

TO: SENATE SECRETARY
FROM: FERNANDO GONZALES-PORTILLO
SUBJECT: IMPEACHMENT AFFIVIDAT FOR JEREME POZIN
DATE: JUNE 29, 2010
CC: LJR CHAIR

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AFFIDAVIT OF IMPEACHMENT

I, Fernando Gonzales-Portillo, a University of Central Florida Student Senator, am filing this impeachment affidavit in regards to Senator and Deputy Pro Tempore of Legislative Affairs Jereme Pozin. As a Student Senator I feel that professionalism and accountability are essential for the greater benefit of our constituency. Unfortunately, I have become aware of an incident involving Senator Pozin that sincerely violates these principles. These actions, which will be discussed in great detail, were unbecoming of a Student Senator and UCF employee.

As a Student Government Association Agent I am statutorily required to report any corruption within SGA per Title XI: Code of Ethics, Chapter 1101 Section 11.

1101.11 Student Government Agents must disclose all knowledge of Student Government corruption.

Recount of Events – Wednesday, June 23rd, 2010

On June 23rd Senator Pozin came into the Student Government Office immediately following a game of the World Cup. Immediately it was evident something was wrong when he began yelling and running around the office. With students present, he yelled to everyone within ear shot of how “hammered” and “wasted” he was. Soon he disclosed that he had been drinking heavily at Knight Library. I witnessed Senator Pozin telling an underage student who happened to be in the office at the time that he would get him “wasted.”

The situation continued to degrade when, to my further disbelief, I overheard Senate Advisor Christa Coffey asking Pro Tempore Joshua Miller repeatedly to call Senator Pozin and ask him to bring back the SGA golf cart. As witnesses will attest, Senator Pozin had taken the golf cart and was actively driving it around campus - despite being clearly under the influence of alcohol.

Once Senator Pozin returned to the office, he came in and sat on a posted Senate meeting held by Pro Tempore’s Office discussing the College Facilitation Ad-Hoc Committee.

Sitting across from him, Senator Pozin was clearly impaired due to the amount of alcohol he had consumed. His eyes were red, he was visibly disoriented, his speech was slurred, and he was talking very loudly. As the meeting continued, Senator Pozin appeared agitated and was progressively getting very angry with the intense debate that was going on. At times Senator Pozin even showed some hostility towards those in attendance. After sitting in on committee for approximately ten minutes, he left very abruptly and headed to Pro Tempore's Office where he went to lay down.

It is very clear that the behavior listed above and the interactions with both students and SGA staff are not only unbecoming of a Student Senator but are also in direct violation of SGA Statutes, Senate Rules, and the UCF Golden Rule.

Specific Violations of SGA and University bylaws and policy

The use of A&SF property, in this case the SGA Golf Cart, while intoxicated is not only a violation of laws regarding the legal operation of a motor vehicle but also a violation of Title XI – Code of Ethics Chapter 1101 Section 3.

1101.3 Misuse of Student Government Property or Activity and Service Fee

Funds:

No Student Government Agent shall use, authorize to use, or condone in any way the wrongful use of Student Government property or Activity and Service Fee funds, including but not limited to, the use of Student government property or Activity and Service Fee funds to aid Student Government political campaigns.

Black's Law Dictionary, 9th edition, defines wrongful as:

Wrongful

1. Characterized by unfairness or injustice <wrongful military invasion>.
2. **Contrary to law; unlawful** <wrongful termination>.
3. (Of a person) not entitled to the position occupied <wrongful possessor>.

It is a well known fact that it is against the law to operate a motor vehicle while impaired by an inebriating substance. As a result, Senator Pozin's knowing and intentional acquisition and operation of the SGA golf cart is clearly in violation of Statute 1101.3.

Senator Pozin attending and debating during an official posted Senate meeting (and by extent University function) while under the obvious influence of alcohol is in clear violation of Senate Rule 3, Section D.

3.04 D Not attend session and committee meetings while visibly impaired by any inebriating substance.

In addition, these actions are in direct violation of Golden Rule Alcohol and Other Drug Prevention Programming.

