

SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS

IN THE MATTER OF:
Removal of Director Rita Glyptis

OPINION AND ORDER

This matter having come before the Hearing Board on a petition to remove Rita Glyptis from her position on the Board of Directors, for having a criminal conviction in Tribal Court in violation of Chapter 16, Removal from Office, of the Tribal Code at Section 16.105 (3)(d), and the requirements as stated in 16.106, 16.107, and 16.109, having been met, an open hearing was conducted on December 3, 2015 at the Sault Ste. Marie Tribe of Chippewa Indians Tribal Center in Munising. The hearing was conducted in accordance with 16.110 and 16.111, in which all parties were present.

Chapter 16, Section 16.105 (3) states “Violations of the following shall constitute the only grounds which a petition for removal may be based upon: ... (d) A criminal conviction in state, Federal, or Tribal Court.” Linda Rogers, hereinafter referred to as the Petitioner, is the principal sponsor of the petition alleges that Mrs. Glyptis, hereinafter referred to as the Respondent, has a criminal conviction out of the Sault Ste. Marie Tribe of Chippewa Indians Tribal Court for possession of Possession of Marijuana. The Petitioner has the burden of proving the allegation by clear and convincing evidence.

In making the determination as to whether the violation alleged in the petition would, if true, warrant removal from office, the Hearing Board, in accordance with Section 16.110(2), shall consider the nature of the conduct and the public interest of the Tribe, including, but not limited to, such factors as:

- (a) the provision of law violated, or in the case of a criminal conviction, the crime for which the accused official was convicted;
- (b) whether the conduct is a breach of public trust, abuse of authority, or official misconduct;
- (c) whether the conduct evidences lack of integrity;
- (d) whether the conduct contravenes or frustrates an important Tribal policy or interest; and

- (e) whether the Tribe's interest or public trust and confidences in the Tribe or its officials would be impaired if the accused remained in office.
- (f) the credibility of parties and witnesses;
- (g) whether there is bias or prejudice on the part of any party or witness.

The Hearing Board took all of these factors into consideration and finds as follows:

As to factor (a): the provision of law violated, or in the case of a criminal conviction, the crime for which the accused official was convicted: the crime is Possession of Marijuana, a violation of Tribal Code Section 71.1603. The conviction was demonstrated by Petitioner's Exhibit 11, a copy of the "Order of Conviction/Judgment of Sentence" dated May 8, 2015, Case number CR15-08, People v. Rita Glyptis, from the Sault Ste. Marie Chippewa Tribal Court. Nowhere in Chapter 16 of the Tribal Code is there a differentiation between what convictions constitute removable offenses. A conviction is a conviction. This factor was taken into consideration with factors (b), (d), and (e), as discussed below, weighs in favor of removal.

As to factor (b): whether the conduct is a breach of public trust, abuse of authority, or official misconduct; Petitioner presented testimony from several Tribal members who testified that they lost trust in her, and that Directors should be held to a higher standard, as pillars of the community. Respondent pointed out that none of these witnesses were from Unit V, the Unit she represents. The Hearing Board is of the opinion that despite where Unit votes come from, once elected, that person represents all of the members regardless of their voting unit. Respondent stated in her closing statement that she had received letters from various Unit V members in support of her, and read some excerpts from these letters. However, the people who wrote this letters were not called to testify on behalf of the Respondent and thus the statements cannot be verified, and will not be considered. This factor weighs in favor of removal.

As to factor (c): whether the conduct evidences lack of integrity; the Order of Conviction/Judgment of Sentence, along with the hearing transcript from the May 7, 2015 hearing, is uncontested, and was admitted to by the Respondent. Petitioner's Exhibit 5, "Zero Tolerance Waiver Guidelines" was supported by verbal testimony of the Housing Director. Exhibit 7, "Sault Tribe Law Enforcement Incident Report No. 15-000094" was supported by verbal testimony of the two responding officers. Respondent testified that the incident report was not completely accurate in that she never admitted to smoking marijuana as the report states. The Order of Conviction alone is enough for this factor to weigh in favor of removal.

