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BEFORE THE TRIBAL COUNCIL FOR THE CONFEDERATED TRIBES OF THE  
GRAND RONDE COMMUNITY OF OREGON

In Re Ethics Violation of: )  
REYNOLD LENO ) HEARING ORDER GRANTING  
FILING EXTENSION FOR  
COMPLAINANT’S RESPONSE IN  
ETHICS COMPLAINT

1.

On Wednesday, June 27, 2011, a pre-hearing conference was held. The pre-hearing conference considered the Respondent’s Motion to Dismiss and supplemental briefing by the parties. As a result, the parties submitted supplemental briefs to the Hearing Officer on or before July 7, 2011 addressing the applicability of the Tribal Ethical Standards Ordinance to a Confederated Tribes of the Grand Ronde Community (CTGRCO) tribally owned business, Round Valley, LLC. In on Friday, July 22, 2011, the parties are to appear for oral arguments

1 on the Respondent's Motion to Dismiss. Each party agreed that 20 minutes each would be  
2 sufficient for oral argument.

3 2.

4 Complainant, Mr. Andrew Jenness filed a July 12, 2011 motion for discovery  
5 requesting Round Valley's founding documents to include information concerning Articles  
6 of Incorporation, bylaws and the organizational board of directors meeting, Tribal Council  
7 resolutions related to Round Valley and the most recent internal audit report regarding Round  
8 Valley LLC. The Respondent has not filed or noted any response.

9 3.

10 On July 18, 2011, Complainant, Mr. Andrews also made the following inquiry:

11 I am writing with a few questions regarding Friday's hearing (oral arguments). First, if I  
12 want to present witnesses on Friday, how will this be facilitated? Can I call witnesses for this  
13 proceeding or should I get affidavits from witnesses? I know you indicated a time limit of 20  
14 minutes, will this include any witnesses we may call?

15 Respondent has filed no response.

16 4.

17 The TESO directs that the Hearing Officer investigating the matter shall have the  
18 authority to adopt and apply all such procedural rules necessary to provide a fair hearing.  
19 See TESO 275§ (f) (4).

20 5.

21 To fully consider the applicability of the TESO to a CTGRCO owned business, the  
22 Hearing Officer would need to consider any CTGRCO Tribal Council resolutions that  
23 include the consideration of Tribal Ethical Standards for tribally owned businesses, and those  
24 that may have authorized the creation of Round Valley, LLC.

25 5.

26 In consideration of the above matters, with an effort to expediently address the  
Motion to Dismiss and provide the parties a fair opportunity to address the underlying issues  
the parties are directed as follows:

1 A. DISCOVERY REQUESTS:

- 2 1. CTGRCO RESOLUTIONS: The Hearing Officer grants the  
3 Complainant's requests for CTGRCO Tribal Council resolutions with  
4 limitations. On or before July 29, 2011, Respondent Leno will produce to  
5 the Complainant a copy of all Tribal Council resolutions that:  
6 a) include the consideration of Tribal Ethical Standards for tribally  
7 owned businesses; or  
8 b) authorized the creation of Round Valley, LLC  
9 Any proprietary financial information should be redacted with a black out  
10 mark before it is provided to the Complainant.  
11 2. FOUNDING DOCUMENTS AND INTERNAL AUDIT: At the Friday,  
12 July 22, 2011 oral argument, the parties must also address why the  
13 Complainant's Discovery request should or should not be granted  
14 concerning Round Valley founding documents and the most recent  
15 internal audit concerning Round Valley.

16 B. AMENDING SUPPLEMENTAL BRIEFS:

17 The Hearing Officer will accept amendments to the supplemental briefs as follows:

- 18 1. Complainant: May choose to file an amended brief on or before Friday,  
19 August 5, 2011. Amendments may include the addition of affidavits and  
20 resolutions related to the supplemental briefing (applicability of TESO to a  
21 proprietary business owned by the CTGRCO).  
22 2. Respondent: On or before August 12, 2011, the Respondent may choose  
23 to file a reply to any amendment of the Complainant's supplemental  
24 briefing.

25 C. ORAL ARGUMENT- JULY 22, 2011  
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1. Time: The parties will each have a total of 20 minutes to address all matters of consideration for oral argument. The parties may choose how to allocate time to the issues, and whether they would like to reserve time for rebuttal (follow-up to issues raised).
2. Issues: The parties hold the discretion to formulate and present their arguments and advocate. However, the Hearing Officer will be focused on the following:
  - a) Motion to Dismiss;
  - b) Applicability of TESO to a proprietary business owned by the CTGRCO;
  - c) Complainant’s discovery for Round Valley foundational documents and most recent internal audit;
  - d) Any questions concerning the mandatory conferral and motion order below.
3. Witness: No witnesses will be called.

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D. MANDATORY CONFERRAL AND MOTIONS

Both parties must confer with one another prior to filing motions or making requests of the Hearing Officer. Each must make an earnest effort to arrive at agreed motions and inquiries when possible. Parties are responsible for coordinating to identify the motion or issue, timelines and proposals that address matters presented to the Hearing Officer. Subsequent motions and inquiries must include the affirm conferral, response and identification of the matter requiring a decision of the Hearing Officer.

DATED this 20th day of July 2011.



BY: \_\_\_\_\_

Naomi Stacy, Hearing Officer