

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 BEZIS**

INTRODUCTION:

On April 23, 2020, Mr. Jason Bezis submitted a challenge relating to the actions of the Democratic Party of Contra Costa County Central Committee (DPCCC). The challenge alleges that the DPCCC violated the following:

1. That the endorsement procedures considered and/or adopted by the Committee at its April 16th meeting were not in accordance with the DPCCC duly adopted By-Laws or with fundamental rules of fairness.
 - a. DPCCC Executive Committee used COVID-19 pandemic and electronic meeting to attempt to seize control of the endorsement process from the body.
 - b. Voting was not secure and confusing
 - c. Agenda enforced limited discussion and debate on controversial change to the DPCCC endorsement procedures
 - d. A vote was conducted well after 10:00pm
2. The April 16th meeting violated CDP By-Laws, Article VIII Endorsement and CDP By-Laws Article XIII General Policies on Public Meetings
 - a. Zoom format and participation did not allow for full participation

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

1. Challenge submitted by Mr. Bezis filed on April 23, 2020 and two supporting documents
 - a. Exhibit A – DPCCC Final Agenda 04.16.20
 - b. Exhibit B – Endorsement Rules and Procedures Amendments
2. Testimony submitted by Diddo Clark, Jason Bezis, Jeff Koertzen, Melanie Smith, Sue Hamill and a late response by Paul Seger
3. CRC Procedural Rules
4. DPCCC 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.

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.)

Mr. Bezis filed his challenge within 7 days of the April 16, 2020 incident, 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. Bezis is a member of the DPCCC, thus the CRC finds that he has standing as he was adversely affected.

FINDINGS:

The CRC thought it pertinent to clarify the job and purpose of the CRC when it comes to County Central Committee actions. The CDP and the CRC are not an appeals court for County Central Committees.

In California, Central Committees are separate legal entities that are in charge of their own affairs. The legal distinction is very important because it is in the interest of the CDP, under campaign finance laws, for them to remain independent so that CDP does not become responsible for their fundraising activities and reporting responsibilities.

Every Central Committee is its own political Committee under both Federal and State laws.

We try to be very careful to delineate that we do not have control over Central Committee business, with the exception of two rights that the CDP grants to Central Committees. We grant Central Committees the option to elect representatives to our DSCC and to our Executive Board. The other is the DSCC adoption of Central Committee Endorsements.

ORDER:

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

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