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TRIBAL COUNCIL

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DATE SUBMITTED: JUNE 18, 2019

COMPLAINT: "FALSE STATEMENT" - ARTICLE 4, SECTION 4.05, ELECTED OFFICIALS ETHICS ORDINANCE

RECOMMENDED REMEDY: A CORRECTION OF THE OPEN SESSION MINUTES OF THE JANUARY 31, 2005 MEETING TO THE LITTLE RIVER BAND OF OTTAWA INDIANS TRIBAL COUNCIL MEETING.

This section of the above reference reads as follows: "Elected officials shall not knowingly and willfully make a false statement concerning any person or subject matter while acting in an official capacity. Further, elected officials have a duty to determine the truthfulness of statements they make in any forum that could reasonably be perceived as related to an official capacity."

ETHICS BOARD: FORMATION AND PROCESS -

A formal complaint was made by Diane Lonn against Shannon Crampton based on statements that were made in the Tribal Council meeting dated January 31, 2019. This complaint resulted in establishing this Ethics Board. Three of the randomly selected seven potential Board Members were present for the first meeting of the Board (May 10th). Unified Legal carefully walked the Board through the Ethics Ordinance and the By-Laws that were included in the initial letter sent to establish the Board. Related questions (to the Ordinance and By-Laws) were asked and answered. Details of the complaint itself were NOT discussed while Legal was present. In fact, Unified Legal made it clear that they did not have any direct knowledge of the complaint and further, that they did not want to know any of the details. Thus, the whole the matter was left to the Board after this orientation. It is perhaps worth noting here that the "Confidentiality" of the proceedings was duly emphasized.

A quorum (of three) was present at the first meeting and Board Officers were established at that time. M. Howell volunteered to be Secretary and C. Fisher assumed the responsibilities of the Chairman. Shawwna Gonzalez was also present at the first meeting and agreed to take on Board responsibilities. At our second meeting, the Ethics Board was fully constituted with four members when Beverly Cole attended. These Board remained in place over the entire process.

MATERIALS INITIALLY REVIEWED:

1. Original letter sent to randomly selected Commissioners to establish the Ethics Board
2. Ethics Ordinance at: <https://lrboi-nsn/wp-content/uploads/2015/10/Elected-Official-Ethics-Ordinance.pdf> and
3. By-Laws at: <https://lrboi-nsn/wp-content/uploads/2019/01/Ethics-Board-By-Laws.pdf>
4. Gaming Ordinance <https://lrboi-nsn.gov/wp-content/uploads/2018/04/Title-01..pdf>
5. Listing of Gaming Commission appointments (from 1998) & Listing of Tribal Council Gaming Commission Liaison Appointments (from 2003 through 2018).
6. The Board reviewed all Gaming Commission Meeting Minutes from 2001-2009 on the government website at: <https://lrboi-nsn.gov/government/legislative-branch-tribal-council/commissions-committees/>
7. Attendance lists for Moss Adams Assessment meetings – provide by Tribal Council Administration
8. Notes provided by Tribal Council Administration regarding Joan Spalding

9. List of attendees of Enterprise Board meetings beginning 1999-2009. This information was requested and produced via the Tribe's legal department; the Board did not review Enterprise Board Meeting Minutes.
10. The Open Session Minutes of the January 31, 2019 meeting of the Little River Band of Ottawa Indians Tribal Council.
11. In addition to the written material, the Board viewed the Tribal Council meeting from January 31, 2019 at: <https://lrboi-nsn.gov/government/legislative-branch-tribal-council/tribal-council-meeting-recordings-2019/>
12. The Board also interviewed the following people: Kelly Maser, Lee Iverson and Connie Waitner.
13. Oath of Office
14. One Page Undated Complaint signed by Diane Lonn as well as supporting documents submitted with the complaint, some of which are included in the "Materials Initially Reviewed" indicated herein.

