



THE PAIUTE INDIAN TRIBE OF UTAH

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TRIBAL COUNCIL MEMORANDUM

TO: *The Paiute Indian Tribe of Utah Tribal Members*

FROM: *The Paiute Indian Tribe of Utah Tribal Council*

Date: *June 13, 2019*

RE: *Removal Hearings*

On June 11-12, 2019, a quorum of 4 members of the PITU Tribal Council held removal hearings for Carmen Clark, Lora Tom, Delvern Pikyavit, and Corrina Bow in accordance with the procedure and standard set forth in the PITU Constitution. The removal hearings were presided over by a neutral and independent hearing officer (Judge Reynolds) who was retained by the tribal Council to ensure that the hearings would be fair to all parties.

Ms. Clark, Ms. Tom, Mr. Pikyavit, and Ms. Bow were served with complaints containing allegations that they violated the Tribal Council Standards of Conduct. Article XII, Section 2(a) of the Tribe's Constitution provides that the Tribal Council may by a majority vote of its members remove any Tribal Council member for neglect or willful misconduct.

Ms. Clark, Ms. Tom, Mr. Pikyavit, and Ms. Bow all decided not to attend the hearings. Mark Echo Hawk, an attorney that represents several of the Respondents, also chose not to attend the hearings. During the hearings all of the facts related to the allegations in the complaints were placed in the record. Because the Respondents chose to boycott the hearings none of the facts were contested. The Tribal Council spent over 6 hours discussing and deliberating the facts and their application to the alleged violations of tribal law set forth in the complaints.

Ultimately, the Tribal Council decided that the facts justified some but not all of the allegations in the complaints that the Respondents violated tribal law. The Tribal Council enacted resolutions reflecting its final decisions. The resolutions and the hearing materials will be available at www.utahpaiutes.org by Tuesday, June 18, 2019.

The Tribe's Constitution provides that the factual determinations and removal decisions of the Tribal Council are final. The Constitution provides that "issues of the constitutionality of a tribal council member's removal may be reviewed by the tribal appellate court." The appellate court review will focus on whether the hearings were consistent with the Tribe's Constitution.

The Tribal Council took great care in assuring that the removal process was fully consistent with the Tribe's Constitution. For example, the Tribe's Constitution requires written notice of charges at least five days prior to a hearing. Ms. Clark, Ms. Tom, Mr. Pikyavit and Ms. Bow received initial notices of the removal complaints the first week of May, or several weeks before the hearings. Further, the hearing process gave the Respondents the opportunity to respond to the charges, call witnesses at the hearings, challenge any evidence offered at the hearings against them, and general argue, themselves or a lawyer of their choice, against removal. Finally, the hearings were presided over by a neutral Hearing Officer (an active tribal court judge) who ensured that the process would be fair to all. The Respondents chose not to attend the hearings.

The Tribal Council deliberated for many hours over the decisions to remove the Respondents. The evidence was overwhelming, however, and dictated the difficult decisions that we finally made. We are hopeful that the Tribe will move forward with the healing process for our people.