

Civ # 15-10-0120

**PETITION**

WHEREAS THIS PETITION FOLLOWS ALL PROVISIONS CONTAINED WITHIN THE CONSTITUTION AND BY LAWS OF THE LOWER BRULE SIOUX TRIBE AND ALLOWS FOR ALL ENROLLED RESIDENT MEMBERS AS QUALIFIED VOTERS TO PERSONALLY PROVIDE THEIR SIGNATURE TO BE RECOGNIZED IN ALL LEGISLATIVE AND JUDICIAL FORUMS OF THE LOWER BRULE SIOUX TRIBE.

THE FOLLOWING VOTERS RESPECTIVELY PROVIDE THEIR SIGNATURE TO THIS PETITION AS A CONSTITUTIONAL RIGHT AS OUTLINED IN ARTICLE V SECTION 4. THESE RESIDENT VOTERS REQUEST THAT THE LOWER BRULE SIOUX TRIBAL COURT IMMEDIATELY TAKE ACTION TO REMOVE KEVIN WRIGHT, DESIREE LAROCHE, AND SONNY Y. ZIEGLER FROM OFFICE.

## PETITION INFORMATION

The actions of Kevin Wright, Desiree Laroche, and Sonny Y. Ziegler clearly violate the Code of Ethics within the Constitution and By Laws of the Lower Brule Sioux Tribe, and the Personnel Policies and Procedures that they have been elected to uphold. Soon after being sworn into office said three council members have committed several violations that have had a very detrimental impact on many aspects involved in the overall operations of the Lower Brule Sioux Tribe as well as on the community of Lower Brule.

The actions taken by Kevin Wright, Desiree LaRoche, and Sonny Y. Ziegler are a direct example of instances where violation of the following Constitution and By Laws of the Lower Brule Sioux Tribe has occurred.

*The foremost violation, occurring on December 12, 2014, is the act of malfeasance of office. Malfeasance being the performance by a public official of an act that is legally unjustified, harmful, or contrary to law. Malfeasance had occurred as a direct result of actions taken by Kevin Wright, Desiree Laroche, and Sonny Y. Ziegler as they attempted to swear in their own selected members in place of the already elected Chairman, Secretary Treasurer, and Council Member. This is easily supported by a YouTube video that can be referenced at the following web address:*

*Another violation refers to the Code Of Ethics, where the Public Conduct of Vice Chairman Kevin Wright is called to question after he openly asked members of the Tribe that were in attendance of a council meeting to "go outside" with him in a confrontational and aggressive manner. Literally calling on members of the Tribe in an apparent attempt to engage in physical altercations, endangering the Lower Brule Sioux Tribal members. This act is also easily supported and referenced by video.*

SECTION 5. Code of Ethics for all elected or selected officials. Gross neglect and improper conduct of Article V, Vacancies and removal from office should be interpreted by the Tribal Council in accordance with these definitions.

(b) IMPROPER CONDUCT- Determined by Tribal Council:

3. Public Conduct so as to question the integrity or endanger the Lower Brule Sioux Tribe or its members...

4. Malfeasance of Office- Including gross partiality or oppression.

Definitions from Webster's Dictionary:

**Malfeasance:** illegal or dishonest activity especially by a public official or a corporation

**Partiality:** an unfair tendency to treat one person, group, or thing better than another

**Oppression:** *a* : unjust or cruel exercise of authority or power

*b* : something that oppresses especially in being an unjust or excessive exercise of power

*The following memo to the Lower Brule BIA Office from Vice Chairman Wright stating that he will preside as Chairman, prior to Chairman Jandreau's passing is a clear violation of the following Constitutional procedure of Vacancies and Removal.*

Michael B. Jandreau  
Chairman



Tribal Administration  
187 Oyate Circle  
Lower Brule, SD 57548  
Phone: (605) 433-7561  
Fax: (605) 433-5534

Memorandum

April 3, 2015

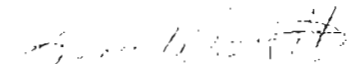
At this trying time of sadness, I would like to extend my most sincere Prayers of Healing for Chairman Michael B. Jandreau and his family.

Due to the reports received of Chairman Jandreau's health condition and the level of seriousness with his well-being, in the best interest and general welfare of the Lower Brule Sioux Tribe and its members, without reservation, I feel that I must utilize the duties as set forth in the Lower Brule Sioux Tribal Constitution and By-laws, Article I, Section 2 which is as follows: *The Vice-Chairman of the Tribal Council shall assist the Chairman when called upon to do so and in the absence of the Chairman shall preside. When so presiding he shall have all the rights, privileges and duties as well as the responsibilities of the Chairman.*

This action will become effective immediately and will remain in effect until the Chairman returns to the office and can resume his position.

I ask that all programs/employees and Lower Brule Sioux Tribal Entities cooperate with the tribal council during these trying times. Keep the faith and praying for healing!

Thank-you!

  
David Wright, Vice Chairman

Cc: Lower Brule Tribal Council  
James Two Bulls, BIA Superintendent  
Timothy LaPointe, BIA Regional Director  
All Tribal Programs

Attn: [redacted]

## ARTICLE V – VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If an officer, councilman, selected or elected official shall die, resign, permanently leave the reservation, or while in office be found guilty of a felony or misdemeanor in any Indian, State, or Federal Court, the Tribal Council shall declare the position vacant and shall appoint a qualified individual to fill the unexpired term. (Amendment III, September 2, 1986)

*Vice Chairman Wright's April 3<sup>rd</sup> memo to the BIA also violates the Lower Brule Sioux Tribe's By Laws Article 1 Section 1 especially when adhering to the following highlighted portion of said sections.*

### BY LAWS

### OF THE

### LOWER BRULE SIOUX TRIBE

## ARTICLE I- DUTIES OF OFFICERS

SECTION 1. Chairman of the Tribal Council. The Chairman of the Tribal Council shall preside over all meetings of the Tribal Council, shall perform all duties of a Chairman, and exercise any authority delegated to him by the Tribal Council.

SECTION 2. Vice-Chairman of the Tribal Council. The Vice-Chairman of the Tribal Council shall assist the Chairman when called upon to do so and in the absence of the Chairman shall preside. When so presiding he shall have all the rights, privileges, and duties as well as the responsibilities of the Chairman.

