

January 15, 2006

Steven H. Lee

[REDACTED]

[REDACTED]

Amar Randhawa, CRO, Spring 2006 General Election
Kwantlen Student Association
12666 – 72nd Avenue
Surrey, BC V3W 2M8

Re: KSA Elections – Candidate Eligibility

Dear Mr. Randhawa,

This letter serves to officially dispute the e-mail sent by yourself, Mr. Amar RANDHAWA on Sunday, January 15, 2006 to me regarding my eligibility to run in the Spring 2006 KSA General Election (Attachment 1) as per the appeal procedures for elections as laid out in Section X of the KSA Regulations.

Contentions

I would argue that I am a member eligible to run in the Spring 2006 KSA General Election based on the following points:

1. That CRO Amar RANDHAWA has unilaterally made a decision regarding a candidate's eligibility without consulting the Elections Committee;
2. That the September 29, 2005 General Meeting in question was not in order and is legally invalid;
3. That the KSA never properly filed the Special Resolutions of the Society with The British Columbia Registrar of Societies as required by the Societies Act; *and*
4. That I have paid KSA fees towards the Spring 2006 Semester.

Proof of Contentions

- 1. That CRO Amar RANDHAWA has unilaterally made a decision regarding a candidate's eligibility without consulting the Elections Committee;**

In your e-mail you noted that "I am in the process of verifying all candidates eligibility and you are indeed a current student, however, the board..." And yet, as per Section X. Article 5(2)(v), (vi) and (vii) state that the procedure for verifying all candidates is as follows:

“v. The Chief Returning Officer shall submit completed nomination forms to the Elections Committee.

vi. The Elections Committee shall confirm the eligibility of candidates and nominators through the Registrars office unless they are honorary members in accordance with the Bylaws

vii. The names of the candidates in an election shall not be made public until the close of nominations, at which time they shall be released by the Chief Returning Officer.”

If this is a confirmation of the Elections Committee, I would like to receive copy of the agenda and minutes for this meeting for my records. But if this is a decision you have made unilaterally, as well please note that Section X. Article 11 (1) of the KSA Regulations states that:

“During an election or referendum, the Chief Returning Officer may make preliminary rulings and interpretations which must be ratified by the Elections Committee within forty-eight (48) hours.”

Therefore, since I am in receipt of your decision as of Sunday, January 15, 2006, you would have until Tuesday, January 16, 2006 to call a meeting of the Elections Committee and present to them your decisions regarding the eligibility of all candidates.

As such, any information you have received regarding my eligibility (either from Mr. Takhar, the Board of Directors or myself) must be presented to the Elections Committee who has a duty to consider all of the rules at play before confirming or denying my eligibility as a candidate in the Spring 2006 General Election. **The confirmation of nominations is the duty of the Elections Committee and as such they have a duty to be involved in the fair and proper vetting of all nominations. It is a duty that cannot be avoided or disavowed.**

Should you have a meeting of the Committee within the next forty-eight (48) hours, please remember to draw up minutes of the meeting for immediate distribution to all interested parties as per Section IV: Committees, Article 3(3) which states:

“3. The duties of committee chairs shall be to set the agendas for meetings, call meetings, take minutes, ensure quorum is met at meetings, report to the Board on the activities of the committee, and remove and replace committee members who fail to attend meetings. Except for the duty to remove and replace members, these duties may be delegated to another committee member by a Resolution of the committee.”

Furthermore, Section X Article (3)(10) states that the CRO shall:

“10. keep and maintain all files, records, memoranda, agendas, and minutes of the Committee;”

As such, I again request copies of all agendas and minutes as they are produced after each meeting during this Spring 2006 General Election.

2. The September 29, 2005 General Meeting in question was not in order and is legally invalid.

In your e-mail you allege that: "...the board of directors has submitted minutes of a general meeting of September 29 at which your membership rights, along with others, was revoked. I am unable to accept your nomination due to this information."

The board of directors however may have been negligent in providing you with other information regarding this General Meeting, such as *the Report of the Ombudsperson* (Attachment 2) in which he ruled that the September 29, 2005 KSA General Meeting was not in order for a number of reasons, such as but not limited to:

- Improper serving of notice to the membership for the September 29, 2005 KSA General Meeting in General by failing to post posters on all campuses or ensure placement of advertisements in campus publications and on the Society's Website;
- Improper serving of notice to remove membership rights of individuals either through the motion moved to originally call the meeting in August 2005 or in the notice that was served to the membership in September 2005 and failing to allow the members in question to defend themselves at the Special General Meeting;
- Improper Conduct of the Meeting as per the Parliamentary Authority given under the KSA Bylaws by the Meeting Chair, Aaron Takhar, as follows:
 - Not explaining how the meeting was to be run;
 - Not taking a speaker's list as per Robert's Rules of Order;
 - Not allowing for debate on the motions that were up for consideration; *and*
 - Not properly taking or counting the vote to ensure a $\frac{3}{4}$ majority on the questions up for consideration, and failing to ask for the negative vote.

