MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: August 23, 2017

RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO THE SAN BERNARDINO COUNTY DEMOCRATIC CENTRAL COMMITTEE (SBCDCC)

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INTRODUCTION:

The San Bernardino County Democratic Central Committee (SBCDCC) met on June 22, 2017. A variety of motions were made and ruled out of order regarding the issue of the removal from membership of SBCDCC Chair Chris Robles. A challenge was filed by SBCDCC 2nd Vice Chair Ron Cohen and a subsequent challenge was filed by members of the SBCDCC Executive Committee. The CRC voted unanimously to treat both complaints together as they involve the same sets of facts.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

Documents received and reviewed by the CRC in the Ron Cohen challenge included the following:

2. Testimony supporting the challenge was received from Bobbi Jo Chavarria, Leticia Chavez-Garcia, Debbie McAfee, Ruth Musser-Lopez, and Women in Blue.
3. Testimony opposed to the challenge was received by Chris Robles, Mark Westwood, Carol Robb, Mario Alfaro and Sherman Garnett.
4. Current version of the San Bernardino County Bylaws.

Documents received and reviewed by the CRC in the challenge filed by members of the SBCDCC’s Executive Committee included the following:

1. Challenge received from members of the Executive Committee of the SBCDCC on August 2, 2017. (July 27 meeting)
2. Testimony supporting the challenge was received from Mark Westwood.
3. Testimony opposed to the challenge was received in a filing by Ron Cohen and George Alfano.
4. Current version of the San Bernardino County Bylaws.

In most cases, testimony had additional signatories that were not included in the list above.
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 May 18, 2017, unless otherwise indicated.)

The original complaint was regarding meetings that occurred on May 25 and June 22, 2017 was filed on June 28, 2017. The subsequent challenge was regarding a meeting on July 27 and was filed on August 2, 2017. In both cases the CRC finds the challenge is 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 bylaws provide that each County Committee has representative on the Executive Board under Article II (Membership), Article VII (Executive Board) and XIII (General Policies). Therefore the CRC finds it has jurisdiction.

STANDING:

According to Article XII, Section 3:

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

Both challengers are members of the SBCDCC, therefore the CRC finds in both cases that the challengers have standing.

FINDINGS OF FACT:

On June 1, 2017, a certified letter was sent by SBCDCC 2nd Vice Chair Ron Cohen to Chair Chris Robles notifying him of his intent to remove him as a member. Subsequently, the SBCDCC Executive Committee met on July 12, 2017 and found there was “insufficient evidence” that Chair Chris Robles violated the Bylaws.
The SBCDCC met on July 27, 2017 and was called to order by Chair Chris Robles. Not long after the meeting began Chair Robles adjourned the meeting. Ron Cohen called the meeting back to order and a vote to remove Chris Robles as Chair took place.

Questions Presented under the SBCDCC By-laws and Roberts Rules of Order (as appropriate):

- Were the procedures to remove a member properly followed?
- Who has jurisdiction to initiate a proceeding to remove a member?
- Is a decision by the SBCDCC Executive Committee to dismiss a removal petition reviewable by the full SBCDCC?
- On what grounds can the SBCDCC remove a member?

**FINDINGS AND ORDER:**

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

1) The CRC finds that under the SBCDCC By-laws, any member of the SBCDCC may initiate a removal proceeding and that the process to remove Chair Chris Robles was properly initiated via certified mail by Ron Cohen (Dissent: Bowler and Shay).

2) The CRC finds the record is unclear whether the corresponding secretary certified that such notice was given and whether the accused requested a Executive Committee hearing (as provided for in the SBCDCC Bylaws), but finds that the accused chaired the Executive Committee meetings at which the removal proceeding was considered (mooting any notice issues) and that the Executive Committee concluded there was “insufficient evidence” to remove Chair Robles and dismissed the proceeding.

3) The CRC finds Chair Robles’ decision to refuse to put the dismissal on the SBCDCC agenda was incorrect (Dissent: Bowler and Shay).

4) The CRC finds while it is not clear whether Robles’ action to adjourn the June 22 meeting was valid, the subsequent action taken to remove Robles was invalid due to lack of notice.

5) The CRC finds Mr. Robles remains the SBCDCC Chair.

6) The CRC orders that the Executive Committee decision to dismiss the removal petition should be put before the entire body at the next meeting of the SBCDCC at which proper notice can be given (Dissent: Bowler and Shay).

7) The CRC finds subsequent actions by Second Vice-Chair Ron Cohen, which occurred after Chair Robles adjourned the July 27 meeting, including convening meetings purporting to be of the SBCDCC were improper and out of order and are invalidated.

8) While the CRC does not reach whether the specific allegations cited in the petition to remove Chair Robles are sufficient to justify such a removal, the CRC notes that based on the facts provided in the testimony submitted, such facts seem insufficient to support the removal of Chris Robles under the SBCDCC Bylaws.
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 September 4, 2017 with the Sacramento office of the California Democratic Party, and shall be an appeal to the next meeting of CDP Rules Committee.

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 September 16, 2017, 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 an appeal, if any, is heard by the Rules Committee.

Respectfully submitted by a 6-0 vote of the members of the CRC, with the exception of the dissents on specific issues noted above.

Kathy Bowler, Co-Chair, Rules Committee
Lois Hill, Co-Chair, Credentials Committee
Coby King, Co-Chair, Rules Committee
Lara Larramendi, Co-Lead Chair, Credentials Committee
Garry S. Shay, Lead Chair, Rules Committee
Michael Wagaman, Lead Chair, Credentials Committee