*Vice Chairman Wright, Council Members Sonny Ziegler and Desiree LaRoche's December 12, 2014 attempted removal and replacement of the elected Chairman, Secretary Treasurer and Council Member resulted in a temporary restraining order placed upon Defendants Wright, Ziegler and LaRoche by Judge B.J. Jones. Vice Chairman Wright's April 3<sup>rd</sup> memo, (a decision that clearly interferes with the rights of the other elected officials) consequently seems to be a direct violation of the aforementioned restraining order issued on December 16<sup>th</sup> 2014. The April 3<sup>rd</sup> memo from Vice Chairman Wright to the BIA is also an action that is in violation of a second temporary restraining order issued by Judge B.J. Jones on February 13, 2014. Both Temporary Restraining Orders are attached and state the following: “.. The above-named Defendants are hereby temporarily restrained from attempting to take any actions that interfere with the rights of the other elected officials duly elected by the tribal membership..” With regards to the fact that Vice Chairman Wright's memo and decision to preside as Chairman was determined without input or a vote from the Tribal Council, it is evident that the stipulations within the temporary restraining orders have been violated by Vice Chairman Wright.*



*On May 6<sup>th</sup> 2015 Vice Chairman Wright and Council Members Ziegler and LaRoche presented the attached agenda for the Lower Brule Sioux Tribal Council meeting held May 6<sup>th</sup> 2015. This Agenda is an apparent attempt to ratify the unconstitutional decisions previously and prematurely made by Vice Chairman Wright. Examples of actions previously taken include the termination of Attorneys and Scott Jones as well as the hiring of Travis LaRoche, Robbie Her Many Horses, Emily Flute, and Sheryl Scott.*

*The previously listed actions taken by Wright, Ziegler and LaRoche are in direct violation of and fail to adhere to the following Personnel Management Policies & Procedures of the Lower Brule Sioux Tribe as described:*

## SECTION 02. THE SCOPE OF THESE POLICIES AND PROCEDURES

02.01 TRIBAL GOVERNMENT OFFICIALS- In general, all officials appointed Through an elective process shall be expected to follow the basic policies and procedures in matters relating to efficient and effective performance, but not those related to employment category (section 04), employment (Section 07), or adverse personnel action (Section 12). Conduct of tribal council members shall also be governed by the council's code of ethics, included here by reference.

## SECTION 03. GENERAL POLICIES AND PROCEDURES

- 03.01.01 AT WILL EMPLOYMENT
- 03.01.02. MERIT PRINCIPAL
- 03.01.03. FAIR LABOR PRACTICE
- 03.01.04. DUE PROCESS
- 03.02.01. "SPOILS SYSTEM"
- 03.02.03. POLITICAL ACTIVITY
- 03.02.04. EQUAL EMPLOYMENT OPPORTUNITY

### Section 03. General Policies and Procedures

These policies and procedures shall follow the standards and the regulations regarding special circumstances stated below.

#### 03.01. Standards

##### 03.01.01. "At Will" Employment

All tribal employment shall be considered to be at the will of proper tribal authority and shall not imply an employee's inalienable right to such employment. For instance, in cases of a reduction in funds, necessary reductions in force shall be without tribal liability.

##### 03.01.02. Merit Principle

Employees may not be appointed or promoted to positions without meeting the qualifications stated in the description of the position class or in the formal job announcement. Incumbents in existing positions when these policies are implemented shall be required to meet stated qualifications within a reasonable period of time before adverse personnel action is taken.

All employee evaluations shall be based on job performance as measured by effectiveness and efficiency, with criteria or expectations clearly stated at the beginning of an evaluation period, not at the time of evaluation.

#### 03.01.03. Fair Labor Practice

It shall be the tribe's policy to treat all employees fairly. Accusations of unfair labor practice shall be addressed according to the grievance procedures described below.

#### 03.01.04. Due Process

All personnel actions, whether adverse or positive, shall follow due process as defined below and complete records of actions and their causes shall be noted in writing and maintained in the employee's permanent file kept in the tribe's personnel office.

All employees of any class, including temporary, part time or trainee workers, shall have a personnel file. All record of causes for adverse action shall be destroyed after five years.

#### 03.02. Special Considerations

##### 03.02.01. "Spoils System"

Tribal employees shall not be subject to the so-called "spoils system," that is, the political practice of newly elected officials of letting existing staff go without due process or cause.

##### 03.02.03. Political Activity

The clear abuse of authority in a work situation for the purpose either of advancing one person's political campaign or of tearing down another person's reputation or harming his/her campaign shall be cause for adverse personnel action. Accusations of such abuse of authority shall be accompanied with clear evidence and reported in writing to the employee's immediate supervisor or, in the case of employees without a clear chain of command, to a seated election commission, whose members shall determine the appropriate course of action pursuant to the authorities invested in their commission.

##### 03.02.04. Equal Employment Opportunity

Except as stated below in Section 07.01. For persons younger than 16 years of age, and in Section 07.02. with regard to Indian Preference, the tribe shall not discriminate in hiring against applicants for tribal employment or in promoting or training persons already employed on the basis of age, gender, race, color, religion, tribal affiliation, political preference, national origin or other factors not related to job performance.

#### SECTION 06. STAFFING

##### 06.01. POSITION AUTHORIZATION

##### 06.02. ENCUMBRANCE

#### Section 06. Staffing

It shall be the responsibility of managers, directors and supervisors to develop appropriate staffing plans to assure the effectiveness of programs under their supervision.

#### 06.01. Position Authorization

In developing staffing plans, managers, directors and supervisors shall seek the authorization of the tribal council before submitting grant or contract requests. If the grant request or application to contract is approved as proposed, the council's sign-off on proposals shall constitute full, proper authorization of the positions included in the application. If the approved grant or contract is approved at less or more than the level proposed, a new authorization for staffing shall be approved by the council prior to the posting of positions.

Before developing budgets with personnel compensation, each grant writer or other official doing staff planning shall seek the proper classification of new positions from the tribe's personnel director.

