

Representative LUTRELL

v.

Representatives CARTER and JAMES

PUBLISHED: October 20, 2015

C.J. Cox Writing for a Unanimous Court

OPINION

Jurisdiction

The Supreme Court has jurisdiction to hear this case. The Supreme Court has jurisdiction to hear cases and controversies involving the constitutionality of actions by student governing groups and their representatives. FSU SGA Const. Art. IV, Section 3(C)(1). The Supreme Court has jurisdiction over violations of the Student Body Constitution and Statutes. FSU SGA Const. Art. IV, Section 3(C)(2). This case involves the constitutionality of actions by two representatives in the Congress of Graduate Students (COGS). Further, this case involves claims that the representatives breached various aspects of the Student Constitution, Student Statutes, and COGS Code. Accordingly, this Court has jurisdiction to hear all aspects of this case.

Facts

On September 21st, 2015, The Congress of Graduate Students held a duly noticed meeting. On the agenda for this meeting was Bill 31 which included funding for Representative James and Carter to attend a graduate student conference. This bill was brought to the floor and considerable debate on its merits took place. Once debate had ceased, the body took a vote in which Representative James and Carter voted in favor of Bill 31. Subsequently Bill 31 passed

10-6 in favor of funding the Representative's trip.

On October 12th, 2015, the COGS Internal Affairs Committee had a meeting at which it chose not to pursue impeachment proceedings against Representatives James and Carter.

On October 13th, 2015, the Student Government Supreme Court held a hearing to determine whether representative James and Carter violated the COGS Code and Student Government Statutes. Neither party elected to put on any of their own witnesses. All factual determinations were determined through the Court's questioning of the parties as well as the pleadings before the Court.

Issues

- A. Whether Representative James and Carter violated Section 205.3(A)(2) of the Student Government Statutes.
- B. Whether Representatives James and Carter violated Sections 120.3(D) or (F) of the COGS Code.
- C. If Representatives James and Carter violated either the Student Government Statutes, or the COGS Code, what remedy, if any, is appropriate?

Holdings

- A. Section 205.3(A)(2) of the Student Government Statutes, does not apply in this case.
- B. Representatives James and Carter did violate COGS Code section 120.3(F).
- C. Since COGS did not pursue impeachment sanctions against the representatives, the Court will

not impose additional sanctions at this time.

Reasoning

A. Section 205.3(A)(2) does not apply in this situation.

Representatives Carter and James did not violate Student Government Statute 205.3(A)(2) because it does not apply to COGS representatives. Section 205.3(A)(2) reads: “No officer or employee will judge or vote on any matter which would affect private gain. No Executive Board member of a SGA funded organization may vote within a funding committee of Senate on an allocation to the organization in which they serve as an Executive Board member which requires Senate confirmation. This restriction will not apply to members’ vote on the final annual budget, sweepings, or central reserves.” The Court reads this statute to only apply to Student Government officers who serve as an “[e]xecutive [b]oard member which requires Senate confirmation.” Since COGS representatives are not confirmed by the Student Senate, this is not the appropriate statute to apply in this case.

B. Representatives James and Carter did violate COGS Code 120.3(F).

Representatives James and Carter did violate COGS Code 120.3(F) by voting on a bill in which they had a direct financial interest. This issue presented a factual question for the Court. Before deciding whether Representatives James and Carter violated this statute, the Court needed to determine whether representatives James and Carter did, in fact, vote on Bill 31. To make this determination, the Court relied on testimony given by the parties to the suit. All parties involved, plaintiff and defendants,

were present at the COGS meeting on October 13th, 2015. Since all parties were present, the Court relied on their collective recollection of the night. AS a result of the parties’ admissions, the Court determined that Representatives James and Carter did vote for Bill 31. We heard from the Plaintiff, Corey Lutrell, who stated that the Defendants participated extensively in debate and ultimately did vote on the bill. On this issue, both defendants chose to make no comment on whether or not they voted on Bill 31. Further, the Court took judicial notice of the Minutes taken at the COGS meeting that night and determined that the number of votes must have reflected the two defendants voting as well. Therefore, the Court determined that Representatives James and Carter did vote in favor of Bill 31.

Further, the Court determined that since Representatives Carter and James were the sole participants receiving funds for this trip, Bill 31 had a direct financial impact to the Defendants.

Next the Court had to determine whether the Defendants violated COGS Code 120.3(F). COGS Code 120.3(F) reads: “With the exception of the Annual Budget, no member shall vote on any measure which will personally and directly impact them financially. This provision shall not empower the Speaker or Chair to strip a Representative of their vote; however, voting incompatible with this section is an actionable violation of the Ethics Code.” Based on the findings above, the defendants clearly violated this provision of the COGS Code.

C. Despite violating the COGS code, the Supreme Court will not issue further sanctions against the Defendants.

After determining whether the Defendants violated the COGS Code, the Court must determine what sanction, if any, to impose. This provision of the COGS Code presented a strange issue for the Court. The Code in question involved two parts. First, “no member shall vote on any measure which will personally and directly impact them financially.” This portion clearly identifies a strict liability purpose. This provision uses the absolute language of “no member” and “vote on *any* measure.” This language clearly prohibits the type of conduct exhibited by the Defendants. However, the second clause tempers the language of the first. The second clause reads: “[t]his provision shall not empower the Speaker or Chair to strip a Representative of their vote [. . .].” If the Speaker or Chair does not have the authority to prevent the Representative from voting, this statute must then contemplate some instance where a representative voting contrary to this section is acceptable.

On October 12th, 2015 the COGS Internal Affairs Committee chose not to pursue impeachment proceedings against the defendants. While neither party provided information on the substance or fact-finding of this meeting, both parties agreed that the Internal Affairs Committee would not be pursuing impeachment charges. Since, the COGS Internal Affairs Committee, upon review of the relevant statute, chose not to pursue charges against the Defendants, this Court concludes that it will not impose further sanctions against the Defendants.

Conclusion

The Supreme Court finds that Representatives James and Carter did violate COGS Code 120.3(F) by voting for Bill 31. However, based on the plain language of COGS Code 120.3(F), the Supreme Court will not impose any further sanctions against the Defendants. Therefore this Court will not restrict the relinquishment of these funds to the Defendants for the trip.