MATERIALS GENERATED AND REVIEWED BY THE ETHICS BOARD:

1. Interview questions that were prepared for the Boards due diligence interviews with the following long-term Gaming Commission Representatives:
 - a. Kelly Maser
 - b. Lee Iverson, and
 - c. Connie Waitner
2. Because the "Hearing" with Council Crampton was formal and recorded and thus "on record", a number of requirements were involved, and a basic generic format was provided – this was re-worked into a hearing introductory document more directly related to the matter at hand and which was also thought to be more precise and more user friendly. This was read into the record at the outset of the hearing the Board had with Shannon Crampton (on June 13th).
3. Among the materials generated by the Ethics Board are its Findings and Final Report, which was signed and submitted on June 18, 2019, after being moved to "Open Session" so as to allow this to occur.

MATERIALS SUBSEQUENTLY REVIEWED –

(AS THE RESULT OF THE RESPONSE TO NOTICE OF MERIT SUBMITTED BY COUNCILOR CRAMPTON)

1. A brief note signed by Shannon Crampton that introduced the following materials that were included as attachments.
2. Submission by Councilor Crampton of that section of Tribal Council Minutes dated May 25, 2005 entitled "Appointing of Tribal Council liaisons to Commissions, Committees and Boards" which goes on to clearly indicate that Shannon Crampton was appointed as a Liaison to the Gaming Commission on this date.
3. Submission by Councilor Crampton of pertinent section of Tribal Council Minutes dated July 13, 2005 entitled "Acceptance of resignation as Gaming Commission Liaison, Shannon Crampton" which was subsequently approved by motion at this same time.
4. A later submission made by Councilor Crampton at the hearing held June 13th - this consisted of several "Face Book" pages (in support of a non-meritorious finding).

MATERIALS SPECIFICALLY PREPARED AND REVIEWED FOR THE HEARING –

1. Notice of Hearing as sent to Councilor Crampton.
2. Complete Open Session Minutes from May 25, 2005 (date of Liaison Appointment) and from July 13, 2005 (date of resignation).
3. Gaming Commission Records were also compiled for the timeframe around both the appointment and resignation, more specifically, the Months of May, June, July and August of 2005.
4. In the course of the Hearing, Councilor Crampton presented the Board with two Face Book pages that did not have a directed bearing on the matter at hand.

MATERIALS THAT WERE NOT INITIALLY OR COMPLETELY REVIEWED –

1. Tribal Council records were not preliminarily reviewed. These were not intentionally omitted but rather overlooked as a possible source of relevant information, particularly in light of the fact that the Board was focused on the statement wherein Councilor Crampton stated that along with Joan Spalding he helped write most of the laws they were looking at.
2. This original omission on the part of the Board was corrected when Councilor Crampton, as was previously stated in this report, brought in proof of his appointment as a Tribal Council Liaison to the Gaming Commission (May 25, 2005) and his resignation (July 13, 2005). (More on subject will follow).

PRELIMINARY BOARD POSITIONS/STATEMENTS:

None of the Ethics Board Members had attended the January 31, 2019 Tribal Council Meeting and no Board Member had any prior knowledge of the issue. It was clear to us that our central purpose was to clarify the truth of the Councilor Lonn's allegation as related to the statements (allegedly false statements) made by Councilor Crampton in the meeting identified above. Due to the seriousness of the matter, concerns were expressed by the Board in terms of the 10-day time limit set for a preliminary review of the allegations, supporting documentation, and interviews with the complainant and/or witnesses. The board resolved to work towards these ends within these limits. At the same time, we believe we were careful not to jump to any conclusions. We openly discussed some of the difficulties of with "truth" as well possible bias and worked to deliberately reserve any judgement until the related materials were reviewed.

Overall and generally speaking, all of the above described materials were examined: depending on their perceived merit, many were reviewed in some depth, and a deep dive was involved with others. Many of the reviewed materials were re-reviewed on a number of occasions. To supplement the formal review process, some materials were done on an individual Board Member basis and brought back to the full board. All materials were reviewed in formal Board settings.

What follows is a review and summary of our review process: it is designed to address our evaluation of the materials which, in turn, led us to our preliminary conclusions, as well as our later final conclusions.

