

UCSB AS INTERNAL INVESTIGATION REPORT

24QF10-280800



Prepared By:

David Jr Sim

A.S. Chief Compliance Officer

Executive Summary

To AS Senate, AS Administration, AS BCU's, and UCSB General Student Body:

I am David Jr Sim, the Association's Chief Compliance Officer. I work directly under the AS Internal Vice President, serving as the controller for following AS Legal Code, AS By-laws, University Policies, AS Financial Policies, and all other documents pertaining to the healthy operation of this Association. I also serve as a California State commissioned Notary Public. I have been charged by the elected Internal Vice President to prepare this report for your review.

This report outlines an investigation conducted by my office on the legality of Pardall Center Governance Board's (PCGB) legal code structure and current operating procedures. Unless otherwise noted in the appendix, all obtainment of sources used in the investigation are publicly available information or have been obtained with the required clearance from supervising staff. All references to this report should be made with the report number found on the cover page and this letter serves as the executive summary.

The findings of this report are as follows. The current Legal Code structure of PCGB is outdated, nonsensical, and cannot reasonably be followed. The current operational procedures also do not comply with Legal Code.

As such, the following recommendations are presented. As per UCSB AS Constitution ARTICLE VI§1, this Office urges the Senate to firstly, pass legislation retroactively authorizing the operations of PCGB in relation to managing and the decision making of operations at Pardall Center. In addition, as per the same statute, this Office recommends the dissolution of IVGB as a whole and all responsibilities be put under PCGB. These recommendations are sanctioned by the Internal Vice President's office and are strongly encouraged to be acted upon by the AS Senate.

As per my position stated in AS Legal Code, this report satisfies my duties as the Chief Compliance Officer. The AS Senate may call upon me for questioning on any report compiled by me, given the report number specified in the communication and reasonable time allotted for information review. My contact information is found below.

Sincerely,
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Table of Contents

<u>Preliminary Information</u>	<u>2</u>
First Report	2
Incident Description	2
 <u>Investigation</u>	 <u>3</u>
Scope of the Investigation	3
Affected Policies	3
Evidence List	3
Evidence Analysis	4
 <u>Conclusion</u>	 <u>6</u>
TOP-SET	6
Verdict	6
 <u>Recommendation</u>	 <u>7</u>
 <u>Appendix</u>	 <u>9</u>
Methods of Investigation	9
Interviews	9
References	10
Investigator Notes	10

Preliminary Information

This investigation is about the Pardall Center Governance Board's Legal Code structure. Pardall Center Governance Board (PCGB) is the entity that oversees the operations of the Pardall Center, the association owned building located at 6550 Pardall Rd, Isla Vista, CA 93117 in Isla Vista (IV). The investigation has been concluded on 11/13/2024. The researcher on this investigation is David Jr Sim, Chief Compliance Officer. David Jr Sim also sits on the PCGB board as the IVCRC representative.

First Report

On October 7, 2024, the Chief Compliance Officer (CCO) was notified via email by the PCGB Chair of the board's concern as to their mission statement within AS Legal Code. An initial research into this topic uncovered outdated information and inconsistencies between operations and AS Legal Code. A preliminary reply was given to the PCGB Chair by the CCO on October 14, 2024 and this investigation began on the same day.

Incident Description

The CCO conducted a review of the PCGB Legal Code at the request of the PCGB Chair. During this review, the CCO has noticed a lack of a mission statement. In addition, PCGB is listed as a sub-board under another organization which seemed to be no longer active. This organization had a mission statement and was charged with the duties that were presumed under PCGB. Due to this inconsistency, the CCO has launched this investigation.

Investigation

Under the oath of the Association's Internal Vice President's office, this report presents this investigation to the reader. The holistic process of the investigation has produced the following information.

Scope of the Investigation

This investigation intends to uncover the history of the PCGB Legal Code and how it became the confusion it is today. In addition, this investigation will conclude the proper structure of PCGB as it is currently written and how current operations differ. Finally, any differences to be amended and changes to update either operations and or Legal Code will be recommended. This investigation will only deal with the main section of PCGB under Legal Code. Any external references to PCGB will not be a part of the scope. This report will not be applying fault to any specific individual or entity, rather it will only offer reasoning and solutions to any noncompliance currently existing. This report will only affect those under By-laws ARTICLE XVII and Senate. Any entity utilizing Pardall Center or has a connection to Pardall Center will not be affected. However, all individuals with a relation to Pardall Center should note this report and understand its conclusions.

Affected Policies

This report affects all sections under UCSB AS By-laws ARTICLE XVII. This article describes the creation of the AS In IV Space Governance Board (IVGB) and, within it, the creation of the PCGB. Throughout this report, when no Article or specification of Legal Code is given, and only a section number, is it inferred that such citation is referring to sections under UCSB AS 2024-2025 By-laws ARTICLE XVII.

Evidence List

EV1. 050615-130 - A Bill to Create Article XVIII--Isla Vista Community Space Governance of the By-Laws of the Associated Students UCSB
(<https://docs.google.com/document/d/1TctyPTWT24R4fUSbhpfAmw8iiHaba1sM/>)

EV2. AS In IV Website (<https://asiniv.as.ucsb.edu/>)

EV3. 61-022620-61 - A Bill to Update the Pardall Center Governance Board Legal Code
(<https://docs.google.com/document/d/15t5YIPhdcVyK8ms-VYLkOHhdhxRnKong1QFtSoasI7Q/edit?tab=t.0>)

EV4. 09-052720-09 - Pardall Center Governance Board Legal Code Update
(https://docs.google.com/document/d/18SrrLX1wcjrUYfxAZ9TWmrd8sShxMuZFefL54icAu_E/)

EV5. 97-050521-97 - A Bill to Expand AS in IV's Legal Code
(https://docs.google.com/document/d/12CwxF7ykG4IX9uGvHfo9EXkzeo_CUVy0rjs2LkTdBIU/)

EV6. Email from Erica Vizcaino, Income and Recharge Analyst of UCSB Office of Budget and Planning on the information of the lock-in for IVGB and Pardall Center (SHA-128: cd6730016c2e87722af5d8391261d35cb0a510c92f900166f4526cff2aec762)

Evidence Analysis

EV1 shows that IVGB was founded in the 2014-2015 year and was designated to incorporate PCGB as a sub-board under IVGB to govern Pardall Center. (Note that this report will refer to Pardall Center Governance Board and Pardall Center Sub-governance Board both as PCGB as they are the same entity.) From the structure of the bill, it is evident that the original intent is to have a sub-board for each location governed by the association and one chair to convene all the sub-boards together to make decisions and give updates to each location in IV. At the time of this bill, it can be inferred that there was hope for more acquisitions of spaces in IV to be controlled by the association for the student body. However, this article is poorly written. For example, it is only when the chair of IVGB called the meeting to order does the mission statement under §2 apply. Thus, PCGB has no mission statement and while an assumption can be made that the intent is for the mission statement under §2 to apply to PCGB for Pardall Center specifically, it is still only an assumption. This is still true in the 2024-2025 version of Legal Code.

One may argue that under §5, it states that five members can call a meeting to order. This may have the effect of calling both PGCB and IVGB to session and applying the mission statement of §2. However, current operations appoint members directly to the PCGB and not the IVGB. Thus convening members of PCGB only have jurisdiction over PCGB and do not have any relation to IVGB. This investigation has found that IVGB sits empty and no meeting has been called in years.

This means that other than the responsibilities specified under each position's Legal Code entry and the day to day operations of Pardall Center, PCGB has no authority to make large

decisions for Pardall Center (i.e. the refurbishment and new furniture purchased and completed over Summer 2024).

As a side note, dates presented in *EV2* slightly contradict the legislation timeline. This report believes that the idea of IVGB was already in action before their Legal Code was officially established, or has already existed in another form and has simply been solidified with the passing of their legislation. For completeness, this report will also mention here that the Treasurer and the Student Staff Representative positions were added to PCGB in 2020-2021 through *EV4*.

In 2019-2020, *EV3* shows that the Senate updated PCGB's name and removed the sub prefix from the name. This likely caused some confusion and misinterpretations in future updates that will be presented later in this report.

EV5 shows when the biggest change happened for IVGB. This is the bill in 2020-2021 that added board members to IVGB, causing confusion to the structure of IVGB as well as invalidating the initial expected intent of this section. What is written here has not been followed and there is no current record of any meeting of this version of the IVGB board.

In conversation with experts, *EV6*, the current lock-in known as 'Pardall Center' has a full ballot name of 'Maintaining AS's IV Presence (Pardall Center)'. This is the same lock-in as referenced in §2(C)(a). This lock-in is operationally governed by PCGB today even though the IVGB should be the entity that manages this lock-in.

Conclusion

This report acknowledges that interpretations of evidence may differ from reader to reader. There may also be additional knowledge not available or unobtainable by the investigation team. As such, these conclusions are made to be objective and derived solely on the scope of the available evidence collected throughout the investigation. Based on the findings presented, the Internal Vice President's Compliance Office's conclusion is as follows.

TOP-SET[‡]

IVGB was founded in the 2014-2015 year and was designated to incorporate PCGB as a sub-board under IVGB to govern Pardall Center with the potential addition of other spaces under Association ownership. There have been slight iterations over the years with a major revision in 2020-2021 that caused many legal inconsistencies and contradictions. As time went on, the operational processes have drifted away from those defined in Legal Code, causing confusion and necessitating this report.

Verdict

This report does not put blame on any entity or individual. However, this report has found that the current operations of ARTICLE XVII are not in compliance with the current Legal Code. In addition, this Office has found that By-laws ARTICLE XVII is outdated and needs to be updated to reflect the ever changing environment that is this association.

Recommendation

The following is speculation by this office in an attempt to explain the possible actions and consequences that could arise, as well as their specific recommendations. There are two distinct routes that this report will explore.

Route 1

There was an original delegation of power from IVGB to PCGB. However, it is very clear that IVGB is the one delegated by Legal Code to manage the lock-in as well as the charge under Article XVIII. Thus it is legally dubious as to if the board can fully, or even partially, delegate its responsibilities to PCGB. (Such an action will likely go to the Judicial Council for review.) Even if it was to happen, there would need to be minutes that were approved by Senate. If the delegation happened before the ratification of *EV5*, then its legality becomes even more murky.

Such points aside, if there was proof of such a delegation, then the recommendation would be to update the legal code to match that delegation so that everything is squared away and no harm no foul.

Route 2

There was no delegation of power from IVGB to PCGB. If there was no delegation, then PCGB has no powers outside of those defined within legal code under their specific section, and does not include the charge for IVGB. This is further solidified by the removal of the 'sub' prefix from PCGB's name, as well as the explicit appointment of people by Senate to PCGB and not IVGB. IVGB is, however, under §2(B), not to "be involved in daily management practices nor impair management's ability to implement timely decisions which are consonant with the fiduciary responsibilities outlined in this charge and reflected in the AS in IV Governance Board budget." This however, only limits the daily operations that are necessary to the upkeep of the space. It reasons then that anything that is not part of the daily management necessities, or explicitly stated as a responsibility under the correct section of legal code, defaults back into the purview of only IVGB. For example, the overhaul of the first floor of the Pardall Center, including new furniture, cleaning, and repainting, are not daily management necessities and thus, will fall under the decision of IVGB and not PCGB. As such, the current approval process was completely illegal under current Legal Code.

This Office recommends the Senate to first and foremost, pass legislation retroactively authorizing the operations of PCGB in relation to managing and the decision making of operations at Pardall Center. This will ensure all actions taken by PCGB are in compliance and any deviation is remedied. A blanket statement will suffice.

Regardless of the route, an update to Legal Code for this section is in order. If the Senate wants to appoint an IVGB board, or remove the IVGB board and reestablish the structure that was first conceived in 2014, then legislation needs to be ratified reflecting such will of the Senate. Currently, there is only Pardall Center that is an Association owned space within IV, and PCGB does not have any legal power to manage such space. This office recommends the dissolution of IVGB as a whole and all responsibilities be put under PCGB. The lock-in will also then be legally managed by PCGB as well.

Appendix

This is an additional section, branching from the official report, with supporting documentation and greater detail of the topics presented throughout the report. Anything the investigation team deemed relevant, while not necessary, will be placed in the Investigator's Notes section. If the reader finds any information lacking or needs clarification, they may always contact the compiler of this report specified at the beginning.

Methods of Investigation

This investigation was conducted via extensive research through the digital historical archive of association legislation (DHAAL) (<https://drive.google.com/drive/u/1/folders/0AKtU7JWMQ1EVUk9PVA>). Career staff Holly Mayes* and Michael Cea were also contacted for their comments and assistance on creating a complete picture of the situation.

The following is a list of the evidence provided followed by the procedure used to obtain this information. Please review for your convenience.

EV1. Obtained through DHAAL.

EV2. Obtained through DHAAL.

EV3. Obtained through DHAAL.

EV4. Obtained through DHAAL.

EV5. Obtained through DHAAL.

EV6. Obtained and inquired through the help of Michael Cea, UCSB AS Associate Director for Finance and Budgets.

Interviews

—NO INTERVIEWS—

References

—NO REFERENCES—

Investigator Notes

‡ TOP-SET refers to a list of factual statements that must be presented during an investigation. This helps organize information for readers and ensures the investigator writing this report does not miss out on crucial information. This acronym refers to Time (sequence, history, timeline of what happened), Organization (controlling authority, who oversees the parties during the incident, who is responsible), People (the parties involved during the incident), Similarity (other situations or incidents that may be related to the one at hand), Environment (anything that the situation, environment, or external factors that may have contributed to the incident or actions during the incident), and Technology (what equipment or utilities were used, effected, or abused throughout this incident).

*Holly Mayes, Assistant Director for Government Affairs, was contacted by the CCO on October 28, 2024. They are responsible for compiling legislation and updating Legal Code as part of their role. This Office hoped to receive their insight into this inconsistency. They were given 14 days to respond with a comment, to set up a meeting for discussion, or to ask for additional time in their own preparation. This Office has not heard from Mayes. It should also be noted that this Office sent out other communication on topics not relating to this report around and during the 14 day period. Those correspondences were acknowledged in an efficient and timely manner.