



April 8, 2015

THE PAIUTE INDIAN TRIBE OF UTAH

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

Dear Tribal Members,

The Paiute Indian Tribe of Utah Tribal Council on April 1, 2015, made the difficult decision to remove Gari Pikyavit Lafferty as Chairwoman of our Tribe and to set the date for a special election to select a new Chair on Thursday, April 30, 2015.

The Tribal Council voted unanimously that Gari Lafferty's conduct constituted neglect of duty or willful misconduct on each and every charge contained in the Amended Notice of Charges. There were six charges against her. The Tribal Council also voted unanimously to remove Gari Lafferty based on her conduct. The Amended Notice of Charges is available for you to review at the Tribal office or on the Tribe's website at www.utahpaiutes.org.

I am writing on behalf of the Tribal Council so that you can hear directly from us about what has happened and why, and so you do not have to depend upon rumors or the various media reports. I also want to share that the actions of the Tribal Council have been carefully and deliberately based upon the Tribe's Constitution and Gari Lafferty's violation of Tribal laws, not upon politics or personalities as some media has wrongly asserted.

Gari Lafferty's removal as Chair is a result, in part, of her admission that the Washington Redskins flew her and several members of her family to a game in Washington, D.C., and paid for airfare, tickets, meals, and accommodations. She also admitted to soliciting a signed RG3 football from the Washington Redskins Original Americans Foundation ("OAF"). Her actions in accepting these gifts violate the Tribe's Ethics Ordinance, the Tribal Council Standards of Conduct, and the Tribe's Constitution.

Her personal solicitation and acceptance of these gifts could reasonably be inferred to influence her judgment and/or official actions, and the gifts for her personally and nine members of her family are valued at thousands of dollars – far above the \$50 limit identified in the Tribe's Ethics Ordinance. In addition, just days before leaving on her trip, she participated in a Conflict of Interest training that expressly stated that Tribal officials should not accept gifts such as event tickets, meals, and travel/accommodations. Gari Lafferty admitted recently to a *Washington Post* reporter that she knew at the time that the acceptance of gifts could create a conflict of interest. Yet, she took them anyway.

There has been a lot of discussion in the community about the passenger vans that were donated to the Tribe by the OAF. Gari Lafferty admitted to soliciting two vans from the OAF on May 6,

2014. Those vans were in addition to another van that had previously been promised by the OAF to the Tribe through the Tribe's Economic Development Director. The Tribal Council was not aware of any of the vans until nearly a month later when Gari Lafferty provided her Chairwoman's Report to the Tribal Council. When the vans were delivered to the Tribe shortly thereafter, title was almost immediately transferred to the Bands that had been determined to have the greatest need for transportation. The first van went to Gari Lafferty's Band, the Kanosh Band. The second van went to Cedar Band.

It is important to understand that Gari Lafferty was not charged for accepting the vans from the OAF. Unlike the NFL tickets and associated travel, accommodations and meals for Gari Lafferty and her family, the vans at least purported to have a charitable purpose: to provide transportation that is sorely needed among our Tribe. In contrast, the other gifts – the autographed football and the game tickets and travel – were only for the personal benefit of a Tribal official and her immediate family members.

Although the vans were not a basis for Gari Lafferty's removal, on March 17, 2015, the Cedar Band returned its van, including keys and title, to the Tribe. The Cedar Band's letter to the Tribal Council stated that the "source of the donation has caused great difficulties and mixed feelings among Cedar band membership," and that the Band Council had determined that retention of the van was too divisive among the Band because of the Redskins controversy.

On April 1, 2015, the Tribal Council by motion refused to accept a third van promised by the Redskins, but not yet delivered, and refused to accept any other gifts from the team or the OAF. The Tribal Council is actively considering how to dispose of the van that Cedar Band returned to the Tribe. By returning and rejecting the OAF vans, the Tribe sends a strong message that the dignity of the Paiute Indian Tribe of Utah is not for sale.

Gari Lafferty's removal is not a debate about the Redskins; it is about her actions in accepting personal gifts for herself and her family. In doing so, she dragged the Tribe into a matter of national debate and controversy by providing implicit support for the Redskins team, without the prior written authorization of the Tribal Council. Her solicitation and acceptance of personal gifts valued at thousands of dollars would be a problem regardless of the source.

Although the issues associated with the Redskins are getting the most attention from the national media, the Tribal membership should be aware that there were three other charges against Gari Lafferty. The common theme in those other charges was that Gari Lafferty continually promoted her own self-interest, rather than the best interests of the Tribe, and refused to follow the directives of the Tribal Council. Her actions violated the Tribe's Constitution, the Tribe's Ethics Ordinance, and the Tribal Council Standards of Conduct.

Gari Lafferty has not formally appealed as of the date of this letter, though she has made recent statements in the media that she plans to do so. The Tribe's Constitution states that the "factual determinations of the tribal council and removal decisions of the tribal council shall be final[.]" The Constitution provides that "issues of the constitutionality of a tribal council member's removal may be reviewed by the tribal appellate court." This means that the only possible appeal

is that the Tribal Council did not follow the Tribe's Constitution. But the Tribal Council fully complied with each and every aspect of its Constitution.

The Tribal Council took great care in its handling of this removal by affording Gari Lafferty with more process than was due under the Tribe's Constitution, which requires only written notice of charges at least five days prior to a hearing. She received initial notice of the charges on March 2, 2015, for her hearing held on March 31, 2015. The charges and surrounding evidence were presented, as well as the applicable Tribal laws. Gari Lafferty then had an opportunity to respond, call witnesses, and, through her attorney, argue against removal. She had an opportunity to make a statement on her own behalf.

Gari Lafferty has suggested in the media that the members of the Tribal Council "were the accusers, the judge and the jury." But the Tribal Council simply followed and applied the removal process set forth in Article XII of the Tribe's Constitution. That process is akin to the impeachment process of many governments, such as the United States, which vests Congress with the power to impeach (remove) the President.

Gari Lafferty's defense, in essence, was that she should not be held accountable for her conduct and that to do so would set too high a standard for Tribal Council members. The Tribal Council disagrees. The Tribe's Ethics Ordinance, its Standards of Conduct, and most importantly, its Constitution, should mean something. The Tribal Council has a solemn obligation and duty to uphold those laws, and, if they are violated, to take action in order to protect the sacred trust of the membership. Removing the Chairperson was necessary to protect the integrity of the position.

The Tribal Council is disheartened due to the outcome, but nonetheless very hopeful that the Tribe can move forward with the healing process for our people, beginning with the special election on April 30, 2015.

Sincerely,

A handwritten signature in cursive script, reading "Jeanine Borchardt". The signature is written in black ink and is positioned above the typed name.

Jeanine Borchardt, Tribal Vice Chairwoman