

**IN THE FLORIDA STATE
UNIVERSITY SUPREME COURT**

VITALITY PARTY,
Appellant,

v.

THE ELECTIONS COMMISSION,
Appellee.

Published: February 17, 2015

SUMMARY

The Court examined this case on appeal. The Appellant, the Vitality Party, has asked this Court to overrule the Elections Commission’s decision that a member of the Vitality Party, Madeline DuPlessis, violated Student Body Statute 715.7D and consequently not levy a Schedule II fine of \$100.

We hold the Elections Commission ruled correctly in finding that there was a violation of 715.7D but erred in finding that Madeline acted independently of the Vitality Party and in assessing the \$100 to her. Hence, the decision is affirmed in part and overturned in part.

BACKGROUND

As stated by the Appellant, the facts are as follows:

On January 19, 2015 Claire Gallo, Rules and Procedures Chair of The IGNITE Party sent an email to the Supervisor of Elections, Alexis Sanchez, informing her that a wall at the intersection of Call Street and Copeland featured the words “ZTA Supports Madeline”. Ms. Gallo informed Supervisor Sanchez that she believed the wall to be a violation of Elections Code.

Correspondence between various members of the IGNITE and Vitality parties, the President of the Zeta Tau Alpha Sorority, Beta Gamma Chapter, and the Supervisor of Elections followed, leading to the wall being painted over or obscured on February 9, 2015.

The Elections Commission found that Madeline acted independently of the Vitality Party when she violated 715.7D and that the fine should be levied to her and not the party.

STANDARD OF REVIEW

The standard of review used is de novo.

OPINION

J. GIBBS delivers the opinion of the court joined by J. ROZANSKI and J. SCHMIDT.

To determine whether the Elections Commission erred below, the Court considers whether the Elections Commission properly considered the relevant facts and circumstances to arrive at the conclusion that Madeline DuPlessis acted independently of the Vitality Party. While Ms. DuPlessis’ sorority was the entity responsible for the message on the wall, the Vitality Party had proper notice and time to ensure that the message was taken down. There was a month’s lapse between the time the violation was reported and Vitality was informed and the painting over of the message on the wall. The wall is located at a spot on the FSU Campus that is fairly central. It is hard to imagine that during that month, Vitality Party leaders were not aware that the wall was not obscured. It is the party’s responsibility to ensure that they do not violate the Florida State University Student Statutes and the fact that they did not take more extensive measures to have the wall

taken down makes the party vicariously liable under 715.7D

CONCLUSION

The FSU Student Supreme Court AFFIRMS the finding that the Vitality Party violated Student Body Statute 715.7D and OVERRULES the decision to levy the fine to a member instead of to the party.

It is so ordered this 17th day of February 2014 in Tallahassee, Florida.