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GM minutes 10/23/2013

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Agenda

Wednesday, October 23, 2013

6:00 PM

- I. Attendance
 - a. List Guests
 - b. Announce Absences
- II. Additions/Deletions to Agenda
- III. Additions/Deletions to Minutes
 - Minutes from 10/02/13
 - Minutes for 10/09/13
- IV. Open Forum
- V. Judicial Reports
- VI. SGATO Report
- VII. New Business
 - a. Vote of Confidence
 - Senior Justice
 - Ranking Justice
 - b. PATS proposal update
 - c. Judicial Summit - Friday November 1st @ St. Pete.
 - d. Honor Court Update
- VIII. Announcements
- IX. Adjournment

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

Sammy Hamed (SH): I call this general meeting of the judicial branch to order at 6 pm on October 23rd, 2013. First thing on the agenda is attendance; this evening from the court we have our chief justice Bryan Buenaventura (BB), our senior justice Daniel Shapiro (DS), associate justice Michael Kalmowicz (MK), associate justice Corey McCance (CM), and myself as chair. From SGATO we have our advisor, Katherine Burkhard (KB), and as guests today we have the supervisor of elections, Mr. Sayf Hassouneh (SH2). Are there any motions to move into additions/deletions to the agenda?

CM: so moved

SH: are there any objections? Seeing none, we are now in additions/deletions to the agenda. Are there any motions?

DS: yeah, motion to add Evan Brown's request for a trial to new business.

SH: are there any objections? Seeing none, Evan Brown's request for a trial will be added to the agenda. Are there any motions-is there a motion to move out of additions/deletions to the agenda and into additions/deletions to the minutes.

MK: so moved

SH: are there any objections? Seeing none, we are now in additions/deletions to the minutes. Our clerk Brandon Telchi has sent out the minutes from October 9th, 2013, and October 2nd, 2013; if everyone has had a chance to review them, are-is there a motion to approve these minutes?

MK: so moved

SH: both sets of these minutes have been approved, are there any objections? Seeing none, both sets are approved. Is there a motion to move out of additions/deletions to minutes and into open forum?

DS: so moved

SH: any objections? Seeing none, we are now in open forum. The floor is open to guests and others as well. Seeing none in open forum, is there a motion to move out of open forum and into judicial reports?

CM: so moved

SH: any objections? Seeing none, we are now in judicial reports. Mr. Buenaventura?

BB: yeah, most of my stuff is going to be touched upon in new business; it has to do with the honor court stuff that I've been kind of investigating on, so I'll save it until then.

SH: alright, thank you. Mr. Shapiro?

DS: continuing with our outreach efforts: I did bull market today, and it was very successful, handed out a lot of literature for student government, for the court in specific, and that's about it.

SH: thank you. Mr. Kalmowicz?

MK: not sure if I said this last week, but we are official signed up for the chili cook-off and our chili name is supreme chili. Chili supreme.

SH: thank you. Mr. McCance?

CM: well that's exciting news first of all, I'm looking forward to winning that competition. Most of my free time has been spent on the travel committee and we had a pretty successful meeting earlier, and have hashed out all of the pricing and the number of rooms have already booked the rooms for us by the way, they're on my card temporarily until we have funding to pay for them; so that's all that I have for now.

SH: let the record reflect, that chairman Abdool Aziz has walked in the room at 6:03pm. And as for my report, we have our parking forum-another parking forum coming up. Do you know when the date for that is Mr. Shapiro?

DS: yeah, probably November 15th, but we're having trouble booking a room through Marshal Center, but we'll probably do a Doodle for that.

SH: sounds good. So we'll be sending out a Doodle for that parking forum. Other than that, most of what I have to report is pretty relevant to new business, so I'll hold off until then. Is there a motion to move out of judicial reports and into SGATO report?

DS: so moved

SH: are there any objections? Seeing none, we are now in SGATO report, Katherine?

KB: okay. Just a reminder, November 5th is the SG composite picture day, so if you haven't signed up, please do so. The sign-up sheet is at Adam Kowalski's desk. Also, I wanted to make sure that you guys received the invitation to walk alongside the SG homecoming float, and if you haven't, I'll make sure that you get that. And then I want to thank you guys for participating in the social next Tuesday, with the senate, and providing drinks; it starts at 5pm.

SH: thank you. Is there a motion to move out of SGATO report and into new business?

BB: so moved

SH: any objections? Seeing none, we are now in new business. The first thing in new business is the vote of confidence, and since I'm ranking, I will turn over the voting to our chief justice Bryan Buenaventura, so if you could conduct voting for us.

