MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: November 3, 2017

RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO THE SAN BERNARDINO COUNTY DEMOCRATIC CENTRAL COMMITTEE (SBCDCC) CHALLENGE FILED ON NOVEMBER 2, 2017

INTRODUCTION:

On November 2, 2017, SBCDCC Member Ron Cohen filed a challenge regarding the meeting location of the SBCDCC which occurred on October 12, 2017.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

1. Challenge received from Ron Cohen on November 2, 2017.

The challenge included additional signatories that were not identified 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 challenge by Ron Cohen submitted on November 2, 2017 regarding a meeting occurring on October 12 was not within the seven (7) calendar day requirement for timeliness and the CRC was not provided with “good cause” to waive the requirement thus it is not 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 question of jurisdiction did not have to be reached in the challenge because it was not deemed timely.

STANDING:

According to Article XII, Section 3:

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

The question of standing did not have to be reached in the challenge because it was not deemed timely.

FINDINGS OF FACT:

The challengers allege that a special meeting of the SBCDCC on October 12, 2017, was held in a location that violated the “California Elections Code, the platform and policies of the California Democratic Party, and the state and federal Americans with Disabilities Act.”

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 the challenge was not timely nor was the CRC provided “good cause” to waive the requirement.
2) As noted in a CRC decision distributed on November 2, 2017, it is not the purpose of the CRC to referee internal political disputes, which should be resolved using processes outlined by 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 November 15, 2017 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 November 27, 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 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