

*In Res Thor Lund/ Wills Brown (ESB / SG 2012 – 008)*

Secretary Robert V. Toto delivered the opinion of the Board:

In the matter of Thor Lund and Wills Brown, candidates for the University of Texas Student Government (UTSG) President and Vice-President 2012-2013, heard on one count of failing to comply with the Board's previous mandate<sup>1</sup> to remove campaign materials in alleged violation of the University Institutional Rules<sup>2</sup> in regard to trademarking and, in consequence, one count of continued violation of said trademarking rules. The ruling of the Board in its previous opinion<sup>1</sup> reads as follows:

*The party in question willingly, and without contestation, submitted that the campaign material in violation of trademarking would be expeditiously removed from any and all campaigning mediums... Whereas, the Board decided that no punishment would be administered to the party in question provided that the existing campaign materials in violation of trademarking are removed from circulation, as agreed.*

On the count of violating trademarking regulations, the Board has found the party in question to be not guilty. Upon reviewing the one piece of campaign material that was not removed as instructed, and with reference to examples of acceptable cases for use of licensed UT material, which are provided by the University of Texas at Austin Office of Trademarking Licensing online<sup>3</sup>, and with regard to previous dismissals<sup>4</sup> of trademark violations by the Board,

---

<sup>1</sup> *In Res Thor Lund/ Wills Brown (ESB / SG 2012 – 002)*

<sup>2</sup> Pertains to Title II, Section 1.11 of the Election Code

<sup>3</sup> <http://wwwtest.utexas.edu/trademarks/mockup/right.html>

<sup>4</sup> *In Res Yaman Desai/ Whitney Langston (ESB / SG 2012 – 001)*

the piece of campaign material in question was ultimately not found to be violation of University Institutional Rules regarding trademarking.

On the count of failing to comply with a prior mandate<sup>1</sup>, the Board has found the dismissal of said count to be appropriate. In direct relation with the candidates' failure to comply, either through negligence or intention, Title II, Section 4.15 of the Election Code reads as follows:

*If, after a hearing, the Election Board finds that provisions of either this Code or decisions, opinions, orders, or rulings of the Election Board have been violated by a candidate, or a candidate's agent or workers, has committed a Class D violation, the Election Board may disqualify the candidate.*

Whereas Title II, Section 4.15 would justify disqualification, an application of this clause is unwarranted, in this case, considering that the Board found the party in question not guilty of violating Title II, Section 1.11 of the Election Code, evidencing that the compliance required of the party in question by the Board's prior mandate was fulfilled, and 4.15 is irrelevant. Therefore, the dismissal of the alleged violation of 4.15 holds, and no punishment will be levied against the party in question for either count heard by the Board.

Eric Nimmer – Chair, Election Supervisory Board

Truc Nguyen – Vice-Chair, Election Supervisory Board

Robert Toto – Secretary, Election Supervisory Board

Blake Baker – Member, Election Supervisory Board

Rick Lewis – Member, Election Supervisory Board

Ryan Lutz – Member, Election Supervisory Board

Charles E. Maddox – Chair Emeritus, Election Supervisory Board

Cody Permenter – Member, Election Supervisory Board

Ady Wetegrove – Member, Election Supervisory Board