

IN THE SUPREME COURT

Action No.	10 SSC 001	)	
		)	
		)	
<u>Rick Ingram,</u>		)	
PLAINTIFF		)	
		)	
Versus		)	COMPLAINT
		)	
<u>Andrew Phillips (BOE Chair),</u>		)	
<u>Shruthi Sundaram (BOE Vice-Chair),</u>		)	
<u>Connor Brady (BOE Secretary),</u>		)	
<u>Keyoor Patel (BOE Treasurer),</u>		)	
<u>Cydney Swofford (BOE Member),</u>		)	
<u>Patricia Flood (BOE Member),</u>		)	
<u>Margaret Wood (BOE Member),</u>		)	
DEFENDANT(S)		)	

I. JURISDICTION

Whereas the members of the Board of Elections are the defendants in this complaint, the plaintiff establishes grounds for jurisdiction under the following two sections of the Student Code:

Under III S.G.C. Section 103 (B), “the jurisdiction of the Student Supreme Court shall extend to controversies concerning actions of the...elections board or other organizations and committees organized under the authority of this Code of Permanent Laws. This jurisdiction is extended to questions of law arising under this Constitution, the laws enacted under its authority and the governing documents of the other organizations and committees recognized under its authority.”

Under III S.G.C. Section 401 (A), “The Supreme Court shall have legal power, as to both questions of law and fact, over controversies where the matter in controversy is the validity, under the Student Constitution or laws enacted under its authority of actions of the...elections board or other organizations and committees organized under the authority of this Code of Permanent Laws. This jurisdiction is extended to questions of law arising under this Constitution, the laws enacted under its authority and the governing documents of the other organizations and committees recognized under its authority.”

II. STANDING

As a candidate for Student Body President who has been directly harmed by the actions of the Board of Elections, the plaintiff has standing to bring this case to the court under III S.G.C. Section 409(A).

### III. NECESSARY DEFENDANTS

Whereas:

- (1) Andrew Phillips,
- (2) Shruthi Sundaram,
- (3) Connor Brady,
- (4) Cydney Swofford,
- (5) Keyoor Patel,
- (6) Patricia Flood,
- (7) Margaret Wood, are all executive board members of the Board of Elections and most, if not all, decisions regarding investigations have been made unanimously, all of the above are necessary defendants.

### IV. RELIEF

The plaintiff, Mr. Ingram, received a complaint against him from the Vice-Chair of the Board of Elections, Shruthi Sundaram, at 5:21pm on Friday, February 4<sup>th</sup>, 2011. The plaintiff is now appealing the Board's decision to hold a disqualification hearing on the following bases. The following are the grounds on which the plaintiff believes he deserves relief for the malfeasance of the Board of Elections:

#### (1.) Irrelevance of the current investigation under the Code

- a. The Board's current investigation into the Plaintiff's campaign is not well grounded in the code. VI S.G.C. Section 310 (B) states: "The Board of Elections may find that a campaign has violated the Election Laws in such a manner as to be considered malicious and harmful. These reasons shall include, but not limited to, repeated or multiple violations of Title VI by a candidate or his/her campaign workers, an intentional and/or organized act of a candidate or his/her campaign against another candidate, or a specific plan to obstruct the election process. If the Chair of the Board of Elections believes that such a level of evidence exists, the Board of Elections must conduct a hearing of disqualification." Even a reading of the charges as they stand against the Plaintiff do not constitute an intentional or organized act against another candidate(s) nor do they convey the existence of a specific plan to obstruct the election process. Confrontation is not malice nor is it necessarily harmful. I have also attached the complaints and my responses so the Court can see how these complaints do not fit the definition laid out by the Student Code.

#### (2.) Illegal Signature Gathering

- a. The Board of Elections decided after the first night of signature gathering, Tuesday January 18<sup>th</sup>, they would not hold any campaign responsible for illegal signature gathering in the Dean Dome. However, complaints were filed against all candidates in various capacities for illegal dorm-storming on the same night, which was not given the same exemption. The plaintiff's campaign was the only one investigated and subsequently fined. The selective enforcement of such rules is unacceptable and anathema to the spirit of student code, which charges the

board of elections under III S.G.C. Section 301 “to conduct fair and impartial student elections in accordance to the Student Government Election Laws” as well as Section 314 (B), which vests these powers in the Board.

