MEMORANDUM

TO: All Interested Parties
FROM: Compliance Review Commission (CRC)
DATE: July 12, 2019
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO A CHALLENGE FILED BY RUTH MUSSER-LOPEZ

INTRODUCTION:

On May 24, 2019, Ruth Musser-Lopez, submitted a challenge concerning the cancelation of a regularly scheduled meeting of the San Bernardino County Democratic Central Committee (SBCDCC) scheduled for May 23, 2019. Musser-Lopez alleges that SBCDCC Chair Chris Robles did not receive adequate approval from the SBCDCC Executive Committee to cancel the meeting, nor did he adequately notify all members of the SBCDCC as required by its bylaws. Additionally, she states that the purpose of calling a special meeting was to prevent members from adding to the regular meeting agenda.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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


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 Musser-Lopez was officially submitted on May 24, 2019, which was within seven (7) calendar days after the alleged violation occurred on May 20, 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.”

Musser-Lopez is a member of the SBCDCC, thus the CRC finds that she has standing as she was adversely affected.

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 XIII (General Policies) of the CDP By-Laws.

FINDINGS:

The CRC finds that the SBCDCC’s bylaws require approval from the Executive Committee prior to the cancelation of a regular meeting. However, the manner of the approval does not specifically call for a vote or meeting of the Executive Committee. The CRC finds that Musser-Lopez did not provide sufficient evidence to indicate a violation of the SBCDCC bylaws or of Article XIII of the California Democratic Party (CDP) bylaws.

The CRC is dismayed that the cancelation of the regular meeting and the scheduling of the special meeting was for the express purpose of avoiding changes to the agenda. The Committee advises that the exercise of calling a special meeting should not become a standard practice of the SBCDCC.

ORDER:

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

1) The CRC denies the challenges as Musser-Lopez did not provide sufficient evidence of a violation of either the SBCDCC or of Article XIII of the California Democratic Party’s bylaws.

2) Further, the CRC desires that in the future, both parties make a stronger effort to work informally to reach accommodations on the fair administration of the SBCDCC so that it may serve its primary purpose of electing Democrats to office in the county.

3) Finally, the CRC notes that this challenge was filed prior to the adoption of the CRC procedural rules on June 10, 2019, however, those procedures will govern any challenges filed hereafter. The CRC procedural rules can be found on the following webpage: https://cadem.org/our-party/compliance-review-commission
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 July 24, 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 August 5, 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,

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 Zackson, Co-Chair, Rules Committee