



**72nd Student Senate
Investigative Board
Date: 7/16/20**

Call to Order: 7:09 p.m.

Members Present: Chair Chabot, Vice Chair Little, Senator(s) Cusnier, Rossi, Alvarez

Members Tardy: Senator(s) Garcia

Members Excused Absent: Senator(s): Leckie

Members Absent: Senator(s) Gabriel

Guests: Jonathan Marcus, Jessica Mendoza, Senators Hinks, Sam, Lavender

Announcements:

- Chair - X
- Vice Chair - X
- Members -
 - Cusnier: **point of clarification**, when Sen. Alvarez testifies, will it affect quorum?
 - Chabot: No, he will still count for quorum.
- Guests - X

Committee Business:

- Adopt a subpoena format
- Hearings
 - John "Jake" Alvarez
- Deliberations
 - Response to AG Letter

Subpoena Format:

- **Cusnier moves to enter roundtable on subpoena format**
- **Alvarez seconds**
- **Motion passes**
- Chabot: Would anyone like to propose a subpoena format?
- Alvarez: I would, it is the one we adopted in the Judiciary Committee.
- Chabot: we also have another submission to the qualtrics, completed at around 1pm today. The person who submitted is here today. We could waive the rules and hear them today, how do you all feel about that?
- Cusnier: I wouldn't mind hearing it, I just want to make sure that we have the appropriate information before we hear them speak.
- Alvarez: I prefer that when we have testimony, we have evidence with it. We are a fact-finding body first, and a deliberative body second. **Motion to adopt subpoena as sent to the Chair** (see SGA website). The end of the document is formatted so that it can be sent to a chair or to the full committee.

- **Cusnier seconds**
- **Motion passes, format is adopted**
- Chabot: Anything else we need to discuss about the format? Seeing none, we will go into our first round of testimony today.

Hearings:

Jake Alvarez

- Opening Statement
 - Alvarez: On April 17, I submitted an app for COSSPP seat 3 for summer term. A month later, on May 19, I got a call from SBVP to double check which seat I was applying for, and was informed I would get an email regarding the position. That day, a forwarding letter was published with another candidate listed for seat 3. That same evening, I submitted a request for an injunction to the Supreme Court, because I knew about the results of Rivello v. Wilson. I received an email from former Chief Justice Keller that they could not process my letter, because there were no sitting justices. I had several texts and calls with SBP. He said I would be reconsidered for seat 1. I was then interviewed in a professional format on June 11, and was forwarded for seat 1 on June 15. When I was being interviewed, and in the original convo with SBP, I was under the assumption that I would be appointed to the seat in its entirety, but was only appointed for the summer term. I have submitted my texts with SBP and the phone call log with SBVP- which was only 1 min. My case is not as severe as others who have testified, but I believe that the delay of my process by 2 months should be of consideration.
- Technical, Non-Debatable
 - Cusnier: Which seat did you hold during this summer term?
 - Alvarez: COSSPP Seat 1.
 - Cusnier: Was seat 1 advertised as vacant when you applied for seat 3?
 - Alvarez: Yes, it was advertised as vacant.
 - **Cusnier moves to enter questioning**
 - **Little seconds**
 - **Motion Passes**
- Questioning
 - Cusnier: Can you define "request of injunction"?
 - Alvarez: I was suggesting the Supreme Court halt the forwarding of the seat 3 candidate, because I had been promised an email about the position by SBP.
 - Cusnier: Do you think your role as the Parliamentarian affected your application in any way?
 - Alvarez: Can you rephrase your question?
 - Cusnier: Do you think sitting as the Senate Parliamentarian affected your consideration for a Senate seat?
 - Alvarez: No.
 - Chabot: You said that a complaint was filed. If there was no active Supreme Court, who does that go to?
 - Alvarez: I tried to contact Amy Hecht, but the allusions of her email were that there were other options available to me. If there were no justices, I assumed my case would automatically go up to the next level of court.
 - Chabot: Was the evidence of that contact submitted to the board?
 - Alvarez: No, because I didn't think it pertained to the executive processes of my application.

