

## MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: September 30, 2020

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

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### **INTRODUCTION:**

Victor Valladares filed a challenge relating to the actions of the Democratic Party of Orange County (DPOC). The challenge alleges that the Orange County Dem. Party improperly removed Mr. Valladares as West Vice Chair without due process. Mr. Valladares alleges that his removal as the West Vice Chair (DPOC) on May 25, 2020 did not comply with the requirements of due process per Roberts Rules of Order. Nor was he notified of his removal for misconduct or neglect of duty as required in DPOC Bylaws Article IV, Section 3.

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

CDP Staff received the following documents associated with the challenge:

1. Challenge submitted by Mr. Valladares on June 8, 2020.
2. Response opposing the challenge was submitted by Florice Hoffman on behalf of DPOC and Ken Wyant
3. Responses supporting the challenge submitted by DPOC members Betty Valencia, Jeff LeTourneau and Luis Aleman.

### **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.)

Mr. Valladares originally submitted a challenge on June 1, 2020 relating to an incident that took place on May 25, 2020. On June 3, 2020 CDP Staff requested that Mr. Valladares resubmit his challenge within 5 days in proper format as it did not adhere to the challenge submission requirements. On June 8<sup>th</sup>, CDP Staff received his updated challenge.

Mr. Valladares filed his original challenge within 7 days of the May 25, 2020 incident, and thus, the challenge was timely.

**STANDING:**

According to Article XII, Section 3:

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

Mr. Valladares is a member of the DPOC, thus the CRC finds that he has standing as he was adversely affected.

**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.”

Based on the contents of the challenge, the CRC found jurisdiction under Article XIII, Section 3 (Notice of Agendas and Meetings).

**FINDINGS:**

After reviewing the challenge and the responsive filings, the CRC finds that the DPOC has proven that sufficient notice was given and due process was provided per the DPOC Bylaws.

**ORDERS AND COMMENTS:**

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

The CRC rejects the challenge on the basis that the evidence is clear that the challenger received both notice and due process.

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 October 13, 2020 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 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 October 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 5-0 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