MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: December 19, 2018

RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO A CHALLENGE FILED BY MR. HARAMI

INTRODUCTION:

On November 26, 2018, Mr. Brandon Harami, a Democratic State Central Committee (DSCC) Member, submitted a challenge concerning First Vice Chair Alex Gallardo-Rooker alleging a lack of disclosure of "$30,000 in consulting earnings” received from the No on Proposition 8 Campaign. Mr. Harami requests the CRC require Ms. Gallardo-Rooker to: return the $30,000, write a formal letter of apology to the DSCC members, and be suspended from leadership.

On November 29, 2018, the Compliance Review Commission (CRC) denied the challenge as it was not timely and no good cause was provided to waive the seven (7) day requirement. The CRC ordered any appeal be heard by the Rules Committee while finding the CRC should retain jurisdiction up until the time of an appeal is heard.

On November 30, 2018, Mr. Harami submitted a Filing regarding the CRC’s order. The filing is ambiguous as to whether Mr. Harami’s intent was to request the CRC reconsider the timeliness decision or to appeal the decision to the Rules Committee.

The original order of the CRC states:

    CRC shall retain jurisdiction up until the time of an appeal, if any, is heard by the Rules Committee.

Accordingly, given the ambiguity of Mr. Harami’s November 30, 2018 Filing, and the CRC ongoing jurisdiction, the CRC has determined that in order to give the complainant every possible consideration, it will treat this latest filing as a request to reconsider the timeliness question.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

1. Challenge by Mr. Harami submitted on November 26, 2018
2. Filing by Mr. Harami submitted on November 30, 2018
3. Various social media posts by Mr. Harami
**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 2018, unless otherwise indicated.)

In his Filing Mr. Harami states he had not filed his original challenge in a timely manner due to fear of retaliation. Mr. Harami further stated he did not believe applying the 7-day requirement to “ethics and internal filings” was reasonable.

The CRC notes it has waived the timeliness requirement in the past when good cause has been provided, including but not limited to, challenges relating to ethics of party officials and the internal operation of the organization. Further, the CRC notes fear of retaliation could constitute good cause and takes such claims seriously. However, the CRC notes on July 13, 2018, Mr. Harami posted on social media relating to the alleged violation:

I’m sorry Alex Gallardo-Rooker, this is going too far. You should resign.

Alex Gallardo-Rooker you broke our bylaws and went against the bulk of labor. You need to resign.

Further, the CRC notes on the same day the original challenge was filed Mr. Harami posted on social media:

This issue should be at the forefront of our concerns, however I am deeply concerned with Rooker leading our party. Rooker knowingly took money from the No on Prop 8 campaign and broke our bylaws by not disclosing it while lobbying delegates and party chairs to oppose the measure. We cannot operate with integrity as a party with leaders who make unethical, pay-to-play moves like this.

According to the CDP Bylaws, Article III, Section 2(b):

In the event that the office of Chair is vacated, the First Vice Chair succeeds to the office of Chair until a new Chair has been selected as provided in Section 5a below.

This provision has not been amended since July 13, 2018. The powers vested with the First Vice Chair were clear as of this date. That such succession did not occur until a later date does not constitute good cause for waiving the timeliness requirement.
FINDINGS AND ORDER:

The challenge filed by Mr. Harami was officially submitted on November 26, 2018, which was not within seven (7) calendar days after the alleged violation occurred, and thus the challenge is not timely. Mr. Harami indicated he was aware of the alleged violation from his initial challenge at least as of the July 13-15, 2018 Executive Board meeting. As the November 30, 2018 Filing again fails to provide good cause, and it is clear the complainant was aware of these facts within the seven (7) day time frame, and further posted his concerns on social media (belying his claims of delay in filing this action due to fears of retaliation), the CRC sustains its finding of not waiving this requirement.

The CRC further orders that the November 30, 2018 Filing by Mr. Harami shall be treated as an appeal of the original CRC decision and shall be referred to the Rules Committee in accordance with that decision, with no additional appeal required to be filed.

Respectfully submitted by a 5-0 vote of the members of the CRC with Member Bowler abstaining,

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