A. Drug-Free Workplace/Drug-Free Schools Policy Statement

This is a statement of the standards of conduct and disciplinary sanctions to be imposed for the unlawful possession, use or distribution of illicit drugs and alcohol by UCF students and employees on UCF property or as part of any of its activities. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or the unlawful possession or use of alcohol is prohibited in and on UCF owned and controlled property or as part of any of its activities. Any UCF employee or student determined to have violated this policy shall be subject to disciplinary action for misconduct, action which may include termination or expulsion and referral for criminal prosecution. **No employee or student is to report to work, class or any University activity while under the influence of illegal drugs or alcohol.** Violation of these policies by an employee or student will be reason for evaluation and possible intervention or treatment for alcohol and other drug abuse or dependency disorders. The University's alcoholic beverages policy is stated below.

Senator Pozin's alcohol driven yelling, screaming and ranting, as well as his driving around campus while intoxicated, very logically impeded the ability of SGA Agents and UCF Students to conduct disruption free meetings and University functions. Both myself and others, as they will attest, felt unable to perform our required duties as a result of his disruption. This fact and these actions find themselves in violation of the UCF Golden Rule. UCF 5.008 Section 3 Disruptive Behaviors.

UCF 5.008 Section 3

- A) An act that impairs, interferes with, or obstructs the orderly conduct, processes, and functions of the University or any part thereof or the rights of other members of the University community.

Having established the individual violations to both SGA and University statutes I submit for the Senate's consideration that **any violation** of our statutes or rules in such a manner constitutes impeachment per Title VII – Impeachment and Removal Statues. Chapter 700 Section B.

Chapter 700 - B. Malfeasance, a wrongful act performed by a Student Government Agent in the execution of their duties or the willful disregard of the Student Body Constitution, Student Body Statutes, or Senate Rules.

As a result, should the Senate find Senator Pozin in violation of any of the statutes or rules I have previously mentioned it constitutes an impeachable offense per the above statute.

Testimony

I was not the only witness to Senator Pozin's antics. Below are accounts from other SGA Agents who were witness to the behavior displayed by Senator Pozin.

This is the testimony from Senate Chairman Darren Kaplan, who was present in the SGA office while these events transpired:

Concerning Deputy Pro Tempore Pozin,

On the afternoon of Wednesday, June 23rd, I arrived at the Student Government Association office after seeing DPT Pozin sitting with a police officer outside the front doors. When I walked in, I was told that the police officer had come in to inquire whether or not he was driving the golf cart. By the time DPT Pozin came back into the office, he sat down with me and a former senator, who asked him if the conversation with the police officer involved the golf cart. Pozin replied that it didn't and that the police officer had simply come into the office because his license was invalid and the officer had confiscated his identification card.

Pozin's recollection of his conversation with the police officer then included that he had offered the officer to walk down with him to his car to see a receipt that a parking ticket had been paid that the police officer asserted had not. He had a brief conversation with the two of us where he mentioned that he had been drinking during the day and had draped the American flag from the office of the President Pro Tempore over him while he watched the American world cup team earlier during the day at a local bar. He also said that he was somewhat confused that the police officer had come into the office to find him and expressed dismay that he would have to go to the Department of Motor Vehicles the following day to take care of the issue.

After our conversation, DPT Pozin walked into the Pro Tempore's meeting to discuss the ad-hoc committee on college facilitation. I sat there briefly (for two minutes, maximum) and didn't witness any contribution he made to the meeting,

but heard afterward that Senators in the meeting felt he shouldn't have been there in the condition he was in and that he was, in fact, hostile.

Chief among my concerns occurred yesterday, June 28, 2010, when DPT Pozin accosted a Senator in the SGA Workroom over what he perceived to be rumors spread by the individual. He complained to the individual about rumors regarding June 23rd, which he attributed to her, and challenged her to "clear that up."

This is the testimony from Adam Brock, Director of KnightDrive for the SGA Executive Branch:

To Whom It May Concern,

This letter is to address the events that I viewed within the Student Government Association office on Wednesday, June 23, 2010 by Deputy Pro Tempore Jereme Pozin.

As per the student body statutes, specifically Title XI entitled Code of Ethics, Chapter 1101.11, as an Agent of Student Government, I "must disclose all knowledge to Student Government corruption." As defined in Black Law's Dictionary, corruption is defined as "depravity, perversion, or taint; an impairment of integrity, virtue, or moral principle."

