2015 ASI ELECTION COMPLAINT COMMITTEE DECISION

By SAMUEL N. JONES, chair

Members Present:
SAMUEL N. JONES, chair
MASON DANIELS, student representative
ARAVIND RAJENDRAPRASAD, student representative
SHEENAL SINGH, student representative

Members Absent:
FRANK LILLY, faculty representative

May 15, 2015

ZACHARY CORBO vs MARK ANTHONY SOHL

Mr. Corbo brought charges against Mr. Sohl stating that when he submitted his expenditure report, he did not report the actual retail price of his campaign website (VoteMarkAnthonySohl.com) and misrepresented the amount of business cards purchased.

Complaint:
- Failure to report the accurate retail price of the campaign website (VoteMarkAnthonySohl.com)
- Failure to report actual cost of business cards

Statement of the complaint by complainant

Mr. Corbo alleges that Mr. Sohl did not report the accurate retail price for his campaign website. He claims, by not providing the accurate retail price, Mr. Sohl is in violation of Article V, Section A (actually Section B: typo in the Election Code) Campaign Expenditures, Section 1, Subsection b; Sections 2 and 5 of the ASI Election Code. Also, Mr. Corbo alleges that Mr. Sohl reported the purchase of 250 business cards when in actual, he purchased 500. This, argues Corbo, would have given Mr. Sohl an unfair advantage since he spent beyond the $500 on his campaign materials as prescribed in the ASI Election Code.

Summary of the testimonial and documentary evidence received at hearing in support of the complaint

Mr. Corbo presented the Committee with testimony stating, according to the other “Vision” slated candidates, another website was used to create the campaign sites such as squareone.com. He asked the candidates to present an email or something that reference this fact and resolve all complaints. Mr. Corbo stated the total cost submitted on Mr. Sohl’s expenditure report was approximately $420. Mr. Corbo stated the research conducted with StatsBee proved the website by Mr. Sohl was hosted by Media Temple, Inc. and that if squarespace.com was used as, the results from StatsBee would have indicated squarespace.com as the host. Also, Mr. Corbo stated the actual domain name was by eNom. He stated Mr. Sohl expenditure report captured the website cost at $8.00 by taking the average of two websites. Mr. Corbo contends this is inaccurate reporting by Mr. Sohl. Mr. Corbo
stated a website needed a domain name and a hosting service for a website. Mr. Corbo confirmed the website existed by sharing the PowerPoint submitted with his original complaint. Mr. Corbo showed Figure 1: Proof of the website which contained a screen shot of Mr. Sohl alluding to his campaign website VoteMarkAnthonySohl.com. Also, Mr. Corbo stated the candidate mentioned the existence of his website in his candidate forum.

In addition Mr. Corbo alleged the amount of business cards claimed was actually 500 instead of 250. Mr. Corbo stated the cost associated with ordering 500 business cards would be $50 more than the reported amount.

**Summary of the testimonial and documentary evidence received at the hearing in opposition or rebuttal to complaint**

Mr. Sohl provided the Committee with Exhibit D-1 for his evidence. Mr. Sohl stated the evidence presented from StatsBee is not a credible tool and the complaint is without merit.

Mr. Sohl stated he created his website using squarespace.com and it was listed within his expenditure report. He stated all material within the site was done only by him. Also, Mr. Sohl suggested that if he had spent the amount listed on the complaint, the expenditure still would have been under $500. Mr. Sohl stated he reported his website cost from two well-known sources. Mr. Sohl stated he followed the election code that pertained to not having an original receipt. He stated that within the ASI Election Code, the candidate was to take the average of two costs and report on the expenditure report when the original receipt is missing.

Also, Mr. Sohl responded to the amount of business cards purchased and reported. He stated he only purchased 250 business cards and that is what was reported. Mr. Sohl stated the business cards referenced in the PowerPoint by Mr. Corbo was not a photo of all his cards. He stated Mr. Corbo is alluding to “like minded” people running together conspired to produce business cards. Mr. Sohl stated the argument falls through because the photo presented does not accurately show 500 cards. Also, he stated the photo does not show his business cards in question.

**Summary of witness testimony**

No witnesses were presented.

**Statement of the remedy requested**

Disqualification under Article 5 Section A (actually Section B: typo in the Election Code).

**Statement of the burden of proof the complaining party or parties was required to meet**

Clear and convincing proof is required for the Committee to award the remedy of disqualifying a candidate.

**Conclusion as to whether this the complaining party met the applicable burden of proof**
Clear and convincing evidence is defined as that which “leaves no substantial doubt as to the veracity of the claim.” The Committee found the evidence presented by Mr. Corbo is clear and convincing because he was able to provide a preponderance of evidence to show that Mr. Sohl’s expenditure report did not list the real costs associated with the website VoteMarkAnthonySohl.com. The Committee found Mr. Corbo proved that Mr. Sohl violated Article V, Section A (actually Section B: typo in the Election Code) Campaign Expenditures, Section 1, Subsection b; Sections 2 and 5 of the ASI Election Code.

The Committee found the allegations for failure to submit actual business card cost to be unfounded and thus will be dismissed.

**Summary and reasoning supporting the Committee’s conclusion**

The Committee found the evidence presented by Mr. Corbo proved the website VoteMarkAnthonySohl.com domain name was registered by eNom and hosted by Media Temple. The real cost and the actual website used to create the campaign site was not reported on the expenditure form. The testimony by Mr. Sohl stated he purchased the website through squarespace.com with his debit card. He stated the website was created in 2015. The Committee asked to view the website; however, Mr. Sohl stated the subscription was canceled. The Committee found Mr. Sohl’s receipt comparison listed in his expenditure form was not accurate and was not a fair comparison. Furthermore, the Committee believed the actual services used to build the website were purposely omitted from the expenditure report.

The Committee found the evidence concerning 500 business cards being purchased was inconclusive. The evidence present was not clear and convincing.

**Statement of the relief granted**

The Committee recommend disqualification as specified in Article V, Section A (actually Section B: typo in the Election Code) Campaign Expenditures, Section 1. Also, the Committee recommends disciplinary action is taken for falsifying documents and testimony during the ASI Election/Complaint process. This is specified according to Article X Remedies for Complaints, Section C.

According to Article X. Remedies for Complaints, Section A, the Committee recommends revision to ASI Election Code. Specifically, the following items to consider:

- Update the codes to address and allow broader campaigning within social media
- Allow candidates to establish slates and run as a team and be depicted in the same photos
- Add to the expenditure form a section to clearly outline all items needed for website development and cost associated to each area. This should include domain name, hosting, site, and SSL certificate, labor used, etc.
- ASI Elections should be earlier in the semester such as March or early April. This allows for more time to handle complaints before the end of the semester.