All budget submittals shall provide for the full payment of all positions included in the staffing plan.

Temporary or day labor jobs that are not emergency placements require prior council approval and shall be advertised.

#### 06.02. Encumbrance

Once a program is funded, all personnel costs are fully encumbered as of the time positions are filled. An implied encumbrance shall be estimated by directors at the time a position has been cleared for posting and communicated to the finance director in writing.

**May 6, 2015  
Agenda  
Lower Brule Sioux Tribal Council  
Regular Meeting  
11:00 AM**

Call To Order

Take Roll Call

**OPENING PRAYER – LBST CHAPLAIN**

**FINANCIALS** - Resolution for New Signature card with ALL newly elected council being placed on it. Every elected term.

Resolution for Access to ALL tribal finances, incoming/outgoing by the council.

Nothing will be Approved by/for programs until the council can go over the finances and see what is available.

**Termination of Positions** – resolution to reflect that – Tara Adamski, Marshall Matz & Dennis Ickes & Scott Jones

**Hire New Legal Counsel**- Discuss with tribal council.

**Hire Positions** – Hire Travis LaRoche, Robbie Her Many Horses, Emily Flute & Sheryl Scott – resolution by council

**Vacant Seat on Tribal Council** - A date will be set to fill vacant seat by the tribal council. The tribal council will have a Special meeting to fill the seat on the date agreed upon.

**Reports/updates from Program Directors-**

**Report/updates from the BIA Superintendent –**

**Report/updates from Law Enforcement –**

**OLD BUSINESS:**

**OTHER -**

**Adjournment**

**\*\*The tribal council will be available for discussion and comments after the adjournment of meeting.**

September 2, 2015

In Agenda  
Rec'd 9/2/2015  
3:51 pm Jly

TO: Lower Brule Sioux Tribal Council through Scott Jones,  
Acting Recording Secretary, Lower Brule Sioux Tribe  
FROM: Pearl Colombe, Tribal Member, Lower Brule Sioux Tribe  
SUBJECT: Submission of Petition for the Removal of Vice-Chairman  
Kevin Wright, Council Member (Sergeant-At-Arms) Sonny  
Ziegler & Council Member Desiree LaRoche

Attached, please find a Petition for the Removal of Kevin Wright,  
Sonny Ziegler and Desiree LaRoche from the Lower Brule Sioux Tribal  
Council. 173 verified voters, who were eligible and voted in the last  
Regular Election (9/14) of the Lower Brule Sioux Tribe have signed  
this petition as required under the Constitution and By-laws of the  
Tribe

Your immediate attention to this important matter is greatly  
appreciated.

Thank you

*Pearl Colombe*

Pearl Colombe, Tribal Member  
Lower Brule Sioux Tribe

**ORIGINAL**

**COPY**



**ORIGINAL**

**PETITION**

WHEREAS THIS PETITION FOLLOWS ALL PROVISIONS CONTAINED WITHIN THE CONSTITUTION AND BY LAWS OF THE LOWER BRULE SIOUX TRIBE AND ALLOWS FOR ALL ENROLLED RESIDENT MEMBERS AS QUALIFIED VOTERS TO PERSONALLY PROVIDE THEIR SIGNATURE TO BE RECOGNIZED IN ALL LEGISLATIVE AND JUDICIAL FORUMS OF THE LOWER BRULE SIOUX TRIBE.

THE FOLLOWING VOTERS RESPECTIVELY PROVIDE THEIR SIGNATURE TO THIS PETITION AS A CONSTITUTIONAL RIGHT AS OUTLINED IN ARTICLE V SECTION 4. THESE RESIDENT VOTERS REQUEST THAT THE LOWER BRULE SIOUX TRIBAL COURT IMMEDIATELY TAKE ACTION TO REMOVE KEVIN WRIGHT, DESIREE LAROCHE, AND SONNY Y. ZIEGLER FROM OFFICE.

**RECEIVED**

3:51 p.m.  
Sept. 2nd 2015

A handwritten signature in black ink, appearing to read "Heath", is written over the date stamp.

**COPY**

*Temporary Restraining Order Issued February 13, 2015.*

ORDERED, ADJUDGED, AND DECREED that the motion of the Defendants to dismiss this lawsuit for lack of subject matter jurisdiction is GRANTED insofar as the suit seeks an order enjoining the Defendants from exercising their rights as elected leaders of the Tribe and it is further

ORDERED, ADJUDGED, AND DECREED that the motion to dismiss the Plaintiff for lack of standing is DENIED. The motion to dismiss for failure to follow

Sioux Tribal Constitution and shall make every attempt to resolve their differences at official meetings and it is further

ORDERED, ADJUDGED, AND DECREED that further hearing will be held, if necessary, after the March Tribal Council meeting or upon request of any party.

So ordered this 13<sup>th</sup> day of February 2015.



B.J. Jones  
Lower Brule Sioux Tribe  
Special Judge

ATTEST:



*On April 7<sup>th</sup> 2014, Vice Chairman Wright verbally and in a personnel action form requested to place Travis LaRoche and Robbie Her Many Horses on the Lower Brule Sioux Tribe's Payroll, as well as asked for his salary to be increased to the Chairman's level. This request does not adhere to the Tribe's personnel Policies and Procedures. This request was made without Tribal Council Authorization or input, therefore violating the By Laws Article 1 Section 1. This request is also a violation of the previous restraining orders as it interferes with the rights of other council members.*

*On April 8<sup>th</sup> 2014 Vice Chairman Wright sent termination letters to Attorneys Matz, Adamski, and Ickes. This request was made without Tribal Council Authorization or input, therefore violating the By Laws Article 1 Section 1. This request is also a violation of the previous restraining orders as it interferes with the rights of other council members.*

*On April 13<sup>th</sup> 2014 Vice Chairman Wright attempted to terminate Scott Jones, citing the passing of the Chairman as the reason for Jones' termination. This attempted termination is in violation of the Lower Brule Sioux Tribe's personnel policies and procedures' due process, & spoils system as well as the Constitution's Code of Ethics- specifically malfeasance of office. This action is both a direct example of gross partiality and oppression.*