Amanda Newby (Director of Campus Life) and I were both on our computers in our office when DPT Pozin walked into the doors of the SGA office. Once he went past our office, I heard Pozin yell out that he was "wasted" and that he just got back from a local bar. Pozin, at this time, was dressed in red, white, and blue, with an American flag being used as a cape.

About 20 minutes later, when I was out of my office, I saw that my office door was closed. I opened it and found Pozin sitting in my chair talking with Newby. Throughout the conversation, Pozin was slurring his speech and showed extreme signs of intoxication. Throughout the 10 minutes inside our office, Pozin was making comments and remarks to both, Newby and me, that made both of us feel incredibly uncomfortable. At one point, I told him that I think it's time for him to leave and go to his office and do work because he made "an awkward situation" and he replied with "I'm a DPT. We don't do shit and get paid for it." At this point, Newby decided to go to the bathroom and leave the room, as did I, which prompted Pozin to leave the room, as well.

If you have any further questions, please feel free to contact me via email at kd_director@mail.ucf.edu.

*Regards,
Adam M. Brock*

This is the testimony from Senate Chairman Venessa Jacobs, who was present in the SGA office while these events transpired:

To whom it may concern in regards to Deputy Pro Tempore Pozin,

On Wednesday June 23rd DPT Pozin arrived at the Student Government Association office, he was running around the office yelling and acting strange and intoxicated. He told Senators in the office that he had been at a local bar watching the soccer game and drinking just a few minutes ago and had intentions of returning to another bar to continue drinking. DPT Pozin left the office for a little bit to continue drinking at a bar on campus before having to return for the College Facilitation Committee Meeting. He was absent from the beginning of the meeting but came late and sat down. When he arrived at the meeting he was visibly impaired, his eyes were red, and he seemed very hostile towards myself another Senator sitting in at this meeting. He angrily said that for the two seconds he had been in the meeting the Senators speaking were not getting the point. He even made visible facial gestures showing his discontent and disagreement with debate expressed by another senator. After he expressed his opinion he got up without a word and left the meeting to close himself in the Pro Tempore's office.

On Monday June 28th I was also witness to DPT Pozin accosting another Senator in the Pro Tempore's office. He was yelling at her very angry that people had rumored him to have been drinking and out of control the previous Wednesday. He repeatedly told her to go clear up the rumors.

This is the testimony from Senate Vice Chairman Caitie Shields, who was present in the SGA office while these events transpired:

Concerning Deputy Pro Tempore Pozin,

The afternoon of June 23, 2010, myself and a friend were with DPT Pozin in the Pro Tempore's office. The golf cart episode came up and Pozin readily began to tell us the story. The manner in which he presented the issue was lofty and he was obviously proud of the incident. He said he went to a local bar earlier that day, ordered pitchers, watched the US soccer game, and then came to SGA where he 'passed out' on the couch. He said his girlfriend came, needing something out of his car. He walked to Tri Delta house and then remembered that his car was not on campus. She drove him to his car, she got the items, and then he stated that he drove back to school, proudly 'without a license'. He then brought up how he was flying around in the golf cart and told us that the officer who came up to SGA said 'if i would've seen you driving it would've been a DUI' to which he said he replied, 'Good thing you didn't see me then'. In DPT Pozin's story, he made it clear that he drove the golf cart while intoxicated and drove his car without a license.

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I trust that LJR will investigate and review whether the behavior and action of Mr. Jereme Pozin on Wednesday, June 23, 2010 was indeed in violations of statues and rules outlined above. It is my hope that the proper and correct action shall be taken and the integrity of the Student Government Association will be restored.

I hereby swear that I have been honest and told the truth in this affidavit to the best of my ability.

X Fernando Gonzales-Portillo

Fernando Gonzales-Portillo
SGA College of Medicine Senator Seat 1

State of Florida County of Orange

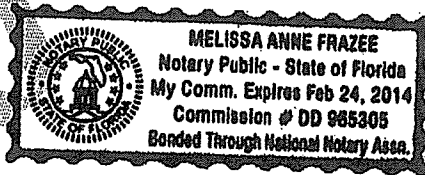
The foregoing instrument was acknowledged this 9 day of July

2010 by FA Gonzales Portillo who is personally known to me or has

produced PL PL as identification and who did take an oath.

