

Complaint# 21-SE-01

Petitioner(s): Daniel Johns (further referred to as “he/him”, pronouns),

Respondent(s): Vice President Maryam Alghafir...

Involved Parties: Speaker David Paul Hilton and the following senators: Navid Hassan, Henry Tessci, Rohit Shajan, Diego Lopez, Abraham Sanchez

Allegations (filed 10/23/2021 at 5:11PM):

Vice President Alghafir, along with the involved parties are accused of violating the following sections of the Special Election Code.

Article 4: Section 3: Clause 1: *No candidate, involved party or known associate of, may make threats towards any individual or group. This includes but is not limited to: physical threats, emotional threats, social threats, or any threat which might prove distressful to an individual or group’s physical, emotional, and/or financial well-being.*

Article 4: Section 3: Clause 2: *No candidate, involved party or known associate of may offer anything of value nor threaten or promise any particular action to a member of the Attorney General, or a member of the Justice Department with the intention of incentivizing or causing undue influence in the recall election process.*

Course of Investigation: I examined the Petitioner’s evidence and reached out for a defense statement. I analyzed the respondent’s defense statement as well. I went through the Election Code and identified if a violation was present. After this I had enough to come to a decision.

Decision October 25, 2021 at 3:21pm: Petitioner’s complaint **LACKS** merit and this **IS NOT** a violation of the Special Election Code.

Conclusion: I will provide no opinion on the complaint nor the defense statements. This complaint is not within my jurisdiction; I recommend either party to speak to the Dean of Students, or amongst themselves, to determine if there is a course of action that can lead to a resolution.

This complaint will be shared and made public on SGA website for transparency and archival purposes.

Respectfully,

Nadiia Hutcherson

Attorney General

Nadiia Hutcherson

Evidence:

◀ Snapchat LTE 8:41 PM 27%

<  **Maryam Alghafir**

YESTERDAY 12:49 AM

Hey,
I noticed on the uhsgarecall.com website recently that your name was used to sign off on those false statements on the website. I am in the process of filing a legal claim against the owner of the website. I just wanted to send you a copy of the legal notice sent to the owner of the website. Please let me know if you are the one who signed it or if somebody else used your name so I know how to proceed.

Sincerely,
Maryam Alghafir

Accept message request from **Maryam Alghafir**

If you accept, members will also be able to call you and see info like your Activity Status and when you've read messages.

Block **Delete** **Accept**

LEGAL NOTICE

To:
Admin of uhsgarecall.com

Sub: LEGAL NOTICE FOR DEFAMATION

I am contacting you to put you in notice that you have been maliciously spreading inaccurate and unfounded information that is damaging to Vice President Maryam Alghafir, Speaker David Paul Hilton, and Senate members Abraham Sanchez, Diego Lopez, Henry Teccsi, Navid Hassan, Rohit Shajan personal and professional character.

Under the laws in the State of Texas, it is unlawful for an individual to make deliberate statements that intend to harm a person's reputation without factual evidence or based on hearsay. Defamation is established when there is a statement that is published, false, injurious, and unprivileged. You have met all criteria.

The defamatory statements include, but are not limited to the following:

- "Radical member"
- "fabricated lies against the current SGA President Arsalan Darbin and conspired to remove him without due process"
- "attacks are all lies and manipulations of facts"
- "arrogant and bossy"
- "They take advantage of his commitment to his Muslim faith"
- "high-jack due process for any reason, especially not for personal or political gain."
- "political junkies who care more about "climbing the ladder" than those around them"
- "nasty, self-serving behavior is wrong and unbecoming of any student at the University of Houston"
- "recalling those who organized this hit-job just as they wished to hurt, ruin, and recall Arsalan"
- "These are false accusations. These are lies. This is wrong. They did this to him. They will do this to you and your organizations and your friends."
- "They flipped his door tag upside down, wrote passive-aggressive notes, threw out and hid other SGA members' door tags, and on and on."
- "\$7000 from last years budget was not spent and hence lost for use in his administration. The Vice-President was in charge of this, not Arsalan, and now she and the rest of this group blame him."
- "They gossip nonstop, lie constantly, attack and gang up on those they don't like in SGA, and have now conspired to ruin Arsalan through lies and manipulations. The truth is obvious—it's they who are "unprofessional"

These statements can be found on this website: <https://uhsgarecall.com/> and are signed by you, Daniel Johns.

If this matter is not resolved immediately, I reserve all the right to take legal action against you. A lawsuit will be filed and a subpoena would be obtained to acquire all information of the person(s) registering, operating, and editing the website and spreading the defamatory information. They will be held legally and financially responsible for all the damages.

Defense:

I requested defense statements from each involved party with the deadline being 2pm.

The following submitted statements, which can be found attached on the next pages.

- Speaker David Paul Hilton
- Rohit Shajan
- Diego Lopez

The following providing a statement outside of the deadline. It was not used in the decision. However, I am adding it to the document for transparency.

- Maryam Algafhir

The following did not respond to the request.

- Navid Hassan
- Henry Tessci
- Abraham Sanchez

Re: 21-SEC-01 Complaint: Defense Needed by 2pm 10/25/21

David Paul Hilton [REDACTED]

Mon 10/25/2021 1:25 PM

To: SGA Attorney General <sgadoj@Central.UH.EDU>

Howdy,

It's rare that I meet someone as obsessed with something they are clearly very ignorant of as Mr. Johns. For some reason, my name is on his website, which slanders me as a corrupt and evil individual. Mr. Johns has attempted to vilify myself and others as Scooby Doo-esque villains with statements such as, " *They will do this to you and your organizations and your friends. Stop them now. Do good today.*" I'm a bit confused what he expect me to do, as my only involvement in this situation has been running SGA Senate meetings in an impartial way. I welcome him to point out to me how I acted corrupt or evil in my role as Speaker.

