

FOUNDATION

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ELLEN SAMUEL
President
DEBORAH JACOBS
Executive Director
EDWARD BAROCAS
Legal Director

March 20, 2009

Clerk of the Court
Superior Court of New Jersey
Law Division; Essex County
50 West Market Street, Room 113
Newark, NJ 07102

Re: Montelican Publishing, Inc. v. Student Government
Association of Montclair State University

Dear Sir or Madam:


Enclosed for filing please find the original and two copies of the following documents:

1. Complaint In Lieu of Prerogative Writ
2. Exhibits A-E
3. Case Information Statement

I have also enclosed a check in the amount of \$200 for the applicable filing fees.

If you have questions or require any further information, please do not hesitate to contact me directly at (973) 642-2086.

Sincerely,


Edward Barocas
Legal Director

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION

Montelican Publishing, Inc.,
a not-for-profit entity formed
under the laws of the State of
New Jersey,

Plaintiff,

v.

Student Government Association of
Montclair State University; a
student-run corporation
incorporated under the laws of the
State of New Jersey,

Defendant.

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: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: ESSEX COUNTY
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Plaintiff, Montelican Publishing, Inc., a not-for-profit entity, with an address at Student Center Annex, Room #113, One Normal Avenue, Montclair, New Jersey, says:

PARTIES

1. Plaintiff, Montelican Publishing, Inc., is a not-for-profit entity with an address at Student Center Annex, Room #113, One Normal Avenue, Montclair, NJ 07043.
2. Plaintiff, Montelican Publishing, Inc., publishes The Montclarion, a student newspaper for the benefit of the Montclair State University community.

3. The Montclarion has been circulated to and within Montclair State University since in or about 1926, first known as the The Pelican and then subsequently renamed The Montclarion.
4. Defendant, Student Government Association, Inc. ("SGA"), is a student-run corporation incorporated under the laws of the State of New Jersey.
5. Formed in 1925 as "The Student Council" and incorporated in 1934 as "The Student Government Association," the SGA office is located in the Student Center Annex, Room 103, Montclair, New Jersey 07043.
6. Defendant, SGA is composed of the three separate but equal bodies, the Executive, the Legislative, and the Judicial branches.
7. Montclair State University, a public higher education institution formed under the laws of the State of New Jersey, has authorized the SGA to receive, disburse and appropriate, in SGA's discretion, monies collected by Montclair State University through mandatory student fees. The SGA, in its discretion, disburses and appropriates such public monies to more than 100 student organizations, including groups for public service, culture, arts, hobbies, sports, and greek life. It also, in its discretion, charters student-run organizations.

NATURE OF THE CAUSES OF ACTION

8. On February 4, 2009, the Defendant SGA held a public meeting at the Montclair State University Student Center, Room 411, to discuss matters pertaining to appropriations of public funding. (Exhibit A)
9. During said meeting, the Defendant SGA moved to go into closed session, and remained in closed session for approximately one hour.
10. The resolution authorizing the closed session provided no details about what was to be discussed, nor was there notice, prior to the resolution, that the SGA would be going into closed session.
11. On February 5, 2009, The Montclarion requested the meeting minutes for the closed session of the SGA meeting held on February 4, 2009. (Exhibit B)
12. On February 11, 2009, The Montclarion received the meeting minutes regarding only the public session of the SGA meeting. (Exhibit C) The provided meeting minutes note that the SGA went into closed session. No details about the closed session are provided. (Exhibit C, p.10)
13. On March 4, 2009, The Montclarion submitted another request for the meeting minutes from SGA's closed session. This request was made pursuant to the Open Public Records Act,

N.J.S.A. 47:1A-1, et. seq. ("OPRA"); Open Public Meetings Act, N.J.S.A. 10:4-6, et. seq. ("OPMA"); and the common law right of citizens to access public documents. The same request was submitted to the SGA offices and the University Counsel of Montclair State University.

14. On March 5, 2009, SGA President, Ron Chicken, denied The Montclarion's request for the minutes of the closed session, stating that "[OPMA] does not apply to the [SGA]." (Exhibit D)
15. On March 6, 2009, Montclair State University also denied The Montclarion's request, stating: 1) the SGA is not a public body as defined by OPMA; 2) SGA meetings minutes do not constitute a "government record" as defined by OPRA; and, 3) minutes of the SGA are not public documents subject to the common law right of citizens to obtain access to public documents. (Exhibit E)
16. To date, Defendant SGA has failed to provide any explanation about why the board went into closed session on February 4, 2009, what was discussed, or when such information will be made public.
17. To date, Defendant SGA has failed to release the minutes from the SGA's closed session on February 4, 2009.

FIRST COUNT

The SGA's closed session
on February 4, 2009 violated OPMA

18. Defendant SGA constitutes a "public body" as defined under OPMA because it "perform[s] a public governmental function affecting the rights, obligations, privileges, benefits or legal relations of any other person" or alternatively, because it is "collectively authorized to spend public funds."
19. Because the SGA is a "public body," the SGA must comply with the provisions of OPMA.
20. On February 4, 2009, the SGA violated OPMA by going into a closed session without adopting a resolution that satisfies the requirements of OPMA.
21. Defendant SGA's resolution failed to comply with OPMA because it provided absolutely no details about what was to be discussed in closed session.
22. The SGA's motion specifically failed to state a) the general nature of the subject to be discussed; and b) time when and the circumstances the discussion could be disclosed to the public, in violation of N.J.S.A. 10:4-13.

23. The SGA further violated OPMA because it failed provide adequate notice of the closed session in violation of N.J.S.A. 10:4-8(d).

WHEREFORE, Plaintiff demands judgment against the Defendant:

- (a) Declaring the SGA, as an entity "perform[ing] a public governmental function affecting the rights, obligations, privileges, benefits or legal relations of [another] person" and "collectively authorized to spend public funds," subject to the provisions of OPMA.
- (b) Declaring the closed session of the SGA on February 4, 2009, in violation of OPMA.
- (c) For fees and costs of suit.
- (d) For such other relief as this Court may deem equitable and just.

