MEMORANDUM

TO: All Interested Parties
FROM: Compliance Review Commission (CRC)
DATE: July 23, 2019
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO A CHALLENGE FILED BY M. RONALD COHEN AND DENISE COHEN

INTRODUCTION:

On May 29, 2019, M. Ronald Cohen and Denise Cohen submitted a challenge concerning Mrs. Cohen’s removal from the San Bernardino County Democratic Central Committee (SBCDCC) at the meeting held on May 23, 2019. Mr. and Mrs. Cohen request that Mrs. Cohen be reinstated to her 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 Denise Cohen, 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 May 29, 2019. The submission was within 7 days of Mrs. Cohen’s removal on May 23, 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.”

Mrs. Cohen is a member of the SBCDCC and the subject of removal on May 23, 2019. The CRC finds that Mrs. Cohen does have standing as she was the adversely affected party.

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. Mrs. Cohen is a current delegate to the Democratic State Central Committee (DSCC) as an elected member from the SBCDCC. To revoke her membership from the SBCDCC would also result in her inability to hold a delegate position to the DSCC. Therefore, the CRC has jurisdiction over this challenge.

FINDINGS:

In the challenge, Ms. Cohen requests to be reinstated as a member of the SBCDCC based on the voter registration information provided by the San Bernardino County Registrar of Voters. Relying on testimony provided, it appears to the CRC that Ms. Cohen has been reinstated as a member of the SBCDCC.

ORDERS:

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

1. The CRC denies the challenge, as issues arising from the challenge are moot based on reinstatement of Ms. Cohen.
2. The CRC notes that Ms. Cohen’s reinstatement requires her to receive the appropriate notices as required by both the SBCDCC and CDP Bylaws.
3. The CRC desires that in the future, both parties make a stronger effort to work informally to reach accommodations on the fair administration of the SBCDCC so that it may serve its primary purpose of electing Democrats to office in the county.
4. Finally, the CRC notes that this challenge was filed prior to the adoption of the procedural rules, however, those procedures will govern any challenges filed thereafter. The CRC procedural rules can be found on the following webpage: https://cadem.org/our-party/compliance-review-commission.
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. Thus, any appeal must be filed on or before August 4, 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 August 16, 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 Zakson, Co-Chair, Rules Committee