

### Respondent's Response to Mr. Varney's Petition

I, Ricky Staley, would like to enter into record the following in response to Mr. Varney's claims. I will organize this response the same way the Petitioner organized his complaints, as appearing in Section 4 of Andrei M Varney's Writ of Certiorari.

- A) This fact is not disputed.
  
- B) This fact is not disputed.
  
- C) On December 8, 2008, I announced Mr. Varney's termination to the SGA Executive Board and Speaker Cibula. The decision to terminate Mr. Varney was reached at a meeting between Vice President Blanke, Dean Keihn, Assistant Dean Amenson-Hill, and I. It was during this meeting that all parties agreed that as Executives, we (myself and Vice President Blanke) had the authority to execute the termination of employment based on our standing as financial officers and the powers derived from Article 2, § 1 (1) and Article 2, § 1 (7) of the SGA Constitution. This decision was reached collaboratively by all parties involved, not simply by me (as made clear by Exhibit H).
  
- D) The facts here are not disputed, but rather incomplete. Speaker Cibula did send Mr. Varney an e-mail alerting him to his immediate dismissal (Exhibit B). Mr. Varney responded to Speaker Cibula's e-mail stating, "Since Ricky has the ultimate authority to discharge me of my duties, I need to hear it from him" (Exhibit C). This is in direct contradiction to an e-mail Mr. Varney sent to Chairman Fischer four (4) days earlier, in which Mr. Varney states, "Ricky cannot fire me" (Exhibit D). It is also in direct contradiction to an e-mail Mr. Varney sent me in response to an e-mail notifying him of his termination (second section of Exhibit A), in accordance to what he requested in Exhibit C, in which he states, "I don't think you have the authority to fire me" (Exhibit E). During this time where Mr. Varney refused to believe anyone could dismiss him, he made an attempt to defraud the SGA budget. According to Exhibit F, after receiving both notifications of termination, from both myself and Speaker Cibula, Mr. Varney clocked in for five (5) hours and forty (40) minutes of Administrative Assistant work. As the Dean of Students' Office had filed his termination paperwork already, Mr. Varney was not paid.
  
- E) This fact is not disputed.
  
- F) These facts here are not disputed, but rather incomplete. I would like to add that Article 2, § 1 (1) of the SGA Constitution clearly states, "The executive power shall be vested in a President of the Student Government Association." The assumptions made by the

Petitioner were initially made by the Respondent as well. However, as seen in Exhibit G, Speaker Cibula “refused to take any action towards termination.” Given Speaker Cibula’s refusal to take action, I acted in my executive role to execute the decision made collaboratively during the meeting discussed in point C. I would also like to add that Article 2, § 1 (1) could be reasonably interpreted to include, “act in the best interest of the student body.” This is precisely what was done.

- G) I would like to state that Mr. Varney’s allusion to *SGA Executive v. SGA Senate* (2007) is irrelevant to this case. Not only does the case not outline a separation of powers (rather simply outlining the procedural role of Chairs in Senate meetings and legislation formation), this case involves no committee chairs or legislation and is therefore completely irrelevant. Mr. Varney’s evocation of *SGA Executive v. SUFAC* (2008) is equally as baseless. While a “separation of powers” is mentioned, the Vice President serves as the Chairman of the Senate. The simple fact that Mr. Varney’s termination was decided collaboratively between the President and Vice President during the meeting described in point C negates the Petitioner’s argument that such a separation is applicable in this case. The Vice President is, in fact, explicitly an officer of the Senate.
- H) This fact is not disputed. I would like to add, however, that *nowhere* in the SGA Constitution or Senate by-laws is *anyone* afforded such authority.
- I) This fact is not disputed. However, as no vote was taken in the Senate and no legislation presented, I struggle to see the relevance of this point.

Given that Section 4 points J through O were excluded in the Court’s granting of certiorari, I will no response to the four (4) counts which the Petitioner seeks relief upon.

- A) As evident by the motion for dismissal previously filed, as well as Exhibit A included in the motion, I see no standing held by Mr. Varney in this matter.
- B) As evident by point H above, nowhere is anyone afforded the authority to terminate the Executive Assistant.
- C) As the argument raised in this point was stricken by this Court, it is irrelevant.
- D) I would like to request that this Court provide a recommendation to the Senate to explicitly assign the duty of terminating employment. Such a change could be made by the Senate in either its by-laws or the SGA Constitution.