SECOND COUNT

The SGA's failure to provide meeting minutes from the closed session on February 4, 2009 violated OPMA.

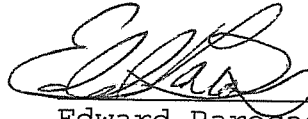
24. Plaintiffs repeat all of the allegations of the First Count and make them a part hereof as if set forth at length.
25. Defendant SGA as a "public body" has failed to keep "reasonably comprehensible minutes" of its closed session on February 4, 2009, in violation of N.J.S.A. 10:4-14.
26. The Defendant SGA further failed make the meetings minutes of the closed session on February 4, 2009, "promptly available" to The Montclarion in violation of N.J.S.A. 10:4-14.

WHEREFORE, Plaintiff demands judgment against the Defendant:

- (a) Declaring the SGA, as an entity "perform[ing] a public governmental function affecting the rights, obligations, privileges, benefits or legal relations of [another] person" and "collectively authorized to spend public funds," subject to the provisions of OPMA.
- (b) Compelling the SGA to immediately provide the minutes from the closed session on February 4, 2009.

- (c) For fees and costs of suit.
- (d) For such other relief as this Court may deem equitable and just.

Respectively submitted,



Edward Barocas, Esq.
Jeanne LoCicero, Esq.
Bobby Conner, Esq.
American Civil Liberties Union of
New Jersey
89 Market Street, 7th Floor
Newark, New Jersey 07102
(973) 642-2086

Attorneys for the Plaintiff.

Dated: March 20, 2009

CERTIFICATION PURSUANT TO R. 4:5-1

Plaintiff by its attorneys, hereby certify that the matter in controversy is not the subject of any other pending or contemplated judicial or arbitration proceeding.



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Attorneys for the Plaintiff.

Dated: March 20, 2009

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION

Montelican Publishing, Inc.,
a not-for-profit entity formed
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Student Government Association of
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EXHIBITS TO COMPLAINT

- Exhibit A: Agenda for SGA Meeting on February 4, 2009
- Exhibit B: The Montclarion's Request for Meeting Minutes
- Exhibit C: Minutes Released for SGA Meeting on February 4, 2009
- Exhibit D: Email Correspondence from SGA, dated March 5, 2009
- Exhibit E: Letter from Montclair State University, dated March 6, 2009

Edward Barocas, Esq.
Jeanne LoCicero, Esq.
Bobby Conner, Esq.
American Civil Liberties Union of
New Jersey
89 Market Street, 7th Floor
Newark, New Jersey 07102
(973) 642-2086

Attorneys for the Plaintiff.

EXHIBIT A

STUDENT GOVERNMENT ASSOCIATION
OF
MONTCLAIR STATE UNIVERSITY, INC.
AGENDA
February 4, 2009

Student Center Room 411

- I. CALL TO ORDER
 - II. ROLL CALL
 - III. ACCEPTANCE OF MINUTES
 - IV. ADMINISTRATIVE REPORTS
 - V. CABINET REPORTS
 - VI. COMMITTEE REPORTS
 - VII. PROGRAM
SWEAR IN NEW LEGISLATORS FOR 2008-09
 - VIII. NEW BUSINESS
BILL # S2009-026 MSA WELCOME BACK ALUMNI DINNER APPROPRIATION
BILL # S2009-027 MSA PIZZA AND PORPHETS EVENT APPROPRIATION
BILL # S2009-028 MSA SISTERS DAY OUT APPROPRIATION
BILL # S2009-029 MSA OPEN MIC NIGHT APPROPRIATION
BILL # S2009-030 JAPAN CLUB RED HAWK NIGHT APPROPRIATION
BILL # S2009-031 JAPAN CLUB ANIME NIGHT APPROPRIATIONS
BILL # S2009-032 REAL RED HAWK NIGHT APPROPRIATION
BILL # S2009-033 UAASO DISCOVER ASIA EVENT APPROPRIATION
BILL # S2009-034 FASHION CLUB STYLIST WORKSHOP EVENT
APPROPRIATION
BILL # S2009-035 PLAYERS PLANO APPROPRIATION
BILL # S2009-036 IBS MEETING REFRESHMENT APPROPRIATION
BILL # S2009-037 FENCING CLUB EQUIPMENT APPROPRIATION
BILL # S2009-038 MSA HIJABI CHALLENGE APPROPRIATION
BILL # S2009-039 MSA GRADUATION DINNER APPROPRIATION
BILL # S2009-040 MSA ISLAM AND SCIENCE DINER APPROPRIATION
BILL # S2009-041 MSA TEMPTED TO TOUCH EVENT APPROPRIATION
BILL # S2009-042 STAND FUNDRAISER APPROPRIATION
BILL # S2009-043 MUG "Super Smash Brothers Brawl Tournament"
APPROPRIATION
BILL # S2009-044 Mu Sigma Upsilon GREEK SEASONS FASHION SHOW
APPROPRIATION
BILL # S2009-045 ITKA CALENDAR FUNDRAISER APPROPRIATION
BILL # S2009-046 L.A.S.O. CHARTER REVOKMENT
- UNFINISHED BUSINESS
- BILL # S2009-006 PSYCHOLOGY CLUB FEB. 11TH, MEETING SNACK
APPROPRIATION
 - BILL # S2009-007 PSYCHOLOGY CLUB FEB. 18TH, MEETING SNACK
APPROPRIATION
 - BILL # S2009-008 PSYCHOLOGY CLUB FEB. 25TH, MEETING SNACK
APPROPRIATION
 - BILL # S2009-009 PSYCHOLOGY CLUB MARCH 4TH, MEETING SNACK
APPROPRIATION
 - BILL # S2009-010 VOICES PICNIC PALOOZA CO-SPONSORSHIP
APPROPRIATION
 - BILL # S2009-012 PSU PICNIC PALOOZA EVENT APPROPRIATION

