MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: March 27, 2019

RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO A CHALLENGE FILED BY RUTH MUSSER-LOPEZ

INTRODUCTION:

On January 29, 2019, Ruth Musser-Lopez submitted a challenge concerning the removal of John Coffey from the list of delegates elected by the Assembly District (AD) 33 caucus of the San Bernardino County Democratic Central Committee (SBCDCC) on January 24, 2019.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

2. Testimony by John Coffey, Michelle Law and Chris Robles.
3. SBCDCC Bylaws.
4. SBCDCC Delegate Selection Procedure Memo.

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.)

The challenge filed by Ms. Musser-Lopez was officially submitted on January 29, 2019, which was within seven (7) calendar days after the alleged violation occurred on January 24, 2019, thus the challenge is timely.
STANDING:

According to Article XII, Section 3:

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

Mr. Coffey joins Ms. Musser-Lopez as a co-petitioner on the challenge. Standing is established as Mr. Coffey’s Democratic State Central Committee (DSCC) seat is the subject of the challenge.

JURISDICTION:

Article XII, Section 2a states:

“The Compliance Review Commission shall have initial jurisdiction over all challenges and/or appeals arising under these Bylaws.”

The CRC has jurisdiction under Article II (Membership) and Article XIII (General Policies) of the CDP By-Laws because the challenge is regarding the election/selection of Mr. Coffey’s as a member of the DSCC by virtue of his standing on the SBCDCC.

FINDINGS:

The CDP Bylaws state,

Article XIII: General Policies
Section 5. FULL PUBLICATION OF SELECTION PROCEDURES
The Democratic Party shall publicize fully and in such a manner as to assure notice to all interested parties a full description of the legal and practical procedures for selection of Democratic Party Officers and representatives on all levels.

Section 6. TIMELY PUBLICATION OF SELECTION PROCEDURES
Publication of these procedures shall be done in such fashion that all prospective and current members of the State Democratic Party will be fully and adequately informed of the pertinent procedures in time to participate in each selection procedure at all levels of the Democratic Party Organization.

Section 7. TIMELY PUBLICATION OF SELECTION QUALIFICATIONS
The Democratic Party shall publicize fully and in such a manner as to assure notice to all interested parties a complete description of the legal and practical qualifications of all officers and representatives of the State Democratic Party. Such publication shall be done in timely fashion so that all prospective candidates or applicants for any elected or appointed position within the State Democratic Party will have full and adequate opportunity to compete for office.

The CRC notes that to require individuals to accept a nomination in advance is not unreasonable. However, notice of that requirement must be adequately publicized in
advance. The SBCDCC delegate selection procedure memo did not state that evidence had to be provided in advance indicating that a nominee would be willing to serve if elected.

The CRC finds that because there was and still is currently a vacant delegate position in AD 33, had Mr. Coffey been recognized by the Chair as a candidate and received a minimum of one vote, which could have been his own and/or that of Ms. Ruth Musser-Lopez who submitted this challenge, nominated Mr. Coffey, and raised the issue at this SBCDCC meeting, he would have been selected as a delegate.

**ORDER:**

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

1) The CRC finds that Mr. Coffey is eligible to hold a DSCC position and should be seated as a delegate from the SBCDCC.

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 April 8, 2019 with the Sacramento office of the California Democratic Party, and shall be an appeal to the next meeting of CDP Credentials 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 Credentials Committee by 5 PM on April 20, 2019, at the Sacramento office of the California Democratic Party. The Credentials 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 Credentials Committee. CRC shall retain jurisdiction up until the time of an appeal, if any, is heard by the Credentials Committee.

Respectfully submitted by a 6-0 vote of the members of the CRC,

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
Laurence Zakson, Co-Chair, Rules Committee