

**IN THE STUDENT SUPREME COURT
IN AND FOR THE FLORIDA STATE
UNIVERSITY**

KELVIN READY,

Plaintiff,

v. Case No. 2020-CA-4

AHMAD DARALDIK,

Respondent,

_____ /

*J. Alfonso delivered the opinion of the
Court.*

SYLLABUS

This action was brought before this Court in a complaint filed by Kelvin Ready (“Plaintiff”), a member of the Student Government Association (“SGA”) at the Florida State University (“FSU”) and current Student Body Attorney General, against Ahmad Daraldik (“Defendant”), in his capacity as a member of the FSU SGA Student Senate, for violating Student Body Statute (“SBS”) §205.3(E)(2) and SBS §205.3(E)(3) titled, Fraud in the Student Government Association. SBS §205.3(E). Section 205.3(E)(2) states, in relevant part, “No officer or employee will... when mandated... provide false or misleading

information or documentation.” SBS §205.3(E)(2). Section 205.3(E)(3) states, in relevant part, “No officer or employee will bring false charges or provide false or misleading evidence against another officer, employee, or student.” SBS §205.3(E)(3).

On October 5, 2020, Plaintiff submitted a complaint to this Court, alleging that Defendant brought false charges against him and provided false and misleading information to the Student Senate as well as the Senate Investigative Board in violation of SBS §205.3(E) during its September 30, 2020 meeting, wherein Defendant reported allegations of wrongdoing on behalf of Plaintiff for statements Plaintiff made during an earlier Senate meeting held on July 15, 2020. Plaintiff requests that this Court exercise its authority under SBS §205.6(A) and suspend Defendant from the Student Senate for the remainder of the 2020-2021 academic school year. Additionally, Plaintiff requests this Court, pursuant to SBS §205.6(A)(1), further recommend to the relevant University staff that action be taken under the Student Conduct Code.

ISSUES

The issues presented in this case require this Court to determine whether Defendant's comments during the Senate meeting on July 15, 2020, and the Senate Investigative Board Meeting on September 30, 2020, amounted to providing false or misleading information to the students, employees, and/or officer at FSU, as prohibited in SBS §205.3.

HOLDING

This Court answers in the affirmative and enters judgment in favor of Plaintiff.

FACTUAL AND PROCEDURAL HISTORY

The relevant facts of the case are as follows. During the Senate meeting on July 15, 2020¹, there was a dispute amongst some of the individuals present at the meeting, as to the application of a provision of the FSU SBS §203.5. After a bit of back and forth between the SGA Officers, in support of his position to

follow the statute, Plaintiff stated, "...I would like us to stay within statutory bounds, less we end up before the Supreme Court." During this Senate meeting, and immediately after Plaintiff made his comments, Defendant accused Plaintiff of making threats.

Over two months later, on September 30, 2020, the Senate Investigative Board held a meeting², in which Defendant was in attendance, to investigate alleged misconduct by Officers of SGA's Executive Branch. During this meeting, Senator Chabot asked Defendant if he had experienced any moments in which he had felt coerced by the Attorney General. According to the Investigative Board's minutes, Defendant replied, "Attorney General stated, 'If the State Legislators are not allowed to speak, then this would have to result in a Supreme Court case,' which made me feel coerced." Defendant, in response to this complaint, pointed out to this Court that the published minutes of the Investigative Board's meeting contain inaccuracies as

¹ A transcript and recording of the Senate Meeting can be found in the July 15, 2020 meeting minutes of the 72nd Student Senate, available at SGA website: <https://sga.fsu.edu/senate-documents.shtml>

² A transcript and recording of the September 30, 2020 Senate Investigative Board Meeting can be found in the "IB 09.30.20" minutes, available at SGA website: <https://sga.fsu.edu/ad-hoc.shtml>

to his direct quote. As a recording of the September 30 Investigative Board meeting is publicly available, Defendant's complete and accurate response to the Senator's question states:

