



1 UNF Drive
 Jacksonville, Florida 32224-2645
 (904)620-2750 Fax (904)620-1005
 Office of the Judiciary

Judicial Complaint

This form should be used when a student wants to file a written complaint to the Office of the Judiciary against an organization operating under Student Government, a Student Government Officer, any person seeking office within Student Government, or any legislative act enacted by Student Government. This form shall be delivered to the Attorney General. Refer to Title 505.1, 505.5

1. I, Kaitlin D. Ramirez, as an Activity and Service fee-paying student of the University of North Florida, do hereby file the following complaint against

An organization operating under Student Government - _____

A Student Government Officer - Chief Justice Daniel Powers

A person seeking office within Student Government - _____

A legislative act enacted by Student Government - _____

2. I hereby request the Office of the Judiciary to conduct a hearing to determine if the above entity is in violation of the following: Judicial Policies and Procedures and Hearing Guidelines.

3. Please describe the issue you are appealing. This section may be typed; be sure to include or attach all additional relevant information.

Please see attached

Signature of Petitioner: *[Handwritten Signature]* Date: 11/17/14 N Number: [Redacted]

Address: [Redacted] City: [Redacted] State: FL Zip: [Redacted]

E-mail Address: [Redacted] Phone number: [Redacted]

Forms may be hand delivered, mailed, or faxed to:
 Student Government
 Attention: Attorney General
 1 UNF Drive
 Jacksonville, Florida 32224-2645
 Phone: (904) 620-2753 Fax: (904) 620-1005
 Building 58 East Room 3317

Timestamp:

NOV 17 AM 11:49



Student Senate President of the Legislative Branch

TO: Daniel Powers, Chief Justice
FROM: Kaitlin D. Ramirez, Student Senate President
SUBJECT: Violation of Judicial Policies and Procedures and Judicial Hearing Guidelines
DATE: November 17, 2014
CC: Matthew Harris, Attorney General
Joseph C. Turner, Student Body President
Victoria Shore, Student Government Advisor
Student Senators
Dr. Mauricio Gonzalez, Vice President of Student Affairs

Chief Justice Powers,

On October 13th, 2014 at 6:28 PM you emailed the Judicial Decision to the Judicial Branch, Legislative Branch, Senators, Executive Branch, Coordinator Watkins, Advisor Shore, and Director McGuire.

On October 14th, 2014 at 3:37 PM, you emailed the signed Judicial Decision to Judicial Branch, Legislative Branch, Senators, and Executive Branch Coordinator Watkins, Advisor Shore, and Director McGuire.

The Punitive Action Hearing of *State v. Ramirez*, took place **Thursday, October 9th, 2014 at 8:30 – 8:50 AM**.

According to the Judicial Policies and Procedures for Punitive Action Hearing:

J. Punitive Action Hearing

4. The decision of the Judiciary shall be made public no later than twenty-four (24) hours starting from the conclusion of the last argument during the Punitive Action Hearing.

Further, according to the Judicial Hearing Guidelines Section 4. K. c.:

4. **Judicial Complaint/Election Violation Hearing Procedure**

K. **Reconvene and Recommendation of Sanctions**



- c. A majority opinion and minority opinion (when applicable) shall be released by the Judiciary within 48 hours of the hearing.

The Judicial Decision was not posted within 24 hours and the Judicial opinion was not posted within 48 hours of the hearing. Therefore, I am filing a Judicial Complaint against you regarding this violation.

Transparency and accountability are paramount to serving the Student Body in a professional manner in keeping with the positions we hold. **This oversight demonstrates noncompliance and a negligence of duties.**

Kaitlin D. Ramirez

Student Senate President

Ramirez, Kaitlin

From: Powers, Daniel (SGA JC)
Sent: Monday, October 13, 2014 6:28 PM
To: STU-SGA-Judicial-Branch; STU-SGA-Legislative-Branch; STU-SGA-Senators; STU-SGA-Executive-Branch
Cc: Shore, Victoria; Watkins, Celeste; McGuire, Michael
Subject: Judicial Decision
Attachments: State v. Ramirez.docx

Please see the attached Judicial Decision. Please keep in mind, this is not an official document. The signed copy will be scanned tomorrow and a hard copy may be picked up upon request.

