



UNIVERSITY OF SOUTH FLORIDA
STUDENT GOVERNMENT
Office of the Attorney General

Notice of Non-Compliance 55-021

Subject: Notice of Non-Compliance for Supervisor of Elections John Quiroz

Date: January 26th, 2015

This shall serve as an official notification that you are in noncompliance with:

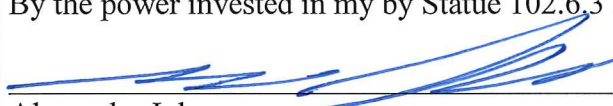
Student Government statute 701.6.9:

701.6.9 Campaigns may not use University and Student Government logos or trademarks. Campaigns may not, also, use university administrators, USF Spirit Squad, current NCAA Division I athletes, Student Government employees or members, or any current non-student University employee as official endorsement. Official endorsement shall be at the discretion of the Election Rules Commission and in its Rules of Procedure.

ERC ROP 3.6 Campaigns may not use University and Student Government logos or trademarks.

The following is noted to be in noncompliance: Supervisor of Elections John Quiroz approved a piece of campaign material with a University logo (the athletic "U").

By the power invested in me by Statute 102.6.3 I hereby do promulgate this notice of non-compliance


Alexander Johnson
Attorney General

CC:

Student Body President Jean Cocco
Student Body Vice President Rhondel Whyte
Senate President Andy Rodriguez
Senate President Pro-Tempore Abdool Aziz
Acting Chief Justice Daniel Shapiro
Acting Senior Justice Lindsay Betros
SGATO Director Gary Manka



Johnson, Alexander

From: Manka, Gary
Sent: Sunday, January 25, 2015 10:08 PM
To: Quiroz-Arellano, John; Adcock, Dustin; Hamed, Sammy; Sacasas, Alexis; Johnson, Alexander
Cc: Leary, Christopher; Burkhard, Katherine
Subject: Fwd: Campaign T-shirt approval and university logos/trademarks

The Athletic U is a university logo/trademark. Please inform Sammy and Alexis that they cannot use it in their shirt design. FYI. --gary

Sent from my iPad

Begin forwarded message:

From: "Nolasco, Michael" <mnolasco@usf.edu>
Date: January 25, 2015 at 2:00:42 PM EST
To: "Manka, Gary" <gmanka@usf.edu>
Subject: Re: Campaign T-shirt approval

Gary,

Yes, the Athletics logos are considered official university trademarks and I would advise students against using the mark for marketing purposes. I hope this helps.

Mike

Michael Nolasco
Creative Director
University of South Florida
Communications & Marketing
Sent from my iPhone

On Jan 24, 2015, at 1:11 PM, Manka, Gary <gmanka@usf.edu> wrote:

Michael,
Hello. This is Gary Manka, SG advisor. Lara referred you to me regarding a question I had on university trademarks/logos. Are the Athletics logos considered official university trademarks/logos or is Athletics independently run due to athletic contracts? What I'm trying to discern is an election question for the student elections. Basically, if the Athletic U is considered a official university trademark or logo then it cannot be used by students for marketing purposes because SG statutes prohibit the use of university trademarks and logos. In this case, it is not a question of permission from Athletics, but actual usage of a university trademark/logo. Please advise as to the initial question as soon as possible. This may help some innocent students from making a political mistake. Thank you.

Respectfully,
Gary S. Manka, Director
Student Government Advising, Training & Operations
University of South Florida
4202 East Fowler Avenue, MSC 4300
Tampa, FL 33620
813-974-4704

STRENGTHS: Arranger, Relator, Communication, Achiever & Responsibility

Note: Florida has a very broad public records law. Most written communications to or from state employees regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: <Wade>, Lara <larawade@usf.edu>
Date: Saturday, January 24, 2015 at 10:05 AM
To: Gary Steven Manka <gmanka@usf.edu>
Subject: Re: Campaign T-shirt approval

Hey Gary -

Unfortunately I'm not sure about logo usage - I handle media relations and crisis communications. But the person in UCM that can assist is Mike Nolasco. He is the Director of Creative Services for the university and he manages all the graphic designers and oversees the logo usage. He will know, and he should be able to assist.

Hopefully this helps.

Thanks Gary, Lara

Sent from my iPhone

On Jan 24, 2015, at 8:39 AM, Manka, Gary <gmanka@usf.edu> wrote:

Lara,
The SG elections are now underway and I need a point of clarification from University Communications & Marketing regarding university logos and trademarks. Is the Athletic "U" officially classified as a trademark or logo of the university? The reason I'm asking is because one of the candidates has been granted permission from Athletics to use it on a campaign t-shirt. SG regulations prohibits the use of university trademarks and logos (e.g., Campaigns may not use University and Student Government logos or trademarks.). I need university verification that this symbol is a trademark or logo of the university. Please advise. Thanks.