With our right to freedom of speech being violated in SGA with us not being able to speak out on issues such as this for fear of violating the incredibly broad "no campaigning clause", I do understand why some of my colleagues have taken this route as there is seemingly no way to solve this within SGA. That being said, I am not involved in it because Mr. Johns' goofy website is just that, goofy.

Mr. Johns, if you'd like to be more informed about SGA I encourage you to sign up for our Listserv and attend our meetings. I'm also always available to meet.

Best,

-David Paul Hilton

On Mon, Oct 25, 2021 at 8:56 AM SGA Attorney General <sgadoj@central.uh.edu> wrote:

Good morning,

You are referred to as an involved party in a complaint regarding a special election code violation.

The petitioner alleges that the following was violated:

Article 4: Section 3: Clause 1: No candidate, involved party or known associate of, may make threats towards any individual or group. This includes but is not limited to: physical threats, emotional threats, social threats, or any threat which might prove distressful to an individual or group's physical, emotional, and/or financial well-being.

Article 4: Section 3: Clause 2: No candidate, involved party or known associate of may offer anything of value nor threaten or promise any particular action to a member of the Attorney General, or a member of the Justice Department with the intention of incentivizing or causing undue influence in the recall election process.

The special election code provides respondents with a 5-hour time frame to respond. A statement of defense is requested to be submitted by 2pm today.

Please note: There are multiple of you bcc'd on this email thread. Each of you are

expected to submit a separate statement of defense.

Attached you will find the evidence that has been provided to support the alleged violation.

Please let me know if you have any questions.

Thank you.

--

Nadiia Hutcherson

Attorney General

Department of Justice

Student Government Association

University of Houston



To whom it may concern,

I elect to not comment on the complaint.

Respectfully,
Rohit Shajan
10/25/2021

I have been named as an “involved party” in this complaint. However, I would like to state that the complaint has no real basis in fact. As such, I will not dignify these sophomoric accusations with further comment.

Diego Lopez

Good afternoon,

Thank you for sending me a notice of this complaint at 9:00 am on a Monday and for so graciously giving me 5 hours to respond on a weekday. I find it malicious to be sending this out on a Monday when students are busy and expect me to respond before the end of a class day. This is not sufficient time to defend one self and you should take that into consideration as an impartial party. This is telling of your character knowing that you threatened me with a complaint Wednesday night in front of the entire university as our meetings our public.

I have been accused of violating the following clauses:

Article 4: Section 3: Clause 1: No candidate, involved party or known associate of, may make threats towards any individual or group. This includes but is not limited to: physical threats, emotional threats, social threats, or any threat which might prove distressful to an individual or group's physical, emotional, and/or financial well-being.

Article 4: Section 3: Clause 2: No candidate, involved party or known associate of may offer anything of value nor threaten or promise any particular action to a member of the Attorney General, or a member of the Justice Department with the intention of incentivizing or causing undue influence in the recall election process.

I would like to clarify that the images used against me for this accusation actually have nothing to do with the recall of Arsalan Darbin. As attorney general, I ask that you look at the source before coming to your final decision. The images referenced are specifically about the content mentioned on the uhsgarecall.com website. If you look, this website is calling for a recall against me and several other members of SGA. This has nothing to do with the current recall. This recall has still not been put into place officially and therefore I do not fall under this Recall Election Code you cited.

Furthermore this is an issue between me and a non-sga member and to my recollection both you and our advisor Keith, have stated that matters between SGA members and non-sga members that do not fall under the Recall Election Code are for me to handle separately without intervention of SGA. If however, by chance the person creating the website is an SGA member then this would be in direct violation of the campaigning clause:

Article 4 Section 1 Clause 1: Campaigning is defined as the intentional direct or indirect solicitation of votes, the purposeful bolstering of one's personal brand and/or name, and/or any form of personal, group, or mass advertising initiated by the candidate or involved parties with the purpose of effecting the Recall Election outcome.

In the end you should be investigating who is putting up this website and interfering with the recall election by spreading false information about me. You are targeting the wrong

person. SGA should work to protect its members against this type of bullying and harassment, not against them. It is clear that Daniel John's worked in collaboration with someone from SGA, notably Arsalan to campaign against election code and smear the reputation of other SGA members including myself. I ask you to answer a simple question. Who benefits from this website? The answer is clearly, Arsalan Darbin. I have spoken to CAPS about this issue as it has taken a toll on my mental health as well as my academics and they have referred me to EOS and to speak with Dr. Maxwell concerning the issue. I have spoken to EOS and they have informed me that they will be investigating the matter and that I may file a formal complaint if necessary.

Finally, I am glad that this issue has been brought to light through this complaint. You should be investigating who is behind such a website that holds false claims against numerous members of SGA and also asks for private information like student UH ID, majors, colleges, names, emails, etc as this is a threat to everyone's safety. It is clear that someone had to feed Daniel Johns information regarding personal matters within SGA. The only person who holds that knowledge and would be supportive of the stance of the website is Arsalan Darbin. This is clear campaigning.