Thank you,

Daniel J. Powers

Chief Justice
UNF Student Government
(904)620-2753



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Judicial Decision

JD-14F-0001

Case: State v. Ramirez, Kaitlin

Case Information: See Enclosed

DECISION: 4-0-0; In Violation

In the case of *State v. Ramirez*, a Judicial Complaint was filed against Senate President Kaitlin Ramirez, by Attorney General Matthew Harris. According to the complaint, the Senate President allegedly failed to ensure that the most up-to-date version of the Constitution and Statutes be uploaded to the Student Government website within eleven (11) days of passage, as prescribed by law in Chapter 408.4A. Therefore the main issue in front of the court was whether the Defendant was in violation of Chapter 408.4A:

- A. All records from Senate and Committee meetings of the previous three (3) years shall be made available online. Records shall consist of, but not limited to, voting records, attendance records, and bills. The Constitution and Statutes Chair must, upon passage of a bill revising statute, submit an updated version of statute to the Senate President. The records must be turned into the Webmaster within 11 business days from the Senate President.

Before the court could decide whether there was a violation, we had to first interpret the meaning of "passage" as it pertains to legislative bills. The Prosecution argued that "passage" is clearly defined as being passed through the Senate; with the Prosecution's interpretation, the Defense was required to post the document online by September 30, 2014 before 5:00 pm.

The Defense argued that "passage", was defined in Black's Law Dictionary as:

1. Adoption (5); esp., the passing of a legislative measure into law.



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Meaning, that the word, “passage”, as applied to a bill, refers to when a bill is either signed by the president, the president neglects to take action within five business days of receipt, or the bill is vetoed but voted as law by a 2/3 vote of the Senate. With the Defense’s interpretation, a bill is not considered passed until the executive action has either taken place or been neglected. Therefore, the bills in question were not required to be posted online until 5:00 pm, October 3rd for SB-14F-3786, as well as SB-14F-2796, and by 5:00 pm, October 7th for SB-14F-2972.

The court took both arguments into consideration, and focused our attention on Article II Section VII of the Constitution. This particular section is titled as “The Passing of Legislation”. Part B of the section states:

- B. The *passage* of Bills and Joint Resolutions shall be governed pursuant to Section 8 of the Article.

Section 8, outlines the process and timeline of passing a bill, stating:

- A. Every Bill or Joint Resolution *passed* by a majority vote of the Senate shall be presented, by the Senate President, to the President as prescribed by law, but not to exceed five (5) business days.
- B. The Bill or Joint Resolution shall become law if the President approves and signs it, or fails to veto it within five (5) business days after its presentation.
- C.

The Court reasoned that, based on the usage in the context of Section 7 and 8, “passage” is interpreted as the state of a bill once it has been passed through the Senate. Under this interpretation, the timeline for when a passed bill should be posted online is as follows:

1. Five (5) business days for the Senate President to present the legislation to the President
2. Five (5) business days for the President to sign, veto, or take no action on the legislation after presentation from the Senate President
3. One (1) business day to post the legislation online.



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Based on the Court's interpretation of the word "passage", as well as the timeline given in Article II Section 8, the bills in question should have been posted by September 30th, which is eleven (11) business days after the bills received majority vote in the Senate meeting that occurred on Monday September 15th and were presented to the president.

After determining that September 30th was the date by which the bills were required to be posted, the court then had to decide whether or not the bills in question were uploaded by that date. The Prosecution submitted screenshots of various Student Government documents as evidence. The Court used Exhibits M, F, N and J to determine whether those bills were uploaded, in their completeness, by the deadline of 5:00 pm, September 30th. Exhibit M was a screenshot taken at 9:45 am, October 2nd from the Legislative O-drive which showed that the statutes had not been updated with the passed bills; while Exhibit F, a screenshot taken at 7:25 pm, October 2nd from the same section of the Legislative O-drive as Exhibit M, showed that the date modified in regards to the Student Government Constitution and Statues folder changed from September 19th to October 2nd. Exhibit N was a screenshot taken at 9:44 am, October 2nd of page 113 in the Statute document outlining Chapter XII. Exhibit J was also a screenshot of page 113 but at 7:05 pm, October 2nd. With this screenshot you can see revisions to the bill, SB-14F-2796, made to Chapter XII added to the Statues. Exhibits M, F, N and J show that the bills were updated online on October 2nd, which is after the date required to meet the deadline of eleven (11) business days as described in Article II Section 8.