My commission expires 02/24/2014

Notary Public Signature Melissa A. Frazee



*Chair of the Legislative,
Judicial, and Rules Committee*

To:	The 42 nd Student Senate Speaker of the Senate Pope Senate President Pro Tempore Miller Senate Advisor Christa Coffey Ed.D. Senate Secretary Patrick Stauffer
From:	LJR Chair Andreu Szempruch
Date:	07/14/2010
Subject:	Addendum Concerning the Affidavit Filed Against Deputy Pro Tempore Pozin

On July 14th, 2010 the Legislative, Judicial, and Rules Committee met and reviewed the Affidavit regarding the Impeachment of Deputy Pro Tempore of Legislative Affairs Jereme Pozin. In this Preliminary Review of the Affidavit it was established whether the Alleged Offenses can be considered Impeachable Offenses. Upon review of the Affidavit the LJR Committee voted on each allegation to establish whether or not the alleged offense is an Impeachable Offense.

Upon consideration of the first charge of violation of Title XI, Chapter 1100, Section 1, Subsection 3, (1101.3) "Misuse of Student Government Property or Activity and Service Fee Funds: No Student Government Agent shall use, authorize to use, or condone in any way the wrongful use of Student Government property or Activity and Service Fee funds, including but not limited to, the use of Student government property or Activity and Service Fee funds to aid Student Government political campaigns," the Committee found that this allegation should be considered an Impeachable Offense, and voted to affirm this belief by a vote of 7-0-0.

Upon consideration of the second charge of violation of Senate Rule 3, Section 4, Paragraph D (3.04 D) "Not attend session and committee meetings while visibly impaired by any inebriating substance." The Committee found that this allegation should not be considered an Impeachable Offense, and voted to affirm this belief by a vote of 0-7-0. The rationale is that the alleged offense states that the Accused was "attending and debating during an official posted Senate meeting," and it is found by the LJR Committee that although the meeting in question was "an official posted Senate meeting" it was not an official Senate session nor was it a Committee meeting. By this rationale the LJR Committee finds that this offense is not an impeachable offense.

Upon consideration of the third charge of violation of The Golden Rule Alcohol and Other Drug Prevention Programming, Paragraph A Drug-Free Workplace/Drug-Free Schools Policy Statement "This is a statement of the standards of conduct and disciplinary sanctions to be imposed for the unlawful possession, use or distribution of illicit drugs and alcohol by UCF students and employees on UCF property or as part of any of its activities. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or the unlawful possession or use of alcohol is prohibited in and on UCF owned and controlled property or as part of any of its activities. Any UCF employee or student determined to have violated this policy shall be subject to disciplinary action for misconduct, action which may include termination or expulsion and referral for criminal prosecution. No employee or student is to report to work, class or any University activity while under the influence of illegal drugs or alcohol. Violation of these policies by an employee or student will be reason for evaluation and possible intervention or treatment for alcohol and other drug abuse or dependency disorders. The University's alcoholic beverages policy is stated below." The Committee found that this allegation should be considered an Impeachable Offense, and voted to affirm this belief by a vote of 7-0-0.

Upon consideration of the fourth charge of violation of The Golden Rule Section Pertaining to the Office of Student Conduct, Paragraph F, Rules of Conduct, Subsection 3 Disruptive Conduct, Subparagraph a "An act that impairs, interferes with, or obstructs the orderly conduct, processes, and functions of the University

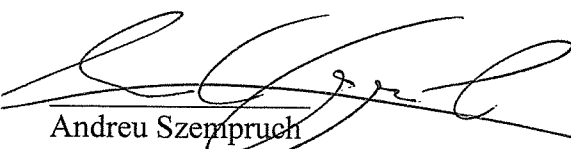
*Chair of the Legislative,
Judicial, and Rules Committee*

or any part thereof or the rights of other members of the University community.” The Committee found that this allegation should be considered an Impeachable Offense, and voted to affirm this belief by a vote of 7-0-0.

Upon consideration of the first charge of violation of Title VII, Chapter 700, Paragraph B, (700 B) “Malfeasance, a wrongful act performed by a Student Government Agent in the execution of their duties or the willful disregard of the Student Body Constitution, Student Body Statutes, or Senate Rules.” The Committee found that this allegation should be considered an Impeachable Offense, and voted to affirm this belief by a vote of 7-0-0.

