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## SM minutes 10/28/2013

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## **SPECIAL MEETING AGENDA**

Monday, October 28, 2013

2:00 PM

- I. Attendance
  - a. List Guests
  - b. Announce Absences
- II. Additions/Deletions to Agenda
- III. Open Forum
- IV. Special Business:
  - a. Resubmission of request for trial by Senator Evan Brown
- V. Announcements
- VI. Adjournment

*University of South Florida Government  
Supreme Court 2013-2014*

Bryan Buenaventura (BB): I call this special meeting to order. The day is Monday October 28<sup>th</sup>; the time is 2:09pm. Present is myself Bryan Buenaventura, Senior Justice Daniel Shapiro (DS), Ranking Justice Sammy Hamed (SH), associate justice Michael Kalmowicz (MK), associate justice Corey McCance (CM), from SGATO we have Katherine Burkhard (KB). As guests from the gallery we have senator Evan Brown (EB), we have the supervisor of elections for ERC, Sayf Hassouneh (SH2), and as a guest we have the chairman of the JEC, Abdool Aziz (AA). Absent, but excused is our clerk Brandon Telchi. Are there any additions or deletions to the agenda? Seeing none, is there a motion to approve this agenda?

SH: so moved

BB: are there any objections? Seeing none, this agenda is approved. Is there a motion to move into open forum?

DS: so moved

BB: are there any objections? Seeing none, we are now in open forum; does anyone have anything to say? Seeing none, is there a motion to move out of open forum and into special business?

DS: so moved

BB: are there any objections? Seeing none, we are now in special business. We will address the matter of the resubmission for a request for trial that was submitted by Evan Brown from SG senate and the name of the alleged defendant would be Sayf Hassouneh from ERC; so does anyone have anything in particular that they want to start off with in regards to this?

DS: yeah, I would say that this case does demonstrate the proper (inaudible) for an appellate court like us to take up, and it does fall squarely within our appellate jurisdiction in 501.2.1 of Student Government statutes which gives us appellate jurisdiction over all cases and controversies involving the ERC so I would recommend that we do take up this case.

BB: okay, before we go into voting I'm going to read some of the things, just for the record, what it states on this request for trial. The alleged violation was made in statutes, as it says on here, and we're looking at rule 701.4: the duties of the associate supervisor of the elections. And then we have rule 501.1: the Supreme Court shall have jurisdiction over. And then in the alleged violations it goes into more details; we have rule 701.4.4: accept grievances filed by students against candidates. We have rule 701.4.5: both on assessment of violations to a candidate. We have rule 501.1.1: all cases and controversies involving student government. We have rule 501.1.3: all cases and controversies involving a contest of elections. And I'll just read verbatim what the senator Evan Brown wrote down in the alleged violation of the defendant and that is "the power is only given to associate supervisor to vote on grievances of violations of candidates, the candidate is defined per statute rule 700.14: a person who has been certified, thus due to the fact that the associate supervisor of elections does not have the power to rule on a grievance of this nature it should have been tried under the supreme court's original jurisdiction outlined in rule number 501.1" and the remedy that the senator Evan Brown is seeking is that the "elections rules commission violated student government statutes" and senator Evan Brown is

seeking that “the ERC decision be voided and to uphold the amendments as originally passed by the student body.” And that is what it contains throughout the request for trial. So does anyone have anything else to add to this or is there a motion to vote on whether we should hold a trial regarding this request for a trial?

SH: motion to vote

MK: second

BB: okay, we are now moving-is there a specific way you want to do this?

SH: by roll-call; or motion to vote by roll-call, excuse me.

BB: okay, so we will now be moving into voting; I’ll go ahead and-if you have space, go ahead-and I’ll go down, we’re going to do roll-call, and yes for hearing this-for continuing and granting certiorari for this request for a trial. No, you do not feel that it brings up factual claims and feel the need that it should be dismissed. So I’ll go down the list: senior justice Daniel Shapiro, how do you vote?

DS: yes

BB: so Daniel Shapiro, yes. Ranking Justice Sammy Hamed, how do you vote?

SH: yes

BB: ranking justice Sammy Hamed, yes. Associate justice Michael Kalmowicz, how do you vote?

MK: yes

BB: Michael Kalmowicz says yes. And Corey McCance, how do you vote?

CM: I would like to state for the record that I do have a little bit of a reserve as to the way that the remedy is worded; however, my vote is a yes.

BB: okay, Corey McCance votes yes. And I abstain, so Michael Kalmowicz if you could just read the vote for the record.

MK: 4 yes, 0 no, and 1 abstain.

BB: okay, and with a vote of 4-0-1, this case has been granted certiorari and will continue to trial. And since both the parties are present, you will be receiving email from me pretty much stating what the next step is and-it’ll be the clerk or myself that will be sending you when the court date will be. Okay? Do you have any questions for me?

SH2: I was wondering if we can have the ROPs attached to the email me because I can’t access them off the website because of (inaudible).

BB: yeah, you’re talking about our ROPs?

SH2: yes.

BB: of course, and since the whole website issue is currently being in transition, I will definitely be able to supply the ROPs-our most recent ROPs to both of you.

CM: if I may real quick-just so you know, we do have a couple of extra binders in the office so if you want to borrow them and look at one of them, feel free.

SH2: thanks.

BB: the only thing about those binders is they might not have the most up to date ones; regardless, I'll email you the most recent ROPs. Are there any other questions from the gallery? Seeing none, is there a motion to move out of special business and into announcements?

MK: so moved

BB: are there any objections? Seeing none, we're now in announcements. Does anyone have anything to announce? Seeing none, is there a motion to move out of announcements and into adjournment?

SH: so moved

BB: are there any objections? Seeing none, this special meeting is adjourned at 2:17pm.