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11/21/19
@ 1:18 pm

ARTICLES OF IMPEACHMENT

Comes now, Barry Dotson, United Keetoowah Band of Cherokee Indians in Oklahoma (UKB) Sequoyah District Representative, on this 21st day of November 2019, with a sworn duty to uphold the UKB Constitution and By Laws, in accordance with Article IX- Impeachment, UKB Constitution and By Laws; and the Impeachment and Removal Code adopted by the Tribal Council on August 13, 2005 by Resolution #05-UKB 117, with a Severability Clause allowing these codes to be a living document corresponding with the Indian Civil Rights Act as per the UKB Constitution, Article IX, such documents designating rules and regulations for the investigation of complaints of misconduct in office and for removal of any member of the Council or of any officer, do hereby submit the following Articles of Impeachment against Joe Harold Bunch, Chief of the United Keetoowah Band of Cherokee Indians in Oklahoma, an office to which he was seated in May 2016 to fill a vacant Chief position, swearing an oath to uphold the UKB Constitution and Bylaws. Chief Joe Harold Bunch was elected in December 2016 which he began a four year term in January 2017, as Chief of the United Keetoowah Band in January 2017, swearing an oath to uphold the UKB Constitution and Bylaws.

ARTICLE I: VIOLATION OF CONSTITUTION AND BYLAWS OF THE UNITED KEETOOWAH BAND OF CHEROKEE INDIANS IN OKLAHOMA, RATIFIED OCTOBER 3, 1950, AND CRIMES & PUNISHMENT, ACT OF 1990, 90-UKB-12-5.

A. UKB Constitution.

1. Article 1, Section I - Duties of Officers, stating, "The Chief shall preside at all meetings of the Council and of the membership. He shall have general supervision of the affairs of the council and shall perform all duties appertaining to the office of chairman.
2. Article V-Governing Body, The Council shall have power to appoint subordinate personnel, committees, and representatives...
3. Article I- Section 4. The Treasurer shall be the custodian of all funds in possession of the Council from any source.
4. Article III - Section III - Meetings., Section 4.
5. Article III. Objectives. Section 1-3, To secure for its members the benefits, rights, privileges and powers as provided for under the Act of Congress, To secure the benefits, rights, privileges and powers as provided for by any laws of the United States, and to Promote the general welfare of the Band and its members.

B. Crimes & Punishment, Act of 1990, 90-UKB 12-5

1. Section 302. Criminal Conspiracy.
2. Section 414, Obstructing Government Function
3. Section 452, Official Unlawful Action.
4. Section 504. Harassment.
5. Section Bill of Rights, freedom of association.

UNITED KEETOOWAH BAND
OFFICE OF THE SECRETARY
CERTIFIED COPY
DATE: 11/21/19
SIGNATURE: *Joseph Hawk*

- 6. Violation of Section 402 (a) (1) Improper Influence in Official Matters. Threaten unlawful harm to any person with intent to influence another's decision, opinion, recommendation, **vote, or other exercise of discretion as a public servant, party official, or voter; or**
- C. Oath of Confidentiality
- D. Violation of Law, Resolution #15-UKB-41, Council to approve all Key Personnel Positions.

COUNT 1. On or about May 2017, Chief Joe Harold Bunch, called a meeting of certain members of council, without written notification to all council as required by the Constitution for scheduling a meeting, for the purpose of discussing the hiring of a grant writer, making it a clandestine meeting, in violation of Section 302, Criminal Conspiracy. Chief Joe Harold Bunch, conspired to hire an individual as a grant writer without going through Human Resources, and sought a nomination through the Council instead. Chief Joe Harold Bunch approved the hire by an email memorandum, in violation of the normal hiring procedure and Resolution 15-UKB-41. Chief Joe Bunch abused the Office of Chief and acted outside the scope of his authority by declaring himself as the grant-writer's supervisor, in violation of Section 5, Article V, UKB Constitution. Chief Joe Bunch granted approval for the grant writer to have unlimited access to the Accounting Department and to the Accounting Software, Abila, and further allowed the grant writer to assist the Accounting Director in creating Fiscal Year budget 2017, using an inaccurate indirect cost formula, creating a falsely inflated budget for 2017. Chief Joe Harold Bunch violated his oath of confidentiality by grant unauthorized access to an individual to sensitive and confidential information, Chief Joe Bunch's actions were performed without the knowledge or approval of the Council, the Supreme Governing Authority. In so doing, Chief Joe Harold Bunch acted outside the scope of his authority, as listed in Section I, Article I, UKB Constitution, by supervising accounting functions, circumventing the authority of the Treasurer and the Executive Director of Tribal Operations, Section 452, Official Unlawful Action, and Section 414, Obstructing Government Function, In doing so, Chief Joe Harold Bunch, violated the law and the UKB Constitution

