



TEXAS A&M UNIVERSITY  
STUDENT GOVERNMENT ASSOCIATION  
JUDICIAL COURT

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Thomas McNutt      v. Commissioner Jackson  
(Plaintiff)                      (Defendant)

Judicial Court Case #64-08

February 28, 2012

## SUMMARY

Plaintiff brought suit against the Election Commission for levying a fair market value of \$500 to plaintiff's website. Plaintiff contests that this fine is unreasonable based on:

1. Services cannot be expensed at fair market value in this particular case.
2. The fair market value of McNutt's website was expensed at a level that was indeed not fair market value.

## Decision

### Part I. Fair Market Value Expenditures

The Court finds that the Election Commission does have the right to levy fair market value expenses for websites that have been created by a third party outside of the campaign even if services are done on a voluntary nature.

### Part II. Fair Market Value of McNutt's Website

Election Commission rule Section IV, A, 2 states "Possible prices available over the internet to a student within Bryan/College Station are not considerable when determining fair market value." Both sides violated this in trying to determine what to call the fair market value of McNutt's website. Therefore, neither side's assessment of fair market value stands. The Court does not consider itself qualified to assess a fair market value on this website. Therefore, the fair market value assessed on McNutt's website is not valid. Additionally both sides conceded the fact that fair market value of McNutt's website could indeed be above the \$50 as stated on McNutt's expense report. The Court agrees with this interpretation. The Court firmly believes that the actual cost of McNutt's website is greater than the \$50 expensed. Nevertheless, The Election Commission has within its powers, as granted by the election rules and regulations, the ability to assess a fine consistent with other major election violations (ie: offenses dealing with campaign expenses).

...It is so ORDERED

Texas A&M University

# Judicial Court



#64-08

Byron Rowe

Maria Boston

Kyle Klumpp

George C. Lee Jr.

Stephen Lee

John Lee

Camora M. Halbert

[Signature]

Hannah Weger

Thomas Edmond

[Signature]

Signed 2/28/11



Judicial Court