BILL # S2009-013 PSU BELTANE EVENT APPROPRIATION
BILL # S2009-014 PSU OSTARA EVENT APPROPRIATION
BILL # S2009-016 UAASO VALENTINE'S DATE AUCTION APPROPRIATION
BILL # S2009-017 UAASO NOODLE NIGHT APPROPRIATION
BILL # S2009-018 P.S. & LAW CLUB AWARDS NIGHT APPROPRIATION
BILL # S2009-019 ACTIVE MINDS HEALTHY EATING WORKSHOP
APPROPRIATION
BILL # S2009-021 MUG ARCADE CHALLENGE APPROPRIATION
BILL # S2009-022 MUG ASSASIN-HIGHLANDER EDITION APPROPRIATION
BILL # S2009-023 MUG DANCE DANCE REVOLUTION TOURNAMENT
APPROPRIATION
BILL # S2009-024 MUG SUPPLIES APPROPRIATION

IX. OPEN FORUM
X. ADJOURNMENT

EXHIBIT B

THE MONTCLARION

TheMontclarion.org
113 Student Center Annex, Montclair State University, Montclair, NJ 07043

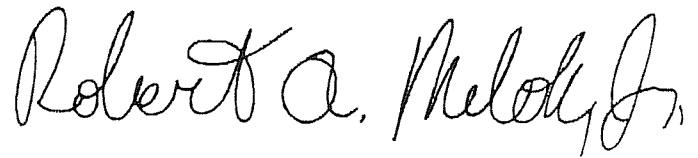
February 5, 2009

President Chicken,

This is a formal, written request for the minutes of the closed session that took place during yesterday (2/4/09)'s Student Government Association meeting, as you requested.

A written response is requested by the time the February 4th's minutes are released.

Sincerely,



Robert A. Melok, Jr.
Editor-in-Chief, *The Montclarion*

Cc: SGA Executive Secretary Amy Brooks

EXHIBIT C

*The Student Government Association of
Montclair State University, Incorporated
February 4, 2008
Legislative Meeting Minutes*

I. CALL TO ORDER

The meeting was called to order at 3:18 P.M. by the President of the Legislature.

II. ROLL CALL

- Candace Barnes – late
- Bethany Bellevue-excused
- Arun Bhambri-present (5:30 class)
- Ross Fox-present
- Bridgette Frank- present
- Danielle Fucetola-present
- Christopher Goscinski-present
- Lee Holland-present
- Ian Honauer- present
- Christine Kadets-present
- -Elif Kasapoglu- present
- Glenn Lucchi-present
- Vaughn McEnough-present
- Michael Melvin-present
- Payal Mehta-present
- Sarah Metelsky- present
- Velmah Munayi-absent
- Maryann Murtagh-absent
- Daniel Ostergren- present
- John Pope- present
- Shakeel Radford: present
- Monica Robinson-absent
- Jesse Schwartzman-present
- William Senedzuk-present
- Jared Shababb-present
- Eric Strickland- present

III. ACCEPTANCE OF MINUTES

Sarah: It says in the min that it says that I don't know how to do anything.. I do know how to do things.

Nate: If you couldn't read the minutes last week, how were they adopted?

Sarah: When we were talking about LASO, I said that the organization probably doesn't know what was going on.

Ian: Bethany Bellevue was late not lstd.. I meant to type that...

Bryan: Anything else from last weeks meeting that needs to be changed? Can you take a look at the week before's minutes? Also at this time, any legislature that wrote bills that they think are time sensitive, please let me know now. Only Sarah?

Any corrections?

Bryan: If there are no additions are corrections as of now, they will be accepted.

The minutes were adopted

IV. ADMINISTRATIVE REPORTS

Bryan: Today could be a potentially long meeting. If you could keep the side chatter to a minimum and if you need to speak, please leave the room. Guests, Welcome to the SGA Meeting. If you do have something to talk about please leave the room. Once again, Welcome.

V. CABINET REPORTS

Joe: Elections committee met Thursday last week. I have a cold, bare with me. I don't know what rumors were spread, but we are not doing a polling booth, it will be online. We voted on the idea of having tickets, the idea failed. This does not mean that the legislature has to agree with us. Anything in the rules can be changed. There will be no Elections Committee this week. I have an important Doctor's appointment that I am sorry to say I will not change for the SGA. This is a very important meeting. Be respectful to those in the room. If someone is not in the room, do not speak about them. People may talk about things that Mike did, and he is not here so don't talk about him. If you do this and get belligerent, I will throw you out. I will make sure it runs smoothly and so will Bryan. It is going to be long, have fun.

Jen: When recharterment comes around, organizations say that they don't know people or anything about it. There are two kinds of groups. If the name is in black, it means that the organization's charter will expire this semester. If the name is in red, it means that the organization was in the grace period last semester and technically the charter is expired. These names are so you can contact the organizations if they need assistance. This is not to say that you have to write the bills themselves. You can go through organization Facebooks, stick a letter in their mailbox in the office. Just do this so they cannot claim that they didn't know how to do it or the legislatures that can help them.

Laura: I mentioned to you guys when I was appointed that I w have been working with GLBT Center. I passed out cards, if you didn't get them, I have more and will pass them out. Amy who is the director wants to hold discussions, g17 meetings about coming out in college, gender benders, stereotypes on every 2nd Thursday of the month from 2-3:30. I just wanted to let you guys know that I am working with OSAU about Black History Month. Two events in Kasser coming up, one this weekend called The Investigation as well as another event. If interested, I have more information.

Bryan: We will save committee reports for Open Forum. Ron will do an Administrative Report when we gets here. Sarah, come up here and give a report on La Campana.

Sarah: In our look into the La Campana situation in looking through bill books from last year, their charter expired at the end of last semester. They are in a grace period and were not given a budget for this year. The budget last year was from last spring until this fall. They don't exist. I'd like to make a recommendation for another committee to figure out about what has been done and needs to be done and another committee to figure out '09 yearbook.

Christine: She offered copies and I think we should look into them.

