MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: April 4, 2018

RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO THE MEETING OF THE RURAL CAUCUS

INTRODUCTION:

On March 11, the Rural Caucus held a meeting and one of the actions that took place at the meeting was replacing Ms. Ruth Musser-Lopez as the Bylaws Committee Chair.

The challenge filed by both Mr. Ron Cohen and Ms. Ruth Musser-Lopez requests that the CRC invalidate any and all actions taken at the March 11 meeting due to the fact that the meeting was not public, not noticed, and the members were denied the right to attend.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

2. Testimony submitted by Joy Sterling, Craig Innis, etc.

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 November, 2017, unless otherwise indicated.)

The filing by Mr. Cohen and Ms. Musser-Lopez was submitted on March 13, 2018 relating to the Rural Caucus meeting held on March 11, 2018 which was within 7-days and thus the challenge is considered timely.

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 XI (Special Group Caucuses) 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.”

Mr. Cohen and Ms. Musser-Lopez are members of the Rural Caucus and thus have standing to bring this challenge as they were adversely affected.

ALLEGATIONS:

The allegations by Mr. Cohen and Ms. Musser-Lopez include but are not limited to:

- That the meeting was a “public meeting” per the provision in the CDP Bylaws that expressly states that any meeting of a Democratic Party organization other than those falling within certain excepted categories are defined “public meetings.”
- The evidence that the referenced meeting was a secret meeting in violation of the Rural Caucus Bylaws and the CDP Bylaws is that when Ron Cohen, who is both a Rural Caucus member and a CDP Delegate, attempted to attend, he was ordered to leave the meeting.
- The Special Meeting of the Executive Committee was not properly noticed, as no 10-day notification was provided to members and was in violation of the Rural Caucus’ requirement to notify the members of their right to attend, observe and listen to the meeting.
- Further, no justification exists for meetings of the Rural Caucus Executive Committee to be exclusive, non-transparent or closed as items (3.4.2 AND 3.5.2) were on the agenda that were to be voted on by the Executive Committee.

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 upholds the challenge as the meeting, which was conducted on March 11, was a public meeting and should have been treated as such.  
2) The CRC declines to reach a decision on notice as the meeting as the meeting was a public meeting but not conducted as a public meeting.  
3) The CRC invalidates all actions that took place at the meeting.  
4) The CRC encourages all members to read the Rules Committee’s Open Meeting Policy which can be found on The Party’s website at www.cadem.org  
5) The CRC encourages all members to act in a courteous and respectful manner in accordance with our core democratic values and hopes and expects people conduct themselves appropriately at all Democratic Party meetings.

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 16, 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 April 28, 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, Co-Lead Chair, Credentials Committee