*On April 16<sup>th</sup> 2015 Vice Chairman Wright requested to hire Cheryl Scott and Emily Goodface. This request does not adhere to the Tribe's personnel Policies and Procedures. This request was made without Tribal Council Authorization or input, therefore violating the By Laws Article 1 Section 1. This request is also a violation of the previous restraining orders as it interferes with the rights of other council members.*

*On April 23<sup>rd</sup>, 2015 Vice Chairman Wright composed a letter to Assistant Secretary Kevin Washburn asking that all federal funds be frozen. This action violates the Constitution's By Laws Article 1 Section 1 as Wright was not delegated to do so with the authority of the Tribal Council. This action is also a violation of the Constitution's Code of Ethics as a potential loss of federal funding can easily be considered an attempt to endanger the income and prosperity of members of Lower Brule Sioux Tribe.*

tribal law is reserved until the Parties are permitted to file any motions, resolutions or ordinances of the Tribe on or before February 27, 2015 that govern how the Tribe is authorized to bring suits, and it is further

ORDERED, ADJUDGED, AND DECREED that the motion of the Defendants to dismiss on sovereign immunity grounds is DENIED and it is further

ORDERED, ADJUDGED, AND DECREED that the above-named Defendants shall continue to be temporarily restrained from attempting to take any actions that interfere with the rights of the intervenors duly elected by the tribal membership and serving in office prior to December 12, 2014 except in accordance with the Lower Brule Sioux Tribal Constitution. Similarly, the intervenors shall not interfere with the rights of the Defendants and it is further

ORDERED, ADJUDGED AND DECREED that the Court continues to enjoin the Defendants and any other party from recognizing the actions purportedly taken at a Special Council meeting on December 12, 2014 and restrains the Defendants from taking any actions to carry out the motions passed at that meeting because they do not appear to have comported with the Lower Brule Sioux Tribe's Constitution, and it is further

ORDERED, ADJUDGED, AND DECREED that the Defendants and intervenors as well as their agents and assigns are further temporarily restrained from taking any actions to hold Special or General meetings of the Council without a quorum or remove any elected official of the Tribe without complying with Article IV, Section 2 of the Tribe's By-Laws and Article V, Section 2 of the Tribe's Constitution, and it is further

ORDERED, ADJUDGED, AND DECREED that all parties to this case shall conduct a Tribal Council meeting in March of 2015 in accordance with the Lower Brule

*Temporary Restraining Order issued December 16, 2014.*


ORDERED, ADJUDGED, AND DECREED that the above-named Defendants are hereby temporarily restrained from attempting to take any actions that interfere with the rights of the other elected officials duly elected by the tribal membership and serving in office prior to December 12, 2014 and it is further

ORDERED, ADJUDGED AND DECREED that the Court enjoins the Defendants and any other party from recognizing the actions purportedly taken at a Special Council meeting on December 12, 2014 and restrains the Defendants from taking any actions to carry out the motions passed at that meeting because they do not appear to have comported with the Lower Brule Sioux Tribe's Constitution, and it is further

ORDERED, ADJUDGED, AND DECREED that the Defendants and their agents and assigns are further temporarily restrained from taking any actions to hold Special or General meetings of the Council without a quorum or remove any elected official of the Tribe without complying with Article IV, Section 2 of the Tribe's By-Laws and Article V, Section 2 of the Tribe's Constitution, and it is further

ORDERED, ADJUDGED, AND DECREED that hearing on whether this temporary restraining order should be extended shall be held on the 12<sup>th</sup> day of January 2015 at 8 30AM at the Lower Brule Sioux Tribal Court at which time all parties may be heard. Any responsive pleading shall be filed by the Defendants at least 5 days before that hearing date.

So ordered this 16<sup>th</sup> day of December 2014.

  
B.J. Jones



Michael B. Jandreau  
Chairman



Tribal Administration  
187 Oyate Circle  
Lower Brule, SD 57548  
Phone: (605) 473-5561  
Fax: (605) 473-5554

**COPY**

September 30<sup>th</sup>, 2015

**TO:** Mr. Kevin Wright, Vice-Chairman/Chaplain, Lower Brule Sioux Tribe  
Mr. Sonny Ziegler, Council Member/Sergeant-At-Arms, Lower Brule Sioux Tribe  
Ms. Desiree LaRoche, Council Member, Lower Brule Sioux Tribe

**FROM:** Mr. Orville C. Langdeau, Jr., Secretary-Treasurer, Lower Brule Sioux Tribe  
Mr. John McCauley, Sr., Council Member, Lower Brule Sioux Tribe

**SUBJECT:** NOTICE OF LACK OF RESPONSE TO PETITION, EXPIRATION OF CONSTITUTIONALLY REQUIRED TIMEFRAME FOR YOUR RESPONSE, AND DECISION TO ALLOW PETITION TO PROCEED TO THE LOWER BRULE SIOUX TRIBAL COURT - Mr. Kevin Wright, Vice-Chairman/Chaplain, Mr. Sonny Ziegler, Council Member/Sergeant-At-Arms, and Ms. Desiree LaRoche, Council Member, of the Lower Brule Sioux Tribal Council

As required under "ARTICLE V - VACANCIES AND REMOVAL FROM OFFICE, SECTION 4"

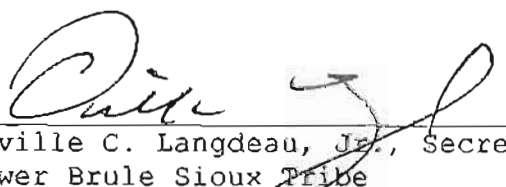
"Any selected or elected official may be removed from office by filing with the Tribal Council of a petition setting forth specific charges as specified by a Code of Ethics against the official(s) bearing the signatures of no less than thirty percent (30%) of the qualified voters voting in the last regular tribal election. Upon receipt of such petition the Tribal Council shall, within five (5) days, notify the official(s) of the charges against him and provide no less than ten (10) days to respond to such charges in writing. The Tribal Council, no less than five (5) days after receipt of the accused official's reply to the charges shall determine whether or not to call an election on the recall petition. Should the Tribal Council decide to not call an election for the recall of an elected official, the petitioners shall file within thirty (30) days to the Lower Brule Sioux Tribal Court for review. If the official in question is a member of the judicial system, the appeal would be to the appellate court. If the official is recalled by an election, the Tribal Council shall declare the position vacant and fill in accordance with Articles 1 or 3 of this section. (Amendment III, September 2 1986)"