BB: yes, thank you for that. So what we're going to do-how this is going to work is usually every time now that we have an established senior and ranking justice, whenever the-those positions are filled officially, the court can conduct a vote of confidence and we'll start with the senior justice. Generally the

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senior justice and ranking justice at this time can give a little bit of what they've been doing, if they choose to, and then we just kind of pretty much uphold whether we feel that they're doing their job efficiently. So what now we'll do is we'll start with the senior justice, which is Daniel Shapiro, and you can choose to say some words if you feel...

DS: just real quick: I've been leading a lot of the outreach efforts, and doing incredibly well with that; we have had many bull markets this semester, parking forum, court is stable as it has ever been. I helped a lot with the ROP effort, and submit myself to the mercy of the court.

BB: alright, thank you. So now that Daniel Shapiro has talked about what he has done as senior justice, we can now move on to voting. So is there a motion to vote?

MK: motion to vote for senior justice vote of confidence.

BB: and is there also a motion to vote by roll-call, just to make it easier for us.

MK: so moved

BB: okay, so what we're going to do, since Brandon is not here, I'll go ahead since I'm abstaining, I'll go ahead and tally down these votes, and I'll go through each one. So and then you can vote for yourself obviously, so I'll just go down the list. Daniel Shapiro, do you feel like you've been doing a good job as senior justice?

DS: yes

BB: so yes would be your vote. Okay. Sammy Hamed?

SH: yes

BB: Michael Kalmowicz?

MK: yes

BB: Corey McCance?

CM: yes

BB: okay. With a vote of 4 to 0 to 1, Daniel Shapiro remains our senior justice, congratulations. And now the same thing for ranking. Sammy you can go ahead and give some words if you choose to.

SH: sure, just to continue on with the outreach efforts along with Shapiro; I've been working closely with him so I feel like we've established a pretty good court leadership relationship, so I just want to continue on with the progress and yup.

BB: okay, thank you for that. I'll go down the list again: Daniel Shapiro?

DS: yes

BB: yes for Sammy Hamed. Sammy Hamed?

SH: yes

BB: Michael Kalmowicz?

MK: yes

BB: and Corey McCance?

CM: yes. Okay so with a vote of 4 to 0 to 1 with me abstaining, Sammy Hamed remains our ranking justice. Congratulations.

SH: our next item on the agenda is our PATS proposal, and I know that Mr. Buenaventura and Shapiro put that together last week along with Danny and Shaheen, so if you guys want to talk a little about that, and then we can talk about how we're going to approach them next: when we're going to bring it to PATS.

BB: Shapiro and I both sat down and did a rough draft of the proposal, which I think turned out great. I sent it over to Shaheen so that he can look over it, and as soon as I get some sort of input from him I'm probably going to see if by next week, I know this week is Homecoming, so maybe some time by next week, if I don't hear anything from him, then we'll just proceed to go to PATS with the rest of our presentation-or proposal that we have. But it is made and it is in the p-drive, and you guys, I think I sent a copy to you guys; if not, you guys can look at it in the p-drive and make any additions you feel are needed. But that's all I have for the PATS proposal update, and as soon as I hear anything new, I'll report it back to you guys.

SH: thank you. Next item in new business is the honor court update. Oh, excuse me, the next item on our new business is the judicial summit, which is scheduled for Friday November 1st at St. Pete so...

BB: yeah, this is for St. Pete, and chief justice Alex Johnson wants to host it. I-if we're following the same kind of format that we've been doing, and the same trend, I believe that he'll probably send out some sort of itinerary or agenda for that day, but we should probably make one for ourselves so we can give to the office where we're going to be at, what time we go and come back, and decide to go about how we did that last time. So as far as that goes, all of the justices here are able to go on this day?

DS: yes

BB: okay. Everyone shook their head yes, so I'm assuming everyone is going. And that's pretty much it. If I hear anything new from Alex Johnson, I'll report it back to you guys.

SH: Katherine?

KB: so you don't know if there is anything special planned for that day?

BB: as far as I know, no.

KB: to discuss or anything of the like

BB: I do plan on discussing honor court ideas that day, and expressing it to them since they are smaller campuses, they could possibly be the ones that take that up, and just share the knowledge that I knew about honor court, so that's all I have to probably bring to the table for that day as long as other things that we've been doing-

KB: okay

BB: it'll just be kind of catching up what the judicial branches have been up to so...

SH: sounds great. Next item is the honor court update. And I'll move it forward to you again as well.

BB: alright, for honor court, I did try reaching out to the sup-the judicial branch from 2006/2007 and I got a response from Zachary Flowery, he was a justice during that time and was in the minutes during the discussions of when that court was talking about establishing an honor court and I emailed him, he's a lawyer now for a big firm in Chicago and I didn't honestly think he would have the time to email me back, but he did and he is glad to see that we're still trying to pursue this, but as far as he knows, and from what he remembers, the idea of the honor court didn't really get too far and he said if we're trying to establish it, we're pretty much starting on a blank slate. So it pretty much gives us the opportunity to continue what the judicial branch from 2006/2007 was trying to do and I asked him if he had any sort of contacts from anyone on the court, he says he didn't, and he wished us luck in trying to do this. I plan on bringing this information as well as the information that we get from UNF of how their honor court operates, to when I attend the next ethics and integrity council meeting that I'm a part of.

