

**BOARD OF DIRECTORS SPECIAL MEETING  
KEWADIN CASINO AND CONVENTION CENTER  
SAULT STE. MARIE, MICHIGAN  
MINUTES  
August 30, 2022**

The meeting was opened at 12:02 p.m. by Chairman Hoffman.

Present: Michael McKerchie, Austin Lowes, Betty Freiheit, Isaac McKechnie, Rob McRorie, Lana Causley, Kimberly Lee, Bridgett Sorenson, Shawn Borowicz, Darcy Morrow, Kimberly Hampton, Tyler LaPlaunt, and DJ Hoffman.

Absent:

**Moved by Director Lowes, supported by Director Freiheit, to approve the agenda as read.**

**Roll Call Vote: Motion carried with Directors LaPlaunt, McKechnie, Freiheit, Borowicz, Hampton, Lowes, Lee, McRorie approving; Directors Morrow, McKerchie, Causley, Sorenson opposing.**

**Moved by Director Causley, supported by Director Sorenson, to recess and reconvene, until next week, so that can be a workshop and everyone in person.**

**Roll Call Vote: Motion denied with Directors Sorenson, McKerchie, Causley, Borowicz, Morrow approving; Directors McRorie, LaPlaunt, McKechnie, Freiheit, Lee, Hampton, Lowes opposing.**

**Moved by Director McKerchie, supported by Director Morrow, to approve a Special Prosecutor, the Tribal Prosecutor, in cooperation with the Executive Director of the Tribe and the Tribe's General Counsel, shall identify and appoint a Special Prosecutor to investigate and prosecute any violations of tribal law that may be identified by the ongoing election investigation, with authorization to modify the existing budget to pay for these services.**

**Roll Call Vote: Motion denied with Directors Morrow, McKerchie, Causley, Sorenson approving; Directors LaPlaunt, McKechnie, Freiheit, Borowicz, Hampton, Lowes, Lee, McRorie opposing.**

**Moved by Director Lowes, supported by Director LaPlaunt, to approve Res. 2022-226, Directing the Legal Department to Review and Propose Appropriate Revisions to Election Code.**

NOW, THEREFORE, BE IT RESOLVED, the Sault Tribe Board of Directors directs the Tribe's legal department to review the existing Election Code and to draft an amended version of the Code to more accurately reflect the needs of the Tribe and to present that proposed amended Code to the Board of Directors within 90 days for consideration and/or approval.

**Roll Call Vote: Motion carried with Directors LaPlaunt, McKechnie, Lee, Hampton, McRorie, Lowes, Freiheit approving; Directors Sorenson, Morrow, Borowicz, McKerchie opposing, Director Causley abstaining.**

**Moved by Director Lowes, supported by Director McRorie, to approve Res. 2022-227, Rescinding all Prior Key Employee Resolutions Replacing with Key Employee List.**

NOW, THEREFORE, BE IT RESOLVED, that the list of "Key Team Members" previously announced and contained in prior resolutions is repealed, and the following list shall be the only key employees of the Tribe:

- a. CEO of the Casinos
- b. CFO of the Tribe and Casinos
- c. General Counsel of the Tribe
- d. Gaming Commissioner
- e. Chief Judge of the Tribe
- f. Director of the Health Division
- g. Board Secretary
- h. Executive Director of the Tribe; and
- i. EDC Director

**Roll Call Vote: Motion carried with Directors LaPlaunt, McKechnie, Freiheit, Borowicz, Hampton, Lowes, Lee, McRorie approving; Directors Morrow, McKerchie, Causley, Sorenson opposing.**

**Moved by Director Freiheit, supported by Director Lowes, to approve Res. 2022-228, Amending Chapter 10 Subchapter II Special Advisory Elections.**

NOW, THEREFORE, BE IT RESOLVED, that Subchapter II: Special Advisory Elections, shall be amended to read as follows:

**10.201 Purpose and Authority.**

Article VI, Section 2 of the Constitution provides that the Board of Directors shall, by majority vote, fill vacancies on the Board of Directors by appointment of a voting Member to fill the unexpired term of the departed official. The Board of Directors has determined to conduct Special Advisory Elections to assist it in performing its responsibilities under Article VI. The purpose of this Subchapter is to establish procedures for conducting Special Advisory Elections. The regulations and procedures contained in this Chapter shall be administered in such a way as to accomplish this purpose and intent.

