timeliness deadline, to the extent it may apply.

The CRC has jurisdiction as this matter arises under Article II (Membership) and Article XIII (General Policies).

**STANDING:**

According to Article XII, Section 3:

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

The challenger is a member on the ICDCC and thus has standing.

**FINDINGS OF FACT:**

According to the Rules Report which was adopted by the CDP’s Executive Board on November 20, 2016:

M/S/P The Rules Committee sustains the challenge of Mr. Oliva regarding the Imperial County Democratic Central Committee (ICDCC). Furthermore, it appears to the Rules Committee that the three alternates have now been properly appointed along with the two elected members and at the earliest opportunity the five properly seated members shall convene and take actions as appropriate to fully constitute the committee. At this time, the CDP does not recognize any particular individual as chair nor does it recognize any ICDCC endorsements rendered in 2016.

Due to a disagreement between the Ex-Officio Alternates and Mr. Urena a special meeting on November 27, 2017 was canceled. A special meeting was called by Mr. Urena and Ms. Gonzalez-Buttnner for December 12, 2017. On December 27, the ICDCC held it’s regular meeting. Additionally, two special meetings on the same day at different times were called by Mr. Urena for January 24, 2017. In several cases, the special meetings, which were called for by Mr. Urena, took place during business hours and at the employer of a committee member. It appears to the CRC, that the respondents (Mr. Urena and Ms. Gonzalez-Buttnner) are abusing the right to call a special meeting for their own personal political agenda.
On December 27, the ICDCC held its regular meeting, in accordance with its Bylaws.

ICDCC Bylaws, Article IX, Section 1, state:

“Regular meetings of the Committee shall be held on the fourth (4th) Tuesday of each month at 6:00 p.m.”

At the December 27 regular meeting, which was properly noticed and a quorum was present, Mr. Oliva was elected Chair of the ICDCC. The ICDCC adopted a resolution to reject the minutes and to declare any actions taken place at either meeting on December 12 null and void.

In reviewing the testimony, including videos submitted by the challengers but posted on Mr. Urena’s Facebook page, apparently in an attempt to justify his actions, the CRC is appalled and finds the behavior of the respondents to be outrageous and beyond the norms of what has ever been presented to the CRC. The complete disregard by the respondents for the way business ought to be conducted in any organization is reprehensible and well beyond the norms of what ought to be expected in any civilized society.

**ORDER:**

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

1) The CRC finds that the purported Special Meetings called by Mr. Urena and Ms. Gonzalez-Buttner were called in violation of ICDCC by-laws in that they were not for a “special purpose,” as defined by Robert Rules, and that they were conducted without proper notice or a proper quorum or both and thus all actions taken at these meetings were void.

2) The CRC finds that the Regular Meeting of December 27, 2016, called by Mr. Oliva, was noticed properly, had a quorum, and was generally conducted according to proper procedure.

3) The CRC recognizes Mr. Oliva as the ICDCC’s chair, and finds that the actions reported at that meeting should be recognized as valid. CDP Staff is directed to update the CDP website accordingly.

4) The CRC finds that due to this challenge, the recognized leadership of the ICDCC shall have until its next regular meeting to elect their DSCC delegates with full rights of participation at the 2017 DSCC Convention and should submit those delegates forthwith to the Secretary of the DSCC.

5) The CRC recommends that ICDCC amend their by-laws to conform with the CDP’s Policy Statement on the Open Meeting Rule adopted, March 28, 2008, to require 7 days notice by mail and recommends that all future meetings be noticed in conformance with that rule, that is, at least 7 days mailed note.

6) The CRC strongly censures the actions of Mr. Urena and Ms. Gonzalez-Buttner for various actions, including harassing members of the ICDCC at their places of employment and other actions as described in the challengers’ testimony and evidenced by videos submitted to the CRC.
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 February 25, 2017 with the Sacramento office of the California Democratic Party, and shall be an appeal to the CDP Credentials Committee at their meeting in Sacramento during the weekend of May 19-21, 2017.

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 Credentials Committee by 5 PM on March 9, 2017, 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 Credentials Committee. CRC shall retain jurisdiction up until the time an appeal, if any, is heard by the Credentials Committee.

Respectfully submitted by a 6-0 vote of the members of the CRC:

Kathy Bowler, Co-Chair, Rules Committee
Lois Hill, Co-Chair, Credentials Committee
Coby King, Co-Chair, Rules Committee
Lara Larramendi, Co-Lead Chair, Credentials Committee
Garry S. Shay, Lead Chair, Rules Committee
Michael Wagaman, Lead Chair, Credentials Committee