MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: October 6, 2019

RE: COMPLIANCE REVIEW COMMISSION (CRC) DECISION RELATING TO A CHALLENGE FILED BY Abel Lemas

INTRODUCTION:

On June 11, 2019, Mr. Abel Lemas submitted a challenge relating to the actions of the Stanislaus County Democratic Central Committee (SCDCC) which took place at a meeting held on June 5, 2019. Mr. Lemas alleges that the SCDCC removed him as a member without cause.

A preliminary review of Mr. Lemas’s challenge found that it was deficient in a variety of ways and not submitted in compliance with the CRC’s Procedural Rules. In accordance with the Procedural Rules, the CRC, in an Order distributed on July 10, 2019, stated:

“The CRC orders that Mr. Lemas shall submit to the CRC a challenge that complies with all of the requirements stated in the CRC Procedural Rules within 5-days of the date of this order which is July 15, 2019.”

On July 14, 2019, Mr. Lemas submitted a revised complaint.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

1. Challenge filed by Mr. Lemas
2. Re-filed challenge filed by Mr. Lemas
3. Testimony submitted by Jocelyn Cooper, Cynthia Homen, Jessica Self, Lise Talbott, and Rosalinda Vierra.
4. CRC Procedural Rules
5. SCDCC Bylaws.

JURISDICTION:

Article XII, Section 2b states:
“The Compliance Review Commission shall have initial jurisdiction over all challenges and/or appeals arising under these Bylaws.”

Further, the CRC Procedural Rules, Section 2, B. 2. state in pertinent part that a challenge must,

“Explain[] the basis of CRC’s jurisdiction... If the CRC cannot discern the section of the CDP Bylaws alleged to have been violated or which grants jurisdiction to the CRC, it may dismiss the challenge.”

The CRC did not find jurisdiction in this challenge and Mr. Lemas did not provide a basis for jurisdiction in the challenge.

**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 November 2018, unless otherwise indicated.)

Timeliness did not have to be determined as there was no jurisdiction found in this challenge.

**STANDING:**

According to Article XII, Section 3:

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

Standing did not have to be reached as there was no jurisdiction found in this challenge.

**FINDINGS:**

In the original filing, Mr. Lemas did not comply with the CRC’s Procedural Rules and under those rules was given an opportunity to amend his challenge to comply with them. Subsequently, Mr. Lemas filed an amended challenge on July 14, 2019.

However, as noted above, the amended challenge failed to state jurisdiction and the CRC
could not discern any section of the CDP Bylaws to have been violated according to the challenge.

**ORDERS:**

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

1. The CRC denies the challenge as no jurisdiction was found.
2. The CRC notes that County Committees should have a high standard when considering removing a member and a more robust procedure in place to ensure fairness and transparency. Further, the CRC notes that due process requires that the removal of a duly elected regular member from a County Committee must be done in strictest conformity with the County Committee’s bylaws.
3. The CRC is willing to help the SCDCC clarify its membership removal procedures by offering the expertise of both members Lara Larramendi and/or Nicole Fernandez.

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. Thus, any appeal must be filed on or before October 18, 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 6b, 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 October 30, 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, Co-Lead Chair, Rules Committee  
Nicole Fernandez, Co-Chair, Rules Committee  
Coby King, Co-Chair, Rules Committee, and Co-Chair of the CRC  
Lara Larramendi, Co-Lead Chair, Credentials Committee, and Co-Chair of the CRC  
Keith Umemoto, Co-Chair, Credentials Committee