(3.) Refusal to investigate Ian Lee

- a. Members of the plaintiff’s campaign have filed multiple complaints with Board of Elections against the Lee Campaign. Charges range from illegal dorm-storming and intentionally misinforming students about signature gathering rules, to Lee not resigning from his position as Student Body Secretary in the midst of the campaign. None of these complaints have been taken seriously by the Board of Elections and there has been no official follow-up from anyone on the Executive Board with those who filed the complaints. Furthermore, when Mr. Lee began pursuing petition signatures by electronic means the board refused to even consider investigating this unprecedented action that multiple campaigns believed to be a violation of election law. By not taking such allegations against Lee seriously with any tangible form of investigation, the Board violates III S.G.C. Section 306 (H).

(4.) Passing of Information

- a. Early on the morning of February 5, 2011, Jeff DeLuca, a member of the Ingram campaign filed a complaint against Ian Lee. By the same afternoon, Ian indicated to Mr. DeLuca that he was aware of his complaint against him. Whereas the Board of Elections had not sent Mr. DeLuca an acknowledgment of his complaint, as it did when he filed an earlier complaint against a member of Mr. Lee’s staff, there must be unethical sharing of information going on between the Board of Elections and the Lee Campaign. The actions of the Board of Elections constitute a violation of III S.G.C. Section 306 (H) and undermine confidence in the Board’s ability to be a neutral arbiter of the election process.

(5.) General Malfeasance

- a. The Daily Tar Heel published an editorial on February 4, 2011, entitled “Lee’s breach of the Code: Board of Elections failing to address violation”. In it, the Editorial Board states that, “This far into the race, addressing the violation might do more harm than good. But that does not change the principle of the matter: The BOE needs to do its job...The BOE should not be content for its inaction to serve as tacit approval... As the primary check on candidates’ power, it should have addressed these issues long before they came to our attention.” The sentiments expressed in this article reflect a public sentiment that the Board of Elections has been generally derelict of its duties throughout the election process. For them to bring a disqualification hearing against the Plaintiff in the face of such negative press, serves as a convenient distraction from the bad press caused by their refusal to investigate blatant violations by Mr. Lee.

## V. DEMAND FOR JUDGMENT

- (1) The plaintiff requests the immediate vacation the Board of Elections' decision to investigate the plaintiff's potential disqualification as a Student Body President candidate.
- (2) Alternatively, the Court could file a temporary injunction under III S.G.C. Section 410 (A) requiring that the election be postponed until this matter is settled so as not to disrupt the integrity of the election process.

I do affirm that I have read in full the foregoing brief and that the allegations contained therein are true to the best of my knowledge and belief.

[Rick Ingram]

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RICK INGRAM  
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828-206-3990

Filed this the 7<sup>th</sup> day of February, 2011, at 11:20AM.



## ADMINISTRATIVE DECISION 11-BE-04

FEBRUARY 4, 2011

### 1. Authority

The Board of Elections, hereafter referred to as the BOE, is authorized under Title VI, Section 310 (B) of the Student Code to interpret actions of a campaign as violating the election law in a malicious and harmful manner. These reasons shall include, but are not limited to, repeated or multiple violations of Title VI by a candidate or his/her campaign workers, an intentional and/or organized act of a candidate or his/her campaign against another candidate, or a specific plan to obstruct the election process.

### 2. Accusations

On the evening of Thursday February 3, 2011, Chairman Andrew Phillips called an emergency meeting to address concerns raised by candidates Ian Lee and Mary Cooper against fellow candidate Rick Ingram. Mr. Lee and Ms. Cooper orally expressed their concerns and recounted the following incidents:

2.1 Mr. Lee expressed a general feeling of habitual antagonistic behavior by Rick Ingram and his campaign staff. He cites a text message conversation between himself and Mr. Ingram on January 23, 2011 in which Mr. Ingram accuses Mr. Lee of cheating, using student government resources to his advantage, and insults Mr. Lee's character with derogatory and crude language. A transcript of these text messages is attached. Mr. Lee voiced his concerns about his character being defamed, as well as a concern for his personal safety in reference to the threatening nature of Mr. Ingram's communication.

