

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: March 31, 2020

RE: **COMPLIANCE REVIEW COMMISSION (CRC) DECISION RELATING TO A CHALLENGE FILED BY JASON BEZIS**

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### **INTRODUCTION:**

Jason Bezis filed a challenge relating to the actions of the Democratic Party of Contra Costa County Central Committee (DPCCC). The challenge alleges that the DPCCC's adoption of various bylaw amendments at its January 16, 2020 meeting was not in compliance with the DPCCC's own bylaws, parliamentary procedure, and/or the CDP's rules and therefore affect the California Democratic Party endorsements in November 2020 and beyond. Mr. Bezis also challenged the adoption of various bylaws amendments on substantive policy grounds.

A preliminary review of Mr. Bezis' challenge found that more information was needed.

### **DOCUMENTS INITIALLY RECEIVED AND REVIEWED:**

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

1. Challenge submitted by Mr. Bezis filed on January 23, 2020 and three supporting documents.
  1. Exhibit A – Agenda
  2. Exhibit B – IBEW Letter Endorsing Contra Costa County 2020 Measure
  3. Exhibit C – No on Measure J Mailer by SEIU

No other timely testimony was received from Mr. Bezis or any of the interested parties.

### **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 2019, unless otherwise indicated.)

The action against which Mr. Bezis filed his challenge was the adoption of certain bylaws amendments by the DPCCC on January 16, 2020. Mr. Bezis filed his challenge within 7 days on January 23, 2020, and thus, the challenge was timely.

**JURISDICTION:**

Article XII, Section 2 states:

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

Further, the CRC Procedural Rules, Section 2, B. 2. state in pertinent part that a challenge must,

“Explain[] the basis of CRC’s jurisdiction... If the CRC cannot discern the section of the CDP Bylaws alleged to have been violated or which grants jurisdiction to the CRC, it may dismiss the challenge.”

The challenge submitted by Mr. Bezis failed to provide any basis for jurisdiction under the CDP Bylaws. The CRC did discuss the possibility that any amendment to a county committee’s bylaws that would affect membership in the county committee could theoretically have an impact on (1) the outcome of a local endorsement that could be subsequently adopted by the CDP or (2) the outcome of a vote for representatives to the CDP State Central Committee. However, the CRC decided on a vote of 4 to 2 (Mr. Allison and Ms. Fernandez dissenting) that without a stronger connection to a violation of the CDP bylaws, such theoretical impacts on too tenuous to find jurisdiction.

**STANDING:**

According to Article XII, Section 3:

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

Standing did not have to be reached as the CRC found no jurisdiction to hear the challenge.

**FINDINGS:**

As noted and explained above, the challenge submitted by Mr. Bezis failed to provide any basis for jurisdiction under the CDP Bylaws.

**ORDERS AND COMMENTS:**

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

1. Based on the information presented, the CRC finds no jurisdiction under the CDP Bylaws and denies the challenge.

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. Thus, any appeal must be filed on or before April 13, 2020 with the Sacramento office of the California Democratic Party, and shall be an appeal to the next meeting of the CDP Rules Committee.

Please note that per CDP Bylaws, Article XII, Section 6b, 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 April 25, 2020, 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 4-2 vote of the members of the CRC,

Tim Allison, Co-Chair, Credentials Committee

Kathy Bowler, Co-Lead Chair, Rules Committee

Nicole Fernandez, Co-Chair, Rules Committee

Coby King, Co-Chair, Rules Committee, and Co-Chair of the CRC

Lara Larramendi, Co-Lead Chair, Credentials Committee, and Co-Chair of the CRC

Keith Umemoto, Co-Chair, Credentials Committee