

Karl v. LRBOI Election Board ---Case Number 19133EB

Summary: Plaintiff Karl petitions the Court to temporarily "Stay" the regulation in the Election Board's Code, Chapter 2, Section 3. That particular section states that a Tribal Member shall be removed from the registered voter's list if they fail to vote in two subsequent elections. He was fearful that it was implemented for a "sinister" purpose. He asks the Court to issue an order to stop the Election Board from carrying out that part of the code.

Decision and Order: The decision was issued. The case was dismissed because the Plaintiff did not have legal "standing" to bring the complaint to the Court. The Plaintiff had voted in the past two elections and thus far no one has been removed from the registration list for failing to vote in two elections. There is no case or controversy at this time.

Cynthia Champagne v. Ethics Board and Little River Tribal Council --- Case Number: 19237GC

Summary: Plaintiff Champagne argued the Elected Officials Ethics Ordinance was unconstitutional. The Ethics Ordinance created a body that investigates and holds hearings on complaints of unethical conduct of elected officials. Plaintiff argues that the Constitution only allows for removal of a sitting Council member and that there are no other sanctions under the Constitution.

Decision and Order: The Tribal Council cannot delegate power to a subordinate body that it is specifically tasked with in the Constitution. Article X of the Constitution sets forth the grounds for removal, including misconduct and malfeasance. There is no mention of any other sanction. This is the same for the Ogema.

Cynthia Champagne v. LRBOI Ethics Board ---Case Number: 19292EC

The finding of the Ethics Ordinance as Unconstitutional in Case Number 19237GC reverses and dismisses this case.

Shannon Crampton v. LRBOI Ethics Board ----Case Number: 19218EC

The finding of the Ethics Ordinance as Unconstitutional in Case Number 19237GC reverses and dismisses this case.

Shannon Crampton v. LRBOI Ethics Board --- Case Number: 19288EC

The finding of the Ethics Ordinance as Unconstitutional in Case Number 19237GC reverses and dismisses this case.

LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COURT
3031 Domres Road
Manistee Michigan 49660

CYNTHIA CHAMPAGNE,
Petitioner

Case No.: 19-237 GC
Hon. Angela Sherigan

V.

ETHICS BOARD, and,
LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COUNCIL,
Respondents.

DECLARATORY JUDGMENT
Regarding the Constitutionality of
the Elected Officials Ethics Ordinance

This matter having come before the Court as an Appeal on a finding of the Ethics Boards regarding a Petitioner. Petitioner appealed the findings and argued that the Elected Officials Ethics Ordinance is unconstitutional. A hearing having been held and the issues of whether or not Elected Officials have a property interest in their position, and if the ordinance violates due process being fully briefed, the Court finds as follows:

The Court has jurisdiction to hear this matter under Article VI, Section 8 of the Constitution, specifically Section 8(b), which states that the Court has the power to "review ordinances and resolutions of the Tribal Council or General Membership to ensure that they are consistent with the Constitution and rule void those ordinances and resolutions deemed inconsistent with this Constitution."

The Elected Officials Ethics Ordinance, creates a body that investigates and holds hearings on complaints of unethical conduct of elected officials.¹ Tribal Council has cited Article IV, Section 7 of the Constitution as the authority to create the ordinance, specifically Section 7(a)1-2, which states: 1. To govern the conduct of members of the Little River Band and other persons within its jurisdiction; 2. To promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members".

Constitutionality

Petitioner argues that the Ordinance is unconstitutional to her as a Tribal Council member as the Constitution only allows for removal of a sitting council member as a sanction, Article X, Section 3, and there is no other means of

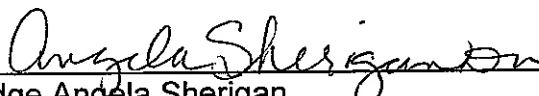
¹ The Tribal Courts are exempt from the Ordinance.

sanctions, specifically, fines, reprimands, restitution, suspension. The Respondents argue that Tribal Council members can also be removed by a Recall, thus there is not a constitutional limitation on discipline, and additionally, Tribal Council can delegate powers and that is what it has done here

The Court finds that the argument of recall is unpersuasive and misplaced. The issue here is Tribal Councils enactment of an ordinance, not the general membership's abilities.

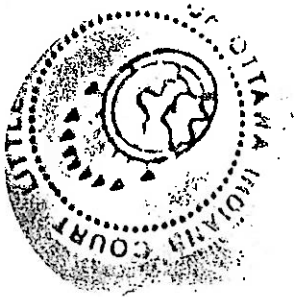
Delegation of power. The Tribal Council cannot delegate power to a subordinate body that it is specifically tasked with in the Constitution. Article X of the Constitutions sets forth the grounds for removal, including misconduct, and malfeasance². There is no mention of any other sanction. This is the same for the Ogema.

THEREFORE, for the reasons stated above, the Court finds that the Elected Officials Ethics Ordinance is unconstitutional as to Tribal Council Members³ and the Ogema.



Judge Angela Sherigan

2/16/2021
Date



² In the Ethics Board findings there was a finding of malfeasance. Malfeasance is specifically mentioned in the Constitution in Article X as a cause for removal by the Tribal Council, this function cannot be delegated.

³ As the Court has found the Ordinance to be unconstitutional as to Tribal Council Members, there is no need for analysis and ruling on the issues of due process and property interest.

LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COURT
3031 Domres Road
Manistee Michigan 49660
(231) 398-3406

CYNTHIA CHAMPAGNE,
PETITIONER

Case No.: 19-292 EC
Hon. Angela Sherigan

v.

LRBOI ETHICS BOARD,
RESPONDENT

Cynthia Champagne
Petitioner
1080 Red Apple
Kewadin MI 49648


Rebecca Liebing
Attorney for Respondent
2608 Government Center Dr.
Manistee, MI 49660

ORDER OF REVERSAL AND DISMISSAL

This matter has come before the Court on an appeal from a decision of the Ethics Board, a hearing having been previously held and the parties stipulating to delay decision until a decision had been made in Case No. 19-237 GC on the constitutionality of the Elected Officials Ethics Ordinance.

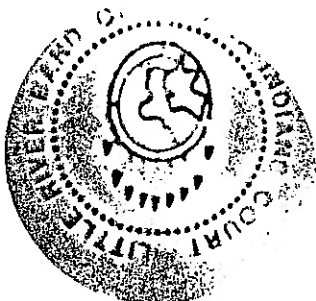
Case No. 19-237 has been decided (February 16, 2021) finding the Elected Officials Ethics Ordinance unconstitutional as to Tribal Council members. This Petitioner is a Tribal Council member.

THEREFORE, the decision of the Ethics Board is hereby reversed and the dismissed. This case is hereby Closed.



Judge Angela Sherigan

2-16-2021
Date



LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COURT
3031 Domres Road
Manistee Michigan 49660
(231) 398-3406

SHANNON CRAMPTON,
PETITIONER

Case No.: 19218EC
Hon. Angela Sherigan

v.

LRBOI ETHICS BOARD,
RESPONDENT

Shannon Crampton
Petitioner
P.O. Box 88
Kewadin MI 49648

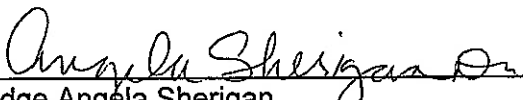
Rebecca Liebing
Attorney for Respondent
2608 Government Center Dr.
Manistee, MI 49660

ORDER OF REVERSAL AND DISMISSAL

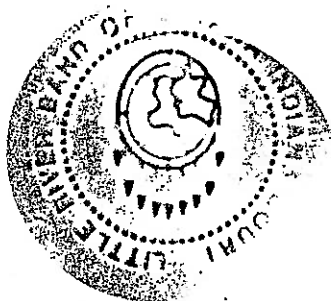
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THEREFORE, the decision of the Ethics Board is hereby reversed and the dismissed. This case is hereby Closed.


Judge Angela Sherigan

2/16/2021
Date



LITTLE RIVER BAND OF OTTAWA INDIANS
TRIBAL COURT
3031 Domres Road
Manistee Michigan 49660
(231) 398-3406

SHANNON CRAMPTON,
PETITIONER

Case No.: 19-288 EC
Hon. Angela Sherigan

v.

LRBOI ETHICS BOARD,
RESPONDENT

Shannon Crampton
Petitioner
P.O. Box 88
Kewadin MI 49648

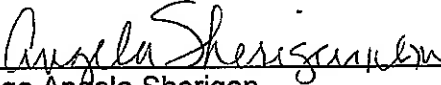
Rebecca Liebing
Attorney for Respondent
2608 Government Center Dr.
Manistee, MI 49660

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THEREFORE, the decision of the Ethics Board is hereby reversed and the dismissed. This case is hereby Closed.



Judge Angela Sherigan

2-16-2021
Date