As required under "ARTICLE V VACANCIES AND REMOVAL FROM OFFICE" (as cited above) of the Constitution and Bylaws of the Lower Brule Sioux

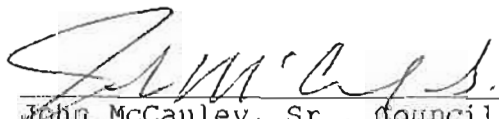
Tribe, We, the below signed Tribal Council Members, do hereby provide Official Notice that:

- a.) No response was received from the accused Tribal Council Members named in the petition that was submitted to the Lower Brule Sioux Tribal Council on Wednesday, September 2, 2015, by Members of the Lower Brule Sioux Tribe. Said petition calls for the removal from office of Mr. Kevin Wright, Mr. Sonny Ziegler, and Ms. Desiree LaRoche and was served upon Ms. LaRoche on September 4<sup>th</sup>, 2015 at 4:37 p.m., upon Mr. Wright on September 14<sup>th</sup>, 2015 at 10:00 a.m., and upon Mr. Ziegler on September 14<sup>th</sup>, 2015 at 10:00 a.m. Any response to the petition was required to be submitted in writing to the Lower Brule Sioux Tribal Council, affording the accused an opportunity to respond in accordance with the constitutionally mandated deadline of "no less than ten (10) days..." (See above).
- b.) The constitutionally required minimum timeframe for your response has expired (on September 17<sup>th</sup>, for Ms. LaRoche and on September 24<sup>th</sup>, 2015 for Mr. Wright and Mr. Ziegler).
- c.) We, the remaining Members of the Lower Brule Sioux Tribal Council, in honoring the submission of the duly submitted Petition for Removal that was submitted against the accused, choose to forego at this time, "whether or not to call an election on the recall petition" (see above), thereby, allowing the petitioners to proceed with filing said petition in the Lower Brule Sioux Tribal Court if they should so desire.

This Notice is being served in follow-up to the September 4<sup>th</sup>, 2015, "Notice of Petition Calling for the Removal..." served upon you on the above listed dates.

  
\_\_\_\_\_  
Orville C. Langdeau, Jr., Secretary/Treasurer,  
Lower Brule Sioux Tribe

9/30/15  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
John McCauley, Sr., Council Member,  
Lower Brule Sioux Tribe

9-30-15  
\_\_\_\_\_  
Date

Notarized By: Liauna M. Obg  
my commission expires: 6/21/16



Michael B. Jandreau  
Chairman



Tribal Administration  
187 Oyate Circle  
Lower Brule, SD 57548  
Phone: (605) 473-5561  
Fax: (605) 473-5554

**COPY**

September 4<sup>th</sup>, 2015

**TO:** Mr. Kevin Wright, Vice-Chairman/Chaplain, Lower Brule Sioux Tribe  
Mr. Sonny Ziegler, Council Member/Sergeant-At-Arms, Lower Brule Sioux Tribe  
Ms. Desiree LaRoche, Council Member, Lower Brule Sioux Tribe

**FROM:** Mr. Orville C. Langdeau, Jr., Secretary-Treasurer, Lower Brule Sioux Tribe  
Mr. John McCauley, Sr., Council Member, Lower Brule Sioux Tribe

**SUBJECT:** **NOTICE OF PETITION CALLING FOR THE REMOVAL OF, AND CHARGES AGAINST** - Mr. Kevin Wright, Vice-Chairman/Chaplain, Mr. Sonny Ziegler, Council Member/Sergeant-At-Arms, and Ms. Desiree LaRoche, Council Member, of the Lower Brule Sioux Tribal Council

As required under **"ARTICLE V - VACANCIES AND REMOVAL FROM OFFICE, SECTION 4"**

*"Any selected or elected official may be removed from office by filing with the Tribal Council of a petition setting forth specific charges as specified by a Code of Ethics against the official(s) bearing the signatures of no less than thirty percent (30%) of the qualified voters voting in the last regular tribal election. Upon receipt of such petition the Tribal Council shall, within five (5) days, notify the official(s) of the charges against him and provide no less than ten (10) days to respond to such charges in writing. The Tribal Council, no less than five (5) days after receipt of the accused official's reply to the charges shall determine whether or not to call an election on the recall petition. Should the Tribal Council decide to not call an election for the recall of an elected official, the petitioners shall file within thirty (30) days to the Lower Brule Sioux Tribal Court for review. If the official in question is a member of the judicial system, the appeal would be to the appellate court. If the official is recalled by an election, the Tribal Council shall declare the position vacant and fill in accordance with Articles 1 or 3 of this section. (Amendment III, September 2 1986)"*

As required under **"ARTICLE V VACANCIES AND REMOVAL FROM OFFICE"** (as cited above) of the Constitution and Bylaws of the Lower Brule Sioux Tribe, We, the below signed Tribal Council Members, do hereby provide

"Notice of Petition for Removal" submitted on Wednesday, September 2, 2015, by Members of the Lower Brule Sioux Tribe, calling for the removal of Mr. Kevin Wright, Mr. Sonny Ziegler, and Ms. Desiree LaRoche from Office.

