

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 DAVID ABBASI**

INTRODUCTION:

On April 3, 2021 David Abbasi filed a challenge relating to the actions of the Kern County Democratic Central Committee (KCDCC). The challenge alleges that the Kern County DCC violated CDP Bylaws Article II, Section 4 and 7 on Membership and Notification of Appointment or Election and Section 9 on Removal from Membership. Mr. Abbasi claims that he is constantly ignored by the Kern County Chairperson Christian Romo since his previous CRC Challenge back in August 2020. He alleges that he was passed over for an open seat although he was the only runner-up. Mr. Abbasi further alleges that he was removed from the Central Committee on March 23, 2021 and was not provided a cause for removal. He also claims that his removal was a form of retaliation due to him going public about public corruption and just a personal vendetta.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

CDP Staff received the following documents associated with the challenge:

1. Challenge submitted by Mr. Abbasi on April 3, 2021
2. Response opposing the challenge was submitted by the KCDCC members Ralph Burnette and Hortencia Cabral
3. There were no Responses supporting the challenge 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 January 2021, unless otherwise indicated.)

The CRC did not find this challenge submission timely as it was submitted 11 days after the date of incident.

STANDING:

According to Article XII, Section 3:

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

Standing did not have to be reached as the challenge was not submitted timely.

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.”

Jurisdiction did not have to be determined as timeliness was not found.

FINDING, ORDER AND COMMENTS:

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

1. The CRC denies the challenge for the lack of timeliness.
2. 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.

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 Credentials 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 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.

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