



**73<sup>rd</sup> Student Senate  
Judiciary Committee  
Date: February 09, 2021**

**Meeting Recording:**

<https://drive.google.com/file/d/1DbHMQQXbuZJx7Ft0vRGyXVZGE1CmliRk/view?usp=sharing>

**Call to Order: 6:12**

**Members Present:** Chair Little, Vice-Chair Boole, Senator(s) Murcia, Daraldik, Arutt, Linsky, Bergen, Gerdt, Mougey, Sam, Riviera

**Members Tardy:** Senator(s)

**Members Excused Absent:** Senator(s)

**Members Absent:** Senator(s)

**Guests:** Dr. Bowden, Rawan, Shayna Choen, Jonathan Marcus, Amy Farum, Ashley Gonzalaz, Parker Rigaught, President Levin, Kelvin Ready, Benjamin Stults, Protemp Wang, Felicia Williams, Vanessa Ramos, Ryan Vilacorta, Lioz Grunberger, Madiline Johnson

**Announcements:**

- Chair - Apologies for being late and talks about process for hearing.
- Vice-Chair - No.
- Members - none.
- Guests - Jack Rowan on definitions of malfeasance, misfeasance, and nonfeasance. Intent should not be factored in. If it happened you should vote to convict if it didn't happen then you should vote that way.

**Committee Business:**

- **Charges of Impeachment:** Charges for Impeachment against Student Body President Jonathan Levin. Five charges including two counts of nonfeasance, one count of misfeasance, and two counts of malfeasance.
- **Charge 1** - Nonfeasance; failing to appoint Student Body Supreme Court Justices within six (6) weeks of a vacancy.
- **Charge 2** - Misfeasance; Failing to publicly advertise or take minutes of a meeting held under the auspices of the Student Government Association.
- **Charge 3** - Malfeasance; Disclosing of private student information to a private student.
- **Charge 4** - Malfeasance; Willfully instructing a private student to misrepresent themselves as an SGA Officer.
- **Charge 5** - Nonfeasance; Failure to comply with a lawful subpoena.
- **Bill 9** - Sponsored by Senator England - To amend an unnecessary restriction on forwarding letters.

**Old Business:**

- None

**New Business:**

- Charge 1
  - Opening Statement:
    - Jonathan Levin: Specifically to this charge, it references in statues that the chief justice sends the senate the names of the appointees directly to the senate. What happened this summer is that the former chief justice sent his appointed people to the former senate president's email. (Jack Denton) The temporary justices were not filled because the former president of the senate email was not accessible to standing Senate President Daraldik. So our former advisor asked me to ask for the names from the Chief Justice and I then forwarded those to Daraldik. So, I didn't think it was fair to fill permanent positions while the majority of law students weren't even in class (COVID-19) and did not have the chance to apply. That's why we waited until the temporary seats expired over the summer and appointed Permanent positions on September 4th.
    - Kelvin Ready: There was a lot of confusion going on with what was in statues. This summer was not perfect and we need to really look at this. Let's just keep in mind that we are all here to do our jobs.
  - Deliberations:
    - Daraldik: Can we ask questions?
    - Little: Only if it pertains to the charge at hand.
    - Daraldik: You say that these were temporary vacancies but weren't they permanent because they graduated?
    - Levin: No, the chief justices were appointed as temporary justices.
    - Daraldik: But the individuals that were serving at the time including chief justice Keller graduated?
    - Levin: Before their graduation they were appointed and appointed as temporary positions.
    - Daraldik: Did the student body officer fill the court within six weeks? Yes or no?
    - Levin: Could you repeat the question.
    - Daraldik: Did the Student body Officer fill the supreme court within the required 6 weeks, per the constitution?
    - Levin: Yes.
    - Daraldik: Could you give me the timeline?
    - Levin: Sure, when those temp positions were appointed over the summer they were waiting on senate confirmation, which they never received. By the time I could forward people was the first week of the fall semester and by the second week they were forwarded.
    - Daraldik: Isn't it correct that vacancies were only filled on September 4th, 2020 leaving the entire court vacant for 18 weeks?
    - Levin: Yes.
    - Linsky: It seems that there are some inconsistencies in the constitution Article IV Section 3 Clause 4 vs. Article V Section 5 Clause 1 Subsection a. One says [5.5.1.a] that justices are to serve until they graduate. My question is were there any vacancies before anybody graduated?
    - Levin: Could you repeat the question?
    - Linsky: When did the seats actually become vacant? Were all seats vacant due to graduation or were their any vacancies prior to that?

