

2-2014

GM minutes 2/5/2014

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General business - agenda
Wednesday, February 4, 2014
6:00 pm

- I. Attendance**
 - a. Announce absences**
 - b. List guests**
- II. Additions/deletions to agenda**
- III. Additions/deletions to minutes**
- IV. Open forum**
- V. Judicial reports**
- VI. Sgato report**
- VII. New business**
 - a. Voting on rop changes**
 - b. Parking forum planning**
 - c. Lakeland summit**
 - d. Attorney general, deputy attorney general, and solicitor general
pats training**
 - e. Judicial training**
- VIII. Announcements**
- IX. Adjournment**

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

Bryan Buenaventura (BB): I call this general business meeting to order. The time is 6:03pm. The day is Wednesday February 4th, 2014**. Present is myself Bryan Buenaventura, Daniel Shapiro (DS), Sammy Hamed (SH), Corey McCance (CM), Lindsay Betros (LB), we have Gary Manka (GM), Alexis Sacasas (AS), excused is Michael Kalmowicz (MK), and we have also have our clerk Brandon Telchi (BT). Are there any additions/deletions to the agenda?

SH: I have a motion to add request for trial from solicitor general to the agenda.

DS: so moved

BB: okay, we have a request for trial from solicitor general. Okay, what else do you have to add?

SH: I would also like to add sister campus update for judicial branches, and memorial ad-hoc committee update.

BB: okay, are there any objections for these additions? Seeing none, they are now added. Is there a motion to approve the agenda as is?

SH: so moved

BB: are there any objections? Seeing none, the agenda is now approved. There are no minutes so is there a motion to postpone minutes?

DS: so moved

BB: are there any objections? Seeing none, the minutes are now postponed. Is there a motion to move into open forum?

SH: so moved

BB: are there any objections? Seeing none, we are now in open forum. I'd just like to congratulate officially both Ms. Betros and Alexis Sacasas for being confirmed via senate with no problems; looking forward to getting to work. Are there any other matters that want to be said in open forum? Seeing none, is there a motion to move out of open forum and into judicial reports?

SH: so moved

BB: are there any objections? Seeing none, we're now in judicial reports. I will go down the list with Daniel Shapiro.

DS: last night I attended senate's four-hour debate over title 7 so that was very enlightening. And they pushed off the title 5 bill until next week, for time purposes. And today I made-up our judicial review request form.

BB: perfect. Sammy do you have anything to report?

SH: yes sir. Yesterday I attended senate with Justice Shapiro, as well as I attended JuSenEx with the rest of court leadership. I also went to the memorial ad-hoc meeting yesterday, and I'll get into more details about that in new business. Completed the training for USF day at the capital, so that's happening next Wednesday February 12th. Next-or later on this week I'll be attending ASARC on Friday at 9am with Shapiro to go over our budget presentation. I'll be going to USF day at the capital next week as well and I'll also be attending another meeting at the memorial committee next Tuesday also. And that's all I have to report.

BB: okay. Corey do you have anything to report?

CM: nothing new today.

BB: okay. Lindsey do you have anything to report?

LB: nothing new today.

BB: okay, that's fine. Alexis do you have anything to report?

AS: actually, I would just like to say that I'm really excited for me and Lindsay to both be on the court, so thank you guys for helping prepare us; we look forward to working with you. Also, I hope to be working with Sammy on the parking forum, and ensure that it's the best forum that it can possibly be. And that's it.

BB: okay, sounds good. And then I'll give my report: I did go to JuSenEx yesterday, and discussed the possibility of the Lakeland summit. We may have to push it to March just so it doesn't conflict with the ASARC meeting, so we can have optimum output of SG members of this campus to attend the Lakeland summit. So we'll see. I'm going to be in contact with Michael Nacrelli from Lakeland to see if that's possible. I sent out a message to the other campuses to see if Thursday works for them just so they can come as well. I also attended senate. I had the privilege of swearing in both of the new justices, so hopefully that will be the new trend; and the new norm for having new justices being sworn by whoever the chief justice is at that time. It felt pretty good so let's keep that going. And, you know, hopefully we'll get to work with the legal affairs. We sent this mock trial script to Daniel Christopher, their legal affairs team is going to look over it and try to revamp it and see what they can do to make it better; but we'll probably discuss that a little bit later. And other than that, that's all I have to report. So are there any motions to move out of judicial report and into SGATO report?