Factor (d) and (e) were taken into consideration together, (d): whether the conduct contravenes or frustrates an important Tribal policy or interest; and (e): whether the Tribe's interest or public trust and confidences in the Tribe or its officials would be impaired if the accused remained in office. Testimony was presented that the Tribe has a zero tolerance policy as to illegal drugs, an interest in a membership that is free from illegal drugs, and keeping illegal drugs off of the reservation. Testimony was given by the Director of the Indian Health Services Center, that the Tribe does not recognize THC as pain medication. Petitioner's Exhibit 6 "U.S. Department of Justice, Memorandum, dated October 28, 2014" outlines the policy statement regarding marijuana issues in Indian Country, is supportive of medical marijuana being illegal on "federal land", and in Indian Country. There was also testimony from the Human Resources Director that the Tribe has a drug free policy, and from the Housing Director for Unit V, that the policy is no drugs, including marijuana. There was also testimony from the Chief of Police that the police department has an internal zero tolerance policy against drugs, and that he has seen a drug problem on the reservation and that his department takes illegal drugs very seriously. The criminal conviction for possession of marijuana by a Director contravenes the important Tribal policy and interest in having a drug free reservation. Additionally, Respondent served on the Drug Task Force, the public trust and confidence in the Tribe and Tribal officials would not be well served to have a Director, who received the conviction while in office remain on the Board of Directors, and would undermine confidence in the Tribal government. Her response and testimony that the marijuana was not hers, but her husbands who has a medical marijuana card, and was also not traveling with her, is unpersuasive. If this was the case, it should have been brought up in the Court proceedings. This Hearing Board will not retry the possession case. These two factors weigh heavily in favor of removal.

As to factor (f): the credibility of parties and witnesses; this Hearing Board felt that Respondent was being less than candid at the hearing and did not seem to take or accept responsibility for her actions, and minimizes the incident and conviction, not only at the hearing, but also in her September 11, 2015 "Representative Reports" in the Win Awenen Nisitotung, Petitioner's Exhibit 8. This factor weighs against Respondent.

As to factor (g): whether there is bias or prejudice on the part of any party or witness; it is clear that Petitioner and Respondent do not like each-other, and it is unfortunate. Both Petitioner and Respondent are members of this Tribe, this community, and the hostilities displayed at the

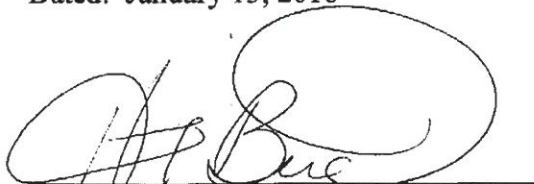
hearing are unbecoming, but do not rise to the level of bias or prejudice. As to witnesses, there was no showing of bias or prejudice.

Keeping in mind Section 16.102 (2), "Removal of officials elected by the tribal members is disfavored and is warranted only in serious circumstances", the Hearing Board finds that Petitioner has met the burden of proof, and for the findings and reasons stated above, the violation is sufficient to warrant the removal of Rita Glyptis from her position on the Board of Directors.

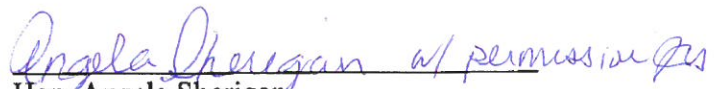
THEREFORE, IT IS HEREBY ORDERED: That Rita Glyptis is removed from her position as a Director of the Sault Ste. Marie Tribe of Chippewa Indians Board of Directors immediately.

Pursuant to Chapter 16, Section 16.111(9), this decision of the Hearing Board is final.

Dated: January 13, 2016



Hon. Holly Bird



Hon. Angela Sherigan

Hon. Andrew Pyatskowitz

Recorded by:

John Wabaunsee
Hearing Officer

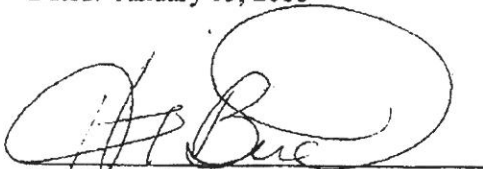
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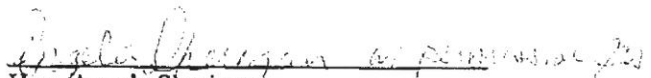
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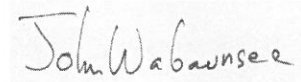
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