- Levin: My understanding was that they were vacant due to graduation.
- Linsky: How can a temporary justice be appointed if all seats are vacant? It seems that if the justices graduated that the seats wouldn't be temporary seats because the chief justice cant appoint temp justices when already graduated?
- Levin: It is my understanding that the temp positions were appointed before the chief justice graduated.
- Linsky: To clarify there were no vacancies until they graduated?
- Ready: Could you describe the timeline?
- Linsky: Explicitly describes the constitutional timeline of the appointment process. If the vancanys were created while the chief justice was still in the court then I would agree with your defence. Did the vacancy appear before or after chief justice graduated?
- Levin: I don't know I would have to see the emails sent by the Chief Justice. I was also told that for temporary seats
- Gerdts: These temp seats were put forward to the senate, were these the same people the senate got in trouble for not forwarding them in time.
- Levin: I believe they are the same people.
- **Linsky: I motion to have a guest speak**
- **Mougey: Seconded**
- Sills: I can attest to the fact that the senate took a long time to appoint me to senate. There needs to be a proper process for judges. There's a lot of time wasting. For having to go through a lot of processes it needs reform. To ask 2L Law students to have to go through this long arduous process to get appointed is disrespectful to their time.
- Gerdts: Of the Five charges I think this one is the weakest claim. I do think the provision was violated but I don't blame the president for the violation because of the contradictory language and confusing nature of statutes and Constitution. For justices you need to find a 2L within 3 weeks and forward within another 3. It is my opinion that this charge is least interesting and needs a legal opinion and not an impeachment. We should move on because this was a fault of the system.
- **Daraldik: I move to call the question**
- **Murcia: Seconded**
- Closing:
  - Levin: With the sentiments I agree and if anyone wants to work with me to figure out how to reform.
- Vote:
  - **Y(Daraldik)N(Linsky, Murica, Mougey, Gerdts, Arutt, Bergen, Boole, Revera, Sam)A(0)**
- Charge 2
  - Opening Statement:
    - Ready: This Issue is summed up by the supreme court case with Jack Rowan v The Executive Cabinet.
  - Deliberations:
    - Linsky: Could you remind me of the holding of the court case?
    - Ready: Reads Supreme court holding on Rowan v The Executive Cabinet.

- Linsky: Would you surprise you to know that even the supreme court of florida that even they do not have the authority to have to create an exemption of the Sunshine Law?
- Ready: I'm just telling you what the court said.
- Linsky: Is it true that the supreme court is the court of last resort at this university?
- Ready: No, I believe that is Dr. Hect.
- Linsky: And has that been settled by
- Linsky: To quote Yogi Berra "It ain't over till it's over."
- Ready: Ok.
- Linsky: Do you recall the executive order? I'll remind you that this court shall not conjure constitutional powers, that shall never be the province of this court. Keeping this in mind, how do you square the supreme court's invocation of executive privilege as the rationale to why sunshine law shouldn't apply to the executive branch?
- Ready: I don't sit on the court I don't get to make the rationalizations. We just made our argument to the court, the court agreed and ordered it as so.
- Linsky: How many times did the exec. Cabinet meet this year?
- Ready: I don't know
- Linsky: Is it that many?
- Ready: It's a number that I don't have off the top of my head.
- Linsky: None of the minutes have been turned over to those who inquired about their contents, is that true?
- Ready: I would have to look into my records and see. I believe there's one email responding to the Senate Investigative Board (SIB).
- Linsky: So it is true that before the supreme court gave its ruling that the executive branch consciously decided to not publish meeting minutes when asked?
- Ready: No, that is not a conscious decision of the executive branch as a whole because where they [the court] hold it moot. They have clearly...
- Linsky: Sorry, I was talking before they issued the ruling. There were many months in between. I'm asking about the interim between when these minutes were taken and when the supreme court gave their ruling which was a week and a half ago, ten days. Was it an accident, oversight, or conscious decision made to not turn over the minutes?
- Ready: If I recall the emails that were sent to those request was to reach out to my office with any and all requests. Like I told the court, to the best of my knowledge I never received an email asking me to turn over the minutes so I could reply.
- Linsky: And the existence of a lawsuit about asking for the minutes wasn't a clear indication that people had an interest to what was in those minutes.
- Ready: I never received an email, the lawsuit didn't just deal with minutes.
- Linsky: Are you willing to tell us whats in those minutes?
- Ready: I don't have those at hand.
- Levin: Are you willing as a show of good faith to say, theres nothing going on here everything is above board? I dont understand why not.
- Levin: I am in 100% full faith and integrity that there is nothing there to be hidden. As the statue reads, all meetings that are student government related should be published. How many meetings do I have each day?