ELECTED OFFICIALS ETHICS ORDINANCE & ETHICS BOARD BY-LAWS DOCUMENT REVIEW & FINDINGS

These fundamental documents were emphasized at the outset of this Ethics Board's formation. Both documents were covered from head to toe in the initial review with the Board by Unified Legal. The

importance of “Confidentially” was stressed. Unified Legal also emphasized a number of sections of these guiding documents, for example, Section 2.04 of the By-Laws (Causes for Recusal of a Board Member) and

The unified Legal Review also noted the fact that the “Elected Officials Ethics Ordinance” was currently in the process of being amended. The Ordinance was reviewed in terms of its founding purpose (Article 1.01) which states:

“...to create a base from which all elected officials are expected to work upwards towards improving the health, safety and welfare of LRBOI, citizens of the tribe, and persons living in and around the jurisdiction of the tribe.”

Article 1.02 – As noted in this section of the Ordinance, LRBOI’s Constitution delegates the Tribal Council with the following responsibility (among others):

“...promote the highest ethical conduct in all of its elected and appointed officials, and (further) that”

“...Gifts of the Nizhwaaswi Mishoomisak (Seven Grandfathers) will serve as this guidance, i.e., Wisdom – Love – Respect – Bravery – Honesty – Humility – Truth”

Article 4 – The Ethical Standards section represents a substantial part of the whole of the Ordinance: it covers multiple expectations and specific ethical values for Tribal elected officials in regards to a large number of subject areas. “False Statements” (Article 4.05) is numbered among the expectations, stating:

“Elected officials shall not knowingly and willfully make a false statement concerning any person or subject matter while acting in an official capacity. Further, elected officials have a duty to determine the truthfulness of statements they make in any forum that could reasonably be perceived as related to an official capacity”.

It was (and remains) the hope of the Board that our work reflects the seriousness of the ethical concerns of the Tribe as evidenced in both the Ordinance and related by-laws which we view is punctuated by the cultural imperatives contained therein. In light of this, we find that these are high standards; in fact, they are very, very high standards that we hope we have also demonstrated in the work of the Board.

As previously stated, the Ethics Board was focused on the “False Statement” allegation. The Board viewed and listened to the meeting on multiple occasions both individually and collectively. There is no doubt that the allegedly false statement was made. The written minutes of the meeting also reflect this same outcome.

PRELIMINARY REVIEW OF COMPLAINT, WITH PRELIMINARY FINDINGS

It was found that the complaint met the requirements for “Filing a Complaint” as set forth in Article 6 of the Elected Officials Ethics Ordinance. Upon review, it was observed that the complaint was not dated. It was further noted that the complaint was signed and did not request complainant confidentiality. It was assumed that a signed complaint could stand for the specific requirement for “a signed affirmation by the complainant that the information in the complaint is true under penalty of perjury”.

The complaint itself and its contents were discussed at length on numerous occasions throughout the Board’s entire investigatory process. The Board was initially focused on the “false statement” allegation, i.e., on January 31, 2019, in a recorded meeting of LRBOI’s Tribal Council, Councilor Crampton claimed

service on the Gaming Commission and stated that, together with Joan Spalding, he helped write “most of the laws”. Early on, the Board identified the “false statement allegation” as central to the issue and therefore a “central concern” for the Ethics Board. We worked to resolve the truth of this matter in our subsequent efforts.

The materials that were most helpful in this portion of our overall review were: 1) the complaint itself; 2) the minutes from the January 31, 2019 meeting of the Tribal Council; and 3) the video recording of this same meeting. From the review of these materials, the Board was left with the conclusion that there seemed to be a basis for the alleged false statement complaint. At this time, we were aware that the whole “truth” of the matter was still very much in question. In order to help make this determination, a review of additional documents ensued.

