MEMORANDUM

TO: All Interested Parties
FROM: Compliance Review Commission (CRC)
DATE: May 28, 2018
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO THE CHALLENGE FILED BY JASON BEZIS REGARDING THE DEMOCRATIC PARTY OF CONTRA COSTA COUNTY (DPCCC)

INTRODUCTION:

On March 22, 2018, Mr. Jason Bezis, filed a challenge relating four endorsement votes of the Democratic Party of Contra Costa (DPCCC). The four votes are detailed below:
1. Bay Area Rapid Transit (BART) Measure RR endorsement vote at the July 21, 2016 meeting of the DPCCC.
2. Contra Costa County Measure X endorsement vote at the August 18, 2016 meeting of the DPCCC.
3. Bart District 7 endorsement vote at the September 18, 2016 meeting of the DPCCC.
4. June 2018 Candidate Endorsements vote at the March 15, 2018 meeting of the DPCCC.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

Documents received and reviewed by the CRC associated with the challenge included the following:
2. The DPCCC Bylaws.

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. Bezis concerning the first three endorsement votes, which occurred during 2016, is not within seven (7) calendar days and thus is not considered timely and there was no showing of cause as to why the requirement should be waived.

The complaint regarding the June 2018 candidate endorsement vote is timely as the meeting occurred on March 15 and the challenge was filed on March 22 within seven (7) days.

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.”

The CRC has jurisdiction under Article VIII (Endorsements) and Article XIII (General Policies).

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 DPCCC, Mr. Bezis has standing to bring this challenge.

FINDINGS:

The DPCCC held a meeting where they considered endorsements on March 15, 2018. Mr. Bezis’ challenge is based on his claim that proper notification was not provided to the members of the DPCCC. Exhibits provided by Mr. Bezis show that Mr. Paul Seeger, Member Communications Committee Chair, sent out the agenda on March 10, five days prior to the meeting.

At the March 15 meeting, Mr. Bezis protested the placement of the June Endorsements on the agenda. DPCCC Parliamentarian Ms. Lynette Henley ruled that the ballot measures would need to be postponed, but since the candidate endorsements were noticed in a prior email sent to all members of the DPCCC on February 16, they should proceed.

The February 16 email with the subject line, “TIME SENSITIVE: DPCCC Endorsements
Committee Notice” was a notice about candidate interviews. The email stated “The recommendations from this interview session will then be on the agenda for the March 15, 2018 DPCCC regular meeting for final approval.”

Specifically regarding endorsements, the DPCCC Bylaws state,

Section 3. Endorsement Procedure, a.3.B.
Any DPCCC meeting where endorsements will be voted on must have this item properly placed on the agenda, and the agenda must be postmarked or sent by e-mail (if consented to in writing) to all DPCCC members at least 10 days before the meeting is held. [emphasis added]

With regards to regular meetings, the DPCCC Bylaws state,

Section 2. Regular Meetings
a. The DPCCC shall hold at least ten (10) regular monthly meetings per year;
b. The date, time and place of all Regular meetings shall be set at the Organizational Meeting held pursuant to Article IV Section 1; and
c. As a Level 2 notification, agendas and minutes of the previous Regular Meeting should be distributed to members at least ten (10) days before each Regular Meeting. [emphasis added]

Although the parliamentarian ruled on the challenge, there was no evidence provided that the challenger exhausted all his remedies. There was no indication that Mr. Bezis either challenged the ruling of the parliamentarian or challenged the ruling of the chair of the DPCCC.

ORDER:

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

1) The CRC rejects the timely challenge filed by Mr. Bezis as he did not exhaust all remedies prior to submitting his challenge.
2) The CRC notes that the challenge wasn’t filed properly as it was filed with the Rules Committee and not 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 June 9, 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 June 21, 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