15? 20? All of those meetings are technically student government meetings. If we disagree on this that's ok precedence also shows that In all my time at FSU the executive Cabinet has never taken minutes or posted minutes. I didn't believe that I had to take minutes for each and every meeting. If you would like to discuss each meeting that's ok

- Linsky: I like that the proof is in the pudding and I want to believe that but if that was the way the government worked we wouldn't have the sunshine laws. It seems to be a measure of good faith to publish all the meeting minutes. To say We have minutes but we will not be sharing them even though there is a statute that says "shall" we will still roll our dice in the court. Being that as it may I want to hear a reason why I should vote no? Tell me why it was in the best interest of the student body to not release minutes?
- Levin: Coming into this roll there is no orientation, there's no do this, don't do this whatever. You look at the previous administrations and you see what is successful and what isn't and try and improve on that. If previous admin's minutes were not shared I never believed we had to post our minutes. In my mind and in my reading cabinet meetings are not being taken In my mind we continued to work with precedence.
- Linsky: Thank you Mr. President
- Daraldik: Did you or did you not serve as a student senator?
- Levin: I did
- Daraldik: Did you or did you not attend committee meetings where all minutes had to be published?
- Levin: Yes
- Daraldik: references 301.3e where it is stated that all minutes have to be published
- Levin: That was passed
- Daraldik: Have any meetings ever been publicized?
- Levin: It is not my understanding that they are public meetings.
- Daraldik: So you don't think that students have the right to come to your meetings?
- Levin: I stand by my statement
- Daraldik: references 203.6
- Ready: We were just trying to get everything under control during spring semester.
- Daraldik: I have an email from you to the senate. Did you ever reach out to the judiciary committee or investigative board?
- Ready: When I sent that letter I never received an email. The response was sent to the wrong email.
- Daraldik: Did you provide any documentation?
- Ready: all the members of the executive cabinet, it is my office's intent that anyone can work with me.
- Daraldik: Do you think
- Ready: I don't know
- Gerdts: Yes, meetings happened of the executive cabinet that was not public. What seems to be the argument is that it doesn't have to be public. Every single judge has been appointed by president Levin. There are no high stakes in student SGA, unlike the federal gov't. There is no reason for these meetings to be away from the public eye. You cant say that nothing official happened but also have the meetings. I understand

why you wouldn't want to have them public because it is easier. I would argue that the meetings must be public. There is not a reason for the executive branch to have privilege. We wouldn't be here if there was good faith. And it follows a long history of keeping many students out of SGA. This action violated statutes.