Pursuant to Article V Section IV. Please reply to the charges made against you in writing within 10 days from receipt of this notice. Please submit your response in writing to the Tribal Secretary/Treasurer by close of business September, 17, 2015

Orville C. Langdeau, Jr.  
Orville C. Langdeau, Jr., Secretary/Treasurer,  
Lower Brule Sioux Tribe

9-4-15  
Date

John McCauley, Sr.  
John McCauley, Sr., Council Member,  
Lower Brule Sioux Tribe

9-4-15  
Date

Notarized By: Tiauna M. Oby  
my commission expires: 6/21/16

9-4-15










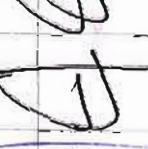
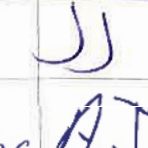
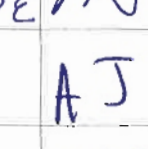
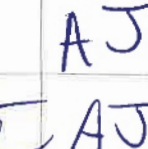
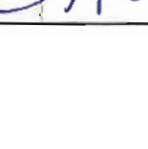



DATE	TIME	PRINTED NAME	SIGNATURE	BY
5/6/15	7:35	HARVEY LANGDEAN	Harvey Langdean	SA
5/6/15	7:37	Phyllis Crazy Bull	Phyllis Crazy Bull	SA
<del>5/6/15</del>	7:38	Coral Peters	Coral D Peters	SA
5/6/15	7:46	Sandra Byington	Sandra Byington	SA
5/6/15	7:55	MARGARET Wilson	Margaret Wilson	SA
5/6/15	8:00	ERWIN La Roche	Erwin La Roche	SA
5/6/15	8:03	Antoinette Johnson	Antoinette Johnson	SA
5/6/15	8:04	Sylvia Grassope	Sylvia Grassope	SA
<del>5/6/15</del>	8:04	Donna Grange	Donna Grange	SA
<del>5/6/15</del>	8:10	Martin McCauley	Martin McCauley	SA
5/6/15	8:11	Andre McCauley	Andre McCauley	SA
5/6/15	8:11	Kenneth Goodbar	Kenneth Goodbar	SA
5/6/15	8:16	Janessa D.H.	Janessa D.H.	SA
5/6/15	8:21	Irene Skunk	IRENE SKUNK	AJ
5/6/15	8:24	Cynthia Fine Cloud	Cynthia Fine Cloud	AJ
05/06/15	8:25	Monte T. Lopez	Monte T. Lopez	AJ
<del>5/6/15</del>	8:29	Errol P. F. F. F.	Errol P. F. F. F.	AJ

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DATE	TIME	PRINTED NAME	SIGNATURE	BY
5/6/15	7:00	Taylor Jandreaux	Taylor Jandreaux	
5/6/15	7:12	Erin Flute	Erin Flute	
5/6/15	7:13	Erin Hawkling	Erin Hawkling	
5/6/15	7:20	Lance Flute	Lance Flute	
5/6/15	7:20	Jody Gourneau	Jody Gourneau	
5/6/15	7:30	Darlene Hood	Darlene Hood	
5/6/15	8:04	Swan Byington	Swan Byington	
5/6/15	8:07	Kansas Middleton	Kansas Middleton	
5/6/15	8:08	Kyssi Middleton	Kyssi Middleton	
5/6/15	8:10	Kesth Johnson	Kesth Johnson	
5/6/15	10:15	William Edwards	William Edwards	
5/6/15	10:30	Tony Brouse	Tony Brouse	
5/7/15	11:57am	Gene Sazue	Gene Sazue	
5-7-15	2:09	Pearl Colombe	Pearl Colombe	AJ
5-7-15	2:18	(GRASS ROPE) Leslee LaForge	Leslee LaForge	AJ
5/7/15	2:18	Ellen Grass Rope	Ellen Grass Rope	AJ
5-7-15	3:02	Twyla Battese	Twyla Battese	AJ

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DATE	TIME	PRINTED NAME	SIGNATURE	BY
5/6/15	6:00 pm	Christy Sisneros	Christy Sisneros	SA
5/6/15	6:05 pm	Sandra Abdo	Sandra Abdo	SA
*5/6/15	6:25 pm	Roguel Gourneau	Roguel Gourneau	SA
5/6/15	6:28 pm	Pamela Kersting	Pamela Kersting	SA AS
<del>5/6/15</del>	6:40 pm	Kip Brinks	Kip Brinks	SA
5/6/15	6:49 pm	Mary Jane Gourneau Mary Jane Gourneau	Mary Jane Gourneau	SA
5/6/15	6:51 pm	Jeannie M Cadwell Jeannie M Cadwell	Jeannie M Cadwell	SA
5/6/15	6:53 pm	Jarrod Cadwell	Jarrod Cadwell	SA
5-6-15	7:02	Darrell Middelst <sup>dr.</sup>	Darrell Middelst <sup>dr.</sup>	SA
5-6-15	7:12 pm	Marilyn LaRoche	Marilee LaRoche	AS
5-6-15	7:12 pm	Myra Whitney	Myra Whitney	AS
5/6/15	7:20 pm	Lori A. Gourneau	Lori Agur	SA
5-6-15	7:22 PM	Rodney Smith	Rodney Smith	SA
*5-6-15	7:23 pm	Heather Goodlow	Heather Goodlow	SA
5-6-15	7:30	Tealyn Kersting	Tealyn Kersting	SA
5-6-15	7:32	Tredy Houtburg	Tredy Houtburg	SA
5-6-15	7:33	Curtis Banks	Curtis Banks	SA

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DATE	TIME	PRINTED NAME	SIGNATURE	BY
5/6/15	11:47am	Federia Skunk	<i>Federia Skunk</i>	<i>[Signature]</i>
5-6-15	11:46 <sup>PM</sup>	Terry Jandreau	<i>Terry Jandreau</i>	<i>[Signature]</i>
5-6-15	11:50	Mary Jo Jandreau	<i>Mary Jo Jandreau</i>	<i>[Signature]</i>
5-6-15	12:02	Angy Jandreau	<i>Angy Jandreau</i>	<i>[Signature]</i>
5-6-15	12:10	Rikki Middleton	<i>Rikki Middleton</i>	<i>[Signature]</i>
5/6/15	3:30pm <del>5/6/15</del>	Kay Hounes	<i>Kay Hounes</i>	<i>[Signature]</i>
5/6/15	4:00	Amanda Jandreau	<i>Amanda Jandreau</i>	<i>[Signature]</i>
5/6/15	4:22	Jarvis Skunk	<i>Jarvis Skunk</i>	<i>[Signature]</i>
<del>5/6/15</del>	4:25	<del>Raige Grooms</del>	<del>Raige Grooms</del>	<del>[Signature]</del>
<del>5-6-15</del>	6:06 pm	<del>Hutchinson Abdo</del>	<del>Hutchinson Abdo</del>	<del>[Signature]</del>
<del>5-6-15</del>	6:07pm	<del>Derek Abdo</del>	<del>Derek Abdo</del>	<del>[Signature]</del>
5-6-15	6:33	Andrew Big Eagle	<i>Andrew Big Eagle</i>	<i>[Signature]</i>
5-6-15	6:36	RONNIE THIGH	<i>Ronnie Thigh</i>	<i>[Signature]</i>
5-6-15	6:38	Dale James	<i>Dale James</i>	<i>[Signature]</i>
5-6-15	6:46	Stuart Langdon	<i>Stuart Langdon</i>	<i>[Signature]</i>
5-6-15	6:52	Michelle Johnson	<i>Michelle Johnson</i>	<i>[Signature]</i>
5-6-15	6:54	Ruby Jandreau	<i>Ruby Jandreau</i>	<i>[Signature]</i>

