

CHARGE SHEET FORM

Fill in all spaces unless otherwise indicated and file the original with the Council. Attach pages explaining how the alleged violation(s) occurred, giving dates and times when relevant; all supporting evidence or a detailed list of such evidence; statements as to the constitutional, statutory, and/or regulatory provisions allegedly violated; and a separate document explaining why a preliminary injunction is needed, if one is requested. You will be notified if your case is accepted, and will be notified in writing if your case is not. Please type or print clearly. E-mail the Chief Justice should you require assistance and to notify the Council that you have filed a charge. A charge sheet may be filed in a differing format so long as all the required elements are included. *See* JRP 3(e)(1)(D).

TO: Judicial Council of the Associated Students

FROM: Attorney General Steven Kish

ADDRESS: Mail Stop 058

PHONE: _____ E-MAIL: attorneygeneral@asun.unr.edu

I, Attorney General Steven Kish, representing The Associated Students of the University of Nevada
[spokesperson] [party]

The Associated Students of the University of Nevada, hereby request the ASUN Judicial Council to

issue a— Direct Judgment Appeal Rehearing

[Judicial Remedy sought. *See* JRP 3(l); 5(b)-(c).]

against Jake Pereira
[person(s) and/or organization]

The named person(s) may be contacted at jake.pereira14@gmail.com
[e-mail address and phone number]

I charge the above person(s) with violating Article III, Section 4(a)
[specify the provision violated]

of ASUN Constitution
[ASUN Constitution, Law, Rule, Regulation, etc.]

as explained in the attached. [Use attached sheets to complete form if necessary.]

_____ I request an Expedited Hearing.
[Include a separate document explaining why an Expedited Hearing is necessary. *See* JRP 3(d)(3).]

I am requesting a Preliminary Injunction.
[Include a separate document explaining why a Preliminary Injunction is needed. *See* JRP 3(g).]

_____ I am requesting witnesses/evidence be summoned.
[Include all names and contact information as well as the reasons for the request. *See* JRP 3(h).]

_____ Charge Sheet is filed under seal. Only the Council will see this until such time as it is unsealed.
[Include a separate document explaining why the charge is filed under seal.]

A **written brief** must be filed and emailed to the council by both the petitioner(s) and the respondent(s) no later than **FIVE BUSINESS DAYS** before a general hearing. [*See* JRP 3(k)]

JUDICIAL COUNCIL USE ONLY

Signed: 

Dated: 5/16/14

Received: _____ By: _____

Time: _____



ASSOCIATED STUDENTS OF
THE **UNIVERSITY OF NEVADA**

Steven Kish
Attorney General

Opinion

attorneygeneral@asun.unr.edu
(775) 412-8622

Justices,

Attorney General Steven Kish filing on behalf of and to ensure the integrity of the Associated Students of the University of Nevada.

President Jake Pereira is being charged with conduct unbecoming of an officer in ASUN, of which may constitute a violation of the Constitution - Article III, Section 4, Subsection (a) - namely, "malfeasance in office" and affiliations which may constitute a conflict of interest as he continues in his capacity as President of the Associated Students.

The facts of the case, in the context of malfeasance in office:

1. Intimidation
2. Coercion
3. Bribery

These charges are substantiated by President Pereira's actions in the course of his employment as Director of Traditions, which constitutes a pattern of behavior that ought to be investigated as he takes office.

First and foremost, it's important to establish the need for a preliminary injunction; for the integrity of these charges and proceedings, it's essential that there be placed a stay on the appointment of new justices or a new attorney general until such time as this can be resolved. The appointment of a new Judicial Council or Attorney General would constitute potential for obfuscation of this case, as well as the potential for abuse considering the President (who is being charged) is the one that appoints new officers.

Having established the necessary procedural aspect of the case, we move onto the case itself. On February 9, President Pereira (at the time Director of Traditions) in conjunction with Senator Bezick coerced me, Attorney General Steven Kish, through intimidation to delete an email - that was wrongfully sent to me by Christopher Cuellar - on behalf of another organization, namely Coffin and Keys.

Such intimidation involved coming into my residence (Sigma Phi Epsilon), bringing me up to my room, sitting me in the corner, and blocking off the exits. From there, Director Pereira said that I ought to delete the email because "it would be in [my] best interest" and "after all, it wasn't a coincidence [I] was appointed Attorney General in the first place." He concluded by saying that "we [Coffin and Keys] don't forget this kind of favor." Intimidation and coercion, per these facts, are fairly apparent. What is not, however, is the implication of my continued role as Attorney General; such an implication constitutes bribery, considering the position itself constitutes a benefit should the person offered such take an action, coupled with the fact that the position itself pays \$5,000 per year - meaning such a promise or implication constitutes bribery in the form of nepotism as well as a monetary exchange.



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Evidence would otherwise be summoned - namely the email - but the lack of such email is proof of wrongdoing in this instance.

These charges do not and ought not constitute an attack on Coffin and Keys, although the pit conduct at times skirts or violates the Student Code of Conduct. These charges are filed in good faith in order to have an open discussion of the President's integrity, potential conflicts of interest, and hold him accountable for his conduct.

Secondarily, the question of malfeasance is one not established by the Constitution since the removal of certain language per the request of legal counsel on June 21, 2007. It is ultimately an issue to be embraced by the Council in this instance; should the Judicial Council choose to, they may examine malfeasance in office, or the potential for damages under Article III, Section 2, Subsection (g) of the Constitution which reads, "The President shall take care that the laws be faithfully executed," implying his need to abide by the same laws given his Oath upon inauguration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Steven Kish III', is written over a light blue horizontal line. The signature is fluid and cursive.

Steven Kish
Attorney General