

## Delaware Tribe of Indians Tribal Court

Assistant Chief Chet Brooks,		
Secretary Verna Crawford and	)	<u>Case No. CIV-14-001</u> .
Councilman Nathan H. Young	)	
Petitioners	)	
	)	
vs	)	
	)	
Chief Paula Pechonick	)	
Respondent	, )	

## **Violation of the Constitution And Oath of Office.**

**NOW** on this the 9<sup>th</sup> day of April, 2014, this matter comes before the Court for hearing upon the Petitioners filing that on or about December 3, 2013, the Respondent gave notice of termination of the Gray & Gray contract on her own volition and contrary to the decision of the Tribal Council and Article II Section 5 of the Delaware By-laws as well as in direct violation of the Constitution and her oath of Office. The Court having heard the arguments and reviewed the records herein, **FINDS** as follows:

- 1. Case No. CIV-14-001 was filed with the Delaware Tribal Court on March 19, 2014. A hearing was scheduled for April 2, 2014 at 1:30 pm.
- 2. On March 26, 2014 the Court received a request from the Respondent for a (7) day extension to have time to prepare and provide a response for the hearing. A continuance was granted for April 9, 2014 at 1:30 pm.
- 3. On April 8, 2014 Nathan H. Young requested to be removed from the list of Petitioners and request was granted.
- 4. On April 8, 2014 the Court received a request from Petitioners Chet Brooks and Verna Crawford for a continuance of the hearing to try to resolve their complaint with the Chief by negotiation or mediation. This request was denied as this was a question of constitutionality and not subject to negotiation or mediation.
- 5. On April 9, 2014 the Respondent's Answer to Petition was received by the Court.

- 6. On April 9, 2014 the hearing was held in the Caney, Kansas Court Room where arguments of the Petitioners and the Respondent were heard and all Exhibits reviewed.
  - 6.1. Exhibit 1 Minutes for December 2, 2013 Council Meeting reflect discussion of Gray & Gray contract as to whether to terminate the contract and maybe review it later. Secret vote was read with votes as follows: Yes = 3, No = 3, tie vote.
  - 6.2. Exhibit 2 Letter from Chief Paula Pechonick dated December 4, 2013 to Mr. and Mrs. Gray terminating the contract with 30-day notice.
  - 6.3. Exhibit 3 Interoffice Memo from Councilwoman Verna Crawford dated December 16, 2013 notifying all employees that the Gray and Gray contract was still in full effect.
  - 6.4. Exhibit 4 Interoffice Memo from Chief Paula Pechonick, dated December 20, 2013 superseding and nullifying the memo issued by Councilwoman Verna Crawford.
- 7. After hearing all arguments and review of the records, the Delaware Tribal Court finds that the termination of the contract with Gray & Gray to be in DIRECT VIOLATION of the Constitution and Delaware By-Laws based on:
  - 7.1. CONSTITUTION
    - 7.1.1. Article 1 Supreme Authority
    - 7.1.2. Article IV Governing Body
      - 7.1.2.1. Section 2. There is created by this Constitution a governing body which shall be known as the Delaware Tribal Council.
    - 7.1.3. Article V Powers of the Tribal Council
      - 7.1.3.1. B. To negotiate and make contracts with Federal, State, and Local Government and individuals, firms or companies.
  - 7.2. DELAWARE BY-LAWS
    - 7.2.1. Article I Duties of Officers
      - 7.2.1.1. Section 2. The Chief and the Tribal Council
    - 7.2.2. Article II Meetings of the Tribal Council
      - 7.2.2.1. Section 5. Matters of business for the Council shall be decided by a Majority vote.

**THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED** that the Council shall decide what action is to be taken according to Article X Section 1 of the DELAWARE TRIBE OF INDIANS CONSTITUTION AND BY-LAWS.

IT IS SO ORDERED.

Charles Randall

Delaware Associate Judge