

**JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS
OF THE UNIVERSITY OF NEVADA**

KISH V. FABBI

Filed: 21 February 2014

Decided: 27 February 2014

Direct Judgment

Chief Justice Robert Eugene del Carlo writing on behalf of Associate Chief Justice Jordan Christensen, Associate Justice Jonathan Barnes, and Associate Justice Aubrey Powell: the following is the **unanimous opinion** of the ASUN Judicial Council:

Attorney General Steven Kish charged Caden Fabbi of violating SAS 502.13:

SECTION 13: PUNISHMENT FOR VIOLATIONS OF CAMPAIGN RULES

- a) The Judicial Council shall be vested with the authority to hear and decide allegations of violations of Section 12, pursuant to its rules and regulations as set forth in ASUN Rules.
- b) Punishment for violation of Section 12.a.1 shall be in the form of withholding fifty dollars of the Candidate's deposit. All candidates are warned of the consequences of these censures at the Candidates' Meeting, pursuant to Section 11.b.3.
- c) A finding of violation of the conduct prohibited by Section 12.b through e shall be punishable **by withholding a portion of the Candidate's deposit no less than five dollars** or an alternative minimum to be determined by the Commission prior to the Candidate's Meeting.
- d) In addition to the authority granted the Judicial Council herein, it shall have equitable power to assure that the punishment levied fits the violation found to occur so as to assure a fair and just result.
 - 1) Sanctions for any acts or violations by a candidate, whether before, during, or after the Judicial Council hearing, which are not specifically addressed in the ASUN Rules shall not be imposed by the ASUN Judicial Council at any time.

Per these citations, Attorney General Kish asserts that:

1. The Fabbi Campaign should be scrutinized for the merit of consequences and the right to continue campaigning.
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Facts Revealed by the Investigation

Mr. Fabbi submit his \$50.00 campaign deposit prior to the deadline as expected. However, it was found that the check bounced. Understanding that Mr. Fabbi's campaign had already spent some money on campaign materials, the merit of the bounce came into question.

Intervention by the Judicial Council

It is understood that campaigning is a financially stressful time but considering that Mr. Fabbi's deposit was in on time the bounce is forgiven. However, in the interest of preserving the time and processing efforts accounted for by the advisors and officers involved in the case, the ASUN Judicial council applies the *minimum* punitive fine.

It is the ruling of the ASUN Judicial Council that the charges against Caden Fabbi are invalid. His deposit, albeit late, will be accepted, cashed, and levied the minimum possible fine of \$5.00. It is clear through the evidence and testimony presented that Caden Fabbi upheld the standards of his role as a candidate and acted in the best interest of ASUN. It is for these reasons that the ASUN Judicial Council finds innocent of the stated charges.

It is the precedent of the 2014 ASUN Judicial Council that the minimum charge set by the SAS or the existing Committee on Elections be the fine against all bounced checks or payments for campaign deposits *provided* that the candidate is in good standing with the Association and complies with demands promptly.