2.2 Geordan Stroud, a member of Mr. Lee's campaign, reported receiving an obscene hand gesture from Mr. Ingram when he declined to sign Mr. Ingram's petition.

Mary Cooper also voiced an overall feeling of being targeted by the Ingram campaign.

2.3 On February 4, Ms. Cooper was in the pit with her campaign staff during her designated pit time. Due to the rain some of her staff members went and held a sign under the overhang of Student Stores. Mr. Klutz, one of Mr. Ingram's campaign managers, was also standing there. While smiling and talking to others, Mr. Klutz told Ms. Rachel Kokenas (of Ms. Cooper's campaign staff) to "Get the f\*ck away, little f\*ckers."

2.4 Ms. Cooper described another incident with Billy Klutz on February 3, 2011 at approximately 1:00 pm. Ms. Cooper, Ken Jameson (one of Ms. Cooper's campaign

managers) and Abigail Nix (a member of the Cooper campaign), and Mr. Klutz were outdoors near both Ms. Cooper's and Mr. Ingram's A-frames outside Lenoir Dining Hall. Mr. Klutz accused Ms. Cooper, Mr. Jameson, and Ms. Cooper's roommate of standing in front of Mr. Ingram's A-frame. Mr. Klutz then proceeded to insult them using a sexually offensive and derogatory term.

2.5 Additionally, Ms. Cooper described an incident in which she was in the pit on January 30 holding a sign for her campaign. Mr. Klutz walked by holding Mr. Ingram's campaign material. Mr. Klutz called out across the pit to Ms. Cooper and said "Thank you for taking that sexist language off your website/ facebook page" with a big smile on his face at a level audible to anyone standing nearby. Adam Jutha, a close friend of Mary, was also standing in the pit; Mr. Jutha was not holding a campaign sign). Mr. Jutha later went up to Mr. Ingram and, in a polite fashion, spoke to him about what one of his campaign managers had said. Mr. Ingram responded that the comments were made in just. To be clear, Mr. Klutz was referring to two instances of the word "freshmen" on Ms. Cooper's website where one statement was "When I was a Freshman" and then in a URL link to a current website. The sentence was changed the night of the 27<sup>th</sup> when this information was first brought to light (however, the URL is unable to be changed since it is still a live link).

2.6 Ms. Cooper also described another incident involving Austin Shaw. According to Ms. Cooper, Mr. Shaw was contacted by Mr. Ingram at the beginning of summer and asked if he would help the Ingram campaign. Mr. Shaw agreed to help Mr. Ingram, but later found out that Ms. Cooper was running, and instead decided to remain neutral. Mr. Ingram continued to contact Mr. Shaw about helping with his campaign, sending numerous emails asking why Mr. Shaw was not attending meetings or working for the campaign. Mr. Shaw reported to Ms. Cooper that he felt pressured to be a part of Mr. Ingram's campaign. Earlier this week, Mr. Shaw was leading a group of prospective students on a campus tour, and while in the Pit, Mr. Ingram called out to the tour group that Mr. Shaw had previously worked on his campaign, but had gotten too busy to help out, but might actually be working for another campaign. This made Mr. Shaw feel uncomfortable and had to explain to his tour that "oh, these are just campus elections." Given all these interactions, Mr. Shaw felt that he had been harassed by the Ingram campaign.

2.7 Mr. Jameson (of Ms. Cooper's campaign) and Mr. Klutz (of Mr. Ingram's campaign) had another incident. Both Mr. Klutz and Mr. Jameson were talking to a student about signing their petitions, and when the student reached to sign Mr. Jameson's petition, Mr. Klutz pushed Mr. Jameson's clipboard away and moved his own so that it was under the signer's pen. And then Mr. Klutz said "Get out of my territory".

The final account was presented to Chair Phillips as a possible attempt of the Ingram campaign to obstruct the election process.

