

# **COURT OF THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF CALIFORNIA, MERCED**

## **Syllabus**

### **Jaron Brandon v. ASUCM President Ivan Flores**

No. 01--F14: Argued September 30th, 2014 -- Decided September 30th, 2014

Authored by: Chief Justice, Michaela Shanahan

Jaron Brandon filed a case against the current ASUCM President, Ivan Flores. As a concerned student, Brandon argued that:

1. Ivan Flores was not operating within his powers as the ASUCM President when he purchased discount cards for the student body. The ASUCM President does not have the authority to spend line items that do not fall under the budget of the ASUCM President. These cards have served solely as free handouts to students at events and in the office. It is not the duty or the power of the ASUCM President to purchase items that serve as free handouts. Furthermore, the purchase of these cards should not have come from the presidential General Fund or the Municipal Relations Commission funds, but rather from ASUCM Paraphernalia or the Director of Communications & Public Affairs line item.
2. President Flores used funds from the Municipal Relations line item to purchase the discount cards. This purchase does not correlate with the intended purpose of the Municipal Relations fund, thus President Flores is in violation of the financial bylaws. By spending funds from this line item, President Flores is disregarding the budget that was unanimously approved in senate during the previous school year. There are several ways this purchase could have been funded, however President Flores chose to utilize the Municipal Relation Commission funds. These cards are ASUCM Paraphernalia and are not related to the Municipal Relations Commission, further suggesting that this method of funding does not comply with the financial bylaws.
3. The Operations Director controls the funds in the line item of their respective budget sections. The Municipal Relations Commissioner has historically served as the Operations Director of the Municipal Relations Commission line item. President Flores made this purchase despite the fact that he is not the Operations Director of the Municipal Relations Commission.
4. President Flores did not give public notice of this expenditure. By failing to inform students of this purchase he violated students' trust. This purchase was made during the summer and students were not given a chance to voice their opinion on the matter.

5. President Flores violated the acceptable uses of student fees as outlined in UCOP PACAOS 87.00 and 67.10. These discount cards were primarily used as advertising and offer no educational purpose.
6. President Flores was in violation of the Code of Ethics and Values when he used nearly \$4,000 from the Municipal Relations line item. President Flores stated that he intended to move the Commission of Municipal Relations to the External Office during his campaign for ASUCM President. President Flores was aware that he would not be keeping the Municipal Relations Commission, yet he kept the line item for this commission in order to increase his own funds.
7. President Flores knowingly lied to Senate when he requested an additional \$1,500 for his General Fund when he still had the original \$3,000 allocated to him. This is a violation of the Code of Ethics and Values and is a disservice to students. Counting the Municipal Relations budget, in which President Flores used to purchase the discount cards, there is over \$5,000 left in President Flores' budget.
8. President Flores used student fees to fund a purchase that does not relate to the mission of ASUCM as stated in the ASUCM Preamble.
9. Conclusion: President Flores has committed a series of questionable actions that are in violation of the Code of Ethics and Values, ASUCM Financial Bylaws, UCOP Policy, the ASUCM Constitution, and his own campaign promises. One by one, these mistakes could be dismissed but when looked at as a whole they indicate a serious issue. Petitioner Jaron Brandon believes that action must be taken against President Flores in order to set precedence for future presidents regarding line item spending.

In response to the above claims, ASUCM President Ivan Flores argued that:

1. As stated in the letter from Connie McBride, the money to purchase the discount cards was mistakenly pulled from the Municipal Relations line item without the knowledge of President Flores. Furthermore, according to common practice and the interpretation of the ASUCM Financial Bylaws provided by the current Treasurer, David Ascencio, the ASUCM President is the Operations Director of the presidential line item(s). As the Operations Director it is within the right of the ASUCM President to utilize the funds within the presidential fund, including the Municipal Relations Commission line item.
2. The method for purchasing these discount cards was both legal and transparent. Multiple Facebook posts were made on multiple pages prior to the purchasing of the discount cards. Surveys were made available on these pages and student input was taken into account. No Bylaw or UCPOP Policy was breached during the process of purchasing these discount cards.
3. The claim that the Operations Director of the Municipal Relations line item has been the Commissioner of Municipal Relations is false due to the fact that this is the first year this line item has existed. In the past, the ASUCM President has been the Operations Director responsible for

overseeing the funds of all commissioners and the budget for these commissions has been included in the president's General Fund.

4. Jaron Brandon argues that only purchases necessary to the functioning of ASUCM are allowed under UCOP Policy. The UCOP Policy has never been interpreted this way and if this were the interpretation, the AS would not be able to function.
5. The discount cards are both a good and a service. Money is not being given to businesses arbitrarily; students are receiving discounts on products or services.
6. The claims made by the petitioner are made based on his belief of what ASUCM President Flores was intending. These claims are hearsay because the intentions of President Flores cannot be proven.
7. The petitioner states that funding was requested from Senate and placed in the personal budget of the ASUCM President on the basis of a lie. Firstly, the ASUCM President does not have a personal budget, he has a General Fund. There was Senate oversight through the process and no lies were told to Senate, as the letter from Connie McBride proves.
8. The discount cards do align with the mission of ASUCM as stated in the Constitution Preamble. These cards, "encourage effective student participation by providing services and coordinating activities" (Constitution Preamble). The claim that the funding for this expenditure could have been pulled from other sources deals with preference rather than legal matter. The alternate funding suggestions mentioned by the Petitioner are nothing more than suggestions and do not provide legitimate legal questions in regards to this case. The funding method used to purchase the discount cards is legal and in accordance with the ASUCM Financial Bylaws.

#### Ruling:

#### Held:

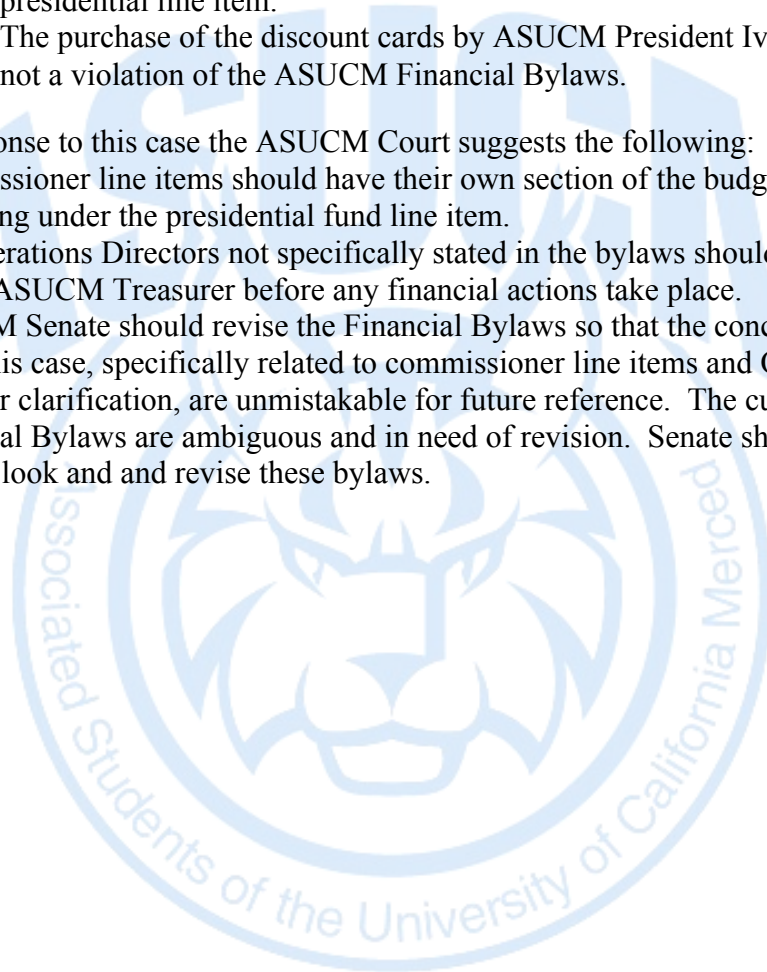
The ASUCM Court recognises the claims brought forth by both the Petitioner and Respondent. The following actions shall be taken in response to this case:

1. The ASUCM Court reaffirms that the current ASUCM Treasurer shall interpret the Financial Bylaws and the interpretation will stand unless overturned by the ASUCM Court. In accordance with the Financial Bylaws §3.2.2, the ASUCM Treasurer has the right to name an Operations Director if one is not already clear. The ASUCM Court recognizes the interpretation of this bylaw provided by the current ASUCM Treasurer, David Ascencio. This interpretation will continue to serve as the true intent of the Financial Bylaws unless otherwise stated.
2. The ASUCM Court recognizes the ASUCM President as the Operations Director of the presidential fund line item, as specified by the ASUCM Treasurer.
3. The Operations Director of each line item may spend funds in their General Fund as well as other line items that fall within the budget of the Operations Director.

4. The ASUCM Court also reaffirms that an Operations Director may spend money from their General Fund to purchase ASUCM paraphernalia under the Financial Bylaws §5.4.2-3.
5. The ASUCM Court recognizes that the use of Municipal Relations funding to purchase the discount cards was unintentional. No action will be taken in regards to this claim due to the fact that all money used was replaced and the funding has now been taken out of the presidential General Fund, as originally intended. If the funds used to purchase the discount cards were taken from the Municipal Relations Commission, this would not have been illegal due to the commission being under the presidential line item.
6. The purchase of the discount cards by ASUCM President Ivan Flores was not a violation of the ASUCM Financial Bylaws.

In response to this case the ASUCM Court suggests the following:

1. Commissioner line items should have their own section of the budget rather than appearing under the presidential fund line item.
2. All Operations Directors not specifically stated in the bylaws should be specified by the ASUCM Treasurer before any financial actions take place.
3. ASUCM Senate should revise the Financial Bylaws so that the concerns brought up in this case, specifically related to commissioner line items and Operation Director clarification, are unmistakable for future reference. The current Financial Bylaws are ambiguous and in need of revision. Senate should take the time to look and and revise these bylaws.





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The Justices of the ASUCM Court held their decision in line with the reasoning that President Ivan Flores did not intentionally use funds from the Municipal Relations line item. This has been properly substantiated as a clerical mistake made by the Office of Student Life. However, if President Flores were to use fund from the Municipal Relations Commission, his actions would not be illegal due to the commission being within the presidential budget. Furthermore, the creation and distribution of the ASUCM discount cards, as brought to fruition by President Flores, were held to be within the scope of President Flores' spending capacities. As this misunderstanding arose from ambiguity regarding the status of the Operations Director for the funding line item in question, the ASUCM Court respectfully requests that future Treasurers announce the Operations Director for all line items not definitively stated in the ASUCM Financial Bylaws.

The ASUCM Court acknowledges the petitioner, Jaron Brandon, and his concerns about the ethical direction in which ASUCM might head towards if the accused actions of President Ivan Flores were intentional. However, there were limited legal questions provided by the petitioner that were able to be interpreted and deliberated upon by the Court. The basis of much contention for the petitioner was made on the grounds of the ASUCM Code of Ethics and Values; a document drafted by a past year's Senate that is a non-binding document in its reach for this year's (Fall 2014-Spring 2015) senatorial engagements. Moreover, after reviewing the allegations and the Petitioner's and Respondent's evidence,

The ASUCM Court realizes that there were numerous UCOP Policies in question. Due to the numerous possible interpretations and broad nature of the sections in question, the ASUCM Court will not be taking action regarding these claims.

The ASUCM Court recognizes that an effort was made to gauge public opinion regarding these discount cards before their purchase. Although school was not in session and traditional methods could not be utilized for this purchase, the method used was transparent and legal.

The ASUCM Court will not be recognizing claims regarding whether the extent of this purchase correlates with the ASUCM mission as stated in the Constitution. The extent to which these discount cards align with the mission of ASUCM, as stated in the Constitution, cannot be determined. This is a matter of opinion and cannot be proven either way.

Signed:

Chief Justice:



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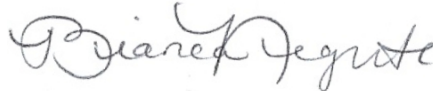
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