LISTING OF GAMING COMMISSION & TRIBAL COUNCIL GAMING COMMISSION LIAISON APPOINTMENTS

This Listing of Gaming Commission appointments (beginning in 1998) & Listing of Tribal Council Gaming Commission Liaison Appointments (from 2003 through 2018) was one of the documents included with the complaint. It was noted that Council Crampton’s name does not appear on either list: any subsequent review of this same document will yield the same result. However, this list was proven to be inaccurate – and fully substantiated by materials later submitted by Councilor Crampton (relevant portions of Tribal Council Open Session Meeting Minutes from 5/25/05 and 7/13/05). Unfortunately, the original list was incomplete. Subsequent and careful review established that Councilor Crampton was a liaison appointment (5/25/05) to the Gaming Commission, a position from which he resigned 7/13/05). The Ethics Board is unaware of the source of this error. It should perhaps be noted that the Ethics Board did not initially review Tribal Council Minutes/Records. In hindsight, perhaps we should have. However, our primary focus was on the question of the truth of the alleged false statement. This mistake of fact was of course a concern for the Board because it completely invalidated portion of the complaint, i.e., the portion that goes on to state that Councilor’s statement that he had served as a Council Liaison to the Gaming Commission. The Board did not believe that this error represented the heart of the matter which we continue to believe is the statement he made, i.e., that he together with Joan Spalding helped write most of the laws. In short, at the time of our review, it was assumed (our error) that the list was complete and accurate (not our error). Although this supporting documentation was a factor in our preliminary investigation, it was not a critical or determining factor in the Board’s initial finding of merit for the allegation.

FINDINGS/RESULTS OF REVIEW OF GAMING COMMISSION MINUTES/REPORTS -

The Ethics Board undertook a rather complete review of Gaming Commission Minutes and Monthly Reports over an extended period of time, approximately 2003 through 2009. This documentation was provided by Unified Legal. At this point in our investigation, the Board was unaware that Council Crampton had been a Tribal Council Gaming Commission Liaison. Our attention was mainly focused on determining to what extent there was written evidence of Councilor Crampton’s participation with the Gaming Commission. As a result, attendance records were scrutinized. It is well worth noting that there were a lot of meetings over this period of time, approximately one regular meeting weekly. The records were found to be in good order: actually, in better than good order. The Commission deserves kudos for their records as well as for their work. As a result of our efforts, the Ethics Board found one meeting at which Councilor Crampton was noted to be in attendance. It can also be noted that the meeting we identified he attended does fall within the timeframe that later substantiated that he had been

appointed to the Commission as a Tribal Council Liaison. The Ethics Board was aware of the fact that the records review may not be complete. At least partially a result of this awareness, it seemed to be clearly obvious that there was a need to talk with long-term Gaming Commission employees in an attempt to a more complete understanding of the matter

INTERVIEWS AND INTERVIEW FINDINGS –

In the course of our overall review, relatively early-on, the Board was aware of the probable need to conduct interviews with persons who might possibly be able to shine some light on the truth of the matter. There were a number of possibilities but in the interests of time, a short list was finalized that included the following individuals:

- Kelly Maser, Executive Director of the Gaming Commission
- Lee Iverson, Compliance Officer for the Gaming Commission
- Connie Waitner, former Tribal Council Member, Assistant General Manager for the LRBOI Casino/Resort and former employee of the Gaming Commission (and perhaps elsewhere)

Unified Legal facilitated the arrangements for the interviews. Board members contributed to a list of questions for the interviews. All of the prospective interviewees were very cooperative with the interviews. Two of the interviews (with Kelly Maser and Lee Iverson) were conducted in person; the other interview (with Connie Waitner) was conducted over the phone as she was out of town. These interviews were conducted on 5/20/19 in the early afternoon. The IWs involved a brief introduction and explanation of the purpose of the Board as well as highlighting the essence of the matter. The same questions were planned to be asked of all respondents. Some of the questions were designed to help educate the Board (and other readers). Some of the questions were designed to help determine how the Gaming Commission conducts and documents its work. Other questions were asked to specifically help determine the extent of Councilor Crampton's contributions to the Gaming Commission. Because of the reference in the complaint to Joan Spalding (Ba), respondents were specifically asked about any direct knowledge of a good or close working relationship between Councilor Crampton and Joan Spalding. The outcome of this direct question was that none of the respondents had direct knowledge of a close relationship with Joan such as that intimated in the original statement on record, i.e., the alleged false statement. Further, the Board believes that it is fair to say that the generalized conclusion from these interviews on the replies of all interviewees, was that Councilor Crampton's participation as a Tribal Council Gaming Commission Liaison was at best "minimal". They could not recall any regular participation on the part of Councilor Crampton. In all fairness, there was some acknowledgement of Councilor Crampton's involvement as a Tribal Councilor.