2.8 On January 20, 2011 around 4:45 PM, I, Kristian Doty, came out of Gardner 209 and witnessed Billy Klutz gathering ballot signatures in the hallway. I confronted him about it and in this I mentioned that I used to live with Andrew Phillips and had discussed with him the legality of gathering signatures in classroom buildings the previous night. After this I

went and sat down in Gardner 210 where I have a class with both Klutz and Rick Ingram. A few minutes later Ingram enters the classroom and asks me if I was Andrew Phillips' roommate to which I responded yes. Ingram asked to speak with me in the hallway for a moment. I went out in the hallway with him and Klutz was pacing back and forth. Ingram and I stood next to a wall and he asked me what occurred between Klutz and me. I told him what happened to which he responded by asking me if I had reported it yet. I told him that I had not and he launched into a soliloquy about why I should not report him. He ended it by asking me if I intended to report the incident by which point Klutz had ceased his pacing and was standing to my right, boxing me between Ingram, Klutz and the wall. I told Ingram that I did not like how I was feeling "hustled." He denied that he was hustling me rather vehemently and asked again if I was intending to report the incident. I responded that I was unsure and went back into the classroom.

### 3. Decision

After reviewing the statements from Mr. Lee, Ms. Cooper, and other students, the Board of Elections has determined that there is a sufficient level of evidence of malicious and harmful action by the Ingram campaign to warrant a hearing of disqualification. Pursuant to Title VI, Section 310 (B) (1), the BOE issues this administrative decision to candidate Rick Ingram outlining the complaints filed against him, and directs his campaign to respond to these allegations in writing within 48 hours of the release of this decision. Once the Board has received Mr. Ingram's response, the disqualification hearing process will be carried out according to the Title VI Section 310 (B) 1-3.

Finally, the Board would like to reiterate that the contents of this administrative decision are allegations, not official findings of fact or binding decisions of the BOE. Candidates remain innocent until proven guilty, and the Board will make a decision about the validity of these complaints only after the hearing of disqualification has been held and the defendant has had the opportunity to respond to the allegations.

### 4. Permanence/Severance

This administrative decision can only be superseded by another administrative decision of the BOE, prompted by either change in the BOE's interpretation of the Student Code or the change of the Student Code itself.

Decision issued this day, February 4, 2011 at 10 pm by unanimous vote of the BOE.

Andrew R Phillips  
Chair, Board of Elections  
For the Board

## Attachment 2.1

Mr. Lee provided the following text message conversation with Mr. Ingram directly from his cell phone on January 3, 2011. The messages are dated 1/23/2011, starting at 4:24 pm.

Ingram: You should stop the unsolicited emailing.

Lee: They [are] personal emails, not unsolicited mailing lists. Please don't give me campaign advise.

Ingram: Bull shit, Ian. You've emailed so many people on my campaign team. This is getting sort of pathetic.

Lee: Students like them and I'm able to talk issues rather than politics like at that boe meeting. I have no idea who's on your campaign and I emailed a lot of students asking them to become engaged in the process. Check out my website, and learn about ideas.

Ingram: I'm going to really enjoy watching this all backfire on you. The only issue you're worthy of talking about is how to cheat your way onto a ballot.

Lee: Ok Rick

Ingram: I can't understand why you insist on being like this. You've never been such an ass before, and I didn't think you would be during this process. You know that.

Lee: I'm not trying to be an ass.

Ingram: You are absolutely cheating.

Lee: Under what law? I'm [not] filing complaints, I'm not bugging students at their homes, and I'm focusing on issues.

Ingram: Unsolicited emailing. Not turning in physical sheets with signatures. And I'm about 100% certain you're using stud gov resources to get those emails and set up everything. And that will not bode well for you when you get caught doing it.

Ian: Not a single resource. Its all public info.

Ingram: Yeah, that's really credible coming from you. I wonder if the DTH would question how you're getting the info?

Lee: I'm sorry but I'm out talking to students, I have to go. We told everyone at the BOE meeting, listen!

Ingram: You're full of shit. Beating you in this election is going to be a wonderful feeling.

