MEMORANDUM

TO: All Interested Parties
FROM: Compliance Review Commission (CRC)
DATE: January 25, 2019
RE: DECISION OF THE COMPLIANCE REVIEW COMMISSION (CRC) RELATING TO A CHALLENGE FILED BY MS. CLARK

INTRODUCTION:

On January 16, 2019, Ms. Diddo Clark submitted a challenge relating to the actions of Jeff Koertzen for allegedly “stalking; assault; battery; false imprisonment; defamation (false accusation of voter fraud); interference with a voter's right and ability to vote in a CDP election; sexual harassment, bullying, and whistle-blower-bashing (retaliation for filing a CDP complaint).”

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

Documents received and reviewed by the CRC associated with the challenge included the following:
2. Bylaws of the California Democratic Party.

JURISDICTION

Article XII, Section 2a states:

“The Compliance Review Commission shall have initial jurisdiction over all challenges and/or appeals arising under these Bylaws.”

The CRC does not find jurisdiction in this case under the Bylaws of The Party. The appropriate entity to deal with the actions alleged by Ms. Clark, like assault, battery, false imprisonment, etc., would appear to be local law enforcement.

TIMELINESS:

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 2018, unless otherwise indicated.)

Timeliness did not have to be determined since the CRC does not have jurisdiction in this matter.

**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 determined since the CRC does not have jurisdiction in this matter.

**ORDER:**

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

1. The CRC denies the challenge based on lack of jurisdiction.
2. This order does not stay the DPCCC from considering this item in the future if it is noticed in a timely manner.

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 February 6, 2019 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 18, 2019, 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.
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
Laurence Zakson, Co-Chair, Rules Committee