The one clear example I will give is um, at the July 15 student senate meeting where the so-called invited state legislators were [sic] on the call and the Attorney General stated that if they were not allowed to speak, it would end up in a Supreme Court case. That, to me, was coercion. That was a threat that, if I do not take action that he deems appropriate –not that *I* deem appropriate, but what *he* deems appropriate– it would end with retaliatory action, by us being in the Supreme Court.³

On October 5, 2020, Plaintiff filed an original jurisdiction complaint with this Court, alleging that Defendant's misleading and/or false statements violated SBS §205.3(E)(2) and §205.3(E)(3). On October 28, 2020, Plaintiff filed a Motion for Default Judgment based on Defendant's failure to respond to the complaint. This Court granted Defendant an extension on November 2, 2020, and a response was received on November 5, 2020.

³ Investigative Board Meeting, September 30, 2020, Video 1 at 40:25, available at SGA Website:

In his response, Defendant contends that the allegations he made against Plaintiff to the members of Investigative Board on September 30, 2020, were not false or misleading, as they constitute Defendants "interpretation of how [he] understood the statements made by the Plaintiff". Defendant further contends that, while Plaintiff may believe that what was stated was not a threat, Defendant heard it as such, as would any other reasonable person in Defendant's position if they heard, "less we end up before the Supreme Court," said by the Executive Branch Attorney General. Defendant thus denies all allegations against him.

OPINION

It is undisputed that Defendant and Plaintiff are both officers, students, and employees of FSU. All of the comments made and cited to by Defendant and Plaintiff are also undisputed, as these statements are accurately evinced in the recorded SGA meetings. The only dispute here is

<https://drive.google.com/file/d/1sclYUfi4U24TbIIIEzXAI-GJFFS1ngR/view?usp=sharing>.

whether Defendants alleged misinterpretation of Plaintiff's statement would relieve the Defendant of his statutory duty to not mislead or provide false information against Plaintiff. We hold that it does not.

Plaintiff's statement during the Senate meeting on July 15, 2020, "I would like us to stay within statutory bounds *less we* end up before the Supreme Court," (*emphasis added*) is clearly a statement by the Attorney General advocating for the Senate, as well as SGA in its entirety, to abide by the Student Body Statutes. The most important words in his statement are "less we," which further proves that he was not making a threat directly at any one person. Rather, his statement is one attempting to get the Senate as a whole to follow the rules governing the meeting, so as to avoid future legal consequences against all those members present, himself included.

Plaintiff did not state directly that he intended to file any charges against Defendant, nor any other member of the Senate. However, even if he had, Plaintiff's statement still could not be considered a legally actionable threat. It is

settled within the rule of law that a threat to bring legal action against an individual, even if groundless and in bad faith, cannot constitute "wrongful" extortion or coercion within the meaning of the law. *See Vemco, Inc. v. Camardella*, 23 F.3d 129, 134 (6th Cir.1994); *First Pacific Bancorp, Inc. v. Bro*, 847 F.2d 542, 547 (9th Cir.1988); *I.S. Joseph Co. v. J. Lauritzen A/S*, 751 F.2d 265, 267-68 (8th Cir.1984). Further, Defendant could not identify any action by Plaintiff which some reasonable imposition of fear might have been intended to compel. Absent such support, Defendant's false allegations of coercion collapse.

Defendant argues that the current minutes from the Senate Investigative Board meeting do not accurately reflect his statements. Although we acknowledge that the minutes are an abbreviated version of Defendant's statements, that does not change the fact that Defendant completely misquoted Plaintiff's prior statement. A statement that is false or misleading, whether abbreviated or not, still violates Student Body Statutes.

Defendant has a duty to uphold the Student Body Statutes at all times

while working under his professional capacity as Senate President. By stating that Plaintiff made threats to him during the Senate meeting, while the record proves otherwise, is at least misleading, if not a false statement in direct violation of SBS §205.3(E)(2). Furthermore, Defendant's misquote of Plaintiff's statement during the Senate Investigative Board Meeting is false and we find that Defendant intended to mislead the Investigative Board Senators, in clear violation of SBS §205.3(E)(3).