**10.202 Scope.**

This Subchapter shall govern Special Advisory Elections for the Board of Directors conducted by the Board of Directors to assist it in filling vacant Board seats.

**10.203 Notice.**

The Election Committee shall be notified of a vacancy on the Board of Directors by the first to occur of either:

- (1) immediately upon the occurrence of a vacancy by the Board of Directors providing written notice to the Election Committee; or
- (2) upon a vacancy becoming public knowledge by publication of the fact through tribal news sources.

**10.204 Date of Election.**

A Special Advisory Election shall occur no later than ninety (90) days following the vacancy which caused the need for a special election.

**10.205 Election Announcement**

Upon becoming aware of a vacancy of the Election Committee shall within three (3) business days prepare and post at each tribal office an Notice of Election which shall explain the purpose of the Special Advisory Election, give date of election, the manner by which the vote is to be taken, the office to be filled, the procedures for the nomination of the Candidates, the time limit for each stage of the election procedure and the voting requirements for the elections. It shall provide information on the election to eligible voters, and shall also publicize the election information throughout the election unit affected, or in the case of the Chairperson, throughout the entirety of the Tribe.

**10.206 Applicability of General Election Rules.**

(1) All other Sections of this Chapter are applicable to Special Advisory Elections except as specifically indicated in this Subchapter.

(2) The timelines found in this Chapter relating to general elections are not applicable to a Special Advisory Election.

(3) Notwithstanding subsection (2) the timelines for a Special Advisory Election shall be determined by the Election Committee in such a way as to accomplish the purpose and intent of this Subchapter and shall be published within the Notice of Election.

**10.207 Primary.**

There shall be no primary for a Special Advisory Election.

**10.208 Appointment.**

Following the certification of election results by the Election Committee, the Board of Directors shall appoint the individual who received the most votes in the Special Advisory Election.

All other sections and subsections of Chapter 10 shall remain unchanged.

**Motion carried with Directors Lee, Freiheit, McRorie, Lowes, Hampton, LaPlaunt, McKechnie approving; Directors Borowicz, Morrow, Causley, McKerchie, Sorenson opposing.**

**Minutes 8-30-2022**

**Moved by Director Lowes, supported by Director Lee, to approve Res. 2022-229, Rescinding Motion Election Attorney.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians does hereby rescind this prior motion and directs that the election attorney shall report directly to the legal department of the Tribe, and through them to this Board of Directors.

**Roll Call Vote: Motion carried with Directors Lee, Freiheit, Lowes, LaPlaunt, McKechnie, McRorie, Hampton approving; Directors Causley, McKerchie, Morrow, Sorenson, Borowicz opposing.**

**Moved by Director Lowes, supported by Director McRorie, to approve Res. 2022-230, Clarifying Resolution 2022-204.**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians does hereby direct the solicitation of special investigator services to look into, the following matters, and others:

- Financial dealings including but not limited to credit card usage; expense and travel reimbursements, tax dealings, personal dealings between the Tribe and Hoffman family members; and
- Construction and vendor contracting, including but not limited to speaking with all vendors, construction contractors, and subcontractors to determine whether any irregularities, kickbacks, or other improprieties, and further, any contractor or subcontractor which fails or refuses to assist in this matter shall be reported back to the Board of Directors in a separate report; and
- Reports of harassment and bullying of tribal staff, employees, and JKL employees, including harassment of current and former accounting and executive employees; and
- Real estate transactions, including purchases of real estate and any improprieties in the purchase of property, the purchase prices, and the selection of real estate contractors;
- Dealings with Greentown operators, employees, and contractors, and the developers of the proposed downstate casino operations; and
- Any such other matters as may be reasonably discovered or reported to the special investigator during the process of the investigation.

BE IT FURTHER RESOLVED, that the investigator shall extend these investigations for the period June 2006 through present.

**Roll Call Vote: Motion carried with Directors LaPlaunt, McKechnie, Borowicz, Lee, Hampton, McRorie, Lowes, Freiheit approving; Directors Sorenson, Morrow, McKerchie, Causley opposing.**

**Moved by Director Causley, supported by Director Sorenson, to approve filing a 'Cert' Petition on behalf of the Tribe, regarding the MILCSA Litigation.**

**Roll Call Vote: Motion carried unanimously.**

Adjourned: 1:07 p.m.

Date: 12/20/2022 Secretary: 

Others present: Christine McPherson, Jessica Dumback, Bob Schulte, Jen Clerc, Katelynn Griffin, Joanne Carr.