A PETITION FOR INJUNCTIVE RELIEF FROM THE
STUDENT BODY SUPREME COURT OF INDIANA UNIVERSITY

Note: This petition is not meant to cast doubt on IUSA as an organization; rather, it aims to provide relief to the student body who has been wrongfully led to believe that the operating cost of the IUSA’s website is managed without the intent, realization, or implication of for-profit behavior on the part of the website’s management, namely Neil Kelty.

Respectfully submitted,

[Signature]
Justin David Kingsolver
Former Speaker, IU Student Association Congress
Member, IU Student Association

[Signature]
Jarad Stephen Winget
Member, IU Student Association
THE FACTS:

1. “THRIVE44 STRATEGY GROUP LLC,” hereon referred to as THRIVE44, with Indiana business address 15805 Auburn Road, Fort Wayne, IN 46845, is classified as a for-profit entity with type Domestic Limited Liability Company (LLC) and a creation date of 3/14/2009 at 12:55:11 AM. The sole registered agent of this entity is (1) Neil Kelty, former Director of New Media and Technology, current Chief of Staff of the IUSA Executive Branch under President Michael Coleman, and current Candidate for Student Body President on the BtownUnited ticket. Mr. Kelty’s sole affiliation with the registry of THRIVE44 is not explicit of his ownership of the entity under Indiana Code. However, Mr. Kelty’s Linkedin account specifies his position as the President of THRIVE44, a company in the Internet industry with which he has held the position of president since August 2004 through the present (6 years, 7 months). In addition, Mr. Kelty’s Twitter account references him as being “Founder, thrive44 Strategy Group.” The company aims to “provide new media strategy and web development services. Current and past clientele include in the following industries: politics, newsprint, art, conference promotions, and real estate.”

2. As President of THRIVE44, Mr. Kelty, the owner, operator, and sole registrant of a for-profit entity, under Sec. 3. (a) of IC 35-44-1-3, a public servant who knowingly or intentionally: (1) has a pecuniary interest in; or (2) derives a profit from; a contract or purchase connected with an action by the governmental entity served by the public servant commits conflict of interest, a Class D felony. Mr. Kelty, as a public servant and employee of the Indiana University Student Association, must not have an interest in the contract or purchase and all other contracts and purchases made by the governmental...
entity during the twelve (12) months before the date of the contract or purchase as long as said interest or purchase was above two hundred fifty dollars ($250).

3. As per the Indiana University SOA Class QuickReport for July 2009 through June 2010, a check numbered 131282 from payer IU Student Association was issued to payee Thrive44 Strategy Group on 11/12/2009 in the amount of $358.89. In addition, as per the same report, a check numbered 135158 from payer IU Student Association was issued to payee Thrive 44 Strategy Group on 4/15/2010 in the amount of $360.00.

4. As per the January 2011 monthly operating statement for the IU Student Association, obtained from the Division of Student Affairs and made available on 02/01/11, under the Expenditures report, a non-allocated transaction of $359.40 was made under the object “WEB SERV” with object code 4009, a transaction in excess of the IC 34-44-1-3 allowance provision for transactions of interest paid to a public servant under $250.

THE VIOLATIONS:

Mr. Kelty, the current Chief of Staff of the IUSA Executive Administration is in direct violation of Sec. 3. (a) of IC 35-44-1-3, as he is the owner, operator, proprietor, and sole registrant of THRIVE44, an entity which has collected funds directly from IUSA for the maintaining of its website, while simultaneously holding a position as a public servant. Mr. Kelty’s business endeavors would not be in question had it not been for his position in IUSA. In no way does this brief aim to derail the activities of student innovators and entrepreneurs. However, because Mr. Kelty used his position within IUSA to secure a stream of income for THRIVE44 during a period of twelve months before he became Chief of Staff, during his tenure as Chief of Staff, and due to the fact that Mr. Kelty is currently a candidate for Student Body President, a direct conflict of interest exists between his position as Chief of Staff and his position as President of THRIVE44.
A cash outflow of $359.40, as per the January 2011 IUSA operating budget is consistent with the other payments to Mr. Kelty’s THRIVE44 business entity, the first of these being in November of 2009 and the second being in April of 2010. As consistent with Article III Section 5: Impeachment and Removal of an Executive Officer, the IUSA bylaws hold that “the President, Vice President, Treasurer, Congressional Secretary, or other executive officers may be impeached and removed from office for just cause upon the adoption of a petition for impeachment by two-thirds of the Congress and the concurrence of two-thirds of the IUSA Supreme Court.” The just cause of Article III Section 5 results from Mr. Kelty having committed a Class D Felony by gaining profits through the use of his political office, as evidenced by Congressional Resolution No. 10-11-08, line item 39 under the Executive Budget, where $2,500.00 was allocated to the Chief of Staff in the form of executive Compensation, affirming Mr. Kelty’s position as an IUSA non-elected executive.

REQUESTED RELIEF:

1. We hereby request that Neil Kelty, current Chief of Staff of the IUSA Executive Administration under President Michael Coleman and current Candidate for Student Body President be impeached from his position as Chief of Staff for violating Sec. 3. (a) of IC 35-44-1-3 through his acceptance of payment for services rendered by Mr. Kelty’s own company, THRIVE44, an unethical action resulting in the misappropriation of student fees for Mr. Kelty’s own profit. We request that the Supreme Court convene an emergency session of the IUSA Congress to proceed with impeachment proceedings.

2. Furthermore, we hereby request that the Supreme Court subpoena additional information regarding the facts of the case, including the Indiana University SOA Class QuickReport from June 29th through the present date, the IUSA month-by-month operating budget for
2009 and 2010, so that a better understanding of Mr. Kelty’s misuse of his political office can be made available to the public and interested parties.

3. Finally, if the court grants the first relief, we hereby request that the court remand to the Elections Commission the decision to render Mr. Kelty ineligible from holding any type of future executive office within IUSA, as his previous actions while concurrently serving as President of THRIVE44 and Chief of Staff of IUSA is a direct conflict of interest, and undermines the ability of the student body to place faith in IUSA and its integrity of its elected representatives.

CERTIFICATION

Those who have filed this petition do so in good faith as representatives of the Indiana University student body. In no way are we attempting to defame or publish libel about Mr. Kelty, his political office, IUSA, or Indiana University. The facts of this case were gathered under the information made available and current as of 2/24/2011. We affirm our understanding of these findings and approve of the information herein. If there are immediate findings to negate the facts presented herein, we will gladly withdraw our petition.