

The Office of the
ATTORNEY GENERAL

Robert T. Hill

The question before us today is in regard to the validity of an affidavit for impeachment 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's Statutes, in order for such a document to be valid it must meet the following criteria:

701.2 Charges or complaints of wrongdoing may be filed by the student in affidavit form:

- A. The Affidavit must include a description of what alleged wrongdoings were conducted. The student must list the provision of the Student Body Constitution, Student Body Statutes, or Senate Rules that are alleged to have been violated.
- B. The Affidavit must be notarized prior to submission to the Senate Graduate Assistant. Said Affidavit must be submitted and time-stamped at least three (3) hours prior to the next regularly scheduled Legislative, Judicial, and Rules (LJR) Committee meeting in order to be heard at that meeting.
- C. The student must include contact information along with the Affidavit. This contact information shall only be used by the LJR Chair, the Interview Director, and the Senate Graduate Assistant to ensure the individual is informed throughout the process.

701.3 Once properly submitted to the Senate Graduate Assistant, the Senate Graduate Assistant must time stamp it. Once the Affidavit(s) is submitted to the Senate Graduate Assistant, the Senate Graduate Assistant will contact the LJR Chair via email to notify the Chair of the filing. The Senate Graduate Assistant will provide the Chair with the Affidavit.

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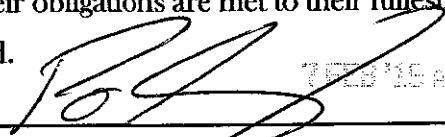
After reviewing documentation provided to me by relevant parties, the following facts have been established:

On January 25, 2019 Rachel Friant filled out an affidavit and received a notarized signature from Nakia Jones with the intention of submitting the document to begin impeachment proceedings. At that time, the Senate Graduate Assistant, Dey Gonzalez was not in the office for filing. Rachel Friant then time stamped the document herself, showing 10:40 AM. That afternoon the Legislative, Judicial, and Rules Committee was scheduled to meet at 1:30 PM, but did not call the meeting to order until 1:54 PM.

It is my opinion as Attorney General that, after careful review, the Affidavit to begin the impeachment process for Senator Cherubin is not valid. According to Senator Friant, the stamp was "off" by eight minutes, meaning it was 10:32 AM when stamped. However, according to 701.2B, the verbiage states that the affidavit must be submitted at least three (3) hours prior to the next regularly *scheduled* meeting. Thus, regardless of 10:32 or 10:40, the fact that the meeting was not called until later is moot. The timestamp must have read before 10:30 AM in order to be considered valid.

I do however find reason to believe that Articles of Impeachment are not out of the scope of relevance and should documentation be filed properly, the consideration for impeachment should immediately begin as outlined in Title VII. Additionally, should an issue such as the aforementioned arise where the Graduate Assistant is unavailable, I believe an update to statute is required. Such proceedings should not be delayed due to scheduling conflicts or an inability to meet before the deadline for filing.

I encourage all parties carefully review their statutory duties, rights, and responsibilities in order to ensure that proper procedure is being followed and their obligations are met to their fullest extent without overstepping or falling short of what is required.



FEB 15 AM 8:26