## 2. Accusations

On the evening of Thursday February 3, 2011, Chairman Andrew Phillips called an emergency meeting to address concerns raised by candidates Ian Lee and Mary Cooper against fellow candidate Rick Ingram. Mr. Lee and Ms. Cooper orally expressed their concerns and recounted the following incidents:

2.1 Mr. Lee expressed a general feeling of habitual antagonistic behavior by Rick Ingram and his campaign staff. He cites a text message conversation between himself and Mr. Ingram on January 23, 2011 in which Mr. Ingram accuses Mr. Lee of cheating, using student government resources to his advantage, and insults Mr. Lee's character with derogatory and crude language. A transcript of these text messages is attached. Mr. Lee voiced his concerns about his character being defamed, as well as a concern for his personal safety in reference to the threatening nature of Mr. Ingram's communication.

**In my last private personal interaction with Mr. Lee, I expressed my frustrations of the current election cycle. My activities certainly were not malicious in nature, rather I told Ian that I would be appreciative if he would stop sending unsolicited emails. I spoke candidly with him privately, as he has with me in the past, because I was frustrated. While I regret the use of some language, my comments can best be described as heated – certainly not harmful or threatening. It is certain that anyone leaving this conversation would feel frustrated, but to describe my comments as “threatening” or harmful is a deliberate attempt to bring an unrelated part of the Code out of context.**

2.2 Geordan Stroud, a member of Mr. Lee's campaign, reported receiving an obscene hand gesture from Mr. Ingram when he declined to sign Mr. Ingram's petition. Mary Cooper also voiced an overall feeling of being targeted by the Ingram campaign.

**This absolutely did not happen. I received over 3600 signatures, and I approached each person with the same tone. If someone did not want to sign my petition, I simply thanked them and asked other people as they came through the pit or whatever area I was in. I have never, and would never, give an obscene hand gesture to someone simply because they did not want to sign a petition of mine. Mr. Stroud has made a habit of coming up to my campaign staff in the pit and trying to antagonize us by pushing signs in our face and trying to physically intimidate my campaign members, but we have stayed focused on our job of trying to reach out to the students and not engage in these petty altercations.**

2.3 On February 4, Ms. Cooper was in the pit with her campaign staff during her designated pit time. Due to the rain some of her staff members went and held a sign under the overhang of Student Stores. Mr. Klutz, one of Mr. Ingram's campaign managers, was also standing there. While smiling and talking to others, Mr. Klutz told Ms. Rachel Kokenas (of Ms. Cooper's campaign staff) to “Get the f\*ck away, little f\*ckers.”

**I have four people who can attest that Billy absolutely did nothing of the sort to members of Mary's campaign staff today while he was standing outside of student stores. I would**

like to also state that Billy works at a church in Durham and is a deeply religious person who simply does not speak to people in this manner, ever. I was personally standing with Mr. Kluttz throughout part of the time in which these women were next to him. The only thing that Billy was saying to those surrounding him was “have a nice day,” and “would you like a walk to class?”. A friend my first year, Maria Vera, with whom I have no spoken with since took the time to call me and inform me that my manager, Mr. Kluttz, had just walked her to class and how much she appreciated the kind act that he had exhibited. Members of Ms. Cooper’s campaign staff came to stand beside us and tried to antagonize Mr. Kluttz and myself by interjecting themselves into where Billy and I were standing; they began yelling, taking pictures, and holding their signs in front of our faces. Billy and I determined that this was an obvious attempt to evoke a negative reaction from one of us, and in an attempt to diffuse any awkwardness, I simply joked with the women from Ms. Cooper’s campaign, even jumping in one of their pictures with them. I joked around with one of the members of Mary’s campaign staff, and we both laughed at the situation, but in no case was any malicious language or behavior exchanged between the two campaigns. The encounter that took place between the two campaigns is completely different than that which has been described in this complaint. It is simply factually incorrect.

2.4 Ms. Cooper described another incident with Billy Klutz on February 3, 2011 at approximately 1:00 pm. Ms. Cooper, Ken Jameson (one of Ms. Cooper’s campaign managers) and Abigail Nix (a member of the Cooper campaign), and Mr. Klutz were outdoors near both Ms. Cooper’s and Mr. Ingram’s A-frames outside Lenoir Dining Hall. Mr. Klutz accused Ms. Cooper, Mr. Jameson, and Ms. Cooper’s roommate of standing in front of Mr. Ingram’s A-frame. Mr. Klutz then proceeded to insult them using a sexually offensive and derogatory term.

