MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: November 11, 2019

RE: DECISION RELATING TO A CHALLENGE FILED BY MR. ROBERT LEAHY

INTRODUCTION:

Robert Leahy filed a challenge on September 29, 2019 relating to the Veterans Caucus and the membership information and dues collected at its meeting on June 1, 2019 at the California Democratic Party State Convention in San Francisco. At the June 1st meeting both the membership and dues information were collected but nothing was ever submitted to the State Party. According to testimony provided, the membership information and dues cannot be located and are presumed to be lost.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

1. Challenge submitted by Mr. Leahy filed on September 29, 2019.
2. Responses submitted by Lesley Ester, Tom Larossi, and Jilynn Molina-Williams. Other general responses were received as well.

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 October, 2019, unless otherwise indicated.)

The challenge was submitted on September 29, 2019 which is not within the 7 days of the alleged violation on June 1, 2019. Mr. Leahy found out about the possibility of missing membership information and dues money in July. He attempted to resolve the issue internally through administrative remedies. On September 24, 2019, Mr. Leahy confirmed
with CDP staff never received a deposit from the Veterans Caucus. The CRC waives any timeliness requirement as it recognizes that Mr. Leahy tried to resolve this issue internally.

**STANDING:**

According to Article XII, Section 3:

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

Mr. Leahy is a member of the Veterans Caucus thus he has standing to bring these challenges.

**JURISDICTION:**

Article XII, Section 2 states:

“The Compliance Review Commission shall have initial jurisdiction over all challenges and/or appeals arising under these Bylaws, except as pertains to Removal or discipline of a Member or Removal or discipline of an Officer of This Committee.”

The CRC finds, with two members dissenting (Allison and Fernandez), there is no jurisdiction in this matter.

**FINDINGS:**

In order to find jurisdiction, the CRC has to determine which specific portion of the Bylaws this challenge pertains to. In this specific challenge, the challenger did not make reference to a Bylaws provision that covered this situation, and a majority of the CRC found that no such provision existed. Further, the CRC noted that the challenge involves caucus membership information and dues, which are the jurisdiction of either the Veterans Caucus and/or Accounting Department of the CDP.

**ORDER:**

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

1) The challenge is rejected as no jurisdiction could be established based upon the CDP Bylaws.
2) The CRC encourages the Veterans Caucus to develop processes and procedures to ensure this situation does not occur in the future and requests those changes be shared with the challenger, the State Party and the CRC.
3) The CRC requests the Veterans Caucus inform the challenger, State Party and the CRC to what extent the caucus will resolve both the loss of money and how will it
determine who possibly paid onsite and thus deserves to be considered dues-paid and
how that will be reflected in their roster.
4) The CRC requests the information in both #2 and #3 within 12 days of this decision
being published.

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 23, 2019,
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 December 4, 2019, 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,

Tim Allison, Co-Chair, Credentials Committee
Kathy Bowler, Lead Chair, Rules Committee
Nicole Fernandez, Co-Chair, Rules Committee
Coby King, Co-Chair, Rules Committee
Lara Larramendi, Co-Lead Chair, Credentials Committee
Keith Umemoto, Co-Chair, Credentials Committee