VI. COMMITTEE REPORTS (Moved to Open Forum)

VII. NEW BUSINESS

BILL#S2009-026- MSA WELCOME BACK ALUMNI DINNER APPROPRIATION- Appropriations Committee

BILL#S2009-027 MSA PIZZA AND PROPHETS EVENT APPROPRIATION- Appropriations Committee

BILL#S2009-028 MSA SISTERS DAY OUT APPROPRIATION- Appropriations Committee

BILL#S2009-029 MSA BROTHERS DAY OUT APPROPRIATION- Appropriations Committee

-- Bryan: The bill said Open Mic Night but it is the Brothers Day Out.. for the record.

BILL#S2009-030 JAPAN CLUB RED HAWK NIGHT APPROPRIATION- Appropriations Committee

BILL#S2009-031 JAPAN CLUB ANIME NIGHT APPROPRIATIONS- Appropriations Committee

BILL#S2009-032 REAL RED HAWK NIGHT APPROPRIATION- Appropriations Committee

BILL#S2009-033 UAASO DISCOVER ASIA EVENT APPROPRIATION- Appropriations Committee

BILL#S2009-034 FASHION CLUB STYLIST WORKSHOP EVENT APPROPRIATION- Appropriations Committee

BILL#S2009-035 PLAYERS PIANO APPROPRIATION- Unfinished Business

BILL#S2009-036 IBS MEETING REFRESHMENT APPROPRIATION- Appropriations Committee

BILL#S2009-037 FENCING CLUB EQUIPMENT APPROPRIATION- Appropriations Committee

BILL#S2009-038 MSA HIJABI CHALLENGE APPROPRIATION- Appropriations Committee

BILL#S2009-039 MSA GRADUATION DINNER APPROPRIATION- Appropriations Committee

BILL#S2009-040 MSA ISLAM AND SCIENCE DINNER APPROPRIATION- Appropriations Committee

BILL#S2009-041 MSA TEMPTED TO TOUCH EVENT APPROPRIATION- Appropriations Committee

BILL#S2009-042 STAND FUNDRAISER APPROPRIATION- Appropriations Committee

BILL#S2009-043 MUG " Super Smash Brothers Brawl Tournament" APPROPRIATION-

Appropriations Committee

BILL#S2009-044 Mu Sigma Upsilon GREEK SEASONS FASHION SHOW APPROPRIATION-

Appropriations Committee

BILL#S2009-045 PI KAPPA ALPHA FUNDRAISER APPROPRIATION- Appropriations Committee

BILL#S2009-046 L.A.S.O CHARTER REVOKEMENT- Unfinished Business

Bryan: Ross wrote a bill and sent it from his personal e-mail and it was sent to my spam folder in my e-mail. I am going to let him rewrite it.

Ross: Rewrote the bill and read it at the meeting (Will be put on file)

- For the Newman Catholic Bill that was passed, the bus was originally roundtrip and the bus company lied. It is \$575.00 to and to go home. I am just writing another bill to get them home.

Joe: You can amend the bill.

Ross: It was unanimously voted on.

Joe: Put it in the agenda and I'll figure it out.

Bryan: We will let Ron figure it out.

VIII.UNFINISHED BUSINESS

BILL #S2009 -019 ACTIVE MINDS HEALTHY EATING WORKSHOP APPROPRIATION

Author's Report: Um... Active minds approached me with a bill concerning healthy eating on campus. I would like you all to know that if you still have the agenda from Jan 21, I'd like to make a Friendly Amendment to change the time from 12:00 to 12:30 pm. Amendment was Adopted!! That is it. I would also like everyone to be aware that the breakdown is only three items.

Questions for the Author: None

Organization Report: We are basically going to put on a National Eating Disorder Awareness Week. We are having a meeting in Ballroom C. We will have information, healthy food and someone from the Physical Education Department. The shipping for the items seems out of whack but we need the items like pens and pins. We need them to promote the awareness of Eating Disorders and we need to have this because it is in our national charter. We need these items.

Questions for the Organization:

Committee Report: 0-30 negative recommendation

Questions for Committee:

Sarah: Why?

Arun: The total amount of items is \$38.25 and the shipping is costing double. The committee thought that that was a lot and that they should go to MSU Dietetics and other organizations on campus.

Jared: I would like to recommend to the author to take out last part of the breakdown.

Questions for the Organization:

Sarah: Any reasons why you chose these pens and pins?

Org: We searched for hours to find other places. We are going to put the balloons in University Hall and the ballroom itself to let people know that it is going on. You can come up here and get it. It is for awareness. I know pens and pins seem silly but the organization is about promoting awareness. I could find them anywhere else. I also couldn't find the contacts for MSU Dietetics but will look into that. couldn't

--- Back to Questions For Committee---: None

Debate:

Sarah: It is not the organizations fault that the company charges this amount for the items that they need. That's what it is.

Jared: Perhaps we can table this and let the organization look into other ways to get these items.

Arun: I also suggested to the organization to change their date so they have more time to get those things.

Chris: Is there anyway the organization can use matching funds to pay for some of the shipping?

Bryan: That was a questions, I need a point.

Chris: POI: Try to find a way to pay for this through Matching Funds because the shipping is double the food..

Org: POC: I don't think we have any matching funds. We don't have any fundraising events.

Arun: POC: That was suggested in committee.

Jared: I can't vote for the bill in this current form unless the shipping and the food gets change.

Arun: POC: Any way you guys can get a bake sale in by next week? Matching funds can be whatever you raise and we will put that up.

Org: We are strapped with time...so..

Michelle: It's Body Image Week, so the event is for that week.

Sarah: If the point is to promote National Eating Disorders, then they can't get them anywhere else because that's the National Eating Disorder Association.

Jared: I feel that they should go to other organizations that promote this. I can't vote for this bill.

Michelle: Maybe you can amend the shipping in the bill?

Shakeel: I discussed with the organization a cheaper way to get the items for the event. It would be 4-6 weeks and about 58 dollars. The event is at the end of February.

John: Shipping is usually ridiculously expensive when you get anything that weighs something.

VOTE: By a 2/3 majority, the bill PASSES.

