

Notice of Action and Resolution to Remove Central Committee Member Dan Chmielewski

The Executive Committee of the Democratic Party of Orange County ("DPOC") hereby give notice of its intent to seek the removal of DPOC Central Committee member Dan Chmielewski ("CHMIELEWSKI") by resolution at the regularly scheduled meeting DPPOC Central Committee meeting on October 22, 2018.

It is hereby resolved that DAN CHMIELEWSKI be removed as a member of the Democratic Party of Orange Central Committee for violation of the DPOC Anti-Bullying and Harassment Policy.

The grounds for removal are specified as follows:

CHARGE 1: VIOLATION OF DPOC ANTI-BULLYING AND HARASSMENT POLICY

At the August 27, 2018 Central Committee meeting, DPOC Central Committee member CHMIELEWSKI accosted DPOC employee Rachel Potucek in a belligerent and physically threatening manner.

At approximately 8pm, CHMIELEWSKI approached Ms. Potucek and demanded she add him to the DPOC Press list.

CHMIELEWSKI is the sole owner, writer and administrator for the local political blog "The Liberal OC."

CHMIELEWSKI's voice and tone increased in volume, anger and intensity. Ms. Potucek' attempts to deescalate the situation by calmly speaking with CHMIELEWSKI were without effect.

CHMIELEWSKI continuously interrupted Ms. Potucek each time she attempted to respond to his demand. He began to shout at Ms. Potucek. He threatened to shame her, shouting "I'll take this to the Chair" and that "I stood up for you and I can make things tough for you." CHMIELEWSKI, who is a large, physically intimidating man punctuated this last comment by holding of one hand at face level with Ms. Potucek (while approximately one arm's length away from Ms. Potucek) and striking the palm of his outstretched hand violently with the back of his other hand, resulting in a loud slapping sound. Ms. Potucek found this action to be physically intimidating, scary, and "caused the hairs on the back of my neck stand up."

Had CHMIELEWSKI listened to Ms. Potucek, he would have learned he had, in fact, already been placed on the DPOC Press list. This incident was witnessed by Regional Vice Chair Khan, a DPOC officer. Ms. Khan characterized the interchange as abusive, threatening, and caused her to have concern for Ms. Potucek's safety. Ms. Khan intervened and escorted CHMIELEWSKI outdoors after the hand slap. Throughout this exchange, CHMIELEWSKI was perceived to be intoxicated, and a pervasive odor of alcohol was perceived by Ms. Potucek.

This incident was promptly reported to the Chair by Ms. Potucek.

CHARGE 2: VIOLATION OF DPOC ANTI-BULLYING AND HARASSMENT POLICY

On September 28, 2018, CHMIELEWSKI texted Executive Director Luis Perez "A mailer for Lauren Johnson Norris but not Farrah Khan? Wtf?" This was a reference to a member-to-member project for the upcoming election. Member-to-member projects are done in conjunction with individual campaigns. There was already

work being done on a campaign pieces for Ms. Khan. CHMIELEWSKI simultaneously placed calls to Mr. Perez's phone which Perez was unable to immediately answer. CHMIELEWSKI then sent Mr. Perez another text: "Your mailbox is full. You can respond to me on this party mailer or not. But if you don't I will work hard to have you fired."

Given the threatening nature of the texts, Mr. Perez did not respond to CHMIELEWSKI but instead reported the incident promptly to the Chair.

Prior to his hiring, CHMIELEWSKI had expressed animosity toward Mr. Perez because he had worked on the "Yes on Measure B" campaign. It should be noted that the official position of the DPOC was in favor of the location of the Veterans Cemetery at the site which Measure B opposed. Prior to Perez's hiring, CHMIELEWSKI texted the Chair about Mr. Perez:

"He is on the Yes on Measure B campaign. Yes or no. (sic) im distressed to see you in literature supporting this. Most of the (sic) party's (sic) Irvine delegation is against this And I'm going to make his life miserable. Heads up"

Good to his word, Mr. Perez had been the target of derisive, insulting and harassing remarks by CHMIELEWSKI ever since he was hired as DPOC Executive Director. Each time Mr. Perez encountered CHMIELEWSKI, CHMIELEWSKI would make derisive comments about how bad the Measure B campaign was run. Mr. Perez had worked on the Measure B campaign, as previously noted. The comments were delivered in a derisive and harassing tone and manner.

During the endorsement process, Mr. Perez received reports from a credible source that CHMIELEWSKI intended to move to pull the endorsements of 2 candidates from the consent calendar of endorsements. These candidates had been interviewed and recommended by the DPOC endorsement committee, with said recommendations being approved by the DPOC Executive Board for the consent calendar. CHMIELEWSKI called Mr. Perez, referring to him as "son" and commenced to yell at him about conveying the reported threats to the candidates. It was Mr. Perez's job as Executive Director to convey this information, and he was instructed to advise the candidates by the Chair. Mr. Perez, following these instructions, advised the candidates of a potential attempt to have them pulled from the consent calendar, the procedure for removal from the consent calendar, and what to expect in a challenge.

