

The Office of the
ATTORNEY GENERAL

Robert T. Hill

The question before us today is in regard to a possible Title VII violation in reference to of an affidavit for impeachment filed by College of Graduate Studies Senator Rachel Friant (seat 2) against College of Graduate Studies Senator Patrick Cherubin (Seat 1). According to the University of Central Florida, 703.3C states:

703.3 Once the Senate meeting enters into Miscellaneous Business, the LJR Chair will introduce the Affidavit(s) to the Senate and proceed with the Impeachment Hearing.

C. The Senate will then deliberate on the merits of the Affidavit(s) as being within the jurisdiction of an impeachable offense.

1. Senators may not debate on the validity or plausibility of the Affidavit(s), nor may any additional evidence be presented or discussed.
2. The debate that is permitted during this Impeachment Hearing is whether or not the Affidavit(s) has any basis of the accused having committed an impeachable offense.
 - a) If there is a question as to additional evidence needed or some level of concern that there may be more to the Affidavit(s), the Senate should move to impeach the individual and allow for complete investigation during the Discovery Process.
 - b) If the Senate does not see substantial evidence or concern with regard to the alleged violations, or if the Senate does not find that the allegations warrant an impeachable offense, the Senate should move to dismiss the charges.

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After reviewing pertinent information regarding the Statute, the following facts have been ascertained:

Chapter 703 within Title VII of the University of Central Florida's Statutes is in reference to the Impeachment hearing that occurred of February 07, 2019. At that meeting, it was stated that only a determination as to whether the charges against the accused were considered Impeachable under Chapter 700. Given to each Senator was a copy of the Affidavit and no additional evidence.

As outlined in 703.3C, Senators may not debate on the validity or plausibility of the Affidavit(s), nor may any additional evidence be presented or discussed... The debate that is permitted during this Impeachment Hearing is whether or not the Affidavit(s) has any basis of the accused having committed an impeachable offense.

According to the Black's Law Dictionary, an Affidavit is defined as the following:

A written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before an officer having authority to administer such oath. Cox v. Stern, 170 111. 442, 48 N. E 900, 62 Am. St Rep. 3S5; Hays v. Loomis, S4 111. 18. An affidavit is a written declaration under oath, made without notice to the adverse party. Code Civ. Proc. Cal.

It is my opinion that after reviewing relevant language provided that 703.3C was indeed followed correctly. At no point in the definition of Affidavit does it discuss preliminary evidence entered simultaneous to the filing of the Affidavit. Additionally, it is not required to submit any

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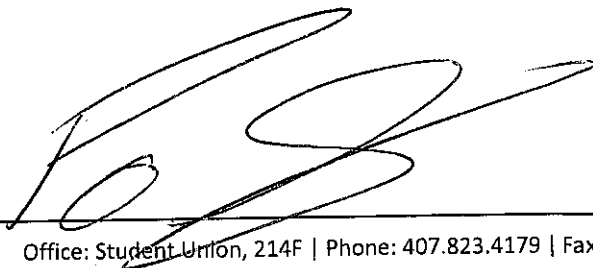
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evidence whatsoever at the time of filing. All relevant evidence should be formally and submitted reviewed during the discovery phase as outlined in Chapter 705.

Regarding the missing lines on the Affidavit:

On the night of the Impeachment hearing, it was brought to my attention that there was what looked like to be missing information on the Affidavit. However, after reviewing the original Affidavit before going any further, the information contained within both were the exact same. As such, it was and is my opinion that the Affidavit should be taken at face value and align exactly with what the original document contained, nothing more and nothing less as such actions would invalidate the notarized signature.

The original Affidavit can be viewed upon asking the SGA Advisory Wills Brown.



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