- **Gerdts: I move to have a non-senator speak**
- **Boole: Seconded**
- Chabot: Previously I heard that you [Ready] didn't receive a request for minutes. States two times in which minutes were asked for by the SIB.
- Murica:
- Boole: I disagree with the narrative pushed by the accused ....
- Villacorta: In regards to the requests for minutes is there any reason to have the cabinet members not forward but rewrite emails to you [ready]
- Ready:
- Villacorta: you knew there were requests coming in for minutes
- Ready: we were really busy and had a lot of emails coming in with the SIB. I didn't want to do act as a middle man for each forwarded email so asked everyone to contact me
- Villacorta: Why didn't you follow your own legislative intent of public meetings?
- Levin: I was
- Villacorta: Can you inform us when the First meeting was?
- Levin: I don't know.
- Villacorta: If a student reached out to you now would you provide minutes
- Linsky: where or who did you get advice from?
- Levin: Civil and Criminal lawyers and Gen. Ready
- Linsky: Would you be surprised to know that when a sunshine law is violated all actions taken within that meeting never happened.
- Linsky: If somebody is recording minutes a decision, if you called the roll, if you commenced, adjourned, set time all of these are official decisions.
- Linsky: It is not the decisions that make them public or non-public are not based on official decisions. Do you still believe that executive branch meetings are not public?
- Linsky: thank you for the way you present yourself and you are trying to do your best. We should all look at the law, not the statutes. I still don't understand why withholding the minutes was in favor of the student body.
- **Boole: I move to call the question**
- **Daraldik: Seconded**
- Closing:
  - Ready: Was there an intentional breaking of statues? Maybe my opinion is not that of others that's fine. There was not intentional negative action.
- Vote:
  - **Y(Daraldik, Linsky, Murica, Arutt, Gerdts, Bergen, Boole)N(Mougey, Sam, Rivera)A(0)**
- Charge 3
  - Opening Statement:
    - Levin: I would like to explain for context. We did not have access to our emails due to the hiring freeze. That Monday night we have to interview and verify over 30 candidates. We had to verify all of the SGA seats. The

personal information was leaked so that there could be a summer senate. But we weren't doing that for personal gain

- Deliberations:

- Daraldik: Did the Student body officer give the minutes when asked?
- Levin: yes.
- Daraldik: Isn't it true that you violated statute 201?
- Levin: No, In order to complete the job it was necessary
- Gerdts: You object to the portion that says you personally gained from leaking this information?
- Levin: Yes.
- Gerdts: Do you believe that SGA is an Organization
- Levin: Yes
- Gerdts: Whether or not personal gain was had. I understand that under the complaint it has to be personal gain. The personal gain doesn't have to be money or standing. I think personal gain was to have more free time they didn't have to do as much work. They didn't have to spend more time interviewing these candidates. I think it was personal gain for each member of the executive branch and the organizations of the Executive branch and legislative branch to an extent. This is clear. The president admitted that the act was not and only disagrees that it wasn't for personal gain, but it was. So, it is clear to vote yes.
- Linsky: I don't think that this charge fits these actions. These students were giving their personal information for the interview.
- Marcus: I was the one who received a phone call from Abhari. I was the person who was called. I didn't even know who was calling me.
- Gerdts: I think we talk about this, and it sets a bad sentiment that this is allowed. There is a reason for the senate to confirm things. To say that we are fine because it doesn't hurt that many people but we should have cracks in the system.
- Sam: When you go through the process of being called by random numbers that is a part of the process.
- Daraldik: If I was the victim I wouldn't want my information to be sent without my knowledge. I would be upset. So that's why I'll be voting in favor.
- **Daraldik: Move to call the question, Withdrawn**
- Levin: it was to ensure that students were applying for the right seats
- Linsky: I am even more in the nay for the claim. I think everyone in that fall recalls that there was a lot of mixup and I think it was an instructive use of power. I think the harm here is very minor.
- Gerdts: We're you reached out to from the executive branch?
- Marcus: No. Never got an interview or an email follow up.
- Gerdts: If the phone call only lasted a few minutes, I fail to see why this action was taken against 30 people in two days. I would be more accepting of senator Linksy's argument. I think senator argument is good but I hope I have have put forth a similarly strong argument
- Boole: I move to call the question, withdrawn
- Daraldik: I didn't want to read out the statement but here: student body president.... Quotes SIB report? He could have waited two days to get the information to secretary Abhari. The SBP is required to do but sending it to someone who was a bad person lost of harm could have happened.

