

MEMORANDUM

TO: All Interested Parties

FROM: Compliance Review Commission (CRC)

ORIGINAL

DECISION DATE: April 14, 2023

AMENDED

DECISION DATE: April 17, 2021

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

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On April 14, 2023, the CRC issued its decision denying the challenge filed by Timothy Prince. On April 15, 2023, Kristin Washington, Chair of the San Bernardino County Democratic Central Committee (SBDCC) sought a rehearing of the matter based on the fact that staff had failed to realize that Ms. Washington, on behalf of the SBDCC, had filed three responsive documents on just a few minutes before the deadline on March 5, 2023.

Having considered Chair Washington's request and the submitted materials, the CRC has decided to exercise its authority under CRC Procedural Rule 2.J, which states:

*Except as otherwise provided in a CRC Decision limiting its own jurisdiction, or a Decision of the Rules Committee or Credentials Committee extending its jurisdiction, the CRC shall maintain jurisdiction over all of its decisions up until:*

*1. The time for an appeal has passed and the report of the meeting of the Rules Committee or Credentials Committee at which a timely appeal would have been heard has been submitted to the Executive Board or to This Committee or,*

*2. An appeal is heard by either the Credentials Committee or the Rules Committee of This Committee.*

*During this time of continuing jurisdiction, the CRC shall have the power and authority to modify, rehear, dismiss, or make other changes to its decision as may be necessary during that time period.*

The request to: (1) reopen the record, (2) take cognizance of the timely, but overlooked, submission by the SBDCC and (3) modify the opinion accordingly is hereby GRANTED.

The decision, as modified/amended, is set forth below.

## **INTRODUCTION:**

On February 2, 2023, Timothy Prince, President of the Democratic Luncheon Club of San Bernardino filed a challenge relating to the San Bernardino Democratic Central Committee (SBDCC) for violating the SBDCC By-Laws Article IX, and the CDP By-Laws Article XIII, in violation of the CDP Open Meeting Policy and basic principles of due process. The challenger further alleges that the Committee failed to provide reasonable notice of the following:

- Alleging that Notice was not given to the Club of the Executive Board meeting held between January 9 and January 25 - date unknown.
- Alleging that on January 25, 2023 – Chair Washington notified the aforementioned Club, via email, of the Executive Committee’s Recommendation to fine and penalize the Club at the next meeting held the next day on January 26, 2023.
- Alleging that SBDCC distributed its written letter and argument recommending the penalties to all SBDCC members without providing the Club any opportunity to submit written opposition for the January 26, 2023 meeting.
- Alleging that a split vote of 22-15 adopted the Executive Committee’s recommendation to impose a fine to the Democratic Luncheon Club \$99.

Mr. Prince claims that the Committee voted to penalize the Club despite the lack of a written rule in the Committee’s By-Laws prohibiting the Club from endorsing.

The Challenger is requesting that the SBDCC be prohibited from being represented by voting members on the California Democratic Party’s Democratic State Central Committee (DSCC).

The Challenger is also requesting that the SBDCC be ordered to comply with the California Democratic Party’s Open Meetings rule concerning notice and open meetings and that the SBDCC be ordered to take steps to assure that its By-Laws conform to CDP By-Laws.

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

1. Challenge submitted by Timothy Prince on February 12, 2023 and two supporting documents
  - a. Exhibit A – 2018 Letter Reprimanding Chris Robles as Chair of SBDCC
  - b. Exhibit B - Penman for Mayor fundraiser invitation featuring Barbara Flores
2. Testimony submitted by Gil Navarro, Parliamentarian and Mark Alvarez, past President of the San Bernardino Democratic Luncheon Club in support of the challenge
3. Testimony submitted by Kareema Adbul-Khabir, 3rd vice chair of campaign and endorsements of the SBDCC and Nancy Glenn, SBDCC Recording Secretary in Opposition
4. Documents submitted by Kristin Washington, SBDCC Chair, entitled:
  - a. Complaint against the Luncheon Club of San Bernardino for endorsement violations during the November 2022 election cycle
  - b. March 5, 2023, letter from Kristin Washington responding to the challenge of Tim Prince dated February 12, 2023 relating to the actions of the SBDCC

- c. Letter from the SBDCC to the Democratic Luncheon Club of San Bernardino, Attention Tim Prince dated January 22, 2023, re: Endorsements by the Democratic Luncheon Club November 2022 General Election

**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 2022, unless otherwise indicated.)

The Challenger submitted a challenge on February 2, 2023 for an incident that took place on January 26, 2023. The submission was within 7 days of the 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.”

Mr. Timothy Prince is the President of the Democratic Luncheon Club which was fined by the SBDCC. Given this, the Club was adversely affected and, thus the CRC finds the Challenger has 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.”

The CRC finds that the Challenger provided an incomplete and jumbled chronology, and failed to provide evidence to show precisely what happened, in what order and what notices were and were not given. In such circumstances, the Challenger, who bears the burden of proof, failed to provide sufficient proof of jurisdiction or to warrant a finding that the CRC should take up jurisdiction over the alleged violation given the limited circumstances under which CRC review of a County Central Committee's actions are appropriate under the CRC Procedural Rules Section 5.F.

Moreover, the chronology provided by the SBDCC, including a letter dated January 22, 2023, explaining what would happen at the January 26, 2023, general membership meeting, although it also did not give a complete picture of the entire series of events at issue, suggests that there was more notice and a greater degree of opportunity for the Club to respond to the internal complaint than the Challenger has claimed. This information further undermines any predicate for exercising jurisdiction here.

Pursuant to Article VIII, Section 4 of the California Democratic Party (CDP) Bylaws, a Democratic candidate for nonpartisan elective office who has been endorsed by their County Central Committee shall also be considered to be the endorsed candidate of the CDP provided that the endorsing provisions of the relevant County Central Committee bylaws have been reviewed and approved by the Democratic State Central Committee of the CDP as consistent with its own Bylaws and with the fundamental rules of fairness. While this can also provide a basis for jurisdiction in some circumstances, it does not do so here inasmuch as the CRC notes that the SBDCC Bylaws were never submitted and approved by the California Democratic Party.

#### **FINDINGS AND ORDER:**

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

1. The CRC finds no jurisdiction and that the showing required by CRC Procedural Rule 5.F was not made. Accordingly, the Challenge is dismissed.
2. Notwithstanding the foregoing, the CRC finds disturbing the actions of any Democratic County Committee which seeks to impose arbitrary fines on its chartered organizations, especially where, as here, there is no reference to fines or the authority to fine in the County Central Committee's bylaws. Such conduct is out of the realm of ordinary Democratic Party practice and where, as here, a fine is imposed without being expressly authorized in the County Central Committee's bylaws, it manifestly does not adhere to the standards of fundamental fairness that the Party seeks to uphold. The CRC strongly encourages the SBDCC to reconsider its actions in light of its obligations, and this Party's principles of openness, notice, and fairness.
3. The evidence in terms of lack of notice was incomplete, controverted and failed to establish any intent to conduct proceedings without due notice, but the SBDCC is

admonished about the importance of adhering to the CDP Bylaws' Open Meeting Provisions.

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 modified/amended decision. Thus, any appeal must be filed on or before April 29, 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 29, 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  
Nicole Fernandez, Co-Chair, Rules Committee  
Valeria Hernandez, Co-Lead Chair, Rules Committee  
Lara Larramendi, Co-Lead Chair, Credentials Committee  
Paul Seo, Co-Chair, Credentials Committee  
Laurence Zakson, Member, Rules Committee