**As President of GLBTSA, Billy Kluttz has a record of being one of the strongest advocates against any sexist language and against any language that could be interpreted as harmful to another person. This event is yet another complete fabrication of a “malicious” intent. I firmly believe that Billy Kluttz is the last person who would ever engage in something like that. Ken and Mary’s staff have stood around my A-Frame, and there have been times in which we have walked over and asked them to move away so our A-Frame would be visible to people as they pass by. Suggesting that Billy “insulted them in a malicious manner” after asking them to move grossly overstates and over-exaggerates the actuality of the situation. Brooklyn Stephens’ campaign has routinely been out in the Pit at the same time as us, and I’m positive that they would tell you that no interaction like this has ever occurred if prompted.**

**There have been times when we were around Mary’s A-Frame as well, and people from her staff have asked us to move; yes, they were rude, but not malicious, just as I’m sure Billy’s tone was not the nicest, but certainly not was malicious. This event is just another example of hearsay. Due to the nature of the source in question, I seriously question the integrity and legitimacy of the claims made.**

**The Board must understand that this is a political campaign. When campaigns are competing against each other, things are tense by nature because the stakes of the outcome**

for all parties involved are high. To say that an incident like this threatens the integrity of the process would be to delegitimize the past 50 elections for student body president. I have stood in the Pit and made jests back and forth since I was a first-year and it has never been brought up by the Board of Elections as anything more than simple campaign rivalry. This is what has occurred between my campaign staff and Mary's. If you believe that Billy's approaching Mary's staff and asking them to move away from the proximity of my sign qualifies as malicious, then surely Mary's staff walking in front of my team, parading their letters and making snide comments about my coverage in the DTH falls into the same category.

Throughout this election cycle, I have been the target of many attacks, and I have yet to stoop to the level that the Cooper campaign now does in complaining to the BOE about it. This is a campaign where we have competing interests—it is not the job of the BOE to regulate each conversation that takes place between two people or two campaigns. I feel as though the very fact that the BOE is choosing to investigate these claims based entirely off of hearsay is incredibly disconcerting, and entirely unfair to myself. If you as a Board are to hold a disqualification hearing for a campaign when something negative is said to another candidate, then you should be prepared to disqualify each and every candidate who is running this year, as well as each and every candidate who will run in years to come, because it is unrealistic to expect that there will be no ill-will between two competing persons. You have to understand that no harm was intended in this comment or in any other made to the Cooper campaign.

2.5 Additionally, Ms. Cooper described an incident in which she was in the pit on January 30 holding a sign for her campaign. Mr. Klutz walked by holding Mr. Ingram's campaign material. Mr. Klutz called out across the pit to Ms. Cooper and said "Thank you for taking that sexist language off your website/ facebook page" with a big smile on his face at a level audible to anyone standing nearby. Adam Jutha, a close friend of Mary, was also standing in the pit; Mr. Jutha was not holding a campaign sign). Mr. Jutha later went up to Mr. Ingram and, in a polite fashion, spoke to him about what one of his campaign managers had said. Mr. Ingram responded that the comments were made in just. To be clear, Mr. Klutz was referring to two instances of the word "freshmen" on Ms. Cooper's website where one statement was "When I was a Freshman" and then in a URL link to a current website. The sentence was changed the night of the 27<sup>th</sup> when this information was first brought to light (however, the URL is unable to be changed since it is still a live link).

**Mr. Klutz did make this comment, although I cannot testify to whether the look on his face was "a big smile." One wonders sincerely why this matters at all. As I stated before, Billy Klutz has been one of the strongest advocates for gender-neutral language on this campus, and he is well within his rights to thank Ms. Cooper for taking such language down. Both I and Billy Klutz believe that this language is harmful, and Mary was nice enough to take down such language on her website after it was brought to her attention; Billy was simply thanking her for doing so. I remember Mr. Jutha coming to speak with me and I remember our conversation well. I told him that Billy was happy that Mary had taken down the language. I fail to understand how Billy communicating with Mary was harmful in any way, as he was simply complementing her on her decision and her level of awareness of**