MOVE BACK TO ADMIN. REPORTS:

SWEAR IN NEW LEG: Marc Esposito

Ron: I've been working with Daniel Scharschmidt working with SGA and looking to do co-sponsorship with SGA organizations

Daniel: How are you doing? We are trying to organize a community canned food drive. Trying to get you guys to donate canned foods at your events during the semester. It will not cost you anything. We will have containers in the SGA office. You do not have to pay for the transportation of the cans. We will be promoting at your events. I am hoping for involvement and looking to do some really good things in the future.

Ron: Look out for Dan. We are looking to get this up and rolling and do it until the end of the semester. I think it will be a great thing for the SGA. This is just the first thing and he has come to me with a lot of good ideas.

Michelle: According to our statutes, Class One and Media organizations need to have their budgets by the last Friday in January. All were on time. I am starting to process the information and it will be a quicker process than before.

MOVE BACK INTO UNFINISHED BUSINESS!!!!!!!!!!!!

BILL #S2009 -016 UAASO VALENTINE'S DATE AUCTION APPROPRIATION

Author's Report: Friendly Amendment: Should not have an A before raffle prizes

Questions for the Author: none

Organization Report: UAASO, ICC, NASO are doing the event, we are raising money for team Nicaragua to raise money

Questions for the Organization: none

Committee Report: 3-0-0 positive recommendation

Questions for Committee: none

Debate:

Arun: POI: Did you fill out a food waiver?

VOTE: By a 2/3 majority, the bill PASSES.

BILL #S2009 -017 UAASO NOODLE NIGHT APPROPRIATION

Author's Report: Friendly Amendment: There is "A" before food and there shouldn't be. Another Friendly Amendment is in the breakdown and it should say Pasta Alfredo instead of another tray. Amendments are adopted.

Questions for the Author: none

Organization Report: Another Noodle Night like we always do. We will have bubble tea too.

Questions for the Organization:

Zach: How does Pasta Alfredo have anything to do with it?

Org: We wanted things other than Asian.

Committee Report: 3-0-0 positive recommendation

Questions for Committee: none

Debate:

Zach: I went last semester and the food was really good.

VOTE: By a 2/3 majority, the bill PASSES.

BILL #S2009 -021 MUG ARCADE CHALLENGE APPROPRIATION

Author's Report: No report.

Questions for the Author: none

Organization Report: We are basically having an ongoing arcade challenge. The game will be Tetris. Every general meeting, anyone can come in and play Tetris. We will be keeping track of scores and person with highest score will get a prize.

Questions for the Organization: none

Committee Report: 3-0-0 positive recommendation

Questions for Committee: none

Debate: none

VOTE: By a 2/3 majority, the bill PASSES.

BILL #S2009 - MUG ASSASSIN-HIGHLANDER EDITION APPROPRIATION

Author's Report: NO REPORT.

Questions for the Author: none

Organization Report: Assassins is one of our tournaments that we hold every semester. Highlander because there is only one. Last person standing wins.

Questions for the Organization:

John: do they get super natural powers?

Eric: Do they need to say the phrase?

Committee Report: 3-0-0 positive recommendation

Questions for Committee: none

Debate:

Jen: I have played this for two semesters. This will be my third will be my 3rd semester. It is a lot of fun. I think that as many people as possible in the legislature should do this. I think that it will be an interesting meeting.

Glenn: This idea spun from the SGA Fall Retreat.

VOTE: By a 2/3 majority, the bill PASSES.

BILL #S2009 -023 MUG DANCE DANCE REVOLUTION TOURNAMENT APPROPRIATION

Author's Report: No report

Questions for the Author:

Arun: Can you make an amendment to take out A in the second WHEREAS

FA: to take out A in second whereas. Adopted.

Organization Report: We had a DDR tournament last year. We met people that want another, so we are giving it to them. There will be prizes and such.

Questions for the Organization: none

Committee Report: 3-0-0 positive recommendation

Questions for Committee: none

Debate: none

VOTE: By a 2/3 majority, the bill PASSES.

BILL #S2009 -024 MUG SUPPLIES APPROPRIATION

Author's Report: I'd like to make a FA to take out second WHEREAS. Adopted.

Arun: I also recommend that you put an and in second whereas.

Friendly Amendment was made and adopted.

Eric: The total doesn't add up correctly. I suggest a Friendly Amendment to change the total.

Friendly Amendment to clarify the price to be \$299.98. Adopted.

Questions for the Author:

Sarah: Was supplies in "" ACTUALLY supplies or?

Org: You can make a Friendly Amendment if you want.

Friendly Amendment to take out quotes around supplies.

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ADOPTED!

Organization Report: We use the Wii a lot at our meetings. Usually we have the E-Board members bring theirs. It gets heavy and worn out. We want to get Smash Brothers brawl and purchase a Wii so everybody has it.

Questions for the Organization:

Zach: Couldn't you buy a used system?

Org: Chances are we won't. But if we could, we would.

JEN: Point of Personal Privilege: It is hard to hear back here. Can you speak up...

Org: If we can find a used Wii, we will get one. But chances are... we won't.

Sarah: How will you keep it safe?

Org: We have an office, we can put it in Class II and III storage, or buy a lock.

John: controllers?

Org: We have some but we can buy more in the future.

Committee Report: 3-0-0 positive recommendation

Questions for Committee: none

Debate:

Jen :I'm a little concerned about security issue because people would want this and would take it. I would prefer that you choose to keep it in the SGA Class II and III storage area.

VOTE: By a 2/3 majority, the bill PASSES.

BILL #S2009 -035 PLAYERS PIANO APPROPRIATION

Christine Kadets made a motion and it was passed to take authorship of the bill.

Author's Report: Players needs a keyboard. A piano. We had one two years ago and it was stolen. The past two years we have been borrowing it however they do have a budget and do have a place in heir line to require money. Just want to run by you because it is expensive and want you to let you know.

Questions for the Author:

Jared: Is this coming out of the Lighting and Sound line?

Ian: Can you add of?

Friendly Amendment: Add "of". Adopted.

Lee: How did it happen last time?

Org: Broken into, I guess.

Elif: Was there insurance last time?

Bryan: Any further questions for the author this time?

Organization Report: Two years our piano was stolen annex room 126. Last year we bothered. Will for one. We will lock up it in our office so it will not get stolen.

