

**Elections Committee Meeting Minutes of April 24, 2020**

**I. CALL TO ORDER 12:05 PM**

**II. ROLL CALL**

**Present:** Abhay Bilapatte, Kenneth Lefin, Sia Saquee, Erik Pinlac, James Carroll, Marguerite Hinrichs, Antonio Orejel

**III. ACTION ITEM – Approval of the agenda**

**Motion** to approve the agenda by **A. Bilapatte**, second by **K. Lefin**.

**IV. ACTION ITEM – Approval of minutes April 17, 2020**

**S. Saquee** clarifies that during the Roundtable Remarks, she states that “...all the candidates were aware.” **E. Pinlac** states that the committee can modify the minutes. It would just need a motion and a second.

**Motion** to amend the minutes by **A. Bilapatte**, second by **K. Lefin**.

**Motion** to approve the minutes by **A. Bilapatte**, second by **K. Lefin**.

**8:42**

**V. PUBLIC COMMENT – Public Comment is intended as a time for any member of the Public to address the committee on any issue’s affection ASI and/or the California State University, East Bay.**

**Mahdi Fugfugosh** asks the committee a question. Has the results been posted or sent to the President yet? **A. Orejel** states that for the results, things are still under review. Would anyone else from the committee would like to speak on this? If not, you all will be notified when it does happen.

**E. Pinlac** states that the results have not been sent to the President’s office. There are still some grievances that need to be handled before that happens.

**Euridice Sanchez-Martinez** thanks the committee for trying to get the elections to run smoothly. I have a suggestion regarding the results from the grievances. I think ASI Elections should make a post about it on Instagram for preparation of any backlash and inform students of what is happening behind the scenes. That way, if anything happens, we do not feel the need to defend ourselves. Please make sure to communicate with the students.

**Karen Parada** states that she received a paid advertisement on Instagram about false information about the committee and the committee election process. I was surprised at what I saw. It was a paid advertisement from Mahdi Fugfugosh. We all have freedom of speech and can promote what we



want on social media, but there is nothing that can be done for this year. This might be something that the committee would take notes on for next year to make sure that the committee is being proactive in putting out the correct information to avoid confusion with the general student body. I am not looking for any ramifications, I just want to explain what is happening. A person that does not know the committee process would be confused.

14:14

VI. UNFINISHED ITEMS

A. DISCUSSION ITEM – **Grievance Evaluations**

**A. Orejel** states that the grievances are being evaluated as we speak. We are waiting for emails that will be represented in the upcoming week. Everyone will be notified about that.

**James Carroll** states that what needs to be decided on the committee is that based on two grievances that were filed for the run-offs. One was filed by Mahdi Fugfugosh in regard to some attempts of hacks to his social media account. The committee needed to send a follow-up in terms of if there was any additional evidence, in the sense of who may be responsible for the hacks. We do not have anything else that was made available based on Mahdi Fugfugosh response to having information to who might be responsible that was can hold accountable if there is need for a grievance hearing. That will be one grievance that the committee needs to decide if the matter is closed or is there enough information to move to a hearing. The second grievance that had been filed was in regard to hacking, which was submitted by **Euridice Sanchez-Martinez**. She had provided a number of attachments that committee had received last week. The committee needs to decide if there is enough information to move forward with the grievance hearing or if the matter needs to be closed because there is not enough information to move forward. That is what the committee will need to decide today. The hearing will need to be scheduled for next week. **S. Saquee** asks if the committee is deciding during this meeting or later on about the evidence being enough from Euridice Sanchez-Martinez for a grievance hearing? **James Carroll** states that the committee needs to decide today what action will be taken on the two grievances. What we have done for other grievances, the committee needs to decide if there is enough information for either grievance to move forward. In this situation, if we are moving forward, that needs to go to a hearing that will be scheduled next week. The three committee members need to discuss that and decide on the two grievances, once all the information has been reviewed. **A. Bilapatte** states that from the ASI Elections email account, an email has already been sent to Euridice Sanchez-Martinez and Mahdi Fugfugosh regarding the respective grievances. From the grievances, we were hoping for more evidence clarifying what exactly would have happened. We have already sent an email regarding that. For Euridice Sanchez-Martinez, we asked for clarification two days ago and we are still looking into the information that

