

CHAIRMAN'S REPORT

Hearing: Expulsion of Council Member

As chairman of the Siletz Tribe, I have always taken seriously my obligation to govern with high standards of honesty, integrity, fairness and impartiality. As elected officials, all council members have this obligation, which is why I have been deeply troubled over the severe misconduct of one of our own recently elected council members, Lisa Brown.

Her conduct was so severe that it resulted in her expulsion from the Tribal Council. Except for one council member who was expelled from the council many years ago, we have never had another situation this severe until today, in which the Tribal Council was compelled to deal with a fellow council member for gross misconduct leading to expulsion.

As outlined below, newly elected Siletz Council member Lisa Brown was expelled from the Siletz Tribal Council on March 28, 2009, for violating Tribal laws and policies. The expulsion was based on hearings that began on March 19 and ended with the Tribal Council's decision on March 28, which substantiated the following charges of gross misconduct:

1. Improper supervision of a Tribal employee
2. Making racist comments
3. Jeopardizing the assets of the Tribe
4. Interfering with the day-to-day operations of the gaming operation
5. Abuse of authority

The process of expelling a council member has been an extremely difficult, demanding and time consuming one for the council to go through. Expulsion is defined in Article VII, Section 4 of the Siletz Tribal Constitution, which states:

The Tribal Council may, by a two-thirds vote of the total members of the Tribal Council, after due notice and an opportunity to be heard, expel any Tribal Council member for neglect of duty or gross misconduct.

Section 4 states further that:

Any member so expelled shall have the right to appeal the expulsion to the



Delores Pigsley

Tribal Court with complete review of all matters at issue.

On April 2, 2009, Lisa's spokesperson, Kenneth Blacketer, filed an appeal to "grant a stay of the Siletz Tribal Council's expulsion until the Tribal Court issues a decision based on plaintiff's appeal of respondent's decision to expel Lisa from the council."

The Tribal Council has filed a response to that motion with the court.

The Tribal Court heard Lisa's motion for a stay on April 22, 2009.

Of major significance in justifying the council's decision to expel Lisa were the findings of the Siletz Tribal Gaming Commission (STGC or commission), an independent body of the Siletz Tribe responsible for regulating the Tribe's gaming operations to ensure compliance with Tribal, federal and applicable state regulations.

The STGC has independent authority to investigate any activity implicating regulation of Chinook Winds Casino, including the authority to investigate the actions of Siletz Tribal Council members in their gaming oversight role under the Siletz Tribal Gaming Enterprise Charter. If the STGC determines that a council member has violated regulatory provisions of Tribal or federal law, the commission has the authority to sanction that Tribal Council member.

For the reasons explained below, the commission exercised this independent authority and on March 16, 2009, concluded that Lisa had engaged in misconduct warranting a significant sanction – she is banned from the casino properties for one year. If another violation occurs, the commission can impose an additional penalty or penalties.

Lisa's misconduct first came to the Tribal Council's attention because of a posting she made on the siletz.net website after she was elected. The posting was racially derogatory and deemed offensive, inappropriate and unprofessional to numerous employees, Tribal members and the general population.

Also immediately upon her election to office, Lisa engaged in inappropriate interference with Chinook Winds Casino and casino employees, which led to the independent investigation by the commission that found Lisa had violated the Tribes' gaming charter and other policies. Specifically, the commission found that Lisa violated:

1. Provisions of the Tribe's settlement agreement with the National Indian Gaming Commission by repeatedly intruding into the day-to-day affairs of casino operations and employee matters despite the Tribal attorney's directive
2. Provisions of the council's gaming oversight role by repeatedly attempting to interject her influence over casino operations and employees
3. The Tribe's gaming charter by attempting to interject herself into day-to-day operations of the casino through engaging casino employees for the purpose of meetings, thereby circumventing established protocols
4. The Tribal gaming charter by attempting to meddle in casino personnel matters by requesting personal salary and wage information
5. The Tribe's gaming charter by interfering with an official ongoing commission investigation by requesting information, reports, etc., directly from employees and others who may have provided information to the commission

6. Improperly met with casino employees without prior approval and in violation of established policies

On the charge of racism, there's no need to remind our members that the Confederated Tribes of Siletz Indians endured more than 100 years of ruthless racism during our own long and tragic Tribal history.

It was ironic, therefore, that a member was elected to our council who apparently had no recollection of, or even if she knew cared less about, that history and had no compunction in expressing racist views to others, namely to an important Tribal employee, Jim Kikumoto, an American of Japanese descent.

Kikumoto was, for eight years until his recent resignation, a highly competent and valuable general manager of the Siletz Tribe's Chinook Winds Casino Resort.

Lisa could just as easily have made the same kind of discriminatory and racist comments to revered Sen. Daniel Inouye if she had been present at a meeting with him in her role as council member, since it appears she had no understanding or sensitivity of how her comments were offensive to American citizens of Japanese ancestry.

Inouye, a strong advocate of Tribal rights and sovereignty, happens to be a wounded veteran and recipient of the Medal of Honor, a member of the famed 100th Battalion/442nd Infantry Regiments composed entirely of Japanese American GIs.

Lisa disdained Kikumoto and explicitly sought his eviction from his Siletz job immediately upon her election. The only communication she had with him was to criticize his racial heritage.

The charges against Lisa were very serious, not taken lightly by the council and were made in a resolution passed by six council members on Feb. 21, 2009.

Lisa agreed at that time to the scheduled hearing date of March 19, 2009, at which time the offenses, along with backup documents, were laid out by Tribal attorney Craig Dorsay. Lisa was represented by Ken Blacketer and some Tribal members who testified on her behalf.

See Chairman on next page.

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