It should be noted this is part of his job as DPOC Executive Director. According to Mr. Perez, CHMIELEWSKI was screaming into the phone, and also made the following disparaging comments:

You do not know what the fuck you are doing.

You are just a 22 year-old who does not know how to work in politics.

CHMIELEWSKI has also consistently referred to Mr. Perez as "a member of the Melissa Fox team" in a derisive manner, and in an attempt to generate animosity toward Mr. Perez from DPOC members who live in Irvine and are critical of Melissa Fox and her positions on the Veteran's Cemetery and other issues. CHMIELEWSKI has repeatedly and constantly proclaimed "you have no idea how politics work." These comments have been made in person, at DPOC Central Committee meetings.

Mr. Perez also reported that CHMIELEWSKI has frequently appeared intoxicated at DPOC meetings, and smelled strongly of alcohol. These observations, corroborating those made by Ms. Potucek, have been reported separately by multiple DPOC Officers and members. CHMIELEWSKI has also repeatedly disrupted proceedings by carrying on loud side conversations, repeatedly making loud derisive comments, and confronting DPOC Committee Chairs. In one instance, The Chair had to stop proceedings from the dais because of a loud, aggressive comments CHMIELEWSKI was carrying on in the kitchen. At least one meeting attendee expressed concern for the safety of the Committee Chair CHMIELEWSKI was confronting during the conversation.

These reports, among many others not included herein for sake of brevity, reflect a pattern of abusive and harassing behavior supporting the complaints of harassment by DPOC employees Potucek and Perez.

October 16, 2018

To: Fran Sdao and executive board members:

Thank you for your time and attention. I am responding to your email of October 12, 2018.

I am a big fan of Rachel Potucek and her work on behalf of the party. I'm the first person to second any motion to retain her services or increase her contract. When she was hired, I offered her any assistance I could provide. I run a very successful public relations agency. I think I'm a good judge of who does good work and who does not. Ms. Potucek is as solid a communications professional as they come and the party is fortunate to have her.

I remember our interaction from the August meeting. I'm sorry that Ms. Potucek felt threatened at any time. I humbly apologize for that. It was not my intention.

I felt that I was expressing a concern that reporters often express to me: "I didn't get that press release." Our interaction seemed familiar to me as a conversation that occurs often between a journalist (in my role from the blog) and a communications professional; I have this very conversation at least once a week from a reporter who says, "I didn't get that press release" and it is typically over the phone. I'm sorry and I pledge to treat her with respect and listen more carefully moving forward.

Regarding my communications with Mr. Perez. I own every text message I sent him. I said what I said. My only personal interaction with him was after the June meeting when Measure B in Irvine failed. I have not talked with him in person since.

I was angry at Mr. Perez for perpetuating a rumor – he says from a "reliable" and unnamed source – and that I was going to pull names from the party's endorsement meeting which I did not. I spent a considerable amount of time knocking down this rumor that could have been resolved by a simple phone call from him to me. And I said and texted things I should not have. And for that, I apologize to Mr. Perez. I will ask him to be mindful of the credibility of "trusted sources" when my name comes up because this particular source was wrong and should no longer be trusted. And I pledge to treat Mr. Perez with respect moving forward.

I also deny being intoxicated at these meetings. This is defamatory and virtually impossible to happen given the time I leave my office to the time I get to the meetings and my body mass index. For every person who says I appeared intoxicated, others will attest I did not appear intoxicated to them. And these are people I sit near, whom I speak with before and after meetings. It's simply not true.

I'm a big guy. I'm loud because I have a severe hereditary hearing loss. My mother and my son have this same condition as well. That's one reason I sit up front, so I can hear better. Like I said, I'm a big guy and for some people, all I need to do to intimidate them is to simply stand up. I honestly cannot help that. My daughter will tell you I'm a teddy bear.

As far as side conversations at Party meetings go, I am not alone in that by any stretch. I agree that meetings could run more smoothly if I, and others, would refrain from side conversations.

I have reached out to several Central Committee members and received terrific advice and support in seeking to resolve this issue. Tiffany Ackley, Beth Krom, DGI chairs Ron Varasteh and Ken Wyant, DNC member Melahat Rafiei, and Congressman Lou Correa have been especially helpful.

Again, I apologize to these affected staffers. It takes courage for them to come forward. In the course of seeking support for this action, I have heard tales of others on this Committee who have been bullied by other Central Committee members. I encourage those bullied to come forward and report these incidents. I understand they fear retaliation if they report; I assure the staffers and colleagues on this committee, there is no retaliation from me.

I promise to treat the entire DPOC staff and Central Committee members with courtesy and respect.

