MEMORANDUM

TO: All Interested Parties
FROM: Compliance Review Commission (CRC)
DATE: July 8, 2019
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO A CHALLENGE FILED BY M. RONALD AND DENISE COHEN

INTRODUCTION:

On January 30, 2019, M. Ronald Cohen and Denise Cohen submitted a challenge concerning their removal from the San Bernardino County Democratic Central Committee (SBCDCC) at the meeting held on January 24, 2019. Mr. and Mrs. Cohen request they be reinstated to their previously held seats on the SBCDCC.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

2. Testimony by Ruth Musser-Lopez, Carol Robb, Chris Robles.
3. SBCDCC 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. and Mrs. Cohen was submitted on January 30, 2019. The submission was within 7 days of their removal on January 24, 2019, thus the CRC finds the challenge timely.
**STANDING:**

According to Article XII, Section 3:

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

Mr. and Mrs. Cohen were both members of the SBCDCC and the subjects of removal on January 24, 2019. The CRC finds that Mr. and Mrs. Cohen have standing as they were adversely affected.

**JURISDICTION:**

Article XII, Section 2b 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 II (Membership) of the CDP By-laws. Mr. and Mrs. Cohen are current delegates to the Democratic State Central Committee (DSCC) as elected members from the SBCDCC. To revoke their membership from the SBCDCC would also result in their ineligibility to hold a delegate position to the DSCC. Therefore, the CRC has jurisdiction over this challenge.

**FINDINGS:**

In the challenge, Mr. Cohen states that in December 2018 he and Mrs. Cohen purchased a property in San Diego County. After becoming aware of their removal from the SBCDCC on January 24, 2019, he contacted the San Bernardino County Registrar of Voters (SBCROV) to confirm their registration status. He was informed that the SBCROV received a United States Postal Service notice that their mailing address was changed from their residence in San Bernardino County to one in San Diego County, which resulted in their voter registration address being updated. Mr. Cohen states that the SBCROV agreed that the Cohens had not changed their residence and subsequently reverted their voter registration to 8585 Great House Ln, Yucca Valley CA 92284 in San Bernardino County.
Per the Political Data Inc. San Bernardino voter file (last updated January 4, 2019) Mr. and Mrs. Cohen were registered at 8585 Great House Ln, Yucca Valley CA 92284 as of October 9, 2007 and March 6, 2015 respectively. Thus, the “change of registration” upon which the SBCDCC removed the Cohens from office has been eliminated from the San Bernardino voter file. Based on the evidence and the fact that the ROV restored the registration, it is a reasonable inference that the registration switch was in error.

Chris Robles, Chair of the SBCDCC provided testimony stating that in November 2018 the SBCDCC Executive Board was informed that Mrs. Cohen had resigned her position on the Morongo Unified School District effective January 1, 2019 as she was moving to San Diego County in December 2018. Carol Robb, Treasurer of the SBCDCC presented in person to the SBCROV and confirmed that, as of January 24, 2019, Mr. and Mrs. Cohen were not registered in San Bernardino County. On January 24, 2019, they were both removed as member of the SBCDCC.
The CRC notes that registration for voting requires a declaration made under the penalty of perjury. As Mr. and Mrs. Cohen claim to live in San Bernardino County and the SBCROV has accepted the declaration, the SBCDCC should as well.

In the challenge, Mr. and Mrs. Cohen, request to be reinstated as members of the SBCDCC and for a new vote to elect DSCC delegates to represent Assembly District (AD) 42 to be held. SBCDCC allocates its delegates based on the Democratic population of each Assembly District in the county. AD 42 is allocated 2 delegates to the DSCC. The delegates for the 2019-21 term have already been allocated.

ORDERS:

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

1) The CRC finds that the San Bernardino County Registrar appears to have erred in removing Mr. and Mrs. Cohen from the San Bernardino County voter roll and has since corrected the error and restored the Cohens to the roll. Therefore, the “vacancies” upon which the Cohens were removed from the SBCDCC were also created erroneously. Mr. and Mrs. Cohen should be reinstated to their previously held positions in the SBCDCC.

2) The CRC finds a new election for delegates to the DSCC from Assembly District 42 should take place and that these members will be seated at the CDP Convention.

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 8, 2019 with the Sacramento office of the California Democratic Party, and shall be an appeal to the next meeting of CDP Credentials Committee upon conclusion of the response period.

Please note that per CDP Bylaws, Article XII, Section 6b, 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 April 20, 2019, at the Sacramento office of the California Democratic Party. The Credentials 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 of an appeal, if any, is heard by the Credentials 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 Zackson, Co-Chair, Rules Committee