

MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: February 17, 2020

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

INTRODUCTION:

Robert Leahy filed two challenges relating to the actions of the Veterans Caucus of the California Democratic Party. The two challenges allege that the Veterans Caucus held “secret meetings” and improperly removed him from his elected board position of First Vice Chair.

A preliminary review of Mr. Leahy’s challenge found that more information was needed.

The CRC, in an Order distributed on November 9, 2019, stated:

“The CRC requested additional information as it related to the notice of any and all of the alleged “secret meetings” and to the removal of Mr. Leahy as First Vice Chair. The requested information included the; agenda, minutes and any other requirements for removal found in the Veterans Caucus Bylaws dated October 2018.”

The deadline to submit any information requested above was November 21, 2019.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

1. Challenge submitted by Mr. Leahy filed on October 1 (Secret Meetings) and October 6 (Illegal Removal).
2. Responses submitted by Ricardo Franco, Crystal Jackson, Tom Larossi, Jillynn Molina-Williams, George Perezvelez, Richard Valdez, Ken Warfield, Shelisa Williams, and Susana Williams.

Documents received and reviewed by the CRC associated with the request for additional information to the challenge included the following:

1. Veterans Caucus response to the CRC filed by Crystal Jackson (included response letter to CRC, notification of meetings, agenda and minutes to the September 2019, October 2019 and November 2019 meetings).
2. Responses to CRC submitted by Michelle Gomez, Crystal Jackson, Robert Leahy, and Jillynn Molina-Williams.

JURISDICTION:

Article XII, Section 2 states:

“The Compliance Review Commission shall have initial jurisdiction over all challenges and/or appeals arising under these Bylaws, except as pertains to Removal or discipline of a Member or Removal or discipline of an Officer of This Committee.”

The CRC finds jurisdiction under Article XIII (General Policies), specifically Section 1. Public Meetings, Section 3. Notice of Agenda and Meetings, and Section 5. Full Publication of Selection Procedures.

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 challenge on “Secret Meetings” was submitted on October 1, 2019 within 7 days of the of the alleged secret meeting which occurred on September 24, 2019. The challenge on the illegal removal was submitted on October 6, 2019 within 7 days of receiving the notice of removal. Thus, the CRC finds the challenges to be timely.

STANDING:

According to Article XII, Section 3:

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

The Challenger was both an officer and member of the caucus and would therefore be impacted by the improper notification of said meeting and/or the removal as Vice Chair of the Caucus. Therefore, the CRC finds the Mr. Leahy has standing.

FINDINGS:

According to the Veterans Caucus ByLaws Article 5 Section 2

“NOTICE OF CAUCUS MEETINGS: All meetings of the VC-CDP and meetings of the Executive Board must be duly noticed. All members shall be duly noticed of each meeting a minimum of ten (10) calendar days prior. All meeting notices must contain information pertaining to the date, time and place or manner of the meeting. All meeting notices shall note that the bylaws, qualifications and procedures are posted on the web site.”

Since neither the documents submitted nor the testimony included the recipient list for the communications regarding the notice of the meeting, the CRC could not determine to whom the notice was sent.

The CRC recognizes that when a member or officer of a caucus is as disruptive as the allegations here show that Mr. Leahy was, a caucus would be justified in invoking their removal procedures. Nonetheless, however justified such a removal might be, strict adherence to due process and an organization’s own removal procedures must occur. The relevant sections of the Caucus’s bylaws provide as follows:

Veterans Caucus ByLaws Article 3 Section 5(D)

“MEMBER TERMINATION Any ten (10) members can petition that another member be reviewed for potential disciplinary action, up to the termination of their membership if, during his/her term of membership, such member violates these Bylaws; Causes harm to the reputation and/or financial standing of the Caucus; In any way causes harm or disruption to the Caucus by acting in a manner contrary to the stated goals and principles of the Caucus. See Article XI of these bylaws for the procedures on removal.”

Veterans Caucus ByLaws Article 11 section 5(b)(2)

“CHALLENGES Upon receipt of the statement of charges, the Sergeant-At-Arms must send to the accused member by timely registered mail, a copy of the statement of charges and a letter stating that the accused member may either resign or have a hearing before the Special Review Committee.”

The CRC did not have enough evidence showing the Caucus properly followed their own hearing and removal procedures in their bylaws. Specifically, , the CRC found no evidence that the sergeant-at-arms sent a copy of the statement of charges, as required. After review of all the testimony regarding the facts which led to the removal of Mr. Leahy as Vice Chair, the CRC finds that the removal was not done in accordance the Veterans Caucus bylaws.

ORDERS AND COMMENTS:

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

1. The CRC denies the “secret meeting” challenge, as Mr. Leahy and all testimony submitted failed to show proof of the insufficient notice.
2. The CRC upholds the challenge by Mr. Leahy that his removal as the Veterans Caucus Vice Chair was invalid as the Caucus did not follow the process for removal outlined in the Veterans Caucus By-laws. Mr. Leahy’s removal is therefore invalidated.
3. The CRC finds disturbing the numerous and credible allegations of inappropriate behavior by Mr. Leahy and encourages all members to act in a courteous and respectful manner in accordance with our core democratic values and hopes and expects people to conduct themselves appropriately in all settings. Given this, the CRC finds the alleged statements attributed to Mr. Leahy deeply disappointing and not reflective of the Party’s values.
4. The CRC further suggests that the Caucus consider simplifying their removal procedures or provide for the event that the sergeant-at-arms does not fulfill the duties.

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 February 29, 2020 with the Sacramento office of the California Democratic Party, and shall be an appeal to the next meeting of the CDP Rules Committee at the March 21, 2020 Executive Board Meeting.

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 March 12, 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 6-0 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