

May 1, 2018

Via email: billjames99@gmail.com

Bill James
County Chair
Santa Clara County Democratic Central Committee
2901 Moorpark Avenue
San Jose, CA 95128

Dear Mr. James,

I represent Pierluigi Oliverio (“Pierluigi”) with regard to the upcoming “Resolution” put forth by the Democratic Activists for Women Now (“DAWN”) that is on the May 3, 2018 agenda condemning the conduct and candidacy of Pierluigi, a voting member of the Santa Clara County Democratic Central Committee (SCCDCC) (“Resolution”). I am demanding that you remove this Resolution from the Agenda as the Resolution violates the Bylaws of SCCDCC and Pierluigi’s fair hearing and due process rights before SCCDCC.

This Resolution seeks the SCCDCC to condemn the conduct and candidacy of Pierluigi and to have the SCCDCC “educate voters, financial supporters, and others about Pierluigi Oliverio and his egregious actions and conduct.” The content and action of this Resolution is designed to damage the reputation of a voting member of SCCDCC and destroy his candidacy for the Santa Clara County Board of Supervisors.

This Resolution sets forth in its recitals allegations as if they are proven fact and seeks SCCDCC to actively campaign against a voting member of this Committee and a loyal Democrat running for office. Pierluigi was dismissed from the civil lawsuit by the Plaintiff, and Pierluigi has consistently denied the allegations.

On its face, the subject matter of the Resolution violates the bylaws of SCCDCC. The Purpose of the SCCDCC set forth in Article 1, 1C is to “Recruit, and promote the election of, Democratic candidates;” Nowhere in Article 1C is SCCDCC supposed to attack and undermine its own voting members candidacies for office. There is nowhere in the bylaws that allows for such a resolution which contradicts the very purpose of this organization.

In addition, the Resolution and its addition to the May 3, 2018 violates the procedures for voting on Resolutions set forth in the bylaws, and for this reason alone must be removed from the May 3, 2018 agenda.

In your email to Pierluigi, you informed him that this resolution is being considered an “emergency” resolution. There is no basis to be rushing this resolution and the standard procedures should be followed. However, SCCDCC is not even following its emergency

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procedures set forth in the bylaws. Resolutions are to be handled similar to legislation and Article X, XF sets forth the procedure for voting on resolutions along with the procedure for emergency resolutions:

Except as provided in this section, proposed legislation or amendments [Article XI includes Resolutions in this process] thereto shall be acted on by the SCCDCC in a two-step process which includes initial consideration without action at a first regular or special meeting of the SCCDCC and action no earlier than a second, subsequent regular or special meeting of the SCCDCC scheduled to occur no earlier than fifteen (15) days after the first meeting. The two-step process may be truncated to a single step in which the SCCDCC considers and acts on proposed legislation in a single meeting provided that (1) no less than 15 days written notice of the proposed legislation is provided to members along with notice of an intention to consider the proposed legislation as "emergency legislation" by 2/3 vote no later than at the meeting at which action by the SCCDCC is proposed to be taken.

Thus, even an emergency resolution requires 15 days written notice which did not occur in this case. Pierluigi received notice by email only 6 days before the meeting where SCCDCC is seeking to proceed on an emergency basis. Thus, for this reason alone, the Resolution must be withdrawn. In addition, there is no reason why such a resolution should proceed on an emergency basis but rather on a normal track where the first meeting would be for discussion only.

Furthermore, this Resolution is really a request to sanction Pierluigi for alleged conduct that occurred over 5 years ago. Thus, SCCDCC must actually follow its sanction procedure set forth in Article VIII which requires the following:

the Member is sent written notice, no fewer than ten days prior to hearing, the receipt of which by the Member is confirmed by certified return receipt requested mail or otherwise, specifying the charges and the time and place of the hearing, and shall have the right to be heard and to call witnesses to testify on his or her behalf prior to the vote.

Pierluigi was not given notice within 10 days of this Resolution. He was not provided notice via certified return receipt and this Resolution has not been set for a specified hearing where Pierluigi may bring witnesses but has been set on the ordinary new business agenda.

The handling and putting forth the Resolution is in clear violation of SCCDCC'S own procedures set forth in its bylaws. For these reasons and failing to follow an organization's own bylaws in censuring or putting forth a resolution condemning a member is a violation of the

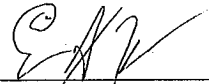
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common law fair hearing rights within a political organization as well as Pierluigi's due process rights to defend himself from this Resolution.

For the reasons set forth in this letter, Pierluigi Oliverio demands that the Resolution be removed from the Agenda and permanently tabled as violative of the bylaws and intent of this organization. Please confirm to me by end of business Wednesday, May 2, 2018, that this Resolution will be removed from the Agenda. The bylaws and procedures are designed to protect members from just such a resolution and personal attack.

Very truly yours,

SILICON VALLEY LAW GROUP
A Law Corporation

By: 

Edward A. Kraus