SH: great, thank you. Next item on new business is Evan Brown's request for a trial. So I'll go ahead and pull that up. Here's Evan Brown's request. Alright.

BB: why don't we go about this and say what it is that supposedly got violated. Do you think that would be a good way?

SH: absolutely. So Evan Brown submitted this request to us a couple of days ago-it's not time-stamped on here so I'm not positive. Evan Brown is the complainant; the departmental affiliation is the SG senate. The alleged defendant is Sayf Hassouneh; the departmental affiliation is ERC. The defendant-excuse me, the complainant checked that statutes were violated and referenced rule 6.3.1 in ERC's ROPs.

BB: do you want to just read what it says up there?

SH: yeah. Person's filing grievances against a candidate must submit all supporting evidence with the grievance and once a grievance is filed, no more evidence may be added. Grievances filed without any evidence will be dismissed without consideration or review. So that is what Mr. Brown is saying has been violated. Also, some of his notes: he stated "when said grievance was filed against the candidate, in this case the Student Government, party which filed the grievance did not submit any supporting

evidence; therefore the elections and rules commission violated their own rules of procedure, as the grievance should have been dismissed immediately.”

BB: and then just go over what remedy he is trying to get from this.

SH: so Evan Brown’s remedy states: “as the elections rules commission violated their own rules of procedure, I am seeking a remedy in which said ruling shall be dismissed and the bill in question upheld.” So that’s the remedy Mr. Brown is looking for. We did receive this request a couple of days ago, so we have had the chance to discuss it among ourselves, so Mr. Shapiro...

BB: before we do that, I just wanted to reflect that I did receive this request for trial electronically through email and the time that he sent it and the date was October 22nd at 4:22pm.

SH: thank you

BB: so we’ve had it since then and we’ve all been able to look over it, so continue...

DS: okay, so what’s going to happen now, according to ROPs appendix C 1.10.1 is we will discuss the merits of this case and if four justices or more decide that they want to grant trial, a trial will be granted. So going into my unofficial opinion on this case: while we do have the authority to hear this case under appellate jurisdiction as outlined in title 5; 501.2.1 which states that the supreme court shall have appellate jurisdiction over all cases and controversies involving the elections rule committee, or commission; a factual allegation has not factually been made, as student government as an entity does not fall under the title 7 definition of candidate as senator Brown alleges. That definition is 700.14 which is a candidate is a person who has been certified by the election rules commission as eligible to run for an elected student government office. Clearly student government does not fit this definition, therefore in accordance with Supreme Court rule of procedure appendix C 1.5.1 the complainant must factually allege a violation against the student body constitution and/or student government statutes and it clearly does not, thus I would urge the court not to grant serve.

SH: is there anything else about this before we enter voting? Seeing none, we’ll enter voting procedures on whether or not we’re going to accept this case and we’ll do voting by roll-call. And just to clarify real quick: are you going to be abstaining or am I abstaining?

BB: you abstain and I’ll vote I guess, since he’s the chairman.

SH: so we’ll vote by roll-call. Yes is for accepting the case and No is for not accepting the case so we’ll start with Mr. Bryan Buenaventura.

BB: no

SH: Mr. Shapiro?

DS: no

SH: Mr. Kalmowicz?

MK: no

SH: Mr. McCance

CM: no

SH: and I abstain as chair. With a vote of 0 yes to 4 no to my abstaining, we will be dismissing this case, and not hearing it. So that's all we have in new business.

DS: also with that, we'll release a formal decision in writing hopefully by the end of the night.

SH: absolutely. If no one else has anything in new business, is there a motion to move out of new business and into announcements?

DS: so moved

SH: any objections? Seeing none, we are now in announcements. Let the record reflect that chairman Jean Cocco (JC) has walked in at 6:18pm. Mr. Cocco we're currently in announcements, do you have any?

JC: happy Wednesday.

SH: thank you. Are there any other announcements?

BB: I don't know if you guys heard but-or if Katherine touched on it, but they're asking us to get sodas for the social.

SH: right, they've asked us to supply drinks so we can bring lemonade and sodas and all of that stuff

BB: okay, that's all I had to announce.

MK: who's taking-who's going to submit-

BB: who's able to bring some sodas?

SH: we could all bring like one thing if you want to do that.

MK: we're not going to take it out of our budget?

BB: nope, this is a social, it's a fun time

MK: fair enough

SH: are there any other announcements? Seeing none, is there a motion to move out of announcements and into adjournment?

DS/MK: so moved

SH: are there any objections? Seeing none, this meeting is adjourned at 6:18pm.