**language that we both believe to be harmful. This seems to be a case in which Mary is overly-sensitive and is looking for anything and everything to accuse my campaign of being unfair to her. In forums, Mary has spoken of struggling to make the switch to gender-neutral language, and as an issue that my campaign is a strong advocate for, we simply appreciate Ms. Coopers cognizance of the importance of the issue. I, along with other members of my campaign, were walking with Billy when he made this comment to Ms. Cooper and I can once again testify that such a miniscule comment hardly could be perceived as malicious or even mean for that matter. Billy simply expressed his satisfaction with her actions, and nothing more.**

2.6 Ms. Cooper also described another incident involving Austin Shaw. According to Ms. Cooper, Mr. Shaw was contacted by Mr. Ingram at the beginning of summer and asked if he would help the Ingram campaign. Mr. Shaw agreed to help Mr. Ingram, but later found out that Ms. Cooper was running, and instead decided to remain neutral. Mr. Ingram continued to contact Mr. Shaw about helping with his campaign, sending numerous emails asking why Mr. Shaw was not attending meetings or working for the campaign. Mr. Shaw reported to Ms. Cooper that he felt pressured to be a part of Mr. Ingram's campaign. Earlier this week, Mr. Shaw was leading a group of prospective students on a campus tour, and while in the Pit, Mr. Ingram called out to the tour group that Mr. Shaw had previously worked on his campaign, but had gotten too busy to help out, but might actually be working for another campaign. This made Mr. Shaw feel uncomfortable and had to explain to his tour that "oh, these are just campus elections." Given all these interactions, Mr. Shaw felt that he had been harassed by the Ingram campaign.

**Austin Shaw is someone with whom I have met with many times over the course of the past year. He had expressed interest in my campaign, helped me work on different platform sections, and has even attended meetings at times. Mr. Shaw never expressed to me that he had any ties to the Cooper campaign what-so-ever, and therefore my interest in him continuing to help with my campaign was simply vested in the fact that I believe Mr. Shaw to be a strong advocate on behalf of the student body. To say that my interest in his work was somehow rooted in an organized effort to take away from Ms. Cooper's campaign is absurd—if Mr. Shaw is neutral in the process, such as he claims to be, then this should be irrelevant. In regards to his tour group, as Austin walked by, I spoke to him and told him that we would still love his help; no mention was made of another campaign, because I have no reason to believe he would be associated with someone else. This is once again appears to be coordinated hearsay among the Cooper campaign to denigrate my candidacy to the student body and to the Board of Elections. I am upset that I would be accused of such an act because I consider Mr. Shaw to be a friend and would never put him in a situation where he felt uncomfortable. I have spoken with many people who told me that they were busy during this process, but I have worked with each one individually to accommodate their schedules as best as possible—this is simply the same offer that I have attempted to extend to Mr. Shaw. The fact that he has perceived my attempts to reach out to him as something more makes me question whether the Cooper campaign has tried to coheres him into saying something untruthful simply to further their claims that my campaign has been**

**malicious towards theirs. Regardless, if Mr. Shaw does not identify with a campaign, then my actions towards him represent no ties with the Cooper campaign, and should therefore not be included in this complaints section.**

2.7 Mr. Jameson (of Ms. Cooper's campaign) and Mr. Klutz (of Mr. Ingram's campaign) had another incident. Both Mr. Klutz and Mr. Jameson were talking to a student about signing their petitions, and when the student reached to sign Mr. Jameson's petition, Mr. Klutz pushed Mr. Jameson's clipboard away and moved his own so that it was under the signer's pen. And then Mr. Klutz said "Get out of my territory".

The final account was presented to Chair Phillips as a possible attempt of the Ingram campaign to obstruct the election process.