has been provided. As of now, we are waiting for the responses for the emails we have sent. **K. Lefin** states that the information needs to be under review for a little bit more. **S. Saquee** states that last week, the committee sent an email to the candidates, Mahdi Fugfugosh and Euridice Sanchez-Martinez about the formal clarification. We were able to get responses from Mahdi Fugfugosh. We asked Mahdi Fugfugosh if he has more information about the hacking that we said to be from Santa Clara and Fresno and if he was able to receive more information from AT&T on who the hacker was or what happened. **Sia Saquee** reads Mahdi Fugfugosh response. This is what Mahdi Fugfugosh response was : “ Dear Elections committee, after reaching out the Instagram last week, still have not heard a response but received an automated response saying it delayed to COVID-19 crisis and their phone lines are always busy due to the same reason. Also, AT&T is involved. I called 611 and they said everything looks fine, so what other information is needed.” Do you want to talk about Mahdi Fugfugosh response before moving on to Euridice Sanchez-Martinez? **E. Pinlac** states that this is a difficult conversation to have because there are a lot of people in this meeting. The committee does need to decide on this today because we are running out of time. We need to do a grievance hearing and present it to the President’s office. Looking at Mahdi Fugfugosh claim, it is hard to track who would hack someone without any information from Instagram. If we feel that we cannot get any more information, I do not think that we can proceed with the grievance hearing. That is my say on this, but the committee can refute that, if they would like. **A. Orejel** states that he was thinking the same thing in regard to Instagram. Like E. Pinlac was saying, you cannot tell who is hacking and I did it myself with my Instagram account three days ago. I clicked on forgot password to see what location it is and it is in the San Jose area. Without more evidence, it would be hard to move forward and do an investigation. **S. Saquee** asks A. Bilapatte and K. Lefin if they would want to move on with the grievance hearing for Mahdi Fugfugosh. **A. Bilapatte** states as mentioned earlier, for Mahdi Fugfugosh, what he sent still was not what we were looking for. As he mentioned, he could not get more information and they stated that it looks fine to them. I think that since we do not have enough evidence, we will not be going forward with the hearing. I am still looking forward to hearing Euridice Sanchez-Martinez’s response. **S. Saquee** states that Euridice Sanchez-Martinez sent evidence from AT&T and who accessed her accounts. She said her accounts were deleted by the hacker. Our question was did she delete her own account, but she said her account was not deleted by her because she had no access to her account. It is hard to explain because she is responding to different questions that was asked to her. **A. Bilapatte** states that there were five questions asked to Euridice Sanchez-Martinez and she replied to almost all of them. The first question asked if her account was deleted by herself or someone else. To that, she replied that the hacker deleted the account. The second question asked to her was about the email attached to this. Her response was that the email used was foodaroundtheworld507@gmail.com. We also asked if there was further information that shows that the account belongs to Khayree Wells. To that, she replied that she does

not know whether the email belongs to that person and wanted to ask whether the email belongs to that person or not. The third question which we asked her was from the printouts which she had submitted from AT&T, she mentioned that. “Was the employee behavior being handled? Did they verbally state that the actions made by the three employees were in violation?” She stated that yes, AT&T in my city sent the printout to me. The three employees are being addressed by AT&T and they also stated that the actions are in violation. I think the third response is a strong point for the Elections committee to consider. The fourth question asked was “Can clarify any relationships to Mahdi Fugfugosh you referenced?”. Khayree is currently a student at CSUEB and is a part of the Zeta Omega Fraternity. Jovanny, we are aware that he is a former student at CSUEB. For Melissa, her last name is not known. We were not sure if there were any connections with Mahdi Fugfugosh. Euridice Sanchez-Martinez replies that “Melissa appears but is not a student at CSUEB and that is why I do not think the Elections committee should continue investigating her. According to LinkedIn, she works at AT&T in Sacramento.” The fifth question was that “We know that Mahdi Fugfugosh is not a part of Elevate, we wanted to see if you have additional information that directs any other members of the slate to these incidents”. Euridice Sanchez-Martinez replied that she does not have additional information regarding this incident. **A. Orejel** states that the information is detailed. I think this results in us going for the whole investigation for Euridice Sanchez-Martinez’s grievance. **S. Saquee** states that just for the benefit of the public who have not seen the pieces of evidence from Euridice Sanchez-Martinez, what happened was that we received evidence from AT&T. Euridice Sanchez-Martinez received the information from AT&T about employees of AT&T accessing her family phone account, which led to her Instagram account being hacked and deleted. The three employees were Khayree Wells & Jovanny Patricio and Melissa. Based on the evidence and feedback from Euridice Sanchez-Martinez, only Khayree is a current student at East Bay. For Melissa, we do not have her last name and she is not a current student at East Bay. Jovanny graduated, even though he was a student at East Bay. **A. Orejel** states that we have an idea of what is going on. It seems like we can move forward, and our answers seem clear. **A. Bilapatte** states that information provided is being reviewed, but for the grievance, it looks like we will be moving forward with Euridice Sanchez-Martinez. For Mahdi Fugfugosh, we were expecting more evidence, which was not provided. I think we should go forward with the hearing for Euridice Sanchez-Martinez’s grievance.

**Motion** to move forward with Mahdi Fugfugosh’s hearing by **A. Bilapatte**, second by **K. Lefin**.

**Motion** for Euridice Sanchez-Martinez’s grievance to go for a hearing, by **A. Bilapatte**, second by **K. Lefin**, motion **CARRIES**.

**J. Carroll** states that now that we are moving towards a grievance hearing, similar to posting the agenda, it needs to be posted. I know that the committee was trying to look at potential times for the



hearing for next week. If we cannot decide today, based on the people that need to participate in the hearing, we will look at their academic schedules. We will send an email with the date and time of the hearing and we will also have the schedule posted because the hearings are public. The date and time for the grievance hearing will be posted like the agendas, so that everyone may see it on the ASI site.

**38:39**

**B. DISCUSSION ITEM – Election Results**

**A. Orejel** states that they are waiting on the grievances, as was just stated above. Until then, which will happen next week, Wednesday or Thursday, everything will be emailed to everyone else. **E. Pinlac** states that he will email the candidates that have already won the election about what will be going on. It is a crazy year and we are not sure what will be happening with training, so I will send a general email to them. I have general contact information, so I will be sending an email shortly keeping you in mind and letting people know that we are thinking about these things. We are waiting for the final grievances to go through and final planning.

**40:05**

**VII. NEW BUSINESS ITEM**

No New Business Items.

**VIII. ROUNDTABLE REMARKS**

**J. Carroll** states that similar to public comment, there has been a lot of things said about the election, particularly on social media. What I wanted to do, although I value free speech and the amendment rights of everyone, I wanted to clarify some of Mahdi Fugfugosh's points so that people are clear on what is accurate on what the committee has or has not done. There is a difference in people making an opinion and making false statements that can be considered liable and slander. I want to make sure that the committee and any participants are all on the same page on what the committee has done. Mahdi Fugfugosh has mentioned two of the previous election cycles. Election year 2018, where he was not able to advance as a candidate based on VP of Finance. That was because he was did not meet eligibility. He did not lose out on any opportunity and there were other candidates during that time that did not meet the minimum criteria for elections. There was more than one candidate that was not eligible for that election cycle. Mahdi Fugfugosh did apply for an interview when he would have been eligible for a VP role on the Board and was selected to hold that position. There was no loss of opportunity. Whether the ASI Board did not approve his committee work early enough, it is not on the Elections committee. They can only go on what they have. I wanted to clarify that election. Also, Mahdi Fugfugosh talked about the 2019 election year where him and members



of the slate were disqualified. Those hearings are on public record and encourage you to go back to last spring and view that. There were violations filed against the slate, in particular. Some of the things at the time were examples of video footage of two pledges of Zeta Omega fraternity going door to door in housing using their devices. There were witness statements and video footage of members of the slate in lobbies of the residence halls while others were asking for individual candidates of the slate. The committee decided to disqualify and there was an appeal done. The voting members and Associated Vice President of Student Affairs did review the information and looking into the appeal. During the appeal, more voting irregularities came forward. Most of that decision was upheld in terms of candidate status. That went through the process of the VP of Student Affairs and to the President for certification. While people were not happy with the outcome, there were checks and balances. Any group or organization that does run-off elections, whether student, state, or federal governments, it is always based on a 50% plus one. While the language in the code needs to be updated, the committee has been clear. The elections that Mahdi Fugfugosh had participated in previous elections, have had run-offs with the 50% plus one. The committee could not change that in the middle of an election cycle due to the committee running for ten or more years. The last piece I want to clarify is the moving of votes. This has been in place for a long time. Anyone that has access to BaySync has to use their net id and it is based on people that have access to the system. It is also for student, faculty and staff, and graduated students that are no longer enrolled and those people have access to the events and programs on BaySync. Thus, people who end up voting may not meet the criteria for ASI, in which a person must be an enrolled student to vote, which is a paying member of ASI. No votes of eligible students were removed. Everything is date and time stamped on BaySync and we have the evidence to show the Associated Vice President and President that no votes of eligible students were removed. No percent status has changed in regard to the first, second, third, fourth, and fifth place of any of the candidates, even if the votes were still there. Even though I recognize that people have perspective and opinion, I want us to separate the difference between opinion and what is factual. Again, those can be verified up and explanations will be provided on all levels up to the University president. I want the public to understand that the committee takes this seriously and we will ensure that all the checks and balances are in place.

**A. Orejel** states that J. Carroll cleared up some things in regard to removing the votes. I did see on social media that seemed as though we were doing this for no reason.

**S. Saquee** thanks all the members of the committee for staying consistent, disregarding what has been going on. For me, I have access to the Elections Instagram, and I am constantly receiving notifications. Thank you all for being consistent, not being distracted, and pursuing the goal of a successful election. To the advisors, thank you for the support that has been given to the members



of the committee. For the East Bay students, I would like to tell them to do their own research and no not listen to what others may say. All the information is provided to the public.

**A. Orejel** states that as of now, it seems like there are attacks and things are being posted on Instagram. Now, what we are doing is not taking any Roundtable Remarks from anyone that is not a part of the Elections Committee. For those on the slate, the opportunity to speak is during the public comment, the fifth item on the agenda. Roundtable Remarks will be saved for the Elections Committee.

**A. Bilapatte** states that the Elections Committee has been attempting to fair since the beginning. I am confident with saying this. Since the beginning, we have been trying to ensure justice to all who are involved for any position. I want all the candidates to consider that we have been trying to be as fair as possible, based on the grievances that have been filed. We are trying to go as deep as possible and come to a conclusion. I would like the candidates to be a little more considerate. Thank you for all that you are doing.

**M. Hinrichs** thanks the committee for their hard work.

**E. Pinlac** thanks everyone for their hard work. I want to thank J. Carroll as well because there are many things going on and this is not his only job. He does have a bigger responsibility on campus, as well. I would like the thank the committee, J. Carroll, and M. Hinrichs for being here for the committee. I have been trying my best to be here for you all, as well. After this, J. Carroll, I owe you dinner or something because you have been going through a lot.

**K. Lefin** states that he likes what A. Bilapatte stated. We are trying to be fair as possible and this is a group decision. We are trying our best to investigate and be fair to each candidate. I appreciate the committee and the advisors on all the hard work that is being done right now.

**A. Orejel** states that he notices that Mahdi Fugfugosh and Siddharth Valecha's hands are being raised. For the future, roundtable remarks are reserved for the committee and for the next meeting, feel free to make a statement during the public comment. I can imagine what you all are going through, Mahdi Fugfugosh and Euridice Sanchez-Martinez. I do hope that everything goes well and that everyone can hear your voice. The hearing next week will be recorded and stored in the ASI archives. I am watching both of your profiles, but I am not commenting on it because I would like to be as fair as possible. Just know that I am not taking sides on anything, but I would like to hear what you all have to say. Speaking on the committee as a whole, we are being as fair as possible with not choosing sides and we are taking the evidence that comes to us. Again, there will be a hearing next week and that is where you will be able to make your statement about opinions or any new evidence that comes up within a week from now. When this is all over, make sure everyone is supportive of each other because when we graduate, we may see each other in the future. Be thankful that we all met each other and be fair. We do hear you all and see you on Instagram.

55:17

IX. ADJOURNMENT at **1:01 PM**

Minutes Reviewed By:

**Committee Chair**

Name: Antonio Orejel

Minutes Approved On:

Date:

