

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 RUTHEE GOLDKORN**

INTRODUCTION:

Ruthee Goldkorn filed a challenge relating to the actions of the Riverside County Democratic Party (RCDP). The challenge alleges that the RCDP Chair, Tisa Rodriguez, and Vice Chair, Agi Kessler, failed to recognize Ms. Goldkorn's alternate, Nina Hiers, and denied her the right to vote during the RCDP special meeting held on August 31, 2020. Ms. Goldkorn alleges that Ms. Hiers' status was ruled to be indeterminate although the challenger made ample attempts to notify the Committee of her early departure from the Zoom meeting so that the voting rights of her alternate could be activated.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

CDP Staff received the following documents associated with the challenge:

1. Challenge submitted by Ms. Goldkorn on September 13, 2020.
2. Response opposing the challenge was submitted by the RCDP Vice Chair, Agi Kessler.
3. No response supporting the challenge was 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. Goldkorn originally submitted a challenge on September 4, 2020 relating to an incident that took place on August 31, 2020. CDP Staff replied on September 9, 2020 and requested

that Ms. Goldkorn resubmit her challenge within 5 days in proper format as it did not adhere to the challenge submission requirements. On September 13th, CDP Staff received her updated challenge.

Since Ms. Goldkorn filed her challenge within 7 days of the August 31, 2020 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 is a voting member of the RCDP who attempted to transfer her voting rights to her alternate when she left the meeting early. The challenger alleges that her right to vote was taken away when her alternate was denied voting rights.

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. Goldkorn failed to provide any reference to jurisdiction under the CDP Bylaws.

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. Here, there are no such claims, and thus there is no jurisdiction.

FINDINGS:

As noted above, the Challenger did not state a basis for jurisdiction by the CRC over the RCDP, and the challenge will be dismissed. Further, after reviewing the challenge and the responsive filings, the records show and the CRC finds that a Ruthee Goldkorn designated vote was in fact cast on the questions complained about, and therefore even had the CRC found jurisdiction, the evidence does not support a finding of a violation.

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 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 Umamoto, Co-Chair, Credentials Committee