

MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

DATE: April 14, 2023

RE: **COMPLIANCE REVIEW COMMISSION (CRC) DECISION RELATING TO A CHALLENGE FILED BY JASON BEZIS**

INTRODUCTION:

On May 13, 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 alleged that on May 6, 2021, the DPCCC violated the CDP Bylaws Article XIII, Section 1 (Open Meeting Rules) by excluding Democratic members from the full Executive Committee Meeting which included Mr. Bezis. The Challenger states that he was admitted to the May 6th Zoom meeting around 7:00 pm, but was soon removed without explanation at 7:01 pm. He further alleges that he was not readmitted despite his numerous requests to be admitted. At 7:52 pm, Mr. Bezis claims that he sent an email to the Executive Committee members and Regional Directors Lynette Henley and Rocky Fernandez but never received a response. The Challenger details the lack of reason for the DPCCC to hold a closed session based on the Agenda he was provided. The last attempt to rejoin was at 7:55 pm.

The Challengers request the following:

- The CDP instruct the DPCCC to hold future committee meetings in accordance with the CDP Bylaws, Article XIII, Section 1 (Public Meetings) and the CDP Open Meeting Rule.
- The CDP instruct the DPCCC to open all of its public meetings to all members of the Democratic Party, including but not limited to the 370,000 registered Democrats in Contra Costa County who are not paid “members of the Democratic Party of Contra Costa County,” in accordance with CDP Bylaws and the CDP Open Meeting Rule.
- The CDP direct the DPCCC to abide by CDP Bylaws, Article XIII, Section 3 (Notice of Agendas and Meetings) and invite all members of the Democratic Party to the Committees’ public meetings in their meeting notices, not just to paid “members of the Democratic Party of Contra Costa County.”

The CRC would like to note that although originally sent by Mr. Bezis in May of 2021, this matter was erroneously not placed on the agenda until March 2023.

CRC PROCEDURAL RULES SECTION 5(D): POWERS

Per CRC Procedures on Vexatious litigants, the CRC has the power to:

“Dismiss or deny without requesting responses, any filing that they have determined: a. that even if all of the alleged facts were true the challenge would still be denied or dismissed, b. is frivolous or without merit, c. is primarily meant to vex, annoy, or harass the respondent, and/or, d. manifests an absence of: (1) good faith in bringing, or, (2) a substantive argument underlying, the challenge which makes requiring a response and hearing detrimental to the best interests of the Democratic Party as a whole; provided, however, that if any member of CRC requests the matter be heard, responses and a hearing will be scheduled.”

“Upon motion of an interested party supported by a showing that the Challenger has a history of filing frivolous or vexatious claims, dismiss, without seeking testimony from the challenged parties, any challenge determined not to have a likelihood of success, filed by a proponent who has failed to prevail, in the determination of the Co-Chairs, or the CRC, in three (3) or more matters filed by the proponent, in the previous four (4) years,”

FINDINGS:

According to CRC Procedural Rules 5(C):

“If, upon review of the challenge of the Proponent(s), the CRC determines that even if all of the alleged facts were true the challenge would still be denied, it may do so without requesting responses. [Examples include but are not limited to: a challenge filed after the deadline without stating good cause; a challenge based on a provision CRC does not have initial jurisdiction over; and/or a challenge that does not state factual allegations constituting the alleged violation.]”

The challenge is deficient in many respects. First, the Challengers do not explain what internal remedies were available and how they were exhausted. Second, the challenge is insufficiently clear as to why, in a matter involving a County Central Committee, the circumstances warrant a finding of jurisdiction and a finding of a potential violation of such severity as to warrant, if proven, the remedy of denial of representation on This Committee or its Executive Board. Given this, the prudential rule urging the CRC not to intervene in County Central Committee matters –

except in limited circumstances – and the fact that the CRC has previously found that Mr. Bezis has exhibited a pattern of being a vexatious litigant under CRC Procedural Rule 5(d), summary dismissal is warranted. With respect to Mr. Bezis’ status as a vexatious litigant, previous challenges submitted by Mr. Bezis against the DPCCC include:

- May 22, 2018 – 4 Endorsement votes
- August 23, 2018 – Adoption of Bylaw amendments
- September 6, 2018 – Endorsements in the race for Pinole City Council
- November 22, 2018 – Open meeting policy and insufficient notice
- January 24, 2019 - Adoption of Bylaw amendments
- January 23, 2020 - Adoption of Bylaw amendments
- February 27, 2020 – Endorsement votes
- August 22, 2020 – Endorsement for the West Contra Costa Unified School District (WCCUSD) Area 5 race (Ruled Vexatious Litigant)
- April 8, 2021 – Open meeting policy and disciplinary trial against Mr. Bezis
- April 22, 2021 - Open meeting policy and vote to suspend Mr. Bezis’ membership
- June 24, 2021 – Election of EBoard Members not held in timely manner per CDP Bylaws

As the CRC has explained in many previous decisions, the CRC is not a general appellate body for county committees, which under state and federal law are separate legal entities from the CDP. While there are exceptions to this rule, in general, the CDP (through the CRC) will not intervene in the business of a county committee unless the actions being complained about directly affect the county committee’s representation on the CDP State Central Committee or Executive Board or, in the case of a county committee whose endorsements are deemed to be the CDP’s endorsements, directly affect the endorsement process.

Notwithstanding the foregoing, the CRC notes that all Democratic Central Committees, including the DPCCC and its Executive Board, are bound by the Open Meetings rule and must notice and hold their meetings in a manner consistent with that rule.

DECISIONS:

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

1. Based on the information presented, the CRC declines to hear this facially deficient case given that it has determined that Mr. Bezis is a vexatious litigant per CRC Procedural Rules 5(d) & 6.

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 April 26, 2023 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 Wednesday, April 26, 2023, 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

Laurence Zakson, Member, Rules Committee

Nicole Fernandez, Co-Chair, Rules Committee

Valeria Hernandez, Co-Chair, Rules Committee, and Co-Chair of the CRC

Lara Larramendi, Co-Lead Chair, Credentials Committee, and Co-Chair of the CRC

Paul Seo, Co-Chair, Credentials Committee