MEMORANDUM

TO: All Interested Parties
FROM: Compliance Review Commission (CRC)
DATE: May 30, 2018
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO THE CHALLENGE RELATING TO THE KINGS COUNTY DEMOCRATIC CENTRAL COMMITTEE (KCDCC)

INTRODUCTION:

There were three separate challenges filed regarding the Kings County Democratic Central Committee (KCDCC). The three challenges are detailed below:
1. On March 19, 2018 Mr. Terry Norris filed a challenge regarding a vote on his potential membership that occurred on March 18.
2. On March 24, 2018 Mr. Hardiman filed three challenges: 1) KCDCC allowing a 17-year old to become a member, 2) Mr. Norris being denied membership, and 3) KCDCC Leadership failure to produce financial records or go into executive session for removal for cause.
3. On April 9, 2018, Ms. Connie Wlaschin filed a challenge regarding the validity of individuals designated as “elected delegates.”

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

Documents received and reviewed by the CRC associated with the challenge included the following:
2. Challenged submitted by Mr. Hardiman filed on March 24, 2018.
4. Testimony in opposition received by Ms. Holly Andradé Blair on April 30, 2018.
5. The KCDCC 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.
The challenge filed by Mr. Norris was timely as the event occurred within seven (7) calendar days from his filing. The question of whether the entirety of Mr. Hardiman and Ms. Wlaschin’s challenge were timely did not have to be reached, as the challengers did not exhaust all their internal remedies.

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 II (Membership) 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 either members or potential members, all three challengers have standing to bring this challenge.

FINDINGS:

Mr. Norris’ challenge states:

“The committee meeting of 3/18/2018 was another agitated and boisterous affair. When the meeting got down to the people that were nominated to join the committee, I was singled out and disqualified due to who had nominated me and who I am married to, my wife is an ADEM for AD 32. I was left with the statement from the board that it was not personal but just “politics.” I am highly incensed that Holly Blair’s husband stood up and asked all of the members in attendance to vote “NO” on my nomination. 1) I am appealing to you to investigate this complaint. 2) I do have a major concern that you will return this complaint to the KDCC for resolution. They will not resolve this issue and continue to abuse their power.”

(All By-Law references are to the California Democratic Party Bylaws, as amended through November, 2017, unless otherwise indicated.)
Mr. Hardiman’s first challenge states:

“The KCDCC did admit as a member, a minor of 17 yrs. who is also an unregistered Democrat on the voter rolls of Kings County, CA.”

Mr. Hardiman’s second challenge states:

“The KCDCC did deny the application for membership of Mr. Terry Norris to a vacant seat in Supervisorial District 1, Kings County CA., for illegitimate reasons. The effort to deny Mr. Norris’ nomination was lead by Ms. Makenzie Hays (Secretary), Holly Blair (Chair), Brian Neves (Treasurer), and supported by Deidrick Avila (Vice President) in addition to Mr. Paul Blair (husband of Holly Blair), in a manner which is so difficult to describe as the attack against Mr. Norris (a guest at the meeting) was objectionable, disgraceful, and in no respect was or is defensible.”

Mr. Hardiman’s third challenge states:

The Chair, Ms. Holly Blair; the Secretary, Ms. Makenzie Hays; and, the Treasurer Mr. Brian K. Neves Jr.) did intentionally violate the By-Laws of the KCDCC By-Laws by refusing to produce records related to the KCDCC finances, and records requested of the Secretary which she is responsible for maintaining and to made available for inspection. Additionally, the CHAIR Ms. Holly Blair rejected the request to enter into executive Session at the March 18, 2018, to deal with Charges, presented to KCDCC Members: Ms. Holly Blair, Ms. Makenzie Hays, and Mr. Brian J. Neves. The Chair violated the By-Laws which define an automatic process for the dealing with Charges, thereby denying the members of the KCDCC, due process as is defined in the By-Laws.

Ms. Wlaschin’s challenges states, in part:

“The Secretary and Chair both had to validate the election of the delegates. The question of truth is in question. No vote by the membership for delegates took place, therefore any Certification by the Chair and/or Secretary is deceptive. The lack of transparency is evident by the fact that it was not know who were the “delegates” until the Special Election Endorsing Caucus was held on April 8, 2018. This was the first transparent list of delegates from the KCDCC. It was not the KCDCCC that was being transparent but the CDP information that exposed this act by the Chair and other Officers of the KCDCC, clearly an act that cannot be justified. I am challenging the validity of the individuals designated from the KCDCC as “elected delegates”. They were not elected.”

In each and every challenge, there was no evidence provided that the challengers exhausted all their internal remedies.

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

1) The CRC rejects the challenges as in each case they did not exhaust all internal remedies prior to submitting their challenges.
2) The CRC notes that the purpose of the CRC is not to referee internal political disputes, which should be dealt with using processes outlined by the KCDCC Bylaws.
3) The CRC notes that challenges to the CRC should be made on substantive procedural or bylaw violations and not because a certain outcome wasn’t achieved.

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 11, 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 23, 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