It does not seem that Defendant understands the seriousness of the issue brought before this Court today. The penalty for an SGA Officer found to have coerced or threatened another member of SGA, as provided in the SGA Ethics Code, consists of, at the Court's discretion, "suspension, or recommendation to begin impeachment proceedings, or recommendation to the Student Senate to freeze an organization's funding, or dismissal from employment." SBS §205.6(A). We do not take lightly the fact that Defendant, a member of SGA sworn to uphold the values of this university, violated his oath and subjected another

member of SGA to the possibility of these penalties, merely due to a disagreement which had occurred months prior and pursuant to official SGA activities.

Defendant argues that this complaint was brought by Plaintiff in retaliation for his comments against him, though it seems more clear to this Court that Defendant pursued legal action against Plaintiff in retaliation for the discomfort that Defendant felt during the Parties' disagreement in July. The fact that Defendant was responding to a subpoena when he made his false statements makes the issue all more troubling. There is no doubt that Defendant recognized the seriousness of the charges he levied against Plaintiff. As such, Defendant has shown to have exhibited the precise type of unethical conduct that Section 205.3(E) of the SGA Ethics Code was meant to prohibit, namely, SGA Officers using their positions to punish other members of the organization out of spite or personal disagreement.

The testimony by Defendant during the September 30, 2020 Senate Investigative Board Meeting is held to be inaccurate and further, invalid. We find it

clear from the recording of the September 30, 2020 Investigative Board meeting that Defendant, despite being under oath, made several false statements to the members of the Board and brought charges against Plaintiff that contain no factual basis. This Court therefore prohibits the Senate Investigative Board from using any of the testimony provided by Defendant during this meeting to pursue any of the allegations stated therein, nor in any proceedings resulting from said investigation.

The integrity of the Investigative Board rests on its ability to investigate and validate claims pursuant to its statutory duties, and to accurately reflect the discussions contained in its meetings. While this Court does not, as a matter of jurisdictional authority, address the subject of the Board's specific investigative purpose, the facts in this case raise significant questions as to the validity of this investigation. Should there be any merit to other allegations made during the course of this Board's investigation, it would be prudent, for the validity of future investigations, to ensure compliance with the SGA oath by all

individuals testifying before the Board, as well as to cure inaccuracies contained within the Board's minutes in a timely manner. It is imperative that all officers and/or employees of Student Government Association at FSU provide true and accurate information to every individual within SGA. Without this fundamental understanding, SGA will not run smoothly, and chaos will ultimately follow.

Central to a well-run government is the respect afforded from each branch to the other. The executive and legislative branches must work in cohort on many important bills, issues, and topics. Without such respect, we hurt our students and constituents by not moving along expeditiously on the most important issues. SGA affords students the opportunity to learn this at an early age in hopes to help mold said students for future positions in government.

CONCLUSION

We hereby hold that Defendant violated SBS §205.3(E)(2) and SBS §205.3(E)(3) by bringing false charges against another Student Government

Officer and making false and/or misleading statements to the Senate and the Senate Investigative Board Meeting on September 30, 2020. Any statements made during the Senate Investigative Board Meeting cannot be used to pursue any of the allegations contained therein, nor in any Investigative Board proceeding in the future.

Pursuant to SBS §205.6(A), Defendant is hereby suspended from the SGA Student Senate for the remainder of the 2020-2021 school year and prohibited from holding a Student Government Association office in the future. Section 205.6(A)(2) states, “Any person found guilty of violating two (2) or more provisions of this Code shall not be allowed to hold a Student Government Association office in the future.” SBS §205.6(A)(2). As Defendant has been previously found responsible for a violation of the SGA Ethics Code⁴, section 205.6 strictly prohibits his participation in SGA in this capacity.

It is so ordered.

⁴ See, *Denton v. Daraldik*, FSU S. Ct. 2020-CA-2.