The Court also had to examine the requirement in Section 408.4A that the bill be submitted to the webmaster. The Prosecution argued that the Senate Secretary was acting in the capacity of webmaster. According to the Prosecution's Exhibit O—a screenshot of the Legislative Branch page of the Student Government website—the job description of the Senate Secretary is:

"The Senate Secretary is responsible for preparing and submitting minutes of all Senate and Committee meetings. The Senate Secretary also updates the website with agendas, minutes, voting records, and legislative bills."

The Defense argued that, as there is no person in Student Government with the title of webmaster, the statutory requirement to submit the bills to the webmaster is impossible to fulfill.



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The Court found that, although there is indeed no member of Student Government with the title of webmaster, the job duties description of the Senate Secretary makes the Senate Secretary the webmaster de facto. The Court also discussed the capitalization of the word, "webmaster" within 408.4A. The Court finds that the capitalization of the word is inconsequential.

Through the Court's reasoning, it has been decided that the online record of the Statutes should have been revised to reflect the changes made in the following bills, SB-14F-2872, SB-14F-2786, and SB-14F-2796 by no later than September 30th before 5:00pm.

As it has been decided that the revisions were required to be uploaded online by the Senate Secretary no later than September 30th before 5:00pm, the Court must determine whether the Senate President is responsible for the failure to post the updated Constitution and Statutes to the Student Government website within the eleven (11) day time frame mandated by Chapter 408.4A. The Court used Ch. 408.1 to determine this answer, which is as follows:

"The Senate President shall be ultimately responsible for the complete and accurate records of the actions and proceedings of the Senate and its five standing committees."

Thus, the Court finds the defendant, Senate President Kaitlin Ramirez, in violation of Chapter 408.4A by a vote of 4-0-0.

This Council recognizes that this is Ms. Ramirez's first offense, and that the issue was corrected shortly after it was brought to her attention. Thus, the Council has deemed fit to lend Ms. Ramirez a measure of leniency, and will not impose any direct punitive measures for this particular violation. Should such a violation occur again, the Council will likely institute stronger punitive measures against Ms. Ramirez. However, the Council has deemed fit to make the following recommendations:

1. That the Constitution and Statutes Committee revise statutes containing the word, "passage" to reflect the Court's interpretation of the word in this decision.
2. Any such revisions be completed within 30 (thirty) days.



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Daniel J. Powers, Chief Justice

Benjamin T. Jaeger, Associate Chief Justice

Dana H. Baker, Associate Justice

John D. Solar, Associate Justice

Katherine R. Sanchez, Associate Justice

Ramirez, Kaitlin

From: Powers, Daniel (SGA JC)
Sent: Tuesday, October 14, 2014 3:37 PM
To: STU-SGA-Executive-Branch; STU-SGA-Judicial-Branch; STU-SGA-Legislative-Branch;
STU-SGA-Senators
Cc: Shore, Victoria; Watkins, Celeste; McGuire, Michael
Subject: Signed JD-14F-0001
Attachments: Official JD-14F-0001.pdf

Good afternoon,

As stated in yesterday's email, the dissemination of the signed copy of JD-14F-0001 will occur today. Please find the attached copy to keep for your records if you so choose.

Regards,

Daniel J. Powers

Chief Justice
UNF Student Government
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Judicial Decision JD-14F-0001

Case: State v. Ramirez, Kaitlin

Case Information: See Enclosed

DECISION: 4-0-0; In Violation

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This means that the word, "passage", as applied to a bill, refers to when a bill is either signed by the president, the president neglects to take action within five business days of receipt, or the bill is vetoed but voted as law by a 2/3 vote of the Senate. With the Defense's interpretation, a bill is not considered passed until the executive action has either taken place or been neglected. Therefore, the bills in question were not required to be posted online until 5:00 pm, October 3rd for SB-14F-3786, as well as SB-14F-2796, and by 5:00 pm, October 7th for SB-14F-2972.

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