In compliance with Title VII, Chapter 700, Section 2, Subsection 6, (702.6) “the final determination on which provision(s) may have been violated,” the LJR Committee found that the Accused may also be in violation of Title I, Chapter 100, *Statute Compliance*, “All Student Government Agents must comply with the Student Body Statutes, UCF Golden Rule, and all local, state, and national laws. Willful and deliberate disregard of these Statutes and regulations shall be grounds for impeachment or removal from office.” The Committee found that this allegation should be considered an Impeachable Offense, and voted to affirm this belief by a vote of 7-0-0.

Be it observed as per statute 702.6 that this addendum was willfully and accurately written, in reference to the Affidavit at hand, and is in compliance with the Student Body Statutes, and the Student Body Constitution. Be it also observed that the Accused is not Impeached nor is he Removed from his position as a Student Government Agent until said meetings have taken place. The purpose of this Addendum is to illustrate to those concerned the views and sentiments of the Legislative, Judicial, and Rules Committee.



Andreu Szempruch
Chair of the Legislative, Judicial, and Rules Committee
SGA_LJR@mail.ucf.edu

Chapter 700 Impeachable Offences

Offenses punishable by impeachment shall be:

- A. Misfeasance, defined as a lawful act performed in a wrongful manner by a Student Government Agent in execution of their duties.
- B. Malfeasance, a wrongful act performed by a Student Government Agent in the execution of their duties or the willful disregard of the Student Body Constitution, Student Body Statutes, or Senate Rules.
- C. Neglect of Duty, defined as intentional and/or unintentional disregard in obeying and executing the duties of the office in which the individual serves.
- D. Conviction of a Felony, whether within or beyond the scope of the duties of a Student Government Agent.

Chapter 703 Impeachment Hearing

- 703.1 Once the LJR Committee has voted to move forward with the impeachment process, the Affidavit(s) will be presented at the next regularly scheduled Senate meeting following the LJR meeting.
 - A. Should the Affidavit(s) in question be brought against the Speaker of the Senate, the Speaker shall step down and the Senate President Pro Tempore will take the Chair during the portion of the Senate meeting.
 - B. Members that have relinquished their seat or have been removed from the LJR Committee are permitted to debate and vote in the Impeachment Hearing. This conflict may allow for the Senator to abstain from voting if the Senator so chooses.
- 703.2 During the LJR report, the LJR Chair will read into the minutes the vote count and decision of the LJR Committee with regard to the Affidavit(s), but will not introduce the Affidavit(s) for debate until Miscellaneous Business.
- 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.
 - A. The LJR Chair will review the definition of impeachable offenses with the Senate and will furnish the Senate with copies of the Affidavit(s). The LJR Chair will then move for a ten (10) minute individual review in which members of the Senate can review the Affidavit(s). If necessary, the Speaker may extend the individual review time by up to ten (10) minutes, with a majority vote of the Senate. This is a non-debatable motion.
 - B. After the ten (10) minute recess has ended, the Speaker will allow for the Senate to ask procedural questions of the LJR Chair concerning the impeachment process.
 - 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.
 3. At no time during the Impeachment Hearing shall anyone outside of the Senate be permitted to speak, with the exception of the Attorney General or Student Government Advisor, who may be asked questions regarding statutory interpretation or procedure.
 - D. Once the Senate moves to vote on the Affidavit(s), the vote will determine whether the Senate believes that the Affidavit(s) warrants further investigation.
 1. Should the Senate conclude by majority vote that the Affidavit(s) does not warrant further investigation or does not fall within the jurisdiction of being an impeachable offense, the charges are dismissed.
 2. Should the Senate conclude by majority vote that the Affidavit(s) does warrant further investigation and does fall within the jurisdiction of being an impeachable offense, the accused is considered impeached and the charges are moved forward to the Discovery Process and Removal Hearing.
 3. If the Affidavit which warrants further investigation is against an individual who holds any responsibilities within the Discovery and/or Removal Process, said individual shall be prohibited from performing any of these duties within the Discovery and/or Removal Process and the individual's duties shall be fulfilled by the order of succession dictated by the Student Body Constitution or Student Body Statutes.