PRELIMINARY FINDING OF MERIT –

Based on the information available to Ethics Board at this time and in consideration of the time-related imperatives associated with the inquiry and in light of the fact that there was no evidence to validate the statement, the Board decided to continue its pursuit of the truth of the matter with a finding of merit that would result in a hearing with Councilor Crampton. Our understanding of this was that this would give Councilor Crampton the opportunity to present his side of the matter before the Ethics Board. And, as a result, we would be better able to determine the truth of the matter. This letter is dated May 23, 2019 - it provided the required response timeframe in order to Councilor Crampton adequate time to prepare. June 6, 2019 was identified as the deadline date to respond in writing to our

finding of merit – the letter further identified June 13, 2019 as the date of the scheduled hearing. The letter expressed one finding of merit, i.e., False Statements. It went on to quote this section of the Ordinance and also included one caveat to our finding: “With the information provided we (the Board) have concluded that the complaint has merit.” At this time, it was still the intention of the Ethics Board to try to determine whether or not the alleged false statement was actually true or false. We proceeded in this manner in an attempt to make this determination.

RESPONSE TO THE FINDING OF MERIT AND ITS INTERPRETATION -

The Ethics Board did receive a response as described in the listing of materials reviewed by the Board. As previously stated, this consisted of a short note (signed but not dated) and two pages from Tribal Council meetings that proved he was appointed to the Gaming Commission as a Tribal Council Liaison. This occurred on May 25, 2019. The second attachment was from July 13, 2005: this was the date that his resignation. The Board also requested and received a copy of the memo which was read into the record: this did not provide any additional insight. The brief note introducing these facts did seem to indicate that Councilor Crampton was of the belief that the documentation he provided would change the Board’s finding. This is evidenced by its closing sentence, I quote: “I look forward to the hearing and your enforcement of 6.07 of the Ordinance.” Now, Section 6.07 refers to that portion of the Ordinance that references “Non-Meritorious Findings”. As a quotation, it reads as follows:

“If the Board determines that a complaint is not meritorious and was filed in bad faith to harass, embarrass or defame another person, to delay tribal government functions or to advance any person’s political interests, it shall impose one or both of the following sanctions:

- a) An injunction against future complaints for a period of one year and a fine of not more than \$1,000.00; or
- b) a referral to the prosecutor’s office for investigation into perjury charges.

It can be further noted that there was no indication of any desire to present witnesses in the materials submitted to the Board. The Board did not see the necessity of having “witnesses” present either; however, we did ask that they be available in the unlikely event they might be needed in the hearing itself, and this arrangement was made with Kelly Maser. The Ethics Board disagrees with that portion of Councilor Crampton’s note wherein **“he so loosely states”** (Board emphasis – Board opinion): **“...I am at a loss that a board charged with a very serious task would so loosely issue such a notice”** (again, the Board’s emphasis).

Councilor Crampton’s response did completely negate one of the statements in the complaint (this occurs in lines 8-10) – which specifically states “That statement is also false as proven through the attached commissioner list, the verbal statement of both Lee Iverson and Kelly Maser and the attached list of liaisons that have been approved by council action since the beginning.” This statement refers to the previous complaint statement, the statement wherein it is stated that “Councilor Crampton stated retracted his original statement and claimed that he had served as a Council Liaison to the Gaming Commission.” Thus, the Board did find this statement in the complaint to be incorrect; however, this fact does not address or negate the central issue of the complaint which the Board had identified as a “False Statement” complaint. Thus, even at this point, we did not have a clear understanding of the truth of the matter.

HEARING AND HEARING OUTCOMES -

Readers are advised that this is written from the point of view of the Ethics Board. This hearing was held on June 13, 2019 and began shortly after 1:00 pm, after a computer and display equipment was set up in the event it was needed – it wasn't. Prior to the meeting, a generic one-page outline under the title of "Conduct of Hearings" was provided to the Board as a form of guidance for the actual hearing process. This was reworked to make it more specific to the matter at hand and (hopefully) more user friendly. This modified opening was used by the Chairman to open the meeting. In the description of the "Proceeding" that followed the Welcome and Introductions, it was indicated that the Elected Official shall present their response to the complaint, including any rebuttal witnesses or evidence offered for the Board's review. The "Conduct of Hearing" outline ends with the Swearing in of the Elected Official; there were no witnesses present. With the completion of these formalities (that were made "for the record"), the hearing commenced.