SH: so moved

BB: are there any objections? Seeing none, we are now in SGATO report. Gary if you could?

GM: just a few things: we'll be this week and through February I think 17th, we'll be hiring a new grad as you know since Adam Kowalski will be graduating in May, so we need a new graduate advisor, and that person as you know will be coming in and advising the court depending on the class schedule for the master's program since they have all of their classes at night; the campus is looking at-they still haven't

decided on Spring-Summer 2015 calendar yet, they have three versions, and right now there is an approved version but they are looking at two other proposals; (inaudible) and then there will be a smaller sign like that on there, (inaudible) so hopefully students will be able to find our offices. The other thing we did was we redid pay scales for the agencies and bureaus (inaudible) with the exception of the agencies and bureaus because of the jobs they do and some of the issues they have we made a few minor changes. And then last but not least, be prepared especially if you're court leadership for the next JuSenEx meeting because from what they understand, they haven't seen the emails yet, but John Long who is the CFO at the university said there will be no fee increases this year. I guess there is pressure from Governor Rick Scott, (inaudible) so all the things before ASARC may not happen. However, the provost who at some point will probably come to senate and make a presentation on how A&S should be spending their money. So it's going to be very interesting. That's it.

BB: okay, thank you for that report. Is there a motion to move out of SGATO report and into new business?

CM: so moved

BB: okay, we are- are there any objections? Seeing none, we are now in new business. And the first item is the voting on the ROP changes. And I believe those changes have to do with just a little addition that Sammy added about the attorney general and solicitor general into our ROPs. Let me just pull them up here. And these were sent out so... it's nothing new; just reviewing them.

SH: ROP PATS procedure, it's up there. There it is.

BB: and then the changes I believe were...

SH: appendix A.

BB: right here. So the only changes were 1.4.1.3 the attorney general shall only take part in the trial if the student utilizes the solicitor general or any other form of representation. That's under appendix A parking appeal procedure. And then the only other addition was 1.7 which states that when the solicitor general is utilized the procedure will be as follows: five minutes of speaking time will be given to both parties with additional time given at the behest of the majority of the court; justices may question either party when their speaking time has expired; questioning shall not exceed 10 minutes unless granted an extension by the chief justice; once questioning is over all non-judicial members shall leave the room for deliberations. Those are the changes.

SH: I'd like to make a motion to approve these changes by acclamation.

DS: so moved

BB: are there any objections? Seeing none, the ROPs have been changed, and they are approved.

AS: good job guys.

BB: okay, now moving onto parking forum planning so Sammy if you want to take this over...

SH: absolutely. So I drew up some plans based on how we're going to set this up and how we're going to execute this big parking forum; and I really want to make it an initiative that the new justices, as well as the rest of the court is working on. But seeing as how it is a big outreach push, I would definitely like the new justices to help out as well. And earlier today we requested bulls radio to be there, and I emailed you guys out just pretty much how it's going to be structured; so I'll be working with everyone on the court on that. Does anyone want to add or touch on that at all?

LB: do we have a date or anything like that?

SH: yes, the date will be February 28th, that's going to be the last Friday of February. And the tentative time will be 11am to 2pm. And it should be taking place at the MSC amphitheater outside.

AS: do you want suggestions now or after the meeting?

SH: probably just after the meeting like throughout the week when we're figuring out all of the logistics and stuff like that.

BB: okay

SH: just a note on that: a lot of the stuff we're requesting and needing to be done needs to be done well in advance, for example any request for graphics from marketing or promotional items from communications and public relations should be done two or three weeks in advance. We should be requesting space and the set of material as soon as possible rather than two weeks in advance. And then the food options (inaudible) CFO David Haussmann and that only takes five to seven days in advance. It's definitely stuff we can get done and I think we can make it a great event; and if we advertise it right it could have a big turnout.

LB: so we should all agree to make a priority of what needs to be done, as soon as possible.

SH: absolutely.

AS: maybe delegate in the sense that we all have one job.

SH: yeah, maybe after the meeting in between written appeals and oral appeals we can go over this and delegate/give responsibilities out.

BB: I think another major thing that we need to make sure, and it's a big part of this-what we're trying to do is making sure that Marie and Mensa can attend this.

SH: absolutely and they'll be invited this week.