- **Daraldik: Move To call the question**
- **Boole: Seconded**
- Closing:
  - Levin: I couldn't have waited to appoint because there wouldn't have been a summer senate. What would you have done? If I hadn't trusted these individuals they wouldn't have been appointed.
- Vote:
  - **Y(Daraldik,Murcia, Arutt, Gerdts)N(Linsky,Mougey, Bergen, Rivera, Sam )A(Boole)**

**Daraldik: Motion for 5 minute recess**

**Boole: Seconded**

**Recess reconvening at 8:30**

- Charge 4
  - Opening Statement:
    - Levin: I fully reject the charge. There is nowhere that this is stated. I never told her to do this.
    - Ready: There is no intent. Explains further that there is no intent.
  - Deliberations:
    - Daraldik: Refers to screenshots taken within the judiciary committee groupme. Are you stating that she lied to the judiciary committee?
    - Levin: I have no memory of asking her to put that title in the email.
    - Daraldik: Isn't it correct that you did provide false information to the committee?
    - Ready: I don't know
    - Daraldik: What was the Chief Justice at the time of the memorandum?
    - Ready: I don't know
    - Daraldik: The answer is yes she was.
    - Daraldik: I have no further questions. She told us that this was true and it was responded that he doesn't remember or he doesn't know. 205.3e2 intent should not matter.
    - Linsky: When did the Chief Justice become such?
    - Levin: I do not have recollection.
    - Linsky: I do not think that the accused has violated the statue.
    - Boole: Do you not remember or do you refute?
    - Levin: I do not believe that that action occurred.
    - Mougey: Is there any evidence that proves the argument of senator Daraldik
    - Gonzalez: Are you familiar with the term \_\_\_\_\_ ignorance isn't innocence. You stated that you didn't remember not that you did. He misrepresented
    - Daraldik: What was the purpose of the memorandum?
    - Levin: to get advice from law students about the bill.
    - Daraldik: Sorry what purpose of the memorandum being sent to the judiciary committee?
    - Levin: Inorder to serve as a different legal opinion on a bill
    - Daraldik: 205.3c is read. Is it your opinion that it was meant to influence the vote in the judiciary?
    - Levin: It was to provide another opinion
    - Daraldik: these violations go hand in hand, trying to influence the committees vote.



- Linsky: We don't have enough evidence in the slightest. I still think the correct answer is to vote no here.
- Marcus: I just wanted to point out that both members were under oath.
- **Boole: Move to call the question**
- **Bergen: Seconded**
- Closing:
  - n/a
- Vote:
  - **Y(Daraldik,Murica)N(Linsky,Mougey,Arutt,Bergen,Sam,Riviera,Gerds,Boole)A(0)**
- Charge 5
  - Opening Statement:
    - Levin: Reads dates and specific times for subpoenas.
    - Ready: I sent two emails refuting the subpoenas first was because it was not given more than 24 hours. And second was because it was not signed by the senate president.
  - Deliberations:
    - Linsky: If it is true that there is a 30 day hard cap on Subpoenas why are you here?
    - Ready: we had the right not to be here
    - Linsky: 30 days to reply to a subpoenas is not a hard cap. Did you respond after 30 days?
    - Ready: No we did not get any re asking for information
    - Linsky: We do get into the issue of "lawful subpoena." The spirit of the law was not honored. I am on the fence about this. I think this issue requires a higher opinion than ours. And I will vote yes because we need to see this through.
    - Daraldik: Could you clarify the problems of the subpoenas?
    - Ready: Explains how Trump v Mylar supports the claim that the subpoenas are not legal. So it was under case law that we came to this decision. We also had privacy concerns.
    - Daraldik: Why was there no attempt to provide any documents after 30 days?
    - Ready: My letter didn't just end after the 30 days issue. There were two other issues that came about.
    - Daraldik: I think that if there was nothing to hide then it shouldn't have been hidden.
    - Gerds: I think it's clear that we need clarification on all these issues. This request was very specific and it was made for a reason. It is not just the SIB or Judiciary or those speaking in con it is on behalf of the student body. It is not just dissent it is a long history and culture of neglect for rules and the student body. This culture has existed since 71 and it is just now coming up since we are online.
    - Linsky: This is the closest call of all the charges. I don't think that it was too vague or large a request of information. I wasn't here for this but I think that the blame doesn't just lie with the executive branch it also lies with the Judiciary Committee. I don't know what the substance was between the Judiciary Committee