Questions for the Organization:

Arun: It is already in the sound line. I don't know why there needs to be an approval.

Org: It is capital equipment so it need so t be run by the legislature. There is no reason why it will not be around or two years or more.

Committee As A Whole:

Authors report: No report.

Questions For the Author: None

Organization Report: None

Questions for the Organization: None

COMMITTEE REPORT: 21-0-1 positive recommendation

=Move back into DEBATE OR DISCUSSION=

VOTE: By a 2/3 majority, the bill PASSES.

BILL #S2009 -046 L.A.S.O CHARTER REVOKEMENT

Bryan: WILL TAKE A 5 MIN RECESS...

-BACK @ 4:43-

Bryan: This is a very important bill. It will go through the same course as a regular bill but it will have two debates per motion made lasting 10 min each, unless the legislature wants to limit it by a 2/3 vote, will require a 3/4 vote for revokement to occur. If we don't achieve that, it will not go through.

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Glenn: Debate and Discussion has a 10 min limit now?

Bryan: Two debates, 10 min each

Sarah: Two debates total?

Bryan: One debate= ten minutes, Second Debate= ten minutes

Glenn: I'd like to make motion to call another 5 min recess to wait for the President.

Bryan: The author is here and can talk until the President comes. We will invite the authors of the bill up will allow each of authors to speak briefly on bill and contents.

Will: MOTION TO 5 MIN RECESS.

Dan: Why?

Will: Ron asked.

Objection was rescinded

5 min recess starting @ 4:49

Author's Report:

Jared: I'd like to make a Friendly Amendment to make it say total seven times instead of excess of 3 times in first WHEREAS. Adopted.

Friendly Amendment for JESSE SCHWARTZMANN be added as an author of the bill. Adopted. Any other legislator please feel free. First off, if you violate the Financial Policies up to three times, there is a possibility for decharterment., They knowingly put in a fraudulent contract knowing that it wasn't real. To me that is decharterment material.

Will: I know how you feel. I was there 2 years ago when we had Angelo Lilla. I hope you guys are strong enough to succeed. You either rise to be better when things like this happen or you fall. I would like to see you guys here. But something has to be done.

Christine: Everyone finds their nook in college and we are not trying to take the away. There are policies that we all have to abide by and follow. Mistakes have been made, unfortunately, a lot of them have been made. We have reached some that are unacceptable. It is not an attack and cannot be taken lightly.

Ross: (reads copies of leg. (will be added in minutes)

Just wanted everyone to be aware that it is out in the open, the infractions and mistakes that were committed. We are here to find out more. We are not out for blood. We can't allow people to get away with breaking financial policies and procedures. It is now their 7th infraction. The forged contract was the 7th. We are all here together. You need to abide by policies and procedures. We are not here as LASO and then SGA.

Eric: As a person that has founded a lot of organizations on the campus, regardless of that fact, if my organization was up here getting dechartered, I would be up here dechartering them. 7 infractions is a lot.

Jen: Question for authors. When was this bill written if? It says submitted Jan 29th.

Christine: The 28th. Last Wednesday.

Candace: Were there any other letters? Responses from LASO?

Ron: Yes, after the 10% budget cut. I told them that if they had legit reasons for us not to do the infractions. They wanted instead of a 10% line cut instead of a whole budget 10%. We reviewed the letters that they wrote us and then the infractions still stood.

Sarah: why not a bill for investigation? Why for decharterment?

Christine: I was not there for the bill writing, someone came up to me and given the info I acquired from the E-BOARD and other discussions in our meetings, I personally didn't feel that it was outlandish to suggest a decharterment.

Dan: Who is the original author?

Jared: Me.

Dan: Is there a first letter?

Ross: the first letter is the last page.

Sarah: Same question as before, but can I have it answered by the author?

Jared: With 3 infractions, you can be up for decharterment, But when you fake an event and then make up a contract, you deserve to be dechartered.

Joe: Speaking unbiased, You don't need to have an investigation. There is nothing in charter. The E-board brought this to our attention when they did do budget cuts. That was our investigation. We talked about it last week for about 3 hours. Refer to last week's minutes; there is not need for an investigation.

Ron: POEP: The legislature was aware with what was happening, and basically once an organization reaches a 30 day budget freeze, obviously they broke certain rules and that they were at the point where a bill needed to be written for decharterment.

Chris: I agree that things should be taken when rules are broken. But I hope it was not an emotional or personal thing against an organization. It isn't right.
(CLAPPING ENSUED)

Jared: It was not written against a group but against them breaking rules and faking a document.
Candace: As in the letter from October. It says that the papers from LASO not filled out properly. What did the SGA do? Maybe they didn't understand.

Ron: Every single organization is supposed to attend the fall retreat where we have the Financial Policies workshops and they get a tutorial on all the SGA rules and policies. It is a privilege to be an organization with the SGA budget. It is their job to be responsible. Organizations are supposed to talk to the treasurer if they miss things. Mr. Dengelegi met with also treasurer after they already breeched things. We me with the LASO E-Board to work things out.

Omar: Is decharterment the only option? Is that necessarily the best thing to do to this family? To do to this campus? We all come here and it has been a union but if dechartered, the union will be broken. Maybe there are other options that can be taken, some kind of probation. If they are on probation and they violate things again, they have it coming to them.

Ross: It is not permanent. They can come back as class III next fall. Can come back with a smaller budget. Just because there is a family, doesn't mean that as a class III there can't be a family. If you give in a fraudulent document, how does the E-Board know that the next piece of paper work will be fraudulent?

Joe: There are different ways to differ things. This is not the only option.

Alumni from LASO: Per the contract, why did they wait until the 7th violation if done on the 4th violation, supposed be the third violation, I think if the sga has stronger leadership it would have happened and I want to know they waited until he 7th not the 4th.

Joe: I recommend that you do not question the leaders in the room. Everyone here is a leader.

Bryan: This is not the time for debate and discussion.

