MEMORANDUM

TO: All Interested Parties
FROM: Compliance Review Commission (CRC)
DATE: May 7, 2018
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO THE CHALLENGE FILED BY DEBBIE MCAFEE

INTRODUCTION:

On April 21, 2018, Ms. Debbie McAfee, filed a challenge relating to the San Bernardino County Democratic Club Summit held on April 24, 2018. The challenge asked the CRC to invalidate any actions taken at the summit and send a letter of admonishment to the Chair and 1st Vice Chair of the San Bernardino County Democratic Central Committee (SBCDCC).

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

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 Ms. McAfee submitted on April 21, 2018 regarding a summit occurring on April 24, 2018 is within the seven (7) calendar day requirement for timeliness.
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 San Bernardino County Democratic Club Summit was not an official meeting of the SBCDCC and thus not within the jurisdiction of the CRC.

STANDING:

According to Article XII, Section 3:

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

Standing did not have to be reached in this decision since it is out of the CRC’s jurisdiction.

FINDINGS:

The San Bernardino County Democratic Club Summit was held on April 24, 2018.

In an April 17 email from First Vice-Chair Mark Westwood, he states:

“This is not a Central Committee Meeting, this is a Club Summit. I am hosting this event as 1st Vice Chair with the support of the Executive Board, and the Club Presidents I have spoken with.”

The CRC concurs the Club Summit was not an official meeting of the SBCDCC nor was it a meeting of a constituted group that has any authority.

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 the challenge filed by Ms. McAfee as the Club Summit is not within the jurisdiction of the CRC as it is not an official meeting of the SBCDCC.
2) To the extent it is determined that a challenge falls within the jurisdiction of the CRC, the CRC expects the challengers to exhaust all remedies prior to filing a challenge with the CRC.

3) The CRC finds this particular challenge without merit and encourages challenges to be based on Bylaws, Rules and Procedures and not differences in views and personalities.

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 May 19, 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 May 31, 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