

MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: October 5, 2022

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

INTRODUCTION:

On April 20, 2020, Mr. Tomás Oliva submitted a challenge relating to the actions of the Imperial County Democratic Central Committee (ICDCC). The challenge alleges that the Committee made By-Law changes at its April 13, 2020 meeting, which violated the ICDCC by-Laws and removed both Tomás Oliva and Tony Tirado as Ex-Officio members of the ICDCC. Thus, depriving them of their right to vote as members.

Mr. Oliva alleges that the April 13th meeting violated the following:

1. CDP By-Laws Article II, Section 4(a) Member Elected by County Central Committees
2. CDP By-Laws Article VII, Section 2(b)1 and 2 Executive Board – County Committee Representatives Elected
3. CDP By-Laws Article XIII, Section 3 Notice of Agendas and Meetings

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

1. Challenge submitted by Mr. Oliva filed on April 20, 2020 and one supporting document.
 - a. Additional Information for Reference
2. Late testimony submitted by Annette Gonzalez-Buttner
3. ICDCC By-Laws

JURISDICTION:

Article XII, Section 2b 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 CRC has jurisdiction under Article XIII, Section 3 Notice of Agendas and Meetings.

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 2018, unless otherwise indicated.)

The challenge filed by Mr. Oliva was submitted on April 20, 2020. The submission was within 7 days of the ICDCC meeting on April 13, 2020, 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.”

Proponents of this challenge are/were members of the ICDCC, thus the CRC finds that they have standing as they were adversely affected.

FINDINGS:

After requesting and reviewing the challenge and supplemental evidence showing proof of notice, the CRC find that notice was given.

The action of the ICDCC and the changes made in their By-Laws are not the Jurisdiction of the CRC.

ORDERS AND COMMENTS:

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

The CRC denies all challenges as Tomás Oliva was not able to provide proof of a violation of either the ICDCC or any article of the California Democratic Party By-Laws.

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 17, 2022 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 Monday, October 17, 2022, 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