Ron: It is at the discretion of the pres and treasurer. Rather than taking the first three infractions, we decided to work with them. With the instance of LASO there was numerous paperwork that was passed. What I got from your question was that we should have dechartered them in October. But that wouldn't have been good for anyone.

Carmen Reyes(one advisor): been unofficially 1 years, 15 years as an advisor, every different organization if you decharter them out them to class3 will hurt the work that they do on this campus.

Bryan: Does this come to a question?

Carmen: Provide assistance in the form of retention. Can you find another way to punish LASO? They did something wrong and they will admit to what they did wrong. You need to look at what we do. We are in the business of transforming people's life. Appeal to you to try to find another way to punish them?

Christine: As Joe said, recharterment is no the only option, not at all. I feel like this is ... you guys are very... it is hard because it is your home and you are taking it personally. I don't see how this is pertinent but I am Spanish. My Mom is from Bolivia and my Dad is from Panama. Spanish or not, I care about every organization and would not sign my name on something that didn't have just cause. I'm not saying that decharterment is the only resolution but if anyone walks up to me or any member of the E-BOARD and blatantly says that they aren't sure when their even was. It is legit, although I sound corny, it hurts me. I feel like it is broken trust. They know when dates and events are..

Bryan: This is not a dialogue.

Robin: POC: In the event of LASO decharterment, they will not be allowed to recharter for a full academic year. Sarah: Can I make a motion to go into Debate and Discussion?

Glenn: We haven't hear from organization.

Need majority vote to go into DEBATE & DISCUSSION

Carlos (founded LASO): I was hired in 1970 and through the SGA we become a very viable and important organization. Is it possible to find compassion in your hearts and consider 40 years of contribution that the organization has had on this campus. Not only has it gotten students not this campus but faculty. Keep in mind that to punish membership will hurt them. Only I know the amount of impact being here this long. My question, can find compassion in this judgment call you have to make?

Bree: I do not want to punish the membership. The E-Board itself of the org has failed the organization. As the Executive of my organization, LASO could have come last week. I am happy that people are here to support them.

Christine: I am not an E-Board member. I am not recommending a new E-BOARD, but where can you fix it internally?

Org: I am Jonathan the past Historian, Treasurer and a present alumni. Can you honestly think that a member of an organization can learn 20 pages of policies in 20 minutes of a workshop? Do you honestly think this?

Ron: Point of Exec. Privilege: Our workshops are not 20 minutes but much closer to an hour. We field questions. If the president of an organization and having problems reading 10 pages, come in for clarification. Instead of openly admitting that you can't understand them. We are there for them. The E-Board has office hours. We do not hand out a book and expect you do this and get made if you don't know what is on page 322 in the lower paragraph. We don't do this and I am sorry if anyone feels that way.

Joe: They need a chance to defend themselves

Bryan: We will allow the Executive Board of LASO to come up here and speak and go into Debate and Discussion:

Vaughn: Objection!

Debate & Discussion:

Bryan: The Executive Board of LASO can come up to podium and speak. Just the Executive Board. E-Board only Please! ORDER PLEASE!

Org: Mabel the President of LASO, MSU Chapter(reads letter), takes blame and fault. Being a student leader, it is inevitable for us to not make mistakes. Our mistakes were not following procedures. The buck stops at me. (Copy is attainable will be placed on file)

** Clapping ensues *

Bryan: ORDER!

Joed: The person, in regard to the last infraction with the contract. The person that was organizing that event. Leave it up to you for why she isn't here. She is remorseful and we are remorseful. We are not here to shift blame, make excuses but here to clarify any contextals about the circumstances that we are in and let you know that we are open to the punishments. LASO is not one person. Just because a group of people mess up, we don't want people to suffer our mistakes. We are here to do anything to make sure that we don't get dechartered. We work with EOF students and there are other organizations that benefit from our large funding. With that said just want to provide context of what happened. The person who did this suffered the two family members that passed away in her term. Between the chair and co-chair communication is hampered with you go through things, wanted to strive to hold up standards, LASO has high standards. She was willing to do desperate things that we do not condone. I am happy to see that the authors take their jobs seriously, we do as well. Let the Executive Board pay their price, not the members. There was miscommunication, that is why we weren't there. Under impression that because we didn't receive notification, we shouldn't have been there last week, hard to foresee miscommunication in the future. We are a student organization and want to remain one. At MSU, it is not all about book learning but life learning. It is a great opportunity to have this type of area to learn from things. In regards to what happened and what has gotten us here, it was all done to protect LASO and what it provides. It was not done maliciously and we have learned a lesson like none other. We are sorry. It is better to look like we aren't putting out as many events and to have one event and do it right. I as a VP failed because I oversee all of these chars. We are all here and willing to step down just to keep LASO Class One with funding not only social but educational events. We have several things and want to protect that. 40 years of great service and like opportunity. To continue that, I openly here to admit blame because it is not just not one member. (CLAPPING)

Kyle: This event did take place, just not on date that was on the contract. We already received a warning and budget cut and knew that. We were trying to make sure that LASO would not get in trouble. So we came up with event so the lady can get paid for her service. Horrible position. Let the E-Board be punished not the members and don't hurt those who will come on this campus. The SGA still has the money. We were trying to get her paid. Please think about this because right now, we are not being hurt, it is those who have founded it, those that worked hard for a Class One and those that are coming in. Let me know what I can do to prevent this.

(CLAPPING!!)

Dan: POI: Why was the tarot card reader not on a report for it?

Ron: I think the question is, why didn't the paperwork get put in on time?

Org: The person in charger had deaths in the family and by the time we would have submitted it, we wouldn't have gotten the money.

Dan: I understand.. but...

Org: We had to come up with another date to get the woman her money. The paperwork was already late.

Mike: Did you inform your organization of the infractions and the freeze? If so, when did you?

Org: Repeat it.

Mike: Were your members informed right away?

Mabel: It was brought to the E-Board at the meetings but not to the members. We couldn't get them involved. Joe: I known the president for Four years and she is a great leader in my opinion. If whole board would resign, have you spoke to org to have them fill 6 executive positions? If so, how would you train them? If we decide not the decharter but have the E-Board step down.