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DATE	TIME	PRINTED NAME	SIGNATURE	BY
5/14/15	5:15pm	Galen Jandreau	Galen Jandreau	
5/14/15	5:17pm	Douglas T. Le Roch	Douglas T. Le Roch	
5/15/15	11:30 Am	Kana D. St John	Kana D. St John	
5/15/15	11:45 Am	Josh Browse Jera Browse-Koster	Josh B	
5-15-15	12:54pm	Jera Br	Jera Browse-Koster	
5/15/15	3:10	James L. Le Roch	James L. Le Roch	
5-15-15	3:29	Thea McCauley	Thea McCauley	
5/5/15	6:00pm	Bart Ness	Bart Ness	
5-15-15	6:00pm	Patricia Williams (Moore)	Patricia Williams	
5-14-15	6:01pm	Barnita Ness	Barnita Ness	
5-20-15	08:59pm	Jaimee Cray Bear		
5-20-15	12:02pm	Kamela Wilson	Kamela Wilson	
5-20-15	12:04	Sierra Wilson	Sierra Wilson	
5-26-15	7:00pm	Kasey Gourneau	Kasey Gourneau	
5-26-15	8:05	Jerome Jandreau	Jerome Jandreau	
5/26/15	8:10	Alexa Harman	Alexa Harman	
5/26/15	8:30	Bradley Le Roch	Bradley Le Roch	

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DATE	TIME	PRINTED NAME	SIGNATURE	BY
5/6	11:00	Lloyd I. Langlois	Lloyd I. Langlois	✓
5/6/2015	11:00	Marty Jandreau	Marty Jandreau	✓
5/6/15	11:34	VANCE JANDREAU	Vance Jandreau	✓
5/6	11:36	Gerard Jandreau	Gerard Jandreau	✓
5/6	11:36	Ted McCauley	Ted McCauley	✓
5/6	11:38 AM	Jana Brouse	Jana Brouse	✓
5/6	11:39 AM	Angelica Edwards	Angelica Edwards	✓
5/6	11:39 am	Kasey McCauley	Kasey McCauley	✓
5/6	11:40 am	Seneca Skunk	Seneca Skunk	✓
5/6	11:41 am	Ryan LeCompte	Ryan LeCompte	✓
5/6	11:42	marlette rodriguez	marlette rodriguez	✓
5/6	11:43	Bobbie Middleton	Bobbie Middleton	✓
5/6	11:43	Beth Parker	Beth Parker	✓
5/6	11:44	Rhonda Jandreau	Rhonda Jandreau	✓
5/6	11:45	Jill M Brouse	Jill M Brouse	✓
5/6	11:45	COLE B BOWE	Cole B BOWE	✓
5/6	11:46	Marilyn Langlois	Marilyn Langlois	✓

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DATE	TIME	PRINTED NAME	SIGNATURE	BY
5-6-15	9:30pm	DJ Daryl Middleton Jr.	<i>[Signature]</i>	AJ
<del>5-6-15</del>	<del>9:33pm</del>	<del>Colten Celant</del>	<del>Colten Celant</del>	<del>AJ</del>
5-6-15	9:38pm	Robert Kennedy	Robert Kennedy	AJ
5-6-15	9:38	Willie Madison	Willie Madison	AJ
<del>5-6-15</del>	<del>10:14pm</del>	<del>Christina V. Skut</del>	<del>Christina V. Skut</del>	<del>SA</del>
5-7-15	1:36	Salica Jandreau	Salica Jandreau (Tom)	AJ
5-7-15	2:45	Christine LaRabe	Christine LaRabe	AJ
5-7-15	2:46	Jeff Jandreau	Jeff Jandreau	AJ
<del>5-7-15</del>	<del>2:11</del>	<del>Victor Grass Repose</del>	<del>Victor R. Grass Repose</del>	<del>AJ</del>
<del>5-7-15</del>	<del>2:18</del>	<del>Clayton Grass Repose</del>	<del>Clayton Grass Repose</del>	<del>AJ</del>
5-7-15	2:20	Carole Thigh	Carole Thigh	AJ
5-7-15	2:30	Tiauna Obayo	Tiauna Obayo	AJ
5-7-15	3:01	Cecilia Johnson	Cecilia Johnson	AJ
5-7-15	4:35	Rose McCauley	Rose McCauley	AJ PM
5-7-15	7:18	<i>[Signature]</i>	Victoria Flute	AJ
5-8-15	12:21	Dorcas Bingen	Dorcas Bingen	
5-8-15	12:22	Ralph Bingen	Ralph Bingen	

