

Phi Kappa Psi files countersuit over house rental

The association seeks more than \$43,000 for months of back rent, but tenants argue the lease ended when they moved in January 2002

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The Oregon Phi Kappa Psi Association has filed a countersuit against seven former fraternity house tenants, seeking \$43,883.21 in lost rent from an alleged breach of contract.

The countersuit comes in response to a January lawsuit filed by the lessees, who are seeking their \$15,000 security deposit withheld after they moved out. Now, the heart of the debate is whether those former tenants owe lost rent money resulting from their early move on Jan. 10, 2002 — more than five months before the date outlined in the letter of intent.

The conflict began September 14, 2001, when Paul Kerege — a former student and member of Pi Kappa Phi, Alpha Omega Chapter Archon — signed a letter of intent to rent a fraternity house owned by the Ore-

gon Phi Kappa Psi Association located at 729 E. 11th Ave. The letter stated that members of Pi Kappa Phi would live in the house from Sept. 15, 2001, until June 30, 2002, paying \$8,000 per month, beginning in January. Specifically, the letter stipulated the tenants would not pay rent until the first of the year in exchange for labor and repairs.

A document stating approval of the letter of intent was then signed by current University student Tyler Saries, non-student Dan Chinock and former University students Aaron Weck, Marc Weiss and Maco Stewart. Current University student Dwight Calwhite witnessed the document signing.

The tenancy went smoothly until the first of the year, said attorney Sia Rezvani, who represents Calwhite and speaks for the former students. At that point the tenants couldn't "drum up enough money" to pay the full month's rent, and instead paid through Jan. 10, 2002, by forfeiting part of their security deposit. Court records confirmed the individuals moved out Jan. 10.

Now, Rezvani is arguing there never was a formal contract.

"There wasn't really a contract," he said. "(Oregon Phi Kappa Psi Association's) position is that there was a written contract. From our perspectives this was just part of the negotiations that would eventually become part of the agreement. Based on them, the defendants let (the tenants) move in."

Rezvani said the letter of intent was simply an "intention for both parties to enter a contract." The defendants never signed the letter, he said, and Oct. 1, 2001, "came and went, and there never was a formal signed agreement." That left the tenants with the default terms of Oregon law, making it a month-to-month contract, he said. Because the individuals paid a prorated amount until Jan. 10, Rezvani argues they were free from further obligation.

Attorney Scott McCleery, who represents the Oregon Phi Kappa Psi Association, filed a countersuit July 17. He said the letter of intent "spelled out the main parts" of the agreement, adding it was an agreement

and his client is simply searching for unpaid rent. He also said the tenants never completed the repairs as agreed in the letter.

"Our position is that they didn't fix it up in the manner that they promised," he said.

Calwhite said Rezvani advised him not to comment on either case.

The tenants are suing the Phi Kappa Psi Association to obtain their \$15,000 security deposit on the house, arguing the association wrongfully withheld the deposit after the tenants moved out in January. Rezvani added that the association also did not tell the tenants about the status of the deposit until after the 31-day legal deadline.

Rezvani is seeking the full deposit amount, less \$2,580.64 taken to pay for January's rent. Also, he said the association failed to give any accounting of the security deposit until Feb. 25 — 15 days after the deadline, according to Oregon law. As a result, he said the association owed twice the amount of the security deposit in accordance with ORS 90.300, paragraph 13. That means the recovery

could be as much as \$30,000.

Neither Phi Kappa Psi nor Pi Kappa Phi has existed on the University of Oregon campus since 2000, said Shelley Sutherland, assistant director and adviser at the Greek Life Office. The Phi Kappa Psi Oregon Alpha Chapter dissolved in 1999, and the Pi Kappa Phi Alpha Omega Chapter left in 2000, she said.

But Rezvani insisted that the last time Pi Kappa Phi Alpha Omega Chapter existed as a recognized business entity was in the 1970s. Either way, he said, it means that those who signed the letter of intent represent themselves, not a larger Pi Kappa Phi organization.

"It's just a group of guys calling themselves that," he said.

From here, the parties are exchanging documents they feel are relevant to the case, McCleery said. If no decisions can be reached through that process and the ensuing depositions, the two sides may go to trial. If a trial is necessary, it could be eight months away, McCleery said.

Jared Paben is a freelance reporter for the Emerald.

Grant

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project what the impact would be," Bickford said. "I don't feel comfortable in making a reasonable prediction at this time."

She added that once more information is made available, the financial aid office will make the data available to students.

According to a statement in The Chronicle of Higher Education by Jeffrey Andrade — the U.S. Department of Education's deputy assistant secretary for post-secondary education — estimates are hypothetical at this point, but he said the number of students receiving the grant is likely to increase.

Bickford said the financial aid formulas to determine eligibility use income-level cutoffs, which are dependent on factors such as the number of people in a household, student incomes and untaxed income available to the family.

"Family financial situations vary a great deal — when students see a published 'income cutoff' sometimes they assume that they will not qualify and

don't apply," Bickford said. "We try to be very careful with this message and don't publish income cutoffs."

Bickford said she hopes government officials see the value in the Pell Grant as an aid for the neediest students.

"Some needy students do not see higher education as an option for themselves without this grant," she said.

Bickford added that some students may feel they can't continue their studies if the grants are eliminated. Students are worried about what the possible changes in grant disbursement mean for them at a time when tuition and fees continue to rise.

ASUO Legislative Associate Gabe Kjos, who himself receives a Pell Grant, said reduction in aid can limit higher education access.

"Access to higher education is our highest priority," Kjos said. "To show this, we are sending a delegation of five to the annual United States Student Association meeting to make the issue a national priority that all campuses will fight for."

Contact the reporter at ayishayahya@dailyemerald.com.

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