Mabel: We spoke to our membership and we were informed that this was a possibility at about 2:30 last Wednesday. We had a week to do everything. Have you talked about the possibility of people moving up for next semester but this semester. If we have more time, maybe we can talk to our membership. We only meet once and we were only able to give basic info of where we are at.

Kyle: I'm sure people will step up to these positions. Positions are just titles. We don't have to have these titles to guide the people that would step up.

Ron: I have letter from past Executive Treasurer (MIKE DENGELGI) and sent a letter that he would like read (Letter will be put on file)

Mabel: It is true that Mike Dengelegi met with us a few times. Each time Ron and Mike came up to me, I told them that I am sorry and take responsibility for my E-Board. I am not saying that we make up excuses. It is important to let the SGA E-Board know where we are at. Mike said we need to change things. Immediately we took steps to change things. How can we automatically take that back when the bookkeeper say that they don't know where the paper is? I am responsible. To say that I disregard things is to say that you disregard things. Somebody said don't question our leadership, don't question our leadership.

(Clapping)

Chris: POC: For anyone that can answer this. If the E-Board is willing to step down, can we table the bill what for resignation letters and not decharter? I think it is reasonable and relatively down the middle.

RON: POI: (To the Chair) Hopefully the President of L.A.S.O can answer this. Who knowingly submitted the fake documents to the SGA?

Mable: Regardless, it went in and shouldn't have. I take responsibility for it.

ROSS: MOTION TO GO INTO CLOSED SESSION!

Motion PASSES BY MAJORITY VOTE OF LEGI 5:56 pm

Motion to go back into Open Session made and passed @ 6:50 pm

OPEN SESSION:

Arun: Motion made and seconded to go back into Author's Report

- MOTION to take Bridgette Frank's name off bill

- Motion to take Christine Kadets' wants name off bill

- Motion to take Ian Honauer's name off the bill.

-- Joe had left the room so we repeated motions

-Motion to go into Author's Report again:

-Bree Frank, Christine Kadets, Ian Honauer 3 motions to take names off the bill

-Christine: I'd like to motion to table bill for a week so it can go through committee. Motion was made and seconded!

- Ross: Just to table bill..

Motion has passed!

- Bill will go to Government & Administration, Student Affairs and Con Review. Motion was made by Eric Strickland and passed!

X. OPEN FORUM

Ron: Bill for LASO decharterment was tabled and will go through committees and come back next week. Just for clarification.

Motion made and seconded to adjourn meeting.

XI. ADJOURNMENT

The meeting was adjourned at 6:56 pm.

Respectfully Submitted,

Danielle Fucetola

SGA Clerk

&

Army Brooks

SGA Executive Secretary

EXHIBIT D

From: Ronald Frank Chicken <chickenr1@mail.montclair.edu>

Date: Thu, 05 Mar 2009 15:37:51 -0500

To: <monteditor@gmail.com>

Cc: Dan Crowe <dancrowe@sp-lawyers.com>, <fucetolab1@mail.montclair.edu>, <tomaszewskm1@mail.montclair.edu>, <brooksa1@mail.montclair.edu>

Subject: Letter I recieved from you

Dear Mr. Melok,

I e-mailed you earlier this afternoon to let you know I received the letter you placed in my mailbox. I have since reviewed your public records request form where you reference the N.J.S.A. Open Public Meetings Act.

I wanted to remind you once again that the New Jersey Open Public Meetings Act does not apply to the Student Government Association of Montclair State University, Inc.

Sincerely,

Ron Chicken

Ron Chicken
President
Student Government Association, Inc.
Montclair State University

(973)655-4202

chickenr1@mail.montclair.edu

www.montclair.edu/SGA

EXHIBIT E



**MONTCLAIR
STATE
UNIVERSITY**

University Counsel

Voice: 973-655-5225

Fax: 973-655-7719

March 6, 2009

VIA E-MAIL AND CAMPUS MAIL

Mr. Robert Albert Melok, Jr.
The Montclarion
113 Student Center Annex
Montclair, NJ 07043

Re: Open Public Records Request

Dear Mr. Melok:

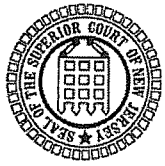
In response to your March 4, 2008 request for meeting minutes for the February 4, 2009 public session and executive session of the Montclair State University Student Government Association ("SGA") pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1, et seq., ("OPMA") Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. ("OPRA") and the common law right of citizens of the state to obtain access to public documents, please be advised that the SGA is not a "public body" as that term is defined by OPMA at N.J.S.A. 4:10-8(a), SGA meeting minutes do not constitute a "government record" as that term is defined by OPRA at N.J.S.A.47:1A-1.1 and minutes of the SGA are not public documents subject to the common law right of citizen to obtain access to public documents.

Since the SGA is an independent corporation that is not subject to either OPRA or OPMA, as Custodian of Government Records I am unable to provide the documents you requested. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Valerie L. Van Baaren
University Counsel

VLV:emb



CIVIL CASE INFORMATION STATEMENT (CIS)

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AMOUNT:

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BATCH NUMBER:

ATTORNEY/PRO SE NAME Edward Barocas		TELEPHONE NUMBER (973) 642-2086	COUNTY OF VENUE Essex
FIRM NAME (If applicable) American Civil Liberties Union of New Jersey		DOCKET NUMBER (When available)	
OFFICE ADDRESS 89 Market Street, 7th Floor Newark, New Jersey 07102		DOCUMENT TYPE Complaint	
NAME OF PARTY (e.g., John Doe, Plaintiff) Montelican Publishing, Inc., Plaintiff		CAPTION Montelican Publishing, Inc. v. Student Government Association of Montclair State University	
CASE TYPE NUMBER (See reverse side for listing) 999 OPMA Violation	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		

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DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, IS THAT RELATIONSHIP <input type="checkbox"/> EMPLOYER-EMPLOYEE <input type="checkbox"/> FAMILIAL	<input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> BUSINESS	<input checked="" type="checkbox"/> OTHER (explain)
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			

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WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE:

ATTORNEY SIGNATURE