



April 27, 2015

PRESS CONTACT:

Martha L. King

(303) 673-9600

mking@ndnlaw.com

THE CHIPPEWA CREE TRIBAL BUSINESS COMMITTEE’S CHARGES AGAINST ST. MARKS RULED A PRETEXT, AND IT IS ORDERED TO ABATE ITS REPRISALS

On April 24, 2015, the United States Department of Interior (the “Department”) issued a 23-page *Final Disposition in the Matter of U.S. Department of Interior, Office of Inspector General Report of Investigation U.S. Bureau of Reclamation ARRA Funds – Case No. OI-CO-13-0243-I (St. Marks)*. In that *Final Disposition*, the Department confirmed its December 19, 2014 initial determination that the Chippewa Cree Tribe engaged in a prohibited reprisal against St. Marks when he was removed from the position of Chairman of the Tribe’s Business Committee in March 2013. The decision stated “the record [wa]s replete with evidence that the Tribe was well aware of St. Marks’ communications to the Inspector General (“IG”) and United States Bureau of Reclamation (“USBR”) a few short months before his removal.” It went on to state that the instant situation was rife with threats and intimidation against individuals in the tribal community, including St. Marks, by those ultimately shown to have engaged in criminal wrongdoing. “Indeed, [the Tribe’s] continued pursuit of all seven charges despite evidence either challenging or failing to support their veracity calls into question the Business Committee’s credibility and motive and renders the charges as pretext,” stated the final disposition.

Regarding allegations of fraud and misuse of federal funds, the Department attached a December 4, 2014 letter from Assistant U.S. Attorney Carl Rostad advising the Tribe’s counsel that the U.S. Department of Agriculture IG had conducted an inquiry into allegations against St. Marks with respect to the Sewer Lagoon wastewater project, but that inquiry “was closed after finding no credible evidence for further investigation.” Rostad further stated that with respect to allegations of bribery that may have affected “the fresh-water pipeline project” allegations that had been the “focus of several investigations” and “a review of thousands of financial records produced no information that St. Marks transferred funds to tribal officials.” It also stated that “when the agent assigned to the whistleblower case attempted to interview tribal officials about the allegations they all refused to be interviewed.” Regarding allegations that St. Marks’ company had performed inadequate or substandard work on the TiberProject, the Department attached documentation that there was no credible basis for those claims either. The *Final Disposition* also documented other instances where the Department had contacted the Tribe’s counsel for supporting information, but received the run around.

The *Final Determination* ordered the Tribe to stop any and all reprisals against St. Marks, awarded him backpay, front pay for the remainder of his term, travel costs, and attorneys fees and costs.

Addressing the *Final Determination* St. Marks said:

I am happy my name is cleared, but it is unfortunate it took so long. Thankfully, the tribal members and the Havre community continued to believe in me despite such an awful smear campaign. Nevertheless, there is still more that the Department needs to do. The *Final Determination* expressly stated it was concerned for “the welfare of the CCT government and its members” but as a trustee, it hasn’t addressed that whatsoever. We have non-elected persons purporting to act as the Tribe’s Business Committee, while the elected Business Committee members can’t get sworn in. Those non-elected members are using public funds to go after tribal members, even jailing one of our members most recently. This is way out of hand, and yet the United States has continued its government-to-government relationship with these non-elected members. That isn’t right.

For more information on the contents of this press release, please contact Martha L. King of Fredericks Peebles & Morgan LLP at: (303) 673-9600.