

Complaint# 21-SE-06

Petitioner(s): Anonymous petitioner provided evidence via DM to DOJ Instagram, and requested to be anonymous.

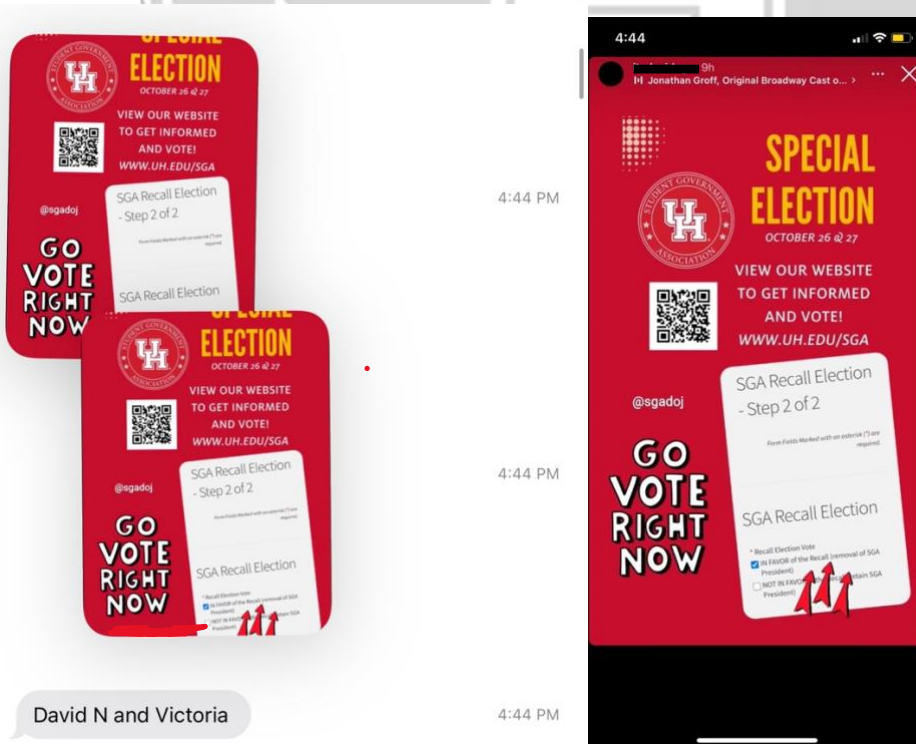
Respondent(s): Director David Nguyen

The following allegations were filed:

On the night of October 26, I saw that David posted a picture of the recall vote on his Instagram story. On that story, he had a picture of the recall ballot with "IN FAVOR OF RECALL" ticked and arrows pointing towards it. I have screen-recorded evidence of this. This morning (October 27, before 8:30 AM), I saw more posts (at least 6 more) on his story. One of them was another picture of a ballot with "IN FAVOR OF RECALL" ticked and the rest was a repost of a narrative someone wrote about how Arsalan is a bad president. I don't have photo evidence of this and it has since been taken down, I believe, since I don't see it anymore. Your office (or someone who follows him on Instagram) may be able to see it, assuming he removed me from being able to view his Instagram stories.

I received evidence for this complaint more than once from 3 different sources.

1. A screen recording from petitioner
2. A screenshot
3. Seeing it when I verified it's existence.



Article 4, Section 2, Clause 1: *A member of the Student Government Association may not participate in or assist an organization in campaigning on behalf of their cause.*

I reached out to Director Nguyen for a statement of defense to these allegations. He was given 5 hours to complete this, with a deadline of 3pm on 10/27/21. The following defense statement was provided by the respondent:

Under Article II, Section 2.01 in our UH SGA Constitution, SGA cannot “abridge the rights, immunities, or privileges granted to students under the Constitution of the United States of America, the Constitution of the State of Texas, U.S. federal law, or the laws of the State of Texas”. In these past few weeks, I have felt as if my constitutional rights have been violated as I have been suppressed from responding against personal attacks and slandering or making a simple post on my personal Instagram. I find this witch hunt game that the President, his involved friends, and the Judicial Branch are playing very foolish and a waste of valuable time. Suppressing victims’ truths, stalking members’ social media, suspension of an entire branch for doing their jobs, violating constitutional rights, attacking democratic principles; Is this all necessary? The corruption has plagued the impartiality that you all so claim to have. First, we throw away our governing documents, and now the Department of Justice is suppressing the very freedoms that American society was founded on. I have every right to post to my private social media page. I have neither directly or indirectly campaigned. Campaigning is defined as an organized effort which seeks to influence the decision making process within a specific group. My effort was not to influence but merely a statement of my opinion. If that is flagged as a campaign violation, I personally do not know what is left of the integrity of the Judicial Branch. It is sad when democracy is not being practiced but completely abused by power hungry, selfish individuals.

In addition, regarding the second complaint, the post was only up for about 20 minutes before I removed it and yet someone was so stealthy and quick to screenshot and had so much free time to submit a report. Rather than stalking people’s accounts, I would advise whoever is targeting and going after me and my colleagues to put use of that time elsewhere. This is all but a petty war waged by those who are trying to save face against silenced victims.

Decision October 26, 2021 at 9:49pm: Petitioner’s complaint **HAS** merit, and this **IS** a violation of the Special Election Code.

Sanction: This Director Nguyen’s first violation, per Special Election Code, the suspension is until 11/1.

Respectfully,



Nadiia Hutcherson

Attorney General

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