MEMORANDUM

TO: All Interested Parties
FROM: Compliance Review Commission (CRC)
DATE: May 30, 2018
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO A CHALLENGE FILED BY MS. CHAVARRIA

INTRODUCTION:

On March 20, 2018, Ms. Bobbi Jo Chavarria filed a challenge relating to the actions of San Bernardino County Democratic Central Committee (SBCDCC) Chair Chris Robles and his alleged failure to ensure proper notification of the March Executive Committee Meeting held on March 14, 2018. Ms. Chavarria also challenges Mr. Robles continued attempts to allegedly schedule meetings at times and locations that prevent membership from attending.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

Documents received and reviewed by the CRC associated with the challenge included the following:
3. Testimony (Late) filed by Carol Robb on May 11, 2018.
4. The SBCDCC 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.

(All By-Law references are to the California Democratic Party Bylaws, as amended through November, 2017, unless otherwise indicated.)

The challenge filed by Mrs. Chavarria on March 20 for a meeting, which occurred on March 14, is within seven (7) calendar days and thus 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 XIII (General Policies).

STANDING:

According to Article XII, Section 3:

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

As a member of the SBCDCC, Ms. Chavarria has standing to bring this challenge.

FINDINGS:

According to Ms. Chavarria’s challenge:

“Chris Robles violated SBCDCC Bylaws by Failing to Ensure Proper Notification to the SBCDCC General Membership as to the Calling, Canceling, and Rescheduling and Conducting of the March Executive Committee Meeting held on March 14, 2018 at 11:00 A.M. at a Denny’s Restaurant.”

“Mr. Robles continues to schedule SBCDCC Executive Committee meetings in the middle of the day on a weekday at busy restaurants (without any private room) when most folks are working thereby preventing the membership from attending. No notice of accommodation to participate via call-in or livestream has been provided to working folks, nor would it be reasonable to do so from a busy restaurant.”

This filing by Ms. Chavarria is the 4th challenge filed this year and the 8th challenge filed over the last 2 years with regards to the SBCDCC.

There was no evidence provided that the challenger either brought her challenge before the entire SBCDCC or exhausted all her internal remedies.

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

1) The CRC rejects challenge filed by Ms. Chavarria, as she did not exhaust all internal remedies prior to submitting his challenge.
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 SBCDCC 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