- Chabot: You were forwarded to seat 1 and it was vacant, but you were only forwarded for the summer?
- Alvarez: Yes.
- Chabot: With your knowledge of statutes, do you believe it was proper to only forward you for summer and not the full term?
- Alvarez: No. Had he appointed someone for the full term and then they took a level of absence, it would make sense to forward me for the summer. But what they did was not in line.
- CHabot: Can you put that in layman's terms?
- Alvarez: The forwarding letter was sent at a time when the entire seat was vacant, so it was out of line for SBP to only forward me for summer. It would have been in line if someone was taking a leave of absence for the summer term.
- Chabot: Any other questions for Sen. Alvarez?
- **Cusnier moves to end questioning**
- **Rossi seconds**
- **Motion passes**
- Closing Statement
 - Alvarez: As I said in my opening, while I believe it is proper for me to present this info, I know it isn't up to par with previous individuals that testified. I hope this evidence helps to inform the board for future deliberations. Going forward, I will make sure to recuse myself, avoiding any conflicts of interest. I hope I was able to shed some light on various situations.
- **Senator Cusnier moves to enter deliberations**
- **Senator Little seconds**

Deliberations:

- Chabot: We will first review the cases of Sec. Abhari and Mr. Marcus, followed by those of Sen. Gipalo and Sen. Alvarez. Within the discussion of Sec. Abhari's testimony, we will go over the letter I received from AG Ready. We are now in deliberations about Sec. Abhari and Mr. Marcus' cases.
- Cusnier: In reference to Marcus, there was an official opinion made. Can you remind us what that was?
- Chabot: Last week we adopted an official opinion: (reads official opinion). That was in regard to Mr. Marcus' second case.
- Alvarez: **point of inquiry**, could we potentially expand the board to include the publication of SGA minutes? I don't remember if we were in line to discuss that today.
- Chabot: The statutes are unclear if we can expand our existing powers. I think that would be appropriate to discuss at our next judiciary meeting.
- Alvarez; **point of inquiry**, are we in line to deliberate over Sec. Abhari's testimony about the cabinet meeting and the SBVP?
- Chabot: Until our powers or scope are expanded, we should hold off on deliberations on that and restrict ourselves to presidential appointments.
- **Cusnier moves to table all deliberation on Sec. Abhari until further evidence is presented, and scope is expanded**
- **Alvarez seconds**
- **Motion passes**
- Alvarez: **point of information**, has Mr. Marcus attempted to contact the university about taking action?
- **Cusnier moves for Jonathan Marcus to speak**
- **Garcia seconds**
- **Motion passes**

- Marcus: I haven't pursued any actions, I don't really know where to start. Summer is almost over, I was thinking it would be better to wait for the fall before taking action.
- Cusnier: I want to start deliberation on Marcus' case. For his first application, I am concerned that we need to speak with SBVP. Statute 304.3 involves "experiences, qualifications, and goals". It's only right we hear from her if she thinks she met that standard, before we make a decision.
- Alvarez: **point of information**, who was the letter regarding cabinet secretary testimony sent to?
- Chabot: I emailed each sitting Secretary individually. I requested the cabinet meeting minutes from SBVP and Director of Cabinet Affairs. I emailed the Chief of Staff and SBP to get the names of other applicants for cabinet secretaries. In response from almost everyone, I was directed to AG Ready. In response, he sent this letter (see bottom of minutes). The letter says he was informed of our request for testimony of cabinet secretaries and meeting minutes. He understands the role of the executive branch and his individual role, but hasn't had time to review our "allegations". He wants time to conduct an internal review before we ask for any testimony.
- Cusnier: Can we ask him how long he needs for the internal review?
- Alvarez: I think one concern in the letter from AG is his use of the word "allegations", because we haven't made any accusations besides the majority opinion of Marcus' case. We are a fact finding board, so if we contact AG, we should inform him what our scope is- we weren't the one's lodging allegations, students came to us. We should emphasize that it was straightforward for SGA members to come in and testify, it doesn't need much internal review beforehand. I think that would be the best way to move forward and work with him, instead of against him.
- Chabot: I will respond to his email saying that currently, we are willing to give him time. However, we are not making any accusations, just looking for facts based on testimony we have received. We'll emphasize that secretaries would be coming in as applicants, not in official capacity. Is there anything else we want to discuss in response? Seeing nothing, I'll email him after this meeting.
- Alvarez: **point of information**, has the chair received any additional communication with Sec. Abhari since last meeting?
- Chabot: No, I didn't email her again with the other cabinet secretaries because she had already come in and testified.
- Cusnier: **point of clarification**, Is Sen. Alvarez recusing himself before we discuss Sen. Gipalo?
- Chabot: Before, as he has a conflict of interest.
- Alvarez: With regard to Sec. Abhari's mention of reaching out to applicants as a private student, do we want to include that in the testimony that was tabled?
- Chabot: Since it pertains to Mr. Marcus' case, it should be discussed now, with his case. It is separate from Sec. Abhari's own application process.
- Cusnier: **point of information**, where can I look in statutes to find that SBP cannot ask Abhari to act in an official role as a private student?
- Alvarez: It is statute 205.3.B.1. Because Sec. Abhari was a private student, she should not have had private contact info for applicants. It can be inferred that SBP and SBVP avoided having to make the call themselves by sharing that personal info with other individuals.
- Chabot: **point of information**, Chief of Staff is to conduct interviews of candidates. Would it be in line to have SBVP call a member of the public in a general app?
- Alvarez: I would say yes. SBP and SBVP are the heads of the executive branch, so they have the ability to execute the duties of people under them. We only need to consider,

