

**IN RE: SBA DISQUALIFICATION
FORMAL COMPLAINT AND REQUEST FOR APPEAL**

Dean Finster,

I am appealing Vice President Valerie Gurrola's decision regarding the elections process. There are two possible scenarios, both of which would constitute a necessary re-election: 1) The rules of the Elections Packet that are not found in the By-laws are enforceable, and therefore Valerie Gurrola was required to disqualify Sahar Hassanzada and Edgar Lopez for their violations as well as myself, or 2) The rules in the Elections Packet that are not supported by the By-laws are NOT enforceable, and therefore I was improperly disqualified. In either scenario, Valerie Gurrola failed to fairly enforce the election packet rules and the By-laws in such a manner as to substantially impair and harm my campaign by illegitimately disqualifying me according to rule 14.7.8.1. and not disqualifying the other two candidates. Valerie Gurrola also violated the By-laws intentionally according to 14.7.8.2. when she opted to enforce campaign rules outside of the By-laws. For these reasons, the SBA elections were invalid.

My arguments are as follows: 1) I did not violate any By-law's under section 14.3 Campaign Regulations, 2) Valerie Gurrola failed to fairly enforce the Election Packet rules when she disqualified me and not the other candidates, which also violates By-law rule 14.7.8.1, 3) Valerie intentionally violated the By-laws by imposing unenforceable campaign rules responsible for my disqualification, 4) Valerie Gurrola's decision to disqualify me was provably unfair and biased and therefore should be overturned, and 5) My due process rights according to rule 14.7.6. of the By-laws were violated and therefore I was unfairly disqualified.

1) I DID NOT VIOLATE ANY OF THE BY-LAWS.

According to the By-laws, I was not in violation of the campaign rules when I 1) campaigned in a classroom, and 2) sent a text to vote for Mark and me to my STEPPS group the day before elections. The By-laws are the governing rules in this dispute and the Elections Packet rules that are not also in the By-laws are unenforceable. Neither the rule regarding campaigning in classrooms or campaigning the day before elections exists in the By-laws. Furthermore, there are no rules in the By-laws giving power to the additional rules in the Elections Packet.

Rule 14.3.7. of the By-laws states that no campaigning shall be done on Election Day. I sent my text the day before the elections. I did not violate a law by sending a text to my STEPPS group the day before Election Day according to the By-laws. Therefore, the Elections Packet rule that says we must stop campaigning the day before elections is not supported by a By-law.

Additionally, section 14.3 Campaign Regulations says nothing about not being able to campaign in a classroom. Therefore, I did not violate the campaign rules according to the By-laws when I handed out fruit snacks to students before class.

Finally, the election packet rules that I allegedly violated must be voted into the By-laws according to rule 1.4.2. Because they were not, they are not by-laws and are unenforceable.

2) VALERIE GURROLA FAILED TO ENFORCE THE ELECTION PACKET RULES AS STATED.

Looking to the SBA Elections Packet on TWEN, the campaign period ended at 6pm on Thursday evening. I sent the alleged violation text at 5:22pm. According to one of the Elections Packets, the text was not in violation of the campaign period. Therefore, Valerie Gurrola's decision to disqualify me based on violating the campaign time limit in the elections packet was invalid. On this argument alone, Valerie Gurrola's decision to disqualify me cannot stand as it was in-part based on the Elections Packet which 1) contains time limits NOT supported in the By-laws and is therefore not enforceable, and/or 2) states a time period for campaigning which my text was within.

Additionally, the elections packet says that any candidate found in violation of any of the rules in the packet MUST be disqualified. According to this rule, Sahar Hassanzada and Edgar Lopez who posted a sign on the elections poster had to be disqualified as well. They violated not only the Election Packet rules, but the By-laws themselves under rule 14.3.3., which says that "no flyers may be attached by any manner, to any walls, doors, or windows of either the 225, 250, or 350 Cedar Street Buildings." Valerie failed to enforce the By-laws in a way that substantially hindered my campaign by allowing the two candidates in violation of the By-laws to continue to run, one of which was the only other candidate running for Vice President.

Furthermore, Valerie Gurrola was aware that Sahar and Edgar were campaigning before the campaign period, which is prohibited in the Elections Packet that Valerie Gurrola read to us and handed out. Valerie sent a text to Mark Simpliciano saying that she believed that Sahar and Edgar had gotten endorsements the Sunday before the elections. Valerie also hung up the elections posters in the front of the 350 building and Edgar and Sahar had endorsements on their posters by the time they were hung up at 8am. Either the endorsements were false statements, which violates rule 14.3.11. and 14.3.11.1 which says "It is prohibited for a candidate to: knowingly or recklessly make, whether orally or in writing, any false statement(s) concerning him/herself, or any other candidate" or they are true statements and Edgar and Sahar campaigned before the period began on Monday. For these reasons, Valerie Gurrola exercised impartial decision making unfairly

disqualified me from the SBA elections. Valerie Gurrola failing to fairly enforce the elections packet rules and the By-laws across all candidates impaired my candidacy according to 14.7.8.1.

3) VALERIE GURROLA INTENTIONALLY VIOLATED THE BY-LAWS BY KNOWINGLY ENFORCING ILLEGITIMATE CAMPAIGN RULES LEADING TO MY DISQUALIFICATION.

Valerie intentionally violated the By-laws by attempting to enforce rules that were not in the By-laws themselves and therefore is in violation of 14.7.8.2. She is responsible for overseeing the elections and the By-laws that govern them, and intentionally imposed additional, unenforceable rules against me. The By-laws that govern the elections do not mention anything about additional rules that would give the Elections Packet power. Assuming that the By-laws were the rules we needed to follow, I was not in violation of any of them and Sahar Hassanzada and Edgar Lopez were. Valerie should be held actually or constructively aware of the conflict between the By-laws and Election Packet rules because it was part of her job description under rule 4.8 Duties of the SBA, which states that she “. . . is responsible for maintaining these By-laws” Because she is liable to know the By-laws, she must be deemed to have intentionally violated them.

4) VALERIE GURROLA’S DECISION TO DISQUALIFY ME WAS UNFAIRLY BIASED.

Valerie and I had a tension-filled first encounter at the elections meeting when I told her Presidential candidate Mark and I considered running as co-presidents. She expressed her dislike of my idea, and then told me the By-laws would not allow us to run together. After requesting to see the By-laws, we both looked and discovered that there was nothing preventing Mark and I from running together. She told me that it could not be done because it has never been done. I disagreed with her reasoning, and took my seat for the meeting.

During election week, Valerie began passively aggressively responding to my emails. She began using responses to my question like “got it?” when I did not understand something. Furthermore, she posted a comment regarding my campaign statement on Facebook that publicly mocked my direction and candidacy. She publicly bad-mouthed my candidacy statement and called me ignorant in front of my peers. Then, Valerie disqualified me for allegedly violating two campaign rules as discussed in this complaint. She failed to disqualify Sahar Hassanzada and Edgar Lopez when presented with evidence of their violations of the Elections Packet By-law 14.3.3. described above. As for Sahar and Edgar’s responsibility for their agents whom may have hung up the sign, rule 14.3.7.1. says “Campaigning shall mean any oral or written communication by the candidate, and his/her agent, to the constituents.” Eggar and Sahar must be held responsible under this rule for the acts of their agents if they did not personally hang up their poster.

Finally, Valerie Gurrola and Sahar Hassanzada, and Edgar Lopez are friends. Valerie Gurrola and Sahar Hassanzada were on the Barrister's Ball committee together, and I believe that Valerie's decision to disqualify me and not Sahar was based on her loyalty to Sahar. Consequently, I believe she did not disqualify Edgar Lopez because she would have had to also disqualify Sahar Hassanzada. For the reasons I have stated, I believe that Valerie Gurrola's decision to disqualify me should be retracted for fairness purposes. There is substantial doubt as to the impartiality of her decision-making in this year's election, which should be acknowledged in addition to all of the rules she violated.

5) MY DUE PROCESS RIGHTS ACCORDING TO RULE 14.7.6. OF THE BY-LAWS WERE VIOLATED AND THEREFORE I WAS UNFAIRLY DISQUALIFIED.

Rule 14.7.5.2. states that the BOR should have "... [held] a hearing within twenty-four (24) hours after the filing of an official complaint with the VP." Additionally, rule 14.7.6. states that I, as the accused, was entitled to "... make an opening and closing statement, call [my]own witnesses, and cross-examine all witnesses." I was not given the opportunity to any of these due process rights, and therefor my disqualification was unfair and should be overturned.

In the Auditorium of this school, the room in which the majority of California Western students learn much of their substantive legal knowledge that they will employ in the legal field after graduation, there is a phrase boldly emblazoned in the front of the classroom for all to clearly see: "EQUAL JUSTICE UNDER LAW." This venerable phrase is obviously borrowed from the Equal Protection Clause of the Fourteenth Amendment of the federal constitution, which provides that all similarly situated persons are to be treated equally under the law. Out of every phrase that could have been borrowed from the lexicon of jurisprudence commencing with the roots of the common law to the present, equal protection—fair treatment—is the premiere concept that this school has chosen to conspicuously instill in its students through affixing that phrase to the front wall of one of its largest classrooms. I submit this written complaint because I request that the revered concept of fairness not just be reduced to empty words, but, indeed, to a pre-requisite of actions.

I am officially invoking my power to appeal Valerie Gurrola's decision to disqualify me under rules 14.7.3., 14.7.8.1, and 14.7.8.2 for the reasons stated in this complaint. I am requesting either 1) a re-election be held, or 2) Sahar Hassanzada and Edgar Lopez be disqualified as well. Additionally, I am requesting that Valerie Gurrola be impeached according to rule 11.1.2. which says "The bases for instituting [impeachment] include, but are not limited to, an individual's dereliction in duties, violation of these By-Laws his/her violation of the legal and/or ethical standards imposed by CWSL, misfeasance, nonfeasance, and malfeasance.

Sincerely,

Jeffrey Linton