

*In Res Abel Mulugheta/ Sameer Desai (ESB / SG 2011 – 002)*

*Chair Eric D. Nimmer delivered the opinion of the Board:*

In the matter of Abel Mulugheta and Sameer Desai, candidates for University of Texas Student Government (UTSG) President and Vice-President 2011-2012, heard on one count of violating the institutional rules of the University of Texas at Austin as defined by section §13.302 sub chapter (a) which in turn breaches section §6.06 and comes before the Election Supervisory Board under the guise and authority of section §3.04 of the Student Government Election Code, respectively, were found to be fully culpable and punishable under the aforementioned doctrines.

Institutional Code §13.302 sub chapter (a) reads as follows:

*No speech, expression or assembly may be done in a way that damages, defaces, marks, discolors or alters in any way property of the University or of any person who had not authorized the speaker to damage or deface his or her property.*

Election Code section §3.04 reads as follows:

*The Election Board shall interpret, execute, and enforce all election rules provided in the Student Government Constitution and this Code in a manner consistent with University policy, as expressed in the General Information Catalogs. The Election Board shall review and revise, as necessary, the Election Code yearly.*

Election Code section §6.06 reads as follows:

*All candidates, and their agents and workers, shall be responsible for following all applicable University regulations*

Whereas, the Board has deemed a Class A punishment as governed by the Student Government Election Code appropriate, a taxing of 5% (five percent) of the party in question's allotted budget shall be levied. This penalty shall be paid and accounted for on the candidates' next financial statement.

While it was thoroughly and consciously understood by the Board that the respondent and affiliates were unaware of the rules in which they have been found in violation, ignorance of the Code and its superior institutionalized regulations is deemed by both sources as an impermissible justification. Moreover, the actions taken in the actual "chalking" of University property gave said respondents an advantage, by means of exposure, that was not and will not in the foreseeable future be afforded to other candidates.