BB: make sure because they're both busy people so I want to make sure they're both available for that time. So other than that, we can now move onto the next item which is Lakeland summit. Like I stated earlier, this probably going to be something that we're going to try and have maybe in march. I'm willing

to have it on a Thursday if that means more people from student government here can go. So I just informed the other two other campuses to let me know what their Thursdays are like. And I'll be trying to get in contact with Mr. Nacrelli the lieutenant governor from Lakeland to see what kind of rooms he can reserve, but we're more than likely going to have to have this in a classroom; which is fine. And hopefully we can have it no later than March, because later than that we all get too busy. So hopefully we'll hear some more updates for that by next week. Moving onto Attorney General and Solicitor General... I briefly touched on this in my report, but Sammy if you want to say anything else or...

SH: I guess for the attorney/solicitor general training they should have a formal meeting with not only us but someone from PATS as well to go over a PowerPoint with basic rules and stuff like that. I think that would be beneficial to us as well as the office of legal affairs since that office will- could be changing every single year it should be something we do annually.

BB: we just have to make sure they have the contacts. If anyone from legal affairs is at our meetings we'll give them the contacts for that. Maybe give them the same contacts we gave Lindsay and that should be fine. Okay, let's move on to judicial training. Now that we have a full court we should definitely have a judicial training. I believe we, Daniel did you want to say anything about this?

DS: yeah, so it looks like we'll have a mock trial in conjunction with the office of legal affairs. Appellate is a little tougher because that involves a lot of questions and stuff and it's very hard to script, but fortunately appellate is incredibly easy so I don't think we need a mock appellate trial; it's just a panel of judges issuing questions to an appellate respondent. So we should get practice with an original jurisdiction trial; there's a lot of moving parts to that, so we will learn how to do it step by step. I also want to go through the procedural and administrative aspects of the court; the way things run, ROPs and what not. And then more theoretical things dealing with jurisprudence and what not, and precedent, how to write an opinion, how to read legal text and what not, just so we can all do that. So I definitely encourage all of the justices to attend; not just new ones.

AS: what date are you looking to do this?

DS: that's the next thing... when are you guys thinking? Definitely in-

LB: next week?

DS: on Friday?

BB: not maybe next Friday- maybe the 21st.

SH: something is going on the 21st.

AS: the 21st I'll be in Texas. And the Lakeland summit is the 21st.

CM: how about a Wednesday when we're already here anyways?

DS: I'd like to do it on a Friday so it can be an all-day thing.

LB: I can do it next Friday

CM: can we do it Wednesday?

SH: no

CM: why not?

SH: we'll discuss the date after the meeting; it would probably be best.

BB: we'll discuss the date afterwards. And hopefully we'll get a date. But I also want to see if we can throw in that Roberts' rules seminar.

SH: that would be nice

BB: do we have one?

(inaudible)

GM: because I still want to look it over; I haven't had a chance.

(inaudible)

DS: whatever day we do pick we'll definitely figure out a solid block of hours for that because it will take a while.

SH: we'll probably send out a doodle I think would be most appropriate.

LB: what did you say?

BB: a doodle

LB: oh okay.

BB: okay. Next thing on the agenda is request for trial from Shaheen Nouri. Before we move into this I just want to say that we will be observing speaking rights by seniority so please it is in our ROPs so please plan accordingly. I'm just going to read what Shaheen Nouri had sent to me on behalf of the student I believe. This is how it's stated: the name of the alleged defendant is named as ERC, there's no one really named in particular, the statutes or consti- or the statutes or constitution that were alleged to be broken were supposedly both, and that is what they specified here 501.2 the supreme court shall have appellate jurisdiction over, and 501.2.1 "all cases and controversy involving the ERC" we turn to the next page. What he alleged the violations that the defendant had done was that the ERC did not have original jurisdiction for the case and this violated statutes 501.2 and 501.2.1. and on the last page, the remedy that he is seeking on behalf of the student that solicited his services was the reversal of the ERC's invalidation at the referendum submitted by Amed Saladeen and students for justice in Palestine (SJP) on February 8th, 2013. He has attached some other documents to it; but we can now open up the

floor to discussion of whether or not we should grant this certiorari or not. One of the issues I have with this is first of all this is alleging somebody that is no longer here in student government, I believe what he is talking about is the ERC administration from that time; the current members from ERC are had nothing to do with this so that I have an issue with. And then the other thing is this is some-they are alleging-they are requesting a remedy for something that happened February 8th, 2013, almost a year ago, and they're requesting something about a referendum which was already deemed-was reversed by the university if my memory serves me correct; so we have to take that into account and I don't believe we would be able to remedy this case. Now I'll open the floor to members of the court if they have any sort of feelings towards this and we can go from there... does anyone have anything-input that they would like to add to this request for trial?

