

## 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 SENATOR STEVE GLAZER AND JASON BEZIS**

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### **INTRODUCTION:**

On April 22, 2021 Senator Steve Glazer 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(Public meetings), claiming that the DPCCC held and an illegal “executive session” (closed session) at its April 15, 2021 meeting where a disciplinary action and an illegal vote to suspend Mr. Bezis took place. The challengers further allege that during this meeting, serious violations of the CDP Code of Conduct were violated. The challengers claim that the entire disciplinary hearing was conducted in closed session despite the repeated demand of a public trail by Mr. Bezis. This included the deliberations and roll call votes and other determinations. The challengers also mention that the DPCCC excluded the press (Contra Costa Herald) from the closed session. Furthermore, the challengers allege that Brad Kent, alternative to Chair Ricklef, cast illegal votes during the April 15, 2021 meeting in violation of Elections Code § 7208 being that alternates can only vote in the absence of their appointer but Chair Ricklef was present. Challengers request that the CRC deem null and void the actions taken during closed sessions at the DPCCC February, March, and April 2021 Executive Committee meetings and during the closed session at the April 15, 2021 DPCCC full body meeting, in violation of the CDP Open Meeting Rule.

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

CDP Staff received the following documents associated with the challenge:

1. Challenge submitted by Mr. Steve Glazer and Mr. Jason Bezis on April 22, 2021 and one supportive document.
  1. Exhibit 1 – April 15<sup>th</sup> Roll Call Vote
2. Responses opposing the challenge were submitted by the DPCCC Chair Katie Ricklef and DPCCC members, Sue Hamill and Jeff Koertzen and three supporting documents.
  1. Email from former Rules Committee member on Bylaws subcommittee
  2. Formal Suspension letter to Mr. Bezis
  3. Article resulting from the April 15<sup>th</sup> meeting from Contra Costa Herald

3. Response supporting the challenge was submitted by Jason Bezis with one supportive document.
  1. Membership meeting minutes

### **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 Mr. Glazer and Mr. Bezis was submitted on April 22, 2021. The submission was within 7 days of the DPCC meeting on April 15, 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.”

Mr. Glazer is a member of the DPCCC and Mr. Bezis was a member before the alleged improper removal, thus the CRC finds that the challengers have standing.

### **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.”

Based on the contents of the challenge, the CRC found no violation of our Bylaws but found jurisdiction on the belief that the challenge stated sufficient facts to call into question as to whether or not the open meeting rule was violated.

### **FINDINGS:**

1. As to the challengers' claim that the DPCCC violated CDP open meeting rule and CDP Bylaws, Article XIII, Section 1(Public meetings), the CRC found that with good intentions the DPCCC followed its own previously established procedures. The CRC finds that based on the evidence provided, no violation was committed.

2. As to Mr. Bezis's claim that voting at the DPCCC violated Elections Code 7208 as it stipulates that the alternate cannot cast a vote when the regular member is present and the DPCCC regular member's alternate voted even though the DPCCC regular member was not absent from the meeting, the CRC notes that the California Supreme Court has found that county committees are not bound by the Elections Code.

### **ORDER AND COMMENTS:**

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

The CRC dismisses the challenge as the challengers were not able to provide proof of violation of either the DPCCC or any article of the CDP Bylaws.

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