how does SBP appoint a Chief of Staff? I don't feel comfortable making conclusions on Mr. Marcus' first case until we hear from the executive branch so we get the whole story.

- Chabot: Understanding we might not be able to get that info until September, how do we feel about tabling that conversation?
- **Alvarez moves to table discussion of Mr. Marcus' first application**
- Cusnier: I want to encourage Mr. Marcus to follow the opinion of the board on his second case. I would hate to see him miss that opportunity while this is tabled. **Cusnier seconds**
- **Motion passes**
- Alvarez: A major aspect of Sec. Abhari's testimony was the request for candidates to sing. It would be in line for us to consider that its own matter. In order to form an opinion on that, we would need other testimony from secretaries, applicants, and other experienced individuals.
- **Cusnier moves for Jonathan Marcus to speak**
- **Alvarez seconds**
- **Motion passes**
- Marcus: How would I pursue the opinion of the board, since summer term is ending?
- Chabot: The Supreme Court can still meet, so I encourage you to find counsel and file as soon as possible. It will likely be heard when court convenes in fall.
- Cusnier: I agree and you should file as soon as possible, if you choose to do so.
- Chabot: Now that we've tabled testimony from Sec. Abhari and Mr. Marcus, I will email AG Ready. With that, we will enter the cases of Gipalo and Alvarez
- Alvarez: I will not participate in these deliberations, but will remain present for the sake of quorum.
- Chabot: Now that Sen. Alvarez has recused himself, he cannot make any further motions. First, we should go over Sen. Gipalo's case.
- Cusnier: Sen. Gipalo was not interviewed, so she was lucky to get forwarded. She also mentioned that she was confused with the process, but I don't think we can make a ruling on that. The only thing we can talk about is that she wasn't interviewed. I don't know that we could advise her to seek any reparations, because she was still given the position in the end.
- Rossi: I agree that it was wrong that Sen. Gipalo was not interviewed before receiving her position. That's the only thing we can really investigate for her case.
- Chabot: I want to remind you all that there were other applicants for her seat, since she applied for COSSPP seat 3- the one that Sen. Alvarez applied for- with no response.
- Cusnier: Unless anyone else wants to speak, we should put our findings on Gipalo's case into writing. I can ask Alvarez how to do the formatting on it
- Chabot: for the formatting, we can start considering what we want our majority opinion to be. Board members may chime in to craft a majority opinion.
- Cusnier: If no one else wants to help me with this, maybe we should put it off until the fall.
- Little: I can try to type minutes and a majority opinion, but it'll be difficult.
- Alvarez: Sen. Garcia has sent something in the chat
- **Rossi: I think because we don't have many committee members present, moves to table Sen. Gipalo's case until fall.**
- **Garcia seconds**
- **Motion passes**
- Chabot: With that, we will move into the case of Sen. Alvarez.
- Cusnier: Do we want to make a decision on Sen. Alvarez's case, or just table it too?
- Rossi: Again, I feel we should table it.
- **Cusnier moves to table Sen. Alvarez's case until fall**