**First, I would like to point out again that with over 3600 signature turned in, no one signature mattered that much to our campaign as to engage in the type of behavior that we are being accused of. This complaint strikes me as rather odd, because of the lack of specificity and of any details at all. There were times that Ken stood adjacent from Billy and I in Rams Head Plaza and we often jockeyed with each other for signatures, as is the nature of signature gathering. In all instances that we were in Rams Plaza, which is the only time that I believe Billy and Ken to have ever encountered each other in the signature gathering process, I never, ever, watched anything like this occur. There were times when two people would be speaking to us, and sometimes they signed our petition, other times they didn't. We were not concerned with getting each and every signature, and to think that Mr. Kluttz would try to "intimidate" Mr. Jameson for one signature seems slightly outrageous. This is a situation in which you have Mr. Jameson's word against that of Mr. Kluttz, which equates to nothing more than a simple disagreement that I believe the Board would be hard pressed to base an "obstruction of the election process" off of. However, as I stated, I was with Mr. Kluttz when he was with Ken, so I can say with confidence that I never saw such an interaction take place, and therefore Mr. Jameson must be fabricating and falsifying this story to once again try to marginalize my own campaign. The fact that this "incident" took place during the signature gathering process of the campaign should make this complaint moot, as we have now moved on past that process and it could in no way be interpreted as "obstructing the election process," since all candidates successfully made it onto the ballot. I might add that Ms. Cooper made it onto the ballot by 400 additional signatures, while I made it onto the ballot with an additional 1700 signatures; obviously this one signature that is being called into question did not change the outcome of any election at Carolina this year.**

2.8 On January 20, 2011 around 4:45 PM, I, Kristian Doty, came out of Gardner 209 and witnessed Billy Klutz gathering ballot signatures in the hallway. I confronted him about it and in

this I mentioned that I used to live with Andrew Phillips and had discussed with him the legality of gathering signatures in classroom buildings the previous night. After this I went and sat down in Gardner 210 where I have a class with both Klutz and Rick Ingram. A few minutes later Ingram enters the classroom and asks me if I was Andrew Phillips' roommate to which I responded yes. Ingram asked to speak with me in the hallway for a moment. I went out in the hallway with him and Klutz was pacing back and forth. Ingram and I stood next to a wall and he asked me what occurred between Klutz and me. I told him what happened to which he responded by asking me if I had reported it yet. I told him that I had not and he launched into a soliloquy about why I should not report him. He ended it by asking me if I intended to report the incident by which point Klutz had ceased his pacing and was standing to my right, boxing me between Ingram, Klutz and the wall. I told Ingram that I did not like how I was feeling "hustled." He denied that he was hustling me rather vehemently and asked again if I was intending to report the incident. I responded that I was unsure and went back into the classroom.

**This was very early in the signature gathering process, and I remember that as I walked into Poli 400, Mr. Kluttz was visibly shaken because he was afraid that he has broken a part of the code. He was upset and told me that someone in the room, whom I now know as Mr. Doty, had questioned the legality of the way Mr. Kluttz was obtaining signatures. I told Billy not to worry, that I would speak with Mr. Doty and try to clarify what, if any, problems we had. I asked Mr. Doty into the hall to try to talk about what had happened since I had not been there to see the incident. Billy went to restroom while we spoke, and I queried Mr. Doty if he had already reported something, and if not, if perhaps we could talk through what he believed the violation to be and see if I could better understand the situation. I was extremely civil with Mr. Doty, and told him that Billy had in no way intended to break any of the rules, and I apologized for any actions that might have seemed inappropriate. Mr. Doty did tell me that he believed he was being "hustled" which I did not understand at all, because I was simply trying to gain a grasp on the situation at hand. I did vehemently deny such an accusation, because I had no reason to try to hustle this man; I simply wanted to know what had happened. We spoke for several minutes about what I believed to be allowed under the code and then he told me his interpretation. Mr. Doty and I shook hands and I told him I would appreciate if he didn't report this because it seemed as though it had just been a simple misunderstanding. He told me he was unsure if he would report the violation or not, and I simply parted from the conversation after acknowledging his statement. Somewhere within our conversation, Mr. Kluttz came back from the restroom and listened while Mr. Doty and I spoke. He was not boxing Mr. Doty in at all, but simply listening to the conversation that was taking place. He was the subject of the conversation, so I believe he had a right to stand and hear what we were speaking about. Neither Mr. Kluttz or myself made any threats to Mr. Doty, as the entire point was to diffuse a potentially harmful situation, not make it worse. I was very upset about the potential that our campaign had done something wrong so early in the signature gathering process, and this is why I took the time to speak directly to Mr. Doty about the incident. I wanted to make sure that if anything had happened inappropriately that I had the chance to address it personally and take full responsibility for it. This was my reasoning behind speaking with Mr. Doty and I believe I acted in a manner that is acceptable and advisable.**