

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 RUTH LUEVANOS AND RL MILLER**

INTRODUCTION:

On July 11, 2021 Ruth Luevanos and RL Miller filed a challenge related to the action of Melissa DeMarco, former chair of the Ventura County Democratic Central Committee (VCDCC); Diana Sparagna, acting VCDCC chair; and Shawn Terris, who was said to have won the election to the CDP EBoard declared by Chair DeMarco and Sparagna. The challenge alleges that Chair Demarco, unilaterally overturned an election, then fired the Parliamentarian in response to the advice to not act unilaterally. After Chair Demarco resigned on July 13th, the First Vice-Chair Sparagna assumed the title of the Chair and upheld the decision to overturn the election. The Challengers claim that Chair Demarco violated Robert's Rules of Order and CDP Bylaws Article VII due to the election to seat a DCC member to the CDP Eboard. The challengers claim that both Shawn Terris and Ruth Luevanos were both nominated to fill the vacancy of the EBoard at the June 22, 2021 regularly scheduled meeting via zoom. Claiming the vote produced via the google form and voice votes totaled 29 for Luevanos and 26 for Terris with 2 abstentions. Discrepancies of the count were later discovered. Followed by an email on June 28, 2021 from Chair Demarco, stating that a complaint was made by Shawn Terris claiming victory as the count should have been 29 for Terris-25 Luevanos – and 1 Abstention. The Chair supported the findings and announced the position effective immediately. The Challengers believe the corrected tally should have been 26 for Luevanos and 24 for Terris with 1 Abstention. The challengers are requesting to unseat Shawn Terris and to seat Ruth Luevanos.

DOCUMENTS INITIALLY RECEIVED AND REVIEWED:

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

1. Challenge submitted by Ruth Luevanos and RL Miller on July 11, 2021
2. Response opposing the challenge submitted by Respondent Diana Sparagna, acting Chair of VCDCC (including Exhibits 1-5) and Shawn Terris. (with 1 Exhibit)
3. No responses supporting the challenge were 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.)

Challengers Luevanos and Miller originally submitted a challenge on July 5, 2021 relating to an incident that took place on June 28, 2021. On July 6, 2021 CDP Staff requested that the Challengers resubmit their challenge within 5 days in proper format as it did not adhere to the challenge submission requirements. On July 11th, CDP Staff received their updated challenge.

The Challengers filed their original challenge within 7 days of the June 28, 2021 incident, and 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.”

Challenger Ruth Luevanos is a member of the VCDCC, thus the CRC finds that the joint filing has standing as Ms. Luevanos was 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 CRC finds jurisdiction under Article II (Membership), specifically Section 4. Members Elected by County Central Committees as it relates to the selection process of a Delegate to Democratic State Central Committee.

FINDINGS:

The CRC finds that the evidence is clear that the VCDCC made a good faith effort to run the meeting in a clean way, but there was some confusion on what was considered a valid vote. The CRC considered the disputes on both sides. Finding that due to the nature of technology, like the Zoom meeting features and the Google Form, raised many questions on what votes would be accepted. Attempting to confirm who voted through the chat vs. the google form or verbally.

In review of all the evidence, the CRC did not find any ill intent but acknowledged the great deal of confusion on the status of votes.

ORDER AND RECOMMENDATIONS:

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

1. The CRC rejects and grant the appeal in part.
2. The CRC recommends that the VCDCC hold a new election from among the two candidates that were in the contested election at a time that takes place after the Central Committee has elected a new slate of Officers. Further recommending that the Central Committee arrange to have the election meeting presided over by a third party not associated with eh VCDCC. If this process is not able to take place prior to the CDP deadline for the August 2021 EBoard, then Shawn Terris will be the EBoard Representative for this slot for the upcoming CDP August Executive Board Meeting.

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.

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 5-0 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