



# THE PAIUTE INDIAN TRIBE OF UTAH

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Immediate Release  
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The Tribal Council of the Paiute Indian Tribe of Utah has denied an appeal of its April 1, 2015, decision to remove its former Chairwoman, Gari Pikyavit Lafferty, for neglect of duty or willful misconduct. Lafferty filed a Notice of Appeal on April 29, 2015, four weeks after the Tribal Council issued its removal decision, and just one day before the Tribe's special election deadline to elect a new Tribal Chairperson.

On May 1, 2015, the results of the special election were posted in all the areas. Corrina Bow of the Kanosh Band won the special election and was sworn in as the Tribe's new Chairwoman on May 4.

The Tribal Council's decision to deny the appeal comes after careful consideration. 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 two-sentence Notice of Appeal filed by Lafferty did not cite a single specific issue of constitutionality, which is the threshold for any review.

In addition, the Tribe lacks the resources to operate a tribal court let alone an appellate court. To create an appeals court for Lafferty alone would cost money that the Tribe doesn't have. And it would be unfair to offer an appellate process to one tribal member when the Tribe cannot afford to extend that opportunity to other tribal members.

The Tribal Council provided Lafferty with the opportunity to provide her defense to the charges for her removal, as required in its constitution. At the hearing on March 31, Lafferty was allowed to answer to the charges pending against her, to be represented by an attorney, to call witnesses and to testify on her own behalf without a rebuttal. Although not required to do so, the Tribal Council provided Lafferty with a copy of its witness list and evidence five (5) days prior to that hearing. The Tribal Council has acted fairly and reasonably, and in conformance with the removal process under the Tribe's Constitution.

The Tribal Council issued 21 pages of detailed and specific findings in support of its removal decision and offered 134 pages of factual evidence of Lafferty's neglect of duty and willful misconduct. The Tribal Council also arranged for a transcript of the hearing to be made. These documents are available for review on the tribe's website:  
<http://www.utahpaiutes.org/about/government/news.aspx>.

In a letter to tribal members made public the next week, interim Chairwoman Jeanine Borchardt summarized the six legal findings against Lafferty, stating that:

“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.”

On the day she took office, Chairwoman Bow said, “The Paiute Indian Tribe has gone through a period of negativity, so now we must clear the air; it is time for the Tribe to start healing. There are no winners in a situation like this, but the Tribal Council can unite and move forward and refocus on what is important for our Tribe, for our people and our children.”

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