It was relatively clear from the onset that Councilor Crampton was of the opinion that the proper Board determination related to the complaint was "Non-Meritorious" and its proper disposition would be contained in Section 6.07 (as he had stated in the written material he had previously provided). Councilor Crampton admitted making the statement on the record during the January 31, 2019 Tribal Council meeting but he does not admit that it was a false statement. The Board indicated that they agreed with the materials he presented and actually thanked him for his correction of the fact that he was appointed a Tribal Council Liaison to the Gaming Commission. He seemed to object when this was later referred to as a "mistake of fact" on the part of the complainant. This seemed apparent when he asked "if that was the way that was going to be interpreted (by the Board). On the other hand, attempts on the part of the Board to get to the central issue, matters related to the False Statement Allegation – these efforts proved to be difficult. It is believed that the record will show that Councilor Crampton pressed his point of view while the Board Members attempted to press in the direction of False Statement allegation. One member of the Board did indicate that he was only a Liaison to the Gaming Commission of a period of (about) 7 weeks – further stating she can't understand how he could have possibly written "most of the laws" in such a short span of time. After being confronted with this fact (that we only had evidence that he had attended one meeting in the seven weeks he was the Liaison (before resigning), Councilor Crampton indicated that there were other times (4 or 5 times) that he and Joan Spalding had worked alone. He recounted one occasion when he and Joan were left alone while Kelly and Lee went out drinking. Councilor Crampton appeared to be attempting to discredit the witnesses and accused Lee of filling a Personal Protection Order at the Tribal Court, however, no dates, or motives were given for this accusation. At another point, he stated that Diane was out to get him (and actually produced a couple of Face Book pages that appear to be related to the time she was censured for breaching confidentiality, a complaint apparently initiated by Councilor Crampton. This documentation was largely disregarded for a variety of reasons, but primarily because it was not directly related to the current allegation. When he was informed that interview respondents did not confirm the extent of his service to the Gaming Commission, he seemed to indicate that it would be his word against their word. Councilor Crampton was then informed that Kelly was available to interview at this time, but Crampton declined. To the Board, it seemed as if Councilor Crampton did not understand the real purpose of the hearing. This is evidenced by a number of statements like: "I don't have to prove my innocence – she (referring to Diane) has to prove my guilt" (or words to this effect). Attempts were made to explain that this was not a legal hearing and that such a framework does not really apply. At

one point, one of the Board members made a very pointed effort to get him produce something, anything that would help prove or mitigate the alleged false statement. However, this was without any major discernible results that would have been helpful to him. At other times, and on at least a several occasions, Councilor Crampton stated: "it doesn't seem like this is a fair hearing" (or words to this effect).

There were points in the meeting that were obviously strained. Most of the strain seemed to be the result of going back and forth without much in the way of progress. But there were also points in the meeting where it seemed to be genuinely positive attempts to reach a good outcome. Unfortunately, the meeting never progressed to the point of what could be called a good outcome. At some point, it is believed that Councilor Crampton reached the conclusion that the meeting would not result in such an outcome and indicated that he would like to leave the meeting. This more or less closed the discussion. Shortly thereafter, the meeting was adjourned (at about 1:57 p.m.). Before leaving, Councilor Crampton indicated that he was going to see this to the end and that he would like a copy of the recording of the proceedings that was made. He was advised that we believed this was possible and that we would try to help make this happen and that we would be finished with Ethics Board Findings Report is about 5 days. The meeting broke up about this time in the course of events. Council Crampton left the meeting and the Board Members took a break and then came back to deliberate.

The hearing was internally reviewed by the Board. This meeting lasted several hours, largely in review of the Hearing but we also addressed the need to finalize our report. In this review, it was noted that Councilor Crampton was not present at the meeting whereupon he was appointed as the Tribal Council Liaison to the Gaming Commission. All Board members agreed to make related notes and that we would come back together to put them together for the construction of our final findings report. This process was scheduled for 6/17/19. Unified Legal attended part of the review portion of this meeting and offered a broad verbal outline for the report and the language for the "Right to Appeal" section that can be found at the end of this report.