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DATE	TIME	PRINTED NAME	SIGNATURE	BY
5-7-15	3:03	ELSWORTH, Alex H	<i>Elsworth Alex</i>	AJ
5-7-15	8:10	Ronni Kenyon	<i>Ronni Kenyon</i>	AJ
5-7-15	8:10	Tory McCauley	<i>Tory McCauley</i>	AJ
<del>5-7-15</del>	8:16	Beverly Funk	<i>Beverly Funk</i>	AJ
5-7-15	8:16	Julius Smith	<i>Julius Smith</i>	AJ
5/7/15	8:26	Jerry Anderson	<i>Jerry Anderson</i>	AJ
5/7/15	8:45	Karen Wright	<i>Karen Wright</i>	AJ
5/7/15	8:45	Patricia Quitt	<i>Patricia Quitt</i>	AJ
5-7-15	8:50	Bev Wilson	<i>Bev Wilson</i>	AJ
5-7-15	8:51	Blanca Jimenez	<i>Blanca Jimenez</i>	AJ
5-7-15	8:51	Joseph Skunk	<i>Joseph Skunk</i>	AJ
5-7-15	8:51	Vanessa Jimenez	<i>Vanessa Jimenez</i>	AJ
5-7-15	8:54	EARL LA Roche	<i>Earl La Roche</i>	AJ
5-7-15	r	Raymond Thigh	<i>Raymond Thigh</i>	AJ
5-7-15	10:02pm	Bessie A. Goodfellow-Loudner	<i>Bessie A. Goodfellow-Loudner</i>	AJ
5-7-15	10:04	Thomas Loudner Sr.	<i>Thomas Loudner, Sr.</i>	AJ
<del>5-8-15</del>	10:25 am	Rhea Thigh	<i>Rhea Thigh</i>	

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DATE	TIME	PRINTED NAME	SIGNATURE	BY
5/7/15	7:48pm	Shaun Blackmore	Shaun Blackmore	AJ
5/7/15	8:56pm	Shirley Booher	Shirley Booher	AJ
5/7/15	8:00pm	Bethany Walters	Bethany Walters	AJ
5/7/15	8:07pm	Stephanie Gaurneau	Stephanie Gaurneau	AJ
5/7/15	8:15pm	Tyler Jones	Tyler Jones	AJ
5/7/15	8:25	Ron Middleton	Ron Middleton	AJ
5/7/15	9:15pm	Dana Langdon	Dana Langdon	AJ
5/7/15	9:15	LeAnn LaRoche	LeAnn LaRoche	AJ
5-7-15	9:20	Memoree Gross	Memoree Gross	AJ
5-8-15	12:25	Colin Colombe	Colin Colombe	
5-12-15	6:45	Sammie Courneau Jani	Sammie Courneau	
5/13/15	9:00am	Emma LaRoche	Emma LaRoche	
5/13/15	9:30	Ramona Johnson	Ramona Johnson	
5/13/15	9:33	Roddy Janssen	Roddy Janssen	
5/14/15	4:46	Leslie Plute	Leslie Plute	
5/14/15	4:56	William Weddell	William Weddell	
5-14-15	5:04	Paige Boudreau	Paige Boudreau	

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DATE	TIME	PRINTED NAME	SIGNATURE	BY
5/6/15	6:05pm	SCOTT McBRINE SR.	Scott McBride	AJ
5/6/15	6:08pm	Wilma M. Witek	Wilma Witek	AJ
5/6/15	6:40	Issachyilson	Issachyilson	AJ
5/6/15	6:00	Fred Lohr	Fred Lohr	AJ
5/07/15	6:27	Jan Brouse	Jan Brouse	AJ
5/07/15	6:30	Joe L Brouse	Joe L Brouse Sr.	AJ
5/7/15	7:21	Alvita Johnson	Alvita Johnson	AJ
5/07/15	7:25pm	Rhonda Thigh	Rhonda Thigh	AJ
5/07/15	7:26pm	Robert Thigh	Robert Thigh	AJ
5/07/15	7:39	Charmayne Grooms	Charmayne Grooms	AJ
5/07/15	7:40	Kiana FireCloud	Kiana FireCloud	AJ
5/7/15	7:41	Mona G. Lohr	Mona G. Lohr	AJ
5-7-15	7:45	Alvin Grassope	Alvin Grassope	AJ
5-7-15	7:46	Deshambrah St. Cloud	Deshambrah St. Cloud	AJ
5-7-15	7:46	Herb Goodlow	Herb Goodlow Sr.	AJ
5/7/15	7:46	Stephanie Grassope	Stephanie Grassope	AJ
5-7-15	7:48	Dale Middleton	Dale Middleton	AJ

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DATE	TIME	PRINTED NAME	SIGNATURE	BY
5/6/15	8:31pm	Barbara Crane	Barbara Crane	AJ
5/6/15	8:32	Tashuna LaRoche	Tashuna LaRoche	AJ
5-6-15	8:36pm	A. Sazov	A. Sazov	AJ
5-6-15	8:45pm	Neoma Michalik	Neoma Michalik	AJ
5-6-15	8:45	Mary Shields	Mary Shields	AJ
5-6-15	8:48	Dallas Michalik	Dallas Michalik	AJ
5-6-15	8:52	Donovan Grasslyn	Donovan Grasslyn	AJ
05-06-15	8:55	John R. Jack Estes	Jack Estes	AJ
5-6-15	8:54	Diane Pourier	Diane Pourier	AJ
5-6-15	9:00	Ellen Fente	Ellen Fente	AJ
5/6/15	9:02	Elsworth Langdon	Elsworth Langdon	AJ
5-6-15	9:12	Joseph Langdon	Joseph Langdon	AJ
5-6-15	9:13	Allen J Grossman	Allen J Grossman	AJ
5-6-15	9:16	Mary Merritt	Mary Merritt	AJ
5-6-15	9:16pm	Trina Kersting	Trina Kersting	AJ
5-6-15	9:30	Theresa E. Hutson	Theresa E. Hutson	AJ
5-6-15	10:08	Praveen LK	Praveen LK	AJ

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COPY

LOWER BRULE SIOUX TRIBAL COURT

PO Box 122

LOWER BRULE, SD 57548

CASH  
RECEIPT

Date

Oct. 1, 2015

008750

Received From

Vance Landreau Sr &amp; Pearl Colombe

Address

Lower Brule, SD 57548

For

Twenty Five dollars  $\frac{00}{100}$  — Dollars \$ 25.00

## ACCOUNT

## HOW PAID

AMT. OF  
ACCOUNT

CASH

25.00

AMT. PAID

CHECK

BALANCE  
DUEMONEY ORDER ☐  
CREDIT CARD ☐

Beenie B. Gourdner

Vance Landreau  
405 Spotted Hawk St  
Lower Brule S.D 57548

Pearl Colombe  
Rd #31 Lower Brule S.D  
57548