MEMORANDUM

TO: All Interested Parties
FROM: Compliance Review Commission (CRC)
DATE: January 10, 2018
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC)
RELATING TO THE CHALLENGE FILED BY RUTH MUSSER-LOPEZ REGARDING THE SAN BERNARDINO COUNTY DEMOCRATIC CENTRAL COMMITTEE

INTRODUCTION:

On January 7, 2018, Ms. Ruth Musser-Lopez, filed a challenge against actions taken by San Bernardino County Democratic Central Committee (SBCDCC) Chair Chris Robles.

For the purposes of this CRC decision, the challenge will be identified as follows:
#1: Challenge as it relates to the vacancy of the Second Vice-Chair position;
#2: Challenge as it relates to the vacancy of the First Vice-Chair position;
#3: Challenge as it relates to the Corresponding Secretary position; and
#4: Challenge as it relates to various statements by Chair Robles and requests of relief relating to general behavior.

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 (#1 and #4) by Ms. Musser-Lopez submitted on January 7, 2018 regarding an email distributed by SBCDCC Chair Chris Robles on January 5 is within the seven (7) calendar day requirement for timeliness. The events in challenge #3 occurred in 2016 and thus is not considered timely. The timeliness in challenge #2 did not have to be determined since administrative remedies were not exhausted.

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.”

Jurisdiction did not have to be reached in this decision because the challenge (#1) has already been considered by the CRC, the challenge (#2) didn’t exhaust administrative remedies, and the challenge (#3) was deemed not timely. The CRC does not have jurisdiction with regards to challenge #4 as there were no specific bylaw violations cited.

STANDING:

According to Article XII, Section 3:

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

Ms. Musser-Lopez is an ex-officio member of the SBCDCC and thus have standing to bring this challenge as they may have been adversely affected by the alleged actions of Mr. Robles.

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) As is relates to the Second Vice-Chair, the CRC rules the challenge is moot as the issue has already been considered by the CRC and any challenge to that determination must be filed as an appeal to the Rules Committee as outlined in the CRC decision issued on January 4, 2018 and as amended on January 7, 2018

2) As it relates to the First Vice-Chair, the CRC finds the challenges have not exhausted administrative remedies, as the committee has not had a (valid) meeting in November and December.

3) As it relates to the Corresponding Secretary, the CRC rules the challenge was not filed in a timely manner as the events occurred in 2016, and finds no basis to waive the timeliness requirement.
4) As it relates to the various statements and requests of relief relating to general behavior, the CRC finds no claim of a specific bylaw violation and restates, in part, the prior CRC decisions to continue to encourage all members to act in a courteous and respectful manner in accordance with our core democratic values.

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 January 22, 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 February 3, 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