DS: yeah, it doesn't make-it doesn't meet the basic requirements for standing; there's no adversarial process that can happen here because the ERC this year is not responsible for the actions that happened last year. Additionally, this court can grant no relief whatsoever because as Bryan said, we can't do what they want us to do which is basically uphold the referendum last year, which breaks some state laws and University Policies so they really don't have any standing at all.

BB: Sammy?

SH: just to add to that, the way that I see this is the remedy they are seeking is that we have a reversal of the ERC's decision last year, and with that that would mean that we would put that referendum up this year and since it did not pass constitutional conformity last year I don't feel that this a remedy that the court could provide.

BB: okay. Corey?

CM: can we get more information about the actual reversal rather than just saying that we remember it to be a certain way; to actually have the actual information about it.

SH: well we can't look at any information that isn't in this request for trial; so if it's not here it can't be discussed.

CM: okay, I'm just hearing a lot of I remember this, I think this... and that's stuff that would come up in a trial versus us making our decision whether or not to hear the trial based on that information; it should be based on only this information that's in here, because like what Bryan brought up was the fact that he remembers it violated state laws; well that's something that would come up in the trial...

DS: we can't grant relief though...

CM: but those are things that come up in a trial...

DS: we can't grant relief for that...

SH: aside from that, if I could just interrupt, there's no, like Mr. Shapiro said, there's no adversarial process for this; the supervisor of elections that took this down last year has graduated from the university.

CM: well, they're not naming him as a plaintiff though- or as a defendant, they're naming the ERC as the defendant.

SH: he's the only person that could come forth and represent at this trial; Saif cannot speak for the administration last year.

BB: yes, the person that was in this is somebody that is no longer here, has graduated, and so the person that would be in his place is somebody that has no-little to no knowledge of what actually occurred. Lindsey did you have something to say?

LB: yeah, I would say based on the requirements that you guys stated, you know, if we're looking at this right and all we have is this information to go for, and the fact that it was invalidated on February 8th, 2013, then I don't see how we can grant a writ of cert for this type of request because of the fact that you guys said the ERC has different members from last year and this year, so I don't really see how that could work.

BB: okay, Corey?

CM: do we know if there is a statute of limitations for something like this?

DS: there is no statute of limitations for appellate jurisdiction.

CM: okay so why are we talking so much about the timeline then?

DS: because the old supervisor of elections isn't here anymore and we can't just subpoena him...

SH: if you want more information, Gary would you have anything to offer about what really happened last year?

CM: well we're not supposed to be bringing that up in this anyways; this is supposed to be only about the information we have in here.

SH: well if you do want more information then I would seek it outside of this meeting then.

BB: the bottom-line is, what this comes down to, is asking for the reversal of a referendum that happened in February 8th, 2013. I see no other documents that reference what the specifics of the referendum were. The only thing that he attached was just the copy of the statutes and a little summary of what our declaratory judgment panel talked about.

CM: are we essentially saying that with the ERC committee because their department head is no longer there that anything that happened while that last department head was there can never be returned;

so if we have a president that comes in and gets something done that is wrong and leaves then we can't go after that department again?

DS: there are two reasons why standing isn't met here: a) there is no adversarial process available and b) we can't grant relief to this request.

CM: seems to me that the ERC committee chair that is here now should have information on previous referendums...

DS: okay, let's accept the first point, let's go to the second point... how do we grant relief to this request? It's asking us to do something that would violate the constitution.

CM: well that's something that would come up in a trial...

DS: no, you can't- in order to grant a trial the appellant has to have standing, the appellant doesn't have standing... one of the tenants of standing is that relief can be granted by the court; we can't grant relief ergo no standing ergo vote how you want.

BB: right here, this is a request for trial, so if the consensus of the court feels that this needs to be held in a trial, then that is what this process is for. If the majority doesn't, well then that's why we have a court that has various members, and that's what we'll vote on in a little bit on whether or not we will grant certiorari.

CM: do we have the ability to reverse it?

DS: no

CM: why do we not have the ability to reverse it?