REMEDY SOUGHT -

The Board believes that a WIN-WIN solution would be to have the public record of the Tribal Council corrected (publicly) in a meeting of the Tribal Council. It is thought that this would also serve as sufficient accountability. This is a position collectively made by the Board and one that we have held from some time. With this report, we continue to hold this position in spite of the fact that we were unable to arrive at a mutually agreeable solution: we were simply never able to reach this point. In the hearing, as a final outcome we do believe the compliant has merit and it should be considered in the final determination of the Tribal Court during the appeal we anticipate will follow on the part of the Elected Official.

A few further recommendations stem from the Ordinance itself.

In Article 1.02 (d), "Though the Tribal Council finds that each person must be free to embrace these standards of their own (free) will, it nevertheless draws inspiration from these standards to formulate a specific code of conduct for governmental elected officials who are specially entrusted with responsibility for and accountability to the Little River Band of Ottawa Indians".

In Article 4.19 of the Elected Officials Ethics Ordinance, it clearly states, under the heading of "Mandatory Reporting" that: "Elected officials shall also be obligated to report known breaches of Tribal law and policies, including this Ethics Ordinance, committed by other elected officials. Elected officials

may also be responsible under this Ordinance for breaches of laws or policies by their staff if the staff if the staff of the elected official knew or should have known about the misconduct."

The Ethics board believes that the proposed remedy does address the heart of the matter. We also stress our belief that the truth remains uncertain but there was no hard evidence presented to the Board to negate the allegation.

FINAL STATEMENT OF FINDING AND RECOMMENDATIONS -

As a result of our preliminary investigation, the Ethics Board originally found one count of the complaint, "False Statements", had merit. The Ethics Board has now completed entire review process. Pursuant to these overall efforts that included more, and more detailed reviews of related written documentation that appears to support the allegation (but which do not prove the allegation) and in the absence of material documentation that directly refutes the allegation, the Board continues in its conclusion that the complaint has merit. This conclusion is based on the preponderance of the evidence. As a result of the Hearing, Councilor Crampton has another point of view. We were not able to reconcile these differences in the Hearing. The Board never got to the point of proposing our suggested remedy as we were never able to arrive at a mutual understanding of the central complaint. The Board truly believes that it is indeed unfortunate that the Hearing ended (at Councilor Crampton's request) before we were able to reach a WIN-WIN solution.

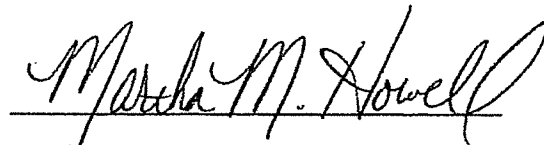
RIGHT TO APPEAL:

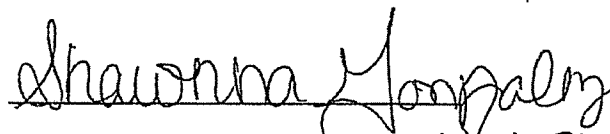
An elected official may appeal a finding that he or she engaged in unethical conduct as unsupported by the record or that an imposed sanction was unreasonably harsh. Appeals of the decision in this report shall be made only to the Tribal Court. Appellate review shall be limited to the record for plain error with deference to the Board's findings and decisions. Appeals cannot be filed more than thirty (30) days after the Board of Ethics issues its findings and decisions.

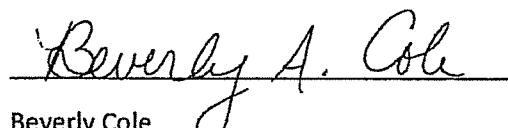
FINAL CLOSING REMARKS –

All Ethics Board Members have had the opportunity to review and contribute to this report. The below signatures attest to Board Members concurrence with the content of the report. It can be further noted that all of the referenced materials are available in the event that this matter moves into Tribal Court. As a final mention, a subsequent review of this review may find some of the reviewed materials listed were not specifically elaborated in this report; however, the more consequential materials were. The board did listen to the recording on June 20, 2019, we believe the recording speaks for itself. *"The truth is singular, its 'versions' are mistruths".* - David Mitchell


Charles Fisher, Chairman 6/20/19


Martha Howell, Secretary


Shawna Gonzalez 6/20/19


Beverly Cole