Gary S. Manka, Director

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From: <Johnson>, Alexander <ajohnson9@usf.edu>
Date: Saturday, January 24, 2015 at 8:24 AM
To: Gary Steven Manka <gmanka@usf.edu>
Cc: John Quiroz-Arellano <quiroz@usf.edu>, "Shapiro, Daniel" <djshapiro@usf.edu>, "Hamed, Sammy" <sammyhamed@usf.edu>
Subject: Re: Campaign T-shirt approval

Gary,

Since this sounds like it may be a hot topic, could you please contact University marketing and get written confirmation that the athletic "U" would be classified as a university logo? I know it sounds like a strange request, however I know athletics retains the rights to a lot of their stuff.

Very respectfully,
Alex Johnson
55th Term Attorney General and Interim Director of Lakeland Affairs
University of South Florida
4204 East Fowler Avenue, MSC 4300
Tampa, FL, 33620
321.508.2035
Florida Notary Public
Meyers-Brigg's type: ISTJ

PUBLIC DISCLOSURE NOTICE: The Student Government Association of the University of South Florida is considered a public entity under Florida law, and all written forms of communication are subject to the State of Florida's public records policies. Therefore, any communication through email sent to and from this entity is eligible for public record requests and public disclosure.

On Jan 24, 2015, at 00:02, Manka, Gary <gmanka@usf.edu> wrote:

Alex,
I am requesting the Attorney General's opinion on this matter. Thank you.

Respectfully,
Gary Manka, Director
Student Government Advising, Training & Operations
University of South Florida
4202 East Fowler Avenue, MSC 4300
Tampa, Florida 33620
813-974-4704
gmanka@usf.edu

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From: <Manka>, Gmanka <gmanka@usf.edu>
Date: Friday, January 23, 2015 at 11:58 PM
To: John Quiroz-Arellano <quiroz@usf.edu>, "Adcock, Dustin" <dadcock@usf.edu>
Cc: "Leary, Christopher" <cleary2@usf.edu>, Katherine Burkhard <kcburkha@usf.edu>
Subject: FW: Campaign T-shirt approval

Guys,
Based on the Title 7 Statutes and the ERC ROP's language, I recommend that this t-shirt design not be approved because of the use of the athletic U even though they have athletics permission to do so. There is a discretion clause that allows you some latitude when it comes to endorsements. However, I feel that SG's governing documents do not really provide the latitude to do so. The discretion concerns people and groups and not trademarks or logos. It simply states in Title 7 and the ERC ROPs that logos or trademarks cannot be used. I will request a legal opinion from the Attorney General regarding this matter. —gary

Here are the statutes in question from Title 7:

701.6.9 Campaigns may not use University and Student Government logos or trademarks. Campaigns may not, also, use university administrators, USF Spirit Squad, current NCAA Division I athletes, Student Government

employees or members, or any current non-student University employee as official endorsement. Official endorsement shall be at the discretion of the Election Rules Commission and in its Rules of Procedure.

701.6.9.1 Specific exceptions shall be outlined by the ERC in its ROPs of the aforementioned administrators.

Here are the rules from the recently passed ERC ROP's:
3.6.Campaigns may not use University and Student Government logos or trademarks.

From: <Adcock>, Dustin <dadcock@usf.edu>
Date: Friday, January 23, 2015 at 5:37 PM
To: Gmanka <gmanka@usf.edu>
Cc: John Quiroz-Arellano <quiroz@usf.edu>
Subject: FW: Campaign T-shirt approval

Gary,
Sammy's campaign sent this shirt design to be approved for use.
John wanted to clarify that everything meets Title 7.

In the athletics approval (Attached) he sent me a follow up email saying "For further clarification, Andrew Goodrich is a Senior Associate AD for External Relations"

Thanks,
Dustin Adcock
Associate Supervisor of Elections
University of South Florida
dadcock@usf.edu
Office: (813) 903-2057

From: Sammy Hamed
[mailto:sammyhamed@mail.usf.edu]
Sent: Friday, January 23, 2015 1:15 PM
To: Quiroz-Arellano, John; Adcock, Dustin
Subject: Campaign Tshirt approval

Gentlemen,

Attached is the design for my campaign T-shirt. I have attached the front and back. I am using the Athletics logo 'U' and have received approval from athletics which is also attached. If any changes are to be made, it would be replacing the sponsors on

the back with their actual logos rather than plain text. If we make this change, I will resubmit the design for your approval. The usf.edu/vote link is included, please let me know if this is approved.

Thanks,

Sammy Hamed