

MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: December 8, 2020

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

INTRODUCTION:

Emily Cameron filed a challenge relating to the actions of the Fresno County Democratic Central Committee (FCDCC). The challenge alleges that the FCDCC Executive Board met to start removal proceedings for 25 violations of the CDP's Code of Conduct on August 19, 2020, which violated CDP Bylaws Article XIII, Section 11 as the challenger was not given proper notification of the proceedings. Ms. Cameron also claims that the FCDCC Executive Board violated the FCDCC Bylaws by basing her removal on incidents that occurred before she was an active member. Ms. Cameron also alleges that the FCDCC violated Robert's Rules of Order sections 63 and 9, by divulging classified information about the charges against her to the GV Wire (an online media site) and by leaking confidential information occurring during a closed FCDCC session.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

CDP Staff received the following documents associated with the challenge:

1. Challenge submitted by Ms. Cameron on September 1, 2020.
2. Response opposing the challenge was submitted by the FCDCC Executive Board, with signed declarations from Nelson Esparza, Michael Evans, Jeni-Ann Kren, David Rowell and Ruben Zarate
3. No responses supporting the challenge were submitted.

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 July 2020, unless otherwise indicated.)

Ms. Cameron originally submitted a challenge on August 26, 2020 relating to an incident that took place on August 20, 2020. CDP Staff replied on September 1, 2020 and requested that Ms. Cameron resubmit her challenge within 5 days in proper format as it did not adhere to the challenge submission requirements. On September 1st, CDP Staff received her updated challenge.

Since Ms. Cameron filed her original challenge within 7 days of the August 19, 2020 meeting and the August 20th incident, the challenge was timely.

STANDING:

According to Article XII, Section 3:

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

The challenger was removed as a FCDCC member in Supervisorial District 2. The CRC finds that Ms. Cameron does have standing as she was an adversely affected party.

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 Ms. Cameron failed to provide any basis for jurisdiction under the CDP Bylaws.

ADDITIONAL COMMENTS:

As the CRC has explained in many previous decisions, the CRC is not a general appellate body for county committees, which under state and federal law are separate legal entities from the CDP. While there are exceptions to this rule, in general, the CDP (through the CRC) will not intervene in the business of a county committee unless the actions being complained about directly affect the county committee’s representation on the CDP State Central Committee or Executive Board or, in the case of a county committee whose endorsements are deemed to be the CDP’s endorsements, directly affect the endorsement process.

The most common exception to the rule in the previous paragraph is where the actions complained about seriously violate Article XIII of the CDP By-laws, which details

procedural rights of all Democrats, especially sections 1 through 7, relating to meetings being public, tests and oaths, and most of all, notice. While Ms. Cameron does claim that she did not receive notice of the proceedings, the evidence is clear to the contrary.

FINDINGS:

As noted above, the challenge submitted by Ms. Cameron failed to provide any basis for jurisdiction and the CRC could not discern any section of the CDP bylaws to have been violated according to the challenge.

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 challenger did not establish jurisdiction under the CDP Bylaws and such 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 December 20, 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 2e, the filing of an appeal shall not stay any decision of the CRC. Parties may additionally respond in person or virtually, depending on how the meeting is being conducted, 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 January 2, 2021, 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