DS: because that would validate a referendum which is in violation of a lot of constitutional things, state law, all of that stuff...

CM: aren't those things that would come up in the facts up the case to determine whether or not we should reverse it?

DS: we can't grant relief... thus we can't have a trial... you have to have two things, well multiple things to have a trial, but this one we don't have standing at all: there's no adversarial process available, and there's no...

CM: those are things that are not found in this packet.

(inaudible)

CM: this is asking for a reversal of something and you're assuming that there's no way to reverse it... that's not (inaudible)

DS: I'm not assuming... I'm saying that there is no way to reverse it.

CM: based on information that?

SH: Mr. Chief Justice, I think that we've exhausted our discussion points and people are standing where they want to stand, so I'd like to make a motion to vote on whether or not to grant certiorari to this request.

BB: there is a motion on the floor are there any objections to moving onto vote? Seeing none, we'll now move into voting procedures. Brandon if you could please go down the list and we'll do by roll-call, if that's okay with everybody. Okay.

BT: Buenaventura?

BB: I will abstain for right now.

BT: Shapiro?

DS: No.

BT: Hamed?

SH: no.

BT: McCance?

CM: yes

BT: Betros?

LB: no

BT: Sacasas?

AS: no

BT: with a vote of one to grant trial-

DS: okay announce the votes. Basically how this works is you need four votes to go to trial, so it's not just a simple majority so...

BT: with a vote of one to grant the trial, four to not grant the trial, and one abstain... the trial is not granted.

BB: okay

DS: we will produce a document stating that certiorari has not been granted and a brief synopsis of the reason why after this meeting.

BB: moving on with the rest of the agenda... Sister campus update. Sammy did you have something about the sister campus?

SH: yes sir, I'll touch on that. I just got some word from St. Pete judicial branch they had a justice confirmed today by the senate; so that brings their total up to four-so they have four justices. At Sarasota-Manatee tomorrow on Thursday they will be having a hearing to discuss a motion that has been brought forth to dismiss the trial that has also been brought forth, so I guess we'll get word from that when they discuss it and rule on the motion. And also they are at five justices now. Since it's 7 across the board, St. Pete and Sarasota-Manatee should have a full court soon, and that's all I have to update on that.

BB: then the ad-hoc committee on the memorial.

SH: oh sure, so Shapiro and I attended that meeting yesterday at 4 and what we discussed primarily was the implementation of the website portion of the student memorial; so rather than building a brand new student memorial we want to put it on the SG website (whether it be an auxiliary website or the actual section of the page). There were a lot of logistics and technicalities discussed in the meeting for that. And I believe on Monday February 10th, there'll be an additional meeting with the physical plant and (inaudible) to discuss the area that is going to be approved for the student memorial. Right now I believe it's between crescent hill and the gazebo by the MLK plaza. We'll be finding out more information on that on Monday and then Tuesday we'll have another meeting for the committee talking about a little bit more about the website and the finalized submission for the design and the finalized spot as well; so that is making some progress finally so we're looking forward to that.

DS: and we also talked about potentially lobbying-or not potentially, but lobbying to waive the fee for veteran's students on getting bricks

(inaudible)

DS: so that it's completely cost free to them. Like a student veteran who has died in the line of duty or died at all. Right now I think they still have to pay for a brick, and we want to make sure that that fee is waived.

SH: that's all I had to report on the memorial committee.

BB: okay, are there any motions to close new business and move onto announcements?

DS: so moved

BB: any objections? Seeing none, we are now in announcements. Does anybody have anything to announce?

SH: I have a couple of things: there is a thank you card in the office, I just want to make sure that everyone signs that because tomorrow I'll be taking that to PATS along with the decisions we make tonight, so sign that for me; tomorrow the executive branch is having a cabinet meeting from 1-2pm in

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the back cabinet, I cannot attend because I have class but I encourage you guys to go if you want to find out what the executive branch is doing; and also, next Tuesday at senate will be the second meeting of the title 5 legislation so they revised some things in the judicial branch statutes so I encourage you guys to go to that as well as they will be voting on them then. And those are the only announcement I have chief.

BB: thank you for those announcements. If there are no further announcements is there a motion to move out announcement and into adjournment?

SH: so moved

BB: are there any objections? Seeing none, this meeting is now ending at 6:33pm.

**Meeting actually took place on Wednesday, February 5th, 2014.