I was elected to the Central Committee by the voters of the 68th Assembly District, many of whom were kids I coached in baseball, basketball and soccer who still call me "Coach Dan." I represent their interests with a positive contribution to the welfare and benefit of the Democratic Party. One of the resolutions I offered was at the suggestion of these voters.

In addition, I have contributed thousands of dollars to this party since 2008 and have made a number of contributions to individual candidates from Congress to School board, often maxing out to Democratic candidates in Irvine.

I recognize that some members of this Party don't like me or they disagree with me on policy or candidates; but I work for the voters of A.D. 68 to the best of my abilities. I am eager to continue working to eliminate anything that diminishes the good name of the Democratic Party of Orange County.

Dan Chmielewski
AD-68 Committee Member

And for fun, Lenore's ravings to Fran:

----- Forwarded Message -----

From: lenore albert <lenalbert@interactivecounsel.com>

To: Fran Sdao <fran@ocdemocrats.org>

Sent: Sunday, October 21, 2018 8:23 PM

Subject: Re: Resolution to Remove Central Committee Member Dan Chmielewski

You allowed two alcoholics and a meth head harass me. Victor V. was awarded the top dawg position of one Dem Club and Vern N. was awarded the top dawg position of another. The only one that went to jail was George Olivo and it wasn't over his trying to bash my head in with a statue (which Greg Diamond publicly takes great pleasure of making light of), but because thereafter he broke Sheri Moody's nose. Greg Diamond tried to physically go toe to toe more than once with his anger issues at state board conventions and at our local DPOC meetings. I was brutally defamed and suspended on false accusations - going after someone's license which is a fundamental civil right, and merrily destroying their lives is unconscionable.

I am not sure as Chair you should be putting your own opinion out there a day before the meeting. If you want to be an advocate, then step down. If you want to be a chair, then act like one. Chairs don't get to air their opinions. I find you using this email a day before the vote as your position as chair to be alarming and inappropriate. It appears to be oppressive. What are the members who want to move up supposed to do now? How do they have free will now?

Second, why now? You state we adopted this rule last January. You also represent the conduct happened in August. Well, doesn't it seem your statute of limitations on bringing this up has lapsed? Why do it the meeting before votes? I heard the Executive Meeting was about wanting Greg Diamond's Orange Juice Blog to be the only blog on the block. His blog, is like the Alex Jones conspiracy theory blog of the local Democrat party. He has no problem endorsing Republicans on it. His opinion follows his pocketbook.

I am the first to stick up for women being abused my men. I was there for Victor's ex wife who was being brutally abused by him and he was using electeds in the local party to intimidate her. So I do not know Karen's story - because Fran - you don't just let her story come out. You make it about you. You didn't care about the brutal abuse Victor was placing on his ex wife or his children. I won't forget that about you. So after that, I just have to question your motives here. I am not questioning Karen. I am questioning you. I have not heard from Karen.

I have looked up criminal records at the courthouse. I have seen convictions of drugs, alcohol or domestic violence committed by Vern Nelson and Victor Valladares. I have not seen any committed by Dan Chmielewski. I have seen Greg Diamond seal his traffic records, so I would not trust a lack of records in that department. He just knows how to get them sealed from the public apparently. George Olivo has more than enough in the area of felony convictions. Fran, in the legal world lawyers learn not to trust convicted felons. There is even an evidentiary rule on it and a jury instruction. Fair or not, debatable. I am just saying. I think this email of yours was dirty. I don't have the central committee list of emails on this email I am writing from, if I did, I would send it to everyone. I apologize if this is disjointed. This is literally coming out of my fingers without thinking first. I don't think I even read your entire email.

Good democrats believe and trust in a process - called due process. We understand that Starr chamber committees are wrong and a process that is not due process is nothing but a kangaroo court. We don't hang people out to dry then ask questions later. Democrats are better than that.

I am tired of pretending the DPOC is blue - when it is run by a bunch if right wing conservatives like you Fran. You may have a checkbook but you ran out of your morals a long time ago. Why or where you sold out I don't know, but it is ashame. You Fran are a bully. You have bullied me, encouraged others to bully and publicly humiliate me and have laughed about it. You are in no position to judge others.

I have blind copied people on this email Fran and you will never know who they are.

Sincerely,

Lenore

Someone sent me the list Fran. Now the rest of the committee can read what I wrote you last night. Unlike you Fran, in my situation, I have witness statements. I have court orders. I have real conviction records. I even retired federal law enforcement and state prosecutors who side with me. You put out a motion based on your own hearsay statement. This isn't your playground. It's not your sandbox, Fran. Have Vern, Greg and Victor step down if you think this is the route we are supposed to be heading. I even have attorney billing records to show Todd Spitzer's team was working with Greg Diamond BEFORE the primary in violation of Rules. See you soon, Fran!

Sincerely,

Simply Lenore :)