COUNT 2. On or about ^{MAY} September-October 2017 period, the Treasurer and the Executive Director of Tribal Operations, terminated the two Accounting staff, for insubordination. Chief Joe Harold Bunch, engaged then Attorney General Christina Vaughn to write guidance and recommendations regarding the terminations, concluding that they were wrongfully terminated. The AG was the reviewing authority for the current Personnel Manual that placed

employees at an "at will" status. AG Vaughn gave faulty statements in that she stated, "the actions or lack of actions taken by the accounting personnel were not in violation of any duty." It is clear AG Vaughn made recommendations that derived from the terminated employee's point of view, and her anger at the EDTO's email to her which she addresses in her document. The AG recommended the employees be reinstated and be supervised by the Human Resources Specialist, clearly a violation of the UKB Constitution, Section IV, which the Treasurer is the custodian of all funds, from all sources. The Treasurer would not be able to meet her constitutional duty to serve as custodian of funds for the tribe without some degree of supervision over accounting activities, and the personnel performing them. When the Human Resources Specialist position became vacant, the supervisory responsibilities of the Accounting staff were taken over by the Chief and Secretary, in direct violation of the UKB Constitution, without the approval of Council, the Supreme Governing Authority of the tribe.

COUNT 3. As a result of Joe Harold Bunch's actions outlined above, and failure to properly supervise the accounting staff, the mandated Single Audit for a tribe receiving Self-Governance funds, failed to meet the mandated deadlines of June 30 for the 2017 audit. During the time period, on or about June 2017 to Jan 2019, Chief Joe Harold Bunch was the self-designated supervisor of the accounting staff. He failed to properly ensure qualified persons were performing critical duties of a department into which he had inserted himself. In November 2017, the Supreme Governing Authority approved a resolution to engage an audit firm to perform the Single Audit and the letter of engagement was not sent to the audit firm until June 2018, seven months after the Council, which is an act of negligence. At that time, the 2017 audit was one year delinquent, placing the tribe on Level I sanctions.

On or about February 2018, Accounting Director resigned because she did not agree with relocating to a new office. At some unknown date, Chief Joe Harold Bunch rehired her without the knowledge or concurrence of the Supreme Governing Authority, in violation of Resolution 15-UKB-41, that requires all key personnel to be approved by the Council, the Supreme Governing Authority. Chief Joe Harold Bunch allowed the accounting director to work secretly from home, until it was discovered that the former accounting director was logging onto ABILA from an offsite computer. It is unknown what actions were taken to complete the audit from November 2017 to February 2018 by the accounting director. The audit firm requested several documents from the Accounting Staff to begin the audit process, but the accounting staff failed

to comply with the requests. The Executive Director of Tribal Operations sent emails to the council and accounting staff to expedite the request to complete the 2017 audit. The self-appointed supervisor(s) of the accounting department has/have failed to ensure the completion of the 2017 audit, which is still pending. In July 2019, the tribe received notice they were now two years delinquent with the 2017 audit and were placed on Level II Sanctions. There have been additional letters received from the Self Governance Office, the most recent a requirement to provide answers to the delinquent 2017 audit. The tribe and the Housing Department are now in a funding crisis. Chief Joe Harold Bunch has failed to uphold his constitutional oath, "to improve the general welfare of the Band, and its members," instead jeopardizing the Self Governance of the UKB Tribal Government.

Chief Joe Harold Bunch has violated his oath of office by continually acting outside his authority as if he has executive powers. Former Attorney General Bellmard issued a legal opinion that states that the Chief does not have executive authority, but merely is one of thirteen members that make up the governing body, the Supreme Governing Authority of the Tribe of the Band, Article-V – Governing Body. In doing so, the tribe has not hired competent qualified people in critical job positions.

COUNT 4. On or about August 2017, an Executive Director of Tribal Operations (EDTO) was hired, and Chief Joe Harold Bunch placed him within his supervisory control, micromanaging the EDTO's time and actions. During this period until March of 2019, Chief Joe Harold Bunch held this employee in ill regard, as evidenced by the totality of his actions, including termination, disallowing him to supervise certain tribal employees, and harassment by emails. Chief Joe Harold Bunch did not allow the EDTO to supervise the accounting staff, instead, placed himself in a supervisory role, along with the Secretary, in violation of the Constitution that defines each officer's duties. There was critical information needed by the audit agency, which the accounting staff, under Chief Joe Harold Bunch's supervision, failed to provide.

COUNT 5. On or about January 7, 2019, during public forum at a monthly council meeting, a Housing Authority Office representative reported that his department would have to lay off their employees due to a funding freeze caused by the delinquent 2017 single audit. The council reacted spontaneously, deviating from the agenda, and terminated the employees during public forum, in open session with live feed. Chief Joe Harold Bunch failed to take control of the

situation as the Chairman and allowed the discussion of a termination to occur in open session instead of executive session. In doing so, Chief Joe Harold Bunch violated his oath of confidentiality to honor the