- **Rossi seconds**
- **Motion passes**
- Chabot: Sen. Alvarez, you are welcomed back into deliberations.
- Alvarez: Understanding that we have no more pressing matters, are we in line to exit deliberations?
- Chabot: Yes, I just wanted to discuss our actions going forward from this meeting before we do that.
- Alvarez: Ok.
- Chabot: Tomorrow I will send an email to AG requesting that secretaries present testimony in fall, making it clear that we have only adopted one opinion and that we're primarily a fact finding body. I will also make clear that cabinet secretaries are being asked to testify as individual applicants, not as cabinet secretaries. Is there anything else we should add?
- Cusnier: Something to the effect of "we look forward to working with you" in an attempt to bridge the divide between the branches.
- Chabot: I will include that. I will also request the minutes of the cabinet meeting, since those should be public anyways, as well as the names of other cabinet secretary applicants. Are there any other things we should do between now and when we reconvene in fall? Seeing none, I want to remind summer senators that you may remain on the board until its conclusion. Do any Senators besides Alvarez and Cusnier want to do that?
- **Cusnier moves to allow Sen. Hinks to speak**
- **Garcia seconds**
- **Motion passes**
- Hinks: I would be interested in serving despite my term being over.
- Chabot: Our statutes say a resolution must be submitted if you want to serve on the board. As chair, I need to remain unbiased, so you should reach out to other senators about writing that.
- **Alvarez moves to exit deliberations**
- **Cusnier seconds**
- **Motion passes**

Final Announcements:

- Chabot: Thank you all for serving this summer. This is my first time chairing, and you guys make the experience enjoyable. I have had the privilege of watching you all grow and learn with me. If you're leaving as a senator, I hope to see you soon. If you're returning, great! I'm excited to see what well do and how we can help students
- Little: Thank you for letting me serve in this position, and I look forward to continuing this work in the fall term!
- Cusnier: I want to thank everyone for attending, and Alvarez for sharing his story. It's been a pleasure working with you all, and I look forward to doing so again in fall if the resolution passes.
- Alvarez: I've also had a blast here, as much as I am allowed, at least. I hope although this seems like a slow process, you all realize that this is how we do things the right way and maintain trust in our government. With that, it's been a pleasure to serve with all of you, and I hope to continue to serve on this board in the fall.
- Rossi: Thank you to all Senators who worked with me this summer. I enjoyed watching all of you work and learning from you, it really helped prepare me to serve in fall and spring. This term has been hectic, so thank you all for putting in work and not giving up on the student body.
- **Cusnier moves to adjourn**

- Rossi seconds
- Motion passes

Link to Admitted Evidence:

<https://drive.google.com/drive/folders/1Yao08Ja4A1eUI6BUwH9zbx0kqYcjXKxo?usp=sharing>

Date and Time of Next Meeting: Fall 2020

Adjourned: 8:15 p.m.

Elizabeth Chabot

Signature of Chair



**FLORIDA STATE UNIVERSITY
STUDENT GOVERNMENT ASSOCIATION
OFFICE OF THE ATTORNEY GENERAL**

July 13, 2020

The Honorable Elizabeth Chabot
Chair, Senate Investigative Committee on Appointments
72nd Student Senate, Florida State University
Tallahassee, Florida

To Chair Chabot:

I am writing to you today as the newly-appointed Student Body Attorney General of Florida State University. I have been informed of your committee's request for testimony and document requests. It has been less than a week since I was confirmed to my position, but I have been working diligently to get up to speed on the matters before your committee. As a former Senator, I understand that you and your committee have your role to play in our system. The legislative branch's role is well known to me and I respect it. As a member of the Executive, and as the Attorney General, I understand our role as well, and I hope you would show us the same respect. I have hardly had enough time to thoroughly review the allegations your committee is leveling. As I am tasked by the Student Body President to represent the Executive in this matter, I respectfully ask that you give my office the time it needs to finish an internal review of the situation. I will be happy to appear before your committee and speak on behalf of the Executive Branch once this review is complete.

Please feel free to reach out to me with any questions or concerns you may have. I can be reached by email or telephone most days of the week at [REDACTED] or [REDACTED]. We all have our role to play in serving the Student Body. I hope we can maintain a relationship between our branches that is based on mutual respect and understanding.

Sincerely,

Kelvin A. Ready
Student Body Attorney General

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