

## 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 DIDDO CLARK AND JASON BEZIS**

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### **INTRODUCTION:**

On April 8, 2021 Diddo Clark and Jason Bezis filed a challenge relating to the actions of the Contra Costa County Democratic Central Committee (DPCCC). The challenge alleges that the DPCCC violated CDP Open Meeting Rule and CDP Bylaws, Article XIII, Section 1, claiming that the DPCCC Executive Committee held a series of improper “executive sessions” (closed sessions) in recent months, including at its February 4, 2021, March 4, 2021, and April 1, 2021 meetings. The challengers claim that the DPCCC full body was scheduled to hear a disciplinary “trial” against Challenger Jason Bezis in a closed session at its April 15, 2021 meeting, making it the only closed session that the County Central Committee has held as a full body in at least a quarter century. The challengers believe that the disciplinary proceedings generally should be public under U.S. Constitution and CA Law. Challengers believe that the closed sessions on February 4 and March 4, 2021 were improper disciplinary proceedings under the DPCCC Complaint and Due Process procedures which require that the respondent be given “Notice of complaint and the right to respond” after the committee acts and before the Executive Committee considers the matter. Under Government Code Section 54960.1 regarding actions taken improperly by CA public entities in closed sessions, The Petitioners request that the actions taken by the DPCCC Executive Committee and the DPCCC full body in an improper closed session in February, March and April of 2021 be declared null and void. Furthermore, the challengers call for the removal of all DPCCC- appointed members from the DSCC who knowingly participated in the closed sessions of DPCCC meetings in February, March and April 2021 that lacked proper justification for closure.

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

CDP Staff received the following documents associated with the challenge:

1. Challenge submitted by Ms. Clark and Mr. Bezis on April 8, 2021.
2. Responses opposing the challenge were submitted by the DPCCC Chair Katie Ricklef and DPCCC members, Peter Marshall Lewis, Sue Hamill and Jeff Koertzen.
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 challenge filed by Ms. Clark and Mr. Bezis was submitted on April 8, 2021. The submission was within 7 days of the DPCC meeting on April 1, 2021, 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.”

Ms. Clark and Mr. Bezis are members of the DPCCC, thus the CRC finds that they both have standing as they were adversely affected.

**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. Clark and Mr. Bezis failed to provide any basis for jurisdiction under the CDP Bylaws.

**FINDING, ORDER 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 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 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