



THE FLORIDA STATE UNIVERSITY
DIVISION OF STUDENT AFFAIRS

FILED
NOVEMBER 19, 2020
AGENCY CLERK
FLORIDA STATE UNIVERSITY

November 19, 2020

FSU 2020-034
Dear Mr. Daraldik:

I received your appeal on Monday, November 2, 2020, related to the Florida State University (FSU) Student Supreme Court Decision 2020-CA-1. The original action was brought by Jack Denton against you in your capacity as the then-Senate President Pro-Tempore at the time of the Senate's no confidence vote in then-President Denton. Your appeal was timely submitted.

This particular case is in an atypical procedural position because Mr. Denton's claims related to the same facts are currently pending before the United States District Court for the Northern District of Florida and, as you know given that you are a party to that action as well, there is an order by the federal court addressing a number of the issues raised in your appeal. The contemporaneous Student Supreme Court proceedings and opinion differed somewhat from the findings of the District Court, most notably by providing Mr. Denton with the remedy the federal court denied: reinstatement.

Also notable with respect to your appeal and the relief requested therein is the fact that Student Senate elections occurred on November 10, 2020. Because the term for which you had served as Senate President has essentially elapsed and there is no further substantive business of the 72nd Senate, the issues on appeal are moot at this point.

Further, I've received the opinion of the Student Supreme Court suspending you for one year for statements you made that the Court has held are fraudulent. You've indicated to me your intent to appeal that decision but I have yet to receive that appeal. Unless and until you prevail in that appeal, by order of the Student Supreme Court you are ineligible to participate in Student Senate. Your inability to serve makes me unable to afford the remedy you request here on appeal.

Nevertheless, for the sake of completeness, I did consider carefully each of the issues raised by you in this appeal. After a careful review of the issues raised by you on appeal, the record in this case, all the materials submitted, and a review of the preliminary injunction, I find that the issues raised in your appeal are largely already settled by the federal court order and those findings are not open to a collateral attack here, with the exception of the below due process matters.

With respect to the issue of due process related to representation of counsel, it is your assertion that you were not advised of your right to have counsel advocate for you at the hearing while Mr. Denton was afforded that opportunity. I have reviewed the issues raised in your written appeal as well as the communications between yourself and Chief Justice Ducey related to the appearance of counsel. You were not denied the opportunity to have counsel advocate on your behalf; indeed, you never indicated your desire to have your personal legal counsel present, nor did you ask whether their attendance would be permitted. In my review of the documents, Chief Justice Ducey offers law

student representation when you inquired of her. To the extent that you assert you should have been affirmatively advised by her of the ability to have your personal legal counsel appear, I disagree.

With respect to the second due process issue raised by you with respect to the issuance of the writ, it is my understanding that the Student Supreme Court issued the writ contemporaneously. Regardless, you were afforded hearing by the Supreme Court prior to any action, as required by due process.

The remainder of the issues raised in your appeal are, as I stated above, previously decided by the federal court.

This decision constitutes final agency action for Florida State University.

You may seek judicial review of this final University decision pursuant to Florida Rule of Appellate Procedure 9.190(b)(3), applicable to review of quasi-judicial decisions of an administrative body not subject to the Administrative Procedure Act, by filing a petition for certiorari review with the appropriate circuit court within thirty (30) days of the final University decision. If you seek review with the court, you must also provide a copy of the petition to the following university office or official: Ms. Angela Jackson, Office of the General Counsel, 424 Westcott Building, Tallahassee, Florida 32306.

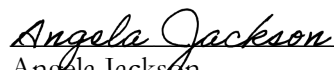
Sincerely,



Dr. Amy Hecht
Vice President for Student Affairs
Florida State University

cc: Dr. Brandon Bowden, Associate Vice President for Student Affairs
Kyle Griffis, Associate General Counsel

Filed with the Agency Clerk this 19th day of November, 2020, at Tallahassee, Leon County, Florida.



Angela Jackson
Agency Clerk
Florida State University
Office of the General Counsel