



# THE PAIUTE INDIAN TRIBE OF UTAH

440 North Paiute Drive • Cedar City, Utah 84721 • (435) 586-1112

April 28, 2015

Dear Tribal Members,

In 1991, the tribal membership of the Paiute Indian Tribe voted to affirm the Tribe's revised Constitution. This vote in support of our constitution was an important point in the history of our Tribe, coming eleven years after our restoration as a federally recognized tribe. As a Tribe, we have worked hard together to strengthen our tribal government with its Constitution, its Ethics Ordinance and its Standards of Conduct for elected tribal officials.

Our tribal Constitution provides that the "tribal council, may by a majority votes of its members remove any tribal council member, including the chairperson and vice-chairperson, for neglect of duty or willful misconduct."

From this perspective it was a serious and a solemn situation that brought the Tribal Council together on April 1, 2015 for the first time in our 35 year history to vote to remove a chairperson. The Tribal Council voted to remove the tribal chairwoman from office only after careful deliberation on the charges, evidence, underlying conduct, and admissions of Gari Pikyavit Lafferty herself. Resolution 2015-14, the Resolution of the Tribal Council of the Paiute Indian Tribe of Utah to Remove its Tribal Chairwoman Gari Pikyavit Lafferty for Neglect of Duty or Willful Misconduct Pursuant to Article XII, Section 2, of the Constitution of the Paiute Indian Tribe of Utah, dated April 1, 2015, reflects the decision of the Tribal Council. The Tribal Council has also issued detailed Findings in Support of its Decision. Those Findings are dated April 27, 2015, and are available to the tribal membership on the Tribe's website at [www.utahpaiutes.org](http://www.utahpaiutes.org).

## **About this Letter**

We know this has been a trying time for many in our Tribe. The truth is that this has been a disheartening set of circumstances for all concerned. At this point, with the release of the written findings against the former chairwoman, we wanted to send this letter to provide an overview of the factual and legal findings that led to the Tribal Council's decision.

It is worth noting that while much has been made in the news media about the connections of this matter to the Washington Football Team, this was not the only reason for her removal. There were other violations that show an ongoing pattern of unethical behavior that has concerned the Tribal Council for the two years that Gari Pikyavit Lafferty was chairwoman.

## **Key Dates**

March 2, 2015: The Tribal Council formally initiates the removal process, serving Gari Pikyavit Lafferty with notice of charges of willful misconduct and/or neglect of duty.

March 26, 2015: Five days in advance of the hearing, the Tribal Council releases additional information about the charges through an amended notice of charges. The Tribal Council also Gari Pikyavit Lafferty with copies of the documents the Tribal Council plans to use at the hearing, and the witnesses the Tribe will call to testify against Gari Pikyavit Lafferty.

March 31, 2015: Gari Pikyavit Lafferty responds to the charges against her at a hearing held at the Iron County Justice Court. By Gari Pikyavit Lafferty's choice, the hearing is open to tribal members and news media. She is represented by an attorney, able to call witnesses, present evidence and testify on her own behalf.

April 1, 2015: The Tribal Council votes to remove the chairwoman after careful deliberation, and sets a date for the Special Election to fill the vacant chairperson seat.

April 2, 2015: The Tribal Council issues a copy of the Resolution to Remove the Chairwoman to tribal members and the news media.

April 24, 2015: The Tribal Council issues a 21-page written report on the Findings in Support of the Decision to Remove.

April 30, 2015: The last day of the Special Election to elect a new chairperson.

May 1, 2015: The results of the election are announced.

May 4, 2015: The new chairperson is sworn into office.

### **About the Findings of the Tribal Council**

On Friday, April 24, the Tribal Council issued to Gari Pikyavit Lafferty and her attorney a 21-page report on the Finding of the Tribal Council of the Paiute Indian Tribe of Utah in Support of Its Decision to Remove. This legal document is available on the tribal website, [www.utahpaiutes.org](http://www.utahpaiutes.org), or tribal members may call the tribal office and request a copy be mailed to you.

A short summary of the Findings:

1. She accepted gifts for herself and her family in excess of \$50, and promoted her personal gain over the best interest of the Tribe, in violation of the Tribe's Ethics Ordinance.
2. Her actions in accepting these gifts could reasonably be understood to obligate the Tribe to supporting an NFL team in the national debate about mascot sports team names, in violation of Article IX, Section I(f) of the Tribe's Constitution.
3. She used her tribal chairwoman title to promote her own personal/private interests separate from the Tribe's, in violation of the Tribal Council Standards of Conduct.
4. She ignored and disregarded the express orders and directives of the Tribal Council, in violation of Article IX, Section 1(g), of the Constitution.

5. She infringed on the powers reserved to the Bands, disregarding express directives from the Tribal Council that she stop doing so, in violation of Article IX, Section 1(g) of the Tribe's Constitution.
6. She used her position as tribal chair in an attempt to disparage the professional reputation of a tribal member, by attempting to interfere in that member's business relationships, a violation of the Tribal Council Standards of Conduct.

### **About the Tribal Council's Decision to Remove**

The Tribal Council finds that any one of these six charges, taken on its own, would be reason enough for removal. Collectively, the charges absolutely warrant removal, under Article XII, Section 2 of the Tribe's Constitution.

The Tribal Council has a solemn obligation and duty to uphold and implement the Tribe's laws, and, if they are violated, to take action in order to protect the sacred trust of the membership. Removal of the tribal chairwoman based upon her violations of the Tribe's Ethics Ordinance, its Standards of Conduct, and most importantly, its Constitution, ensures that those laws have meaning, and that elected tribal leaders will be held accountable for their actions.

This is the first removal of a chairperson in the Tribe's 35 year history, and the Tribal Council is disheartened by having to take this action. But removal of was necessary in order to protect the integrity of the position of tribal chair, and the integrity of the tribal laws that govern the conduct of the Tribe's elected officials.

### **Very Limited Potential of Appeal**

Article XII, Section 2(b)(4) of the Tribe's Constitution states that the "the factual determinations of the tribal council and removal decisions of the tribal council shall be final; Except, that issues of the constitutionality of a tribal council member's removal may be reviewed by the tribal appellate court." The Tribal Council considers this to be a very narrow, discretionary appeal, limited to issues of constitutionality.

The decision of the Tribal Council issued the April 1 Resolution to Remove and in the Findings is final unless a formal Notice of Appeal is filed with the Tribal Council by April 29. If a Notice of Appeal is filed by Gari Pikyavit Lafferty, the Tribal Council will determine the appropriate appellate process.

### **The Special Election**

Meanwhile, ballots in the Special Election to elect a new chair must be received by the tribal office by Thursday, April 30. The name of the new chair will be announced on May 1, 2015. Some people have told tribal members not to vote, but all this will do is keep your voice from being heard in the outcome of this election. So please play your Constitutional part in our government and vote.

### **Obtain a copy of the Findings**

Copies of the Findings, the hearing records, and other tribal documents are available to tribal members on the Tribe's website, [www.utahpaiutes.org](http://www.utahpaiutes.org), or tribal members may call the tribal office and request that a copy be mailed to them.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanine Borchardt". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jeanine Borchardt, Interim Chairwoman  
Paiute Indian Tribe of Utah