

## 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 JASON BERCOVITCH**

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### **INTRODUCTION:**

On May 3, 2020, Mr. Jason Bercovitch submitted a challenge relating to the actions of the San Diego County Democratic Party (SDCDP). The challenge alleges that the SDCDP violated the following: The challenge alleges that the Chair of the SDCDP, Will Rodriguez-Kennedy did not act in accordance with the SDCDP Bylaws and Policies and Procedures.” Mr. Bercovitch alleges that his removal as the North Area Caucus Vice Chair on March 5, 2020 was in direct violation of the SDCDP Bylaws when the matter was brought to the Central Committee on April 30, 2020 as the required two-thirds support in favor of his removal was not reached at the April 29<sup>th</sup> Executive Board committee meeting.

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

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

1. Challenge submitted by Mr. Bercovitch on May 3, 2020
2. Response opposing the challenge was submitted by the SDCDP Chair Will Rodriguez-Kennedy and a late response opposing the challenge submitted by Sara Kent (member of SDCDP).
3. Responses supporting the challenge submitted by Jana Johnson, Narima Lopes, Hugh Rothman, Sheri Sach and Sunny Escovedo (who are all members of the SDCDP)
4. SDCDP By-Laws

### **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 CRC did not find jurisdiction in this challenge and Mr. Bercovitch did not provide a basis for jurisdiction in the challenge.

**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. Bercovitch was submitted on May 3, 2020. The submission was within 7 days of the DPCCC meeting April 30, 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.”

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

**FINDINGS:**

Jurisdiction could not be found and the CRC could not discern any section of the CDP Bylaws to have been violated according to the challenge.

**ORDER AND COMMENT:**

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

1. The CRC denies the challenge as no jurisdiction was found.

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