- Sam: Despite what this vote is tonight I would like to move on. I will not be running for another seat. We need to get along and move forward together.
    - **Boole: Move to call the question**
    - **Gerdts: Seconded**
  - Closing:
    - Levin: The SIB felt like an offence to the executive branch and to myself. I think that we do need a legal opinion. In law you can petition the subpoena.
  - Vote:
    - **Y(Daraldik, Linsky, Murica, Arutt, Gerdts, Boole)N(Mougey, Bergen, Sam, Riviera)A(0)**
  - **Linsky: Move to have a non-senator speak**
  - **Mougey: Seconded**
  - Levin: I am here to do good work. There are two issues. Subpoenas and the Interview process which I am working on. I am tired of the party politics and we need to move on.
  - Gerdts: I disagree with the claim that the SIB was an attack on President Levin and was entirely political in scope.
- **Bill 9 - Sponsored by Senator England - To amend an unnecessary restriction on forwarding letters.**
    - Opening statement:
      - England: The statues have an unnecessary waiting period for all applicants for sga. So this change helps address some of the issues that occur in the appointment process. It also legally outlines where each candidate goes and puts it in writing.
    - Technical Non debatable:
      - Daraldik: Can you tell me exactly what to edit?
      - England: I change 5 days to 3 days and in the second half it strikes half the sentence to be more inline with how it is done.
      - **Linsky: Move to open round table**
      - **Boole: Seconded**
    - Roundtable:
      - Linsky: Thanks for the simple helpful legislation!
      - Daraldik: Is that just reverting it backwards?
      - England: No it only edits one part of the edit made by Senator Murica. Many of those were important. I trust the chairs and think after seeing the waiting time in practice it is unnecessary.
      - Daraldik: I thought that the 5 days were helpful and Ensured that we had time to make sure everything went to the right place. But if the committee feels differently that's fine.
      - Boole: I know that amending to 3 days would be good because often the forwarding letters aren't sent until midday friday and that then requires applicants to wait a whole extra week for nothing.
      - Linsky: I agree with senator Boole. I don't think that changing to two days would harm the system. I don't think that striking the last part of the sentence then
      - Daraldik: I can understand the statements made by Linsky and Boole and I do think 3 days notice is better because the executive branch hasn't changed to sending letters on wednesday.

- **Daraldik: Move to amend: Remove the strike in the last second**
- **Boole: Seconded**
  - Roundtable:
    - **Boole: Move to call the question**
    - **Murica: Seconded**
  - Vote:
  - **Y(Daraldik, Murica, Arutt, Sam, Riviera, Gerdts, Boole)N(Linsky, Mougey,)A(Bergen,)**
- **Boole: Move to call the question**
- **Daraldik: Seconded**
- **Mougey: Objectetion**
- **Boole: Withdrawn**
- Gerdts: I think this is a common sense bill and I have met a lot of the people that have been screwed over by this length of time. I am glad to see that we will be wasting less time as
- **Daraldik: Move to call the question**
- **Boole: Seconded**
- Closing statements:
  - England: I was amenable to the amendment but I wanted to see the committee's opinion.
- Vote
  - **Y(Daraldik, Linsky, Mougey, Murcia, Arutt, Bergen, Sam, Gerdts, Boole)N()A()**

**Unfinished Business:**

- **None**

**Committee Legislative Round Table:**

- **None**

**Final Announcements:**

- Chair - Next meeting we will have a similar thing
- Vice Chair - none.
- Members -
  - Gerdts: Go Bucs
  - Linsky: Go Bucs and thanks
  - Daraldik: Thank you everyone for keeping everything serious and I appreciate that we were able to go through the statues and move forward.
- Guests
  - None

**Date and Time of Next Meeting:** Tuesday 16th @ 6:00pm  
**Adjourned: 10:13**

**Gabrielle Little**

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Signature of Chair