MEMORANDUM

TO: All Interested Parties
FROM: Compliance Review Commission (CRC)
DATE: August 25, 2017
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO A CHALLENGE OF THE REMOVAL OF AN ALTERNATE MEMBER OF THE KERN COUNTY DEMOCRATIC CENTRAL COMMITTEE (KCDCC)

INTRODUCTION:

At the Kern County Democratic Central Committee meeting held on July 18, 2017, the KCDCC voted to remove Ex Officio Wendy Reed’s alternate Julie Solis as a member.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

Documents received and reviewed by the CRC included the following:

1. Challenge received from KCDCC Member Wendy Reed on July 24, 2017.
2. Testimony opposed to the challenge by Cathee Romley, etc.
3. Minutes from the July 18 KCDCC Meeting
4. Current version of the Kern County DCC Bylaws.

In most cases, testimony had additional signatories that were not included in the list above.

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 May 18, 2017, unless otherwise indicated.)

The KCDCC meeting took place on July 18, 2017 and the challenge was filed on July 24, 2017; the CRC finds the challenge timely.
Article XII, Section 2 states:

b. Challenges to the credentials of members initiated after the 42nd day prior to any meeting of This Committee or its Executive Board shall be processed by the Credentials Committee.

c. All other challenges initiated after the 42nd day prior to any meeting of This Committee or its Executive Board may either be heard and decided by the Compliance Review Commission or referred to either the Standing Committee on Credentials or the Standing Committee on Rules in the discretion of the Compliance Review Commission.

This challenge was filed within 42 days and under CDP Bylaws XII, Section 2c (above), the CRC has jurisdiction either hear the challenge or refer it to the Credentials or Rules Committee. The CRC voted unanimously 6-0 to hear the challenge.

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.”

Jurisdiction does not fall under any references to Articles stated by the Challenger, however the CRC finds it has jurisdiction under Article XIII (General Policies) and specifically sections 5, 6 and 7.

**STANDING:**

According to Article XII, Section 3:

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

The Challenger is both the appointer and selects the appointee, both whom are members of the County Central Committee, therefore the CRC finds the Challenger has standing.

**FINDINGS OF FACT:**

Julie Solis was appointed to the KCDCC by 2016 Congressional District Ex Officio Wendy Reed. On July 8, 2017 Ms. Solis received a membership removal letter from KCDCC Chair Romley, which was to be considered at the meeting on July 18, 2017.
At the July 18 KCDCC meeting, “Membership Request to remove Julie Solis from the KCDCC for cause” was on the agenda.

**According to the KCDCC Minutes,**
“Chairman read petition. Evidence was presented. Break to review evidence. Julie Solis began to answer to petition. Committee adjourned to Closed Session. Vote to remove Julie Solis taken in closed session. Vote passed.”

There are four types of membership according to the KCDCC Bylaws. Ms. Solis is classified as an Alternate member.

**According to the KCDCC Bylaws, Article II**

*Section 1. Classes of Members*
*The KCDCC shall have four (4) classes of members -- Regular, Ex-Officio, and Alternate and Associate.*

*Section 5. Alternate Members Each Regular Member and each Ex-Officio Member in good standing shall appoint an Alternate Member to serve in the place and stead of said member, whenever such Regular or Ex-Officio Member is absent. Such designations shall remain in effect until terminated by the Regular or Ex-Officio Member who appointed her/him or until the membership of the Regular or Ex-Officio Member who appointed her/him has been terminated or until the Alternate Member is no longer eligible to serve in said position or until the Alternate Member becomes a Regular or Ex-Officio Member…*

The process to remove a “Regular Member” is outlined in the KCDCC Bylaws below.

**KCDCC Bylaws, Article II states:**

*Section 10. Attendance/Removal Any Regular Member of the KCDCC may be removed from the KCDCC for the following reasons:
(a) Whenever a member violates any of the provisions of the California Elections Code;
(b) Whenever a member misses or is absent from more than three (3) consecutive regularly called meetings of KCDCC within any 12-month period unless such absence is caused by illness or by a temporary absence from the county on the date of the meeting. A member shall not be deemed absent if her/his Alternate Member is present.
(c) A member will be automatically removed when such member tenders his or her resignation in writing, dies, or is mentally incapacitated.
(d) A member moves out of the District for which he/she was elected/appointed or is no longer a registered Democrat.
(e) A member fails to pay her/his dues within 60 days of the date on which the dues were payable. The Controller shall send notice via certified mail stating the amount owing and stating that if the amount is not paid within 30 days of receipt of such notice such member’s membership will be revoked.*
(f) A member will be removed for “cause” by an affirmative vote of two thirds of the eligible members present and voting, provided that:

(1) The E-board has received a petition signed by six Regular Members containing the alleged grounds for removal;

(2) The member subject to removal has been notified at least ten (10) days prior to any scheduled vote;

(3) Written notice has been sent by the Secretary to the member subject to removal at least ten (10) days prior to the regular meeting stating the alleged grounds for removal;

(4) The member subject to removal will be allowed up to 30 minutes at any regularly scheduled meeting during which the member and/or any person(s) selected by the member shall be allowed to address KCDCC immediately before the vote; and

(5) Removal is compliant with the Rules of the State Committee.

(6) Cause shall include, but not be limited to:

   (i) Registering as a non-Democrat;

   (ii) Avowing a preference for a non-Democrat;

   (iii) Giving support to or avowing preference for a non-Democratic candidate;

   (iv) Causing harm to the reputation and/or financial standing of KCDCC; and/or

   (v) Causing harm or disruption in any way to KCDCC by acting in a manner contrary to the stated goals and principles of KCDCC.

(7) The removal must be by the affirmative vote of the majority of the voting members present at the next regular scheduled meeting of KCDCC following the furnishing of at least ten (10) days written notice to the member subject to removal by the Secretary. Such notice must be sent via certified mail with return receipt requested.

Ms. Solis is an alternate to the Ex Officio Ms. Reed. There is no process in the KCDCC Bylaws to remove an alternate member.

**Findings and Order:**

Based upon the above facts and the Bylaws of the CDP, the CRC makes the following Findings and Orders:
1) The CRC sustains the challenge as there is no process in the KCDCC Bylaws to remove an alternate of an Ex Officio and the alternate serves at the pleasure of their appointer.

2) The CRC finds that the action to remove Ms. Solis was invalid and therefore she remains an alternate to Ms. Reed.

3) The CRC finds that the KCDCC would be within its rights to remove Ms. Solis under Article II, Section 10.(f)(6)(v), which states: “causing harm or disruption in any way to KCDCC by acting in a manner contrary to the stated goals and principles of KCDCC,” if the KCDCC had a process to remove alternates.

4) The CRC finds that if the KCDCC wishes to remove an alternate, it needs to make changes to the Bylaws to create a process to do so.

5) The CRC finds very disturbing the allegations levied by the respondents regarding the behavior of the challengers which involved bullying, making threats, the use of inappropriate language and hostile tone in person and online. The CRC encourages all members to act in a courteous and respectful manner in accordance with core democratic values and with the KCDCC Bylaws, Standing Rules, Section 6, which states, "Members of KCDCC will at all times strive to maintain civility in their behavior, language, and tone. Members shall strive to work to resolve their differences by recognizing that all people may not agree on all points and issues and by understanding this diversity amongst us, makes KCDCC stronger. Respectful and honest communication is always the goal of KCDCC."

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 September 6, 2017 with the Sacramento office of the California Democratic Party, and shall be an appeal to the next meeting of CDP Rules Committee.

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 September 18, 2017, 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 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
Lois Hill, Co-Chair, Credentials Committee
Coby King, Co-Chair, Rules Committee
Lara Larramendi, Co-Lead Chair, Credentials Committee
Garry S. Shay, Lead Chair, Rules Committee
Michael Wagaman, Lead Chair, Credentials Committee