

Notice of Complaint

The University of Houston Student Government Association's Department of Justice is responsible for enforcing the law, defending the interest of the Student Government Association, and ensuring the fair and impartial administration of the Constitution and Bylaws of the Student Government Association. ("Department of Justice - University of Houston")

On Monday, October 11th at 2:40pm, The Supreme Court provided the final opinion on the advisory opinion that outlined the following:

"Notably, rules issued by the A.G. under the authority of §7.02 of the Constitution are not considered legislation subject to legislative amendment or repeal. Attempts to amend the governing rules of the recall election established by the A.G. impermissibly transgress on the allocation and separation of powers under the Constitution."

"The Court finds that the legislative branch shall not amend any rules, guidelines, restrictions, or other guiding documents governing a recall election and any attempt to do so are considered unconstitutional legislative action"

"Attempts by the legislature, or any members thereof, to engage in unconstitutional action maybe blocked by the Supreme Court to uphold the Constitution of the Student Government Association."

Despite clear knowledge that SGAB-58008 was deemed unconstitutional and was preemptively blocked by the Supreme Court, Speaker Hilton stated that the Special Session called would still be held at 7:00pm, with this bill being the only matter on the agenda.

The Speaker allowed the senate to motion to send this bill to the Internal Affairs committee on Tuesday October 12th, 2021.

The Internal Affairs Committee approved this bill as is and voted for it to be sent back to the senate for a final vote.

Not only does this directly violated the decision of the Supreme Court, which is the final order and not open to appeal. This blatant disrespect for our Judicial Branch, and overall, the checks and balances of our governmental system, is simply unacceptable, and cannot go unchecked. Speaker Hilton has a history of challenging the authority of others, simply because he believes it is in his right to do so.

I also made it clear again, that the document was final, and reminded the senate and those present that The Supreme Court seconded this opinion. Again, ensuring they were aware that what they were doing was unconstitutional.

Let me be noticeably clear, Speaker Hilton was told in the most absolute clear terms possible, neither he nor the Legislative branch have any authority over the Special Recall Election, nor its code. I have appreciated and taken into consideration the concerns of this organization; however,

I stand firm on the notion that this document is final and will not be amended in the way they are requesting. I have addressed the concerns regarding vagueness and ambiguity, but I will not do more.

As the head of the Legislative Branch, he is responsible for ensuring the actions of his branch fall in line with the constitution and bylaws. Even if his interpretation of an advisory opinion is that is simply an opinion, he should be knowledgeable in the fact that when the Judicial branch provides their opinion based off the governing documents, it is not to be brushed off as “a caution.” He is wasting not only this organization’s time, but the energy his branch should be using to write legislation that has a path to being enacted, which SGAB-58008 clearly lacks.

This additional attempt to again circumvent the Justice Department’s authority now includes the Judicial Branch. This simply cannot be tolerated under any circumstances.

On October 20th, the senate chose to vote on the same piece of legislation that was deemed unconstitutional yet again in response to the grievance that the legislative branch sent to the court to once again discredit the authority of this department within this Recall Election.

In response to getting the decision the Court made, these members of the Senate again chose to disregard, and proceed to throw out new accusations. It is exceptionally disturbing to see the authorities of our check and balances be ignored simply because they do not align with the personal choice of the Senate.

This administration is experiencing a time of extreme distress, as many of us are in situations that our advisors have never seen within this organization. It is even more repugnant to realize the fact that it is clear that the Legislative at no point ever consulted with an advisor regarding this matter. If they had put aside their ego and desire to be “right” and focused on the reality of our time period, The Speaker would have stopped the bill from going forward on October 12th.

Unfortunately, this breach of impartiality as The Speaker and controller of the Senate’s agenda he has led himself and 16 senators to commit an act that is blankly unconstitutional. .

The Office of the Attorney General strongly believes the 58th administration's Legislative branch to have broken the following statutes:

Title I: Composition and Structure of the Senate: Article 2: Authority Limits: Section 2: No motion or vote within the Senate may suspend the rules within the Bylaws or Constitution without a Student Government Bill to amend the Bylaws being passed and enacted according to the exact process outlined in Title I, Article 10, Section 6, Clause 1 of the bylaws.

Title IX: Code of Ethics: Article 4: Additional Provisions and Guidance: Section 1: No official will knowingly misrepresent the truth while acting in their capacity as an officer of the UH Student Government Association.

Title IX: Code of Ethics: Article 4: Additional Provisions and Guidance: Section 4: Each member must discharge their duties in good faith and with due regard for the welfare of the entire Student Body

Title IX: Code of Ethics: Article 4: Additional Provisions and Guidance: Section 6: Each Student Government official must represent both Student Government Association and UH in a dignified manner.

Title IX: Code of Ethics: Article 4: Additional Provisions and Guidance: Section 8: Each Student Government official, while acting in an official capacity, will represent the student body by maintaining a professional demeanor

Therefore, the Office of the Attorney General acted and used as guidance the below articles to hold the Legislative branch accountable for their actions:

Title IX: Code of Ethics: Article 3: Accountability Section 1: Members of the Student Government Association should encourage their colleagues to adhere to the Code of Ethics by holding each other accountable while striving to be examples themselves. Members should ensure enforcement, while at the same time showing their commitment to the Code and Core Values to the rest of the Student Body. ("STUDENT GOVERNMENT ASSOCIATION CONSTITUTION & BYLAWS - University of Houston")

And

Title IV: The Justice Department Article 1: The Attorney General and the Justice Department

Section 1: Purpose Clause 1: The Department of Justice is responsible for enforcing the law, defending the interests of the Student Government Association, and ensuring the fair and impartial administration of the Constitution and Bylaws of the Student Government Association. ("Department of Justice - University of Houston")

I ask that the Supreme Court allow the Office of The Attorney General suspend the following members of the Legislative Branch until December 31st, 2021. During this suspension, they are not to be allowed to attend any SGA activities, and are to be suspended without pay if applicable:

1. Speaker David Paul Hilton
2. Smarika Bhattarai
3. Christina Brown
4. Nini Dang
5. Samuel Eagleton
6. Natalia Marinero
7. Katie Worsham
8. Navid Hassan
9. Edward Vo
10. Eduardo Moeller
11. Sarah Imran
12. Rasha Shreim
13. Henry Teccsi
14. Diego Lopez
15. Rohit Shajan
16. Alexis Cheatum
17. Abraham Sanchez