In your e-mail, you noted that you were given minutes of the meeting in question. If minutes of this meeting were provided to you, please forward me a copy, either electronic, or by having one prepared for me to pickup in person from you at the All-Candidates Meeting on Monday, January 16, 2006.

Furthermore, there are severe allegations of fraud and misspending attached to the conduct of the September 29, 2005 Special General Meeting which are under investigation by the Ombudsperson and by the RCMP.

The RCMP File Numbers are as follows, as under investigation by Cpl. Martin of the Surrey RCMP: 05-126282 and 05-126202. You can reach the Surrey RCMP at (604) 599-0502.

3. The KSA never properly filed the Special Resolutions of the Society with The British Columbia Registrar of Societies as required by the Societies Act

Section 66 of the Society Act of British Columbia states:

“Special resolutions

66 (1) A society must file with the registrar an original and one copy of each special resolution, which special resolutions must be in the form established by the registrar.

(2) After a special resolution is filed under subsection (1), the registrar must retain one copy of the special resolution and must return the other copy to the society, certified as having been filed with the registrar.

(3) A special resolution, other than one changing the number of directors or removing a director, does not take effect until it is filed with the registrar.”

In the fall of 2005 Mr. Takhar claimed that there was no form to file a Special Resolution to remove membership rights. As such, it appears that this Special Resolution to remove my rights was never filed with the Registrar of Societies. In fact, there is a form that one would use, and it is FORM 10:

<http://www.fin.gov.bc.ca/registries/corppg/crsocieties.htm>

No motion was moved to appoint directors in place of the people who had their membership rights removed. As such, there would be no need to file FORM 7, only FORM 10.

Furthermore, at no time has Mr. Takhar been able to provide proof or documentation that he has received from the registrar of societies, certified copy of the Special Resolutions as passed at the September 29, 2005 Special General Meeting as filed with the registrar as per Section 66(2) of the Society Act (i.e. a stamped copy of FORM 10 along with the one of the duplicate copies of each individual Resolution as passed and signed by a Director of the Society).

Finally, it is important to note that Section 66 (3) would apply to this situation, because it states that “A special resolution, other than one changing the number of directors or removing a director, does not take effect until it is filed with the registrar.” As such, because Mr. Takhar has been unable to prove that the documentation was properly filed, my membership rights are still in effect and I am eligible to run for and hold office within the Society.

4. I have paid KSA fees towards the Spring 2006 Semester.

Finally, I would argue that I am a member because I have paid membership dues to the Kwantlen Student Association for the Spring 2006 Semester (Attachment 3).

Both the old KSA Bylaws and the new “RAF2K5” Bylaws (as passed at the September 29, 2005 Special General Meeting) state that a person is a member of the Kwantlen Student Association if they have paid fees to the Society.

Specifically, Article 2(2) of the old KSA Bylaws state:

2. Members shall be those persons who:
 - a. are registered for:
 - i. one (1) or more credit courses at Kwantlen University College; or
 - ii. continuing education studies at Kwantlen University College, or such other programs at Kwantlen University College as approved by the Members by Ordinary Resolution; and
 - b. have paid Society fees for the current or immediately previous Kwantlen University College semester.

And Article 2(2) of the RAF2K5 Bylaws state:

2. Members shall be those persons who:
 - a. are registered for:
 - i. one (1) or more credit courses at Kwantlen University College; or
 - ii. continuing education studies at Kwantlen University College, or such other programs at Kwantlen University College as approved by the Members by Ordinary Resolution; ~~and~~ **or**
 - b. ~~have paid Society fees for the current or immediately previous Kwantlen University College semester.~~ **Were enrolled in at least one credit course in the immediately preceding semester; or**
 - c. **honorary members**

As you can see by Attachment 3, I meet the requirements for membership as laid out under both the old and new KSA Bylaws, as I have been enrolled in at least one credit course in both the current and previous semesters; and I have paid Society fees for both the current and the previous semesters.

As such, I would like you to present this complaint challenging your decision to the Elections Committee forthwith, at which they shall duly consider all of the above points and you shall report on said consideration in the minutes for the meeting, which I would like a copy of once the meeting has occurred.

Respectfully submitted,

Steven H. Lee, 100-025-323

Witnesses / Persons Privy to the Incident:

Student Name of Witness No. 1 (Please Print)

Student Number of Witness No. 1 (Please Print)

Signature of Witness No. 1

Student Name of Witness No. 2 (Please Print)

Student Number of Witness No. 2 (Please Print)

Signature of Witness No. 2

Student Name of Witness No. 3 (Please Print)

Student Number of Witness No. 3 (Please Print)

Signature of Witness No. 3

cc. Paul Browning, KSA Ombudsperson