

## Elections Committee Special Meeting Minutes– Grievance Hearing April 8, 2019

### I. CALL TO ORDER at 10:39 AM

### II. ROLL CALL/INTRODUCTIONS OF ATTENDEES

**Present:** Sia Saquee (Elections Committee Chair), Bomani Howard (Volunteer Coordinator), Masoud Hamidi (Ethics Coordinator), James Carroll (advisor), Imani Davis (Co-events and Marketing Coordinator), Mahdi Fugfugosh (Respondent), Hoang Doa (Respondent), Tatum Crosby (Respondent), Leonardo Tellez (Respondent)

**Absent:** James De La O, Khushboo Malhotra, Marguerite Hinrichs

### III. PUBLIC COMMENT – **Public Comment is intended as a time for any member of the public to address the committee on any issues affecting ASI and/or the California State University, East Bay.**

No Public Comment.

### IV. HEARING – STATEMENTS & QUESTIONS

**S. Saquee** asks everyone if it is okay to do just one hearing. **S. Saquee** starts with complaint #1 which was filed with **D. Cuevas**. **J. Carroll** is speaking in behalf of **D. Cuevas**. **J. Carroll** goes on to read **D. Cuevas** complaint and provides video footage from Housing and a picture **D. Cuevas** took. **J. Carroll** says they have verified video footage of the two individuals and were able to confirm from Student Life a list of the folks Zeta Mega have said are pledges. In the photo and as well as the footage, they have determined that two of the individuals in the footage were Andrew Constantino and Liam Kidd. Based on that information and a student perspective, these individuals will be separate from this process but face student conduct allegations for violating the student code of conduct for going door-to-door which is solicitation. Aside from this, they have levels of information that these folks were going door-to-door and asking people specifically to vote on their devices. **J. Carroll** states that he had made it clear to all candidates that no campaigning was allowed in Housing and that you cannot use your own devices which is a Election's violation because it can be seen as manipulation. **J. Carroll** states these individuals went to **D. Cuevas** door and asked if she voted, her response was that she was already on another slate. She asked him specifically who they were campaigning for but they didn't directly answer the question. **L. Tellez** states he was not aware of this or with them when they were doing this. **M. Fugfugosh** states he doesn't understand why these individuals were doing this. **M. Hamidi** states that these individuals are responsible for their campaign and campaign workers regardless of what they did or not. **J. Carroll** states that **D. Cuevas** said that she heard them talking at the staircase and she followed them to the fourth floor. After that, she walked passed them and they were sitting at the table on the fourth floor. **J. Carroll** states the evidence does not directly prove



that anyone was directed to but he would like the committee to review that there is an association connected with those individuals and so what you have to determine for this complaint is that whether they were official campaign workers; they are by association so the question becomes whether folks knew they were going door by door but what they were doing was illegal. **M. Fugfugosh** states he never asked them to do this. The second complaint was filed by **Yajaira Ortega** and **J. Carroll** will be speaking in behalf of her. **J. Carroll** states that **Y. Ortega** indicates that Monday on the 25<sup>th</sup> between the hours of 8:30 and 10, individuals from Transforming East Bay specifically, Grant and Tatum were harassing residents and RA's Josh and Brittany of University Village. **Y. Ortega** was made available specifically from Josh and Brittany; they were going door to door on every floor asking people to vote on the spot which clearly violates the Election code of student conduct. Josh also submitted a complaint talking about that he had overheard people in the hallway of his room. He looked through his peephole on his door and saw Grant holding an open laptop and Tatum Crosby, which Josh says he did not know was running until Tuesday. **J. Carroll** states Josh texted **Y. Ortega** and asked if candidates are allowed to go door to door and she texted back saying it is not permitted whatsoever due to ASI rules of regulations. Later on, Josh asked other residents if Grant and Tatum were also going door to door and they confirmed yes. They also said that **H. Dao** was present with them and asking to vote for them. Josh said he felt very uncomfortable and upset that this happened because he felt the residents of voting were being pressured in front of the candidates and not having the full knowledge and freedom to vote for whoever they choose, also having been disturb at the comfort of their home. Josh says that it's not okay that residents were being pressured to vote in that place as he as a RA works hard to make this a safe place. **J. Carroll** asked Josh some follow up questions for clarity which were if they had any direct interaction with them and Josh said no, it was just through the peephole and Grant holding the open laptop. **J. Carroll** also asked Josh to clarify who else was there and he said Cynthia and Brittany who have also been a witness of this. He didn't get any additional response from Cynthia or Brittany. In the last question **J. Carroll** asked, Josh said residents Anna Gutierrez told him that they went to her room and candidates asked Anna if she had already voted earlier that day. Then the other person, Kaitlin Adams came out of her room and had indicated that the candidates had asked her if she wanted to vote and handed her one of their phones which already had the BaySync link open. **M. Fugfugosh** asks if **Y. Ortega** was actually present there and if Josh is a RA then isn't it his responsibility to stop soliciting. **J. Carroll** says he can't speak to that. **J. Carroll** states Josh is the witness of hearing from the hallway and seeing the open laptop of Grant but then followed up specifically with Cynthia, Brittany, Anna, and Kaitlin Adams. **T. Crosby** states this was on Monday and she couldn't have been there because she had her internship and she couldn't have been there. **H. Dao** doesn't recall this happening therefore asks for evidence to be provided to support this complaint. **I. Davis** states everything being presented is taken into consideration. **J. Carroll** asks M. Hamidi if she has any documentation that she was at her internship that day. **S. Saquee** suggests that they find what time these people voted. The third complaint was filed by Angelica De Leon, Hector Olguin and Daisy Maxion. In Hector's statement, he says that a group which included **M.**



**Fugfugosh** approached up to him and asked to vote on his phone, he went to vote but they stood next to him and made sure that he voted for Mahdi and Leo. Hector says he saw them doing this to everyone else. In Angelica's statement, she says she knows who Mahdi and Leo were because of her work as an ASI first year Intern. Angelica texted **D. Maxion** to inform her and there are text messages to prove this. **J. Carroll** says that Hector was told to vote for these specific people and they made sure of it by standing next to him while he voted on their device. **M. Fugfugosh** says Monday at 6:00, he had a meeting with his fraternity and at 6:50, he has text messages to prove that he went to speak with different fraternities for support and at 7:00, he had a fraternity meeting. **M. Fugfugosh** says he can provide minutes for these meetings to prove he was there. **M. Hamidi** asks if he was by Student Housing at all that day. **M. Fugfugosh** says he was there buying tacos from one of his brother's afternoon. Leo states when Angelica and Hector walked in, he had a small conversation with them and then walked away. **J. Carroll** states folks would have to be sharing some kind of evidence that indicates Angelica and Hector are lying and being dishonest. **J. Carroll** states he would like to hear what reasons would Hector and Angelica have to lie to put these people there. Leo says he was with Ivin and not aware of what was happening at that time when he ran into Angelica and Hector. **I. Davis** asks if it's possible to see the time of them voting. **S. Saquee** says yes, there is a possibility of seeing the time. **J. Carroll** goes over the fourth complaint on behalf of Reigene Villaluz who said she was at the library yesterday working at one of the cubicles and saw **H. Dao** walking around asking people to vote. She took a picture for proof. She also says this is not okay because library is a place to study and this can impact student in their classes. **H. Dao** says this incident happened on Wednesday, March 27<sup>th</sup> after he attended the Kappa Top Model event, he head to the library and ran into his brothers and after he went to study with DJ Wobb. One of his friends, DJ Wobb who was doing homework on his computer pointed it out to **H. Dao** that someone was trying to capture an image of him. **H. Dao** went up to this person and asked if she captured an image of him in which the person responded saying yes and when asked a reason for this picture, she stated "just for my reasons". **H. Dao** told her politely to delete the image and walked away. **M. Hamidi** asks if this person could see or hear what you guys were doing. **H. Dao** says he believes she could hear him talking about the homework. In final statement, **L. Tellez** states he did not ask anyone for help nor had any other support. **H. Dao** says regarding to all these filed grievance, everyone should keep in mind that images and potential grievance filed can be used in any meaning. **J. Carroll** says the committee has to make decision based on what the evidence provided at 51% so they also have to response with evidence why they believe these individuals are lying. **L. Tellez** says he would not jeopardize anything for this Election and that he would have been happy either way. **M. Fugfugosh** says from everyone who filed a complaint, Angelica is the only one who is not a candidate. He would also like to point out that grievance should not be used as a form to win and he would be happy with what the students decide at the end of the day. **M. Hamidi** asks what he thinks is the best outcome from this hearing. **M. Fugfugosh** says the fair thing would be to go into run offs and let it depend on the votes.

1:00:05





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V. HEARING – DELIBERATION [Closed Session]

1:00:23

VI. HEARING – COMMITTEE DECISION

**S. Saquee** states the time is 11:53 AM and they are returning from closed session. The committee has deliberated and based on the evidence and information presented they have made the determination of disqualification of both slates so Transform and Revive the Bay have been disqualified due to the seriousness of the level of violations. If anyone has issues with the decisions, they can appeal to Associated Vice President Martin Castillo no later than 2 academic days from this hearing.

1:01:08

VII. ADJOURNMENT at 11:54 PM

Committee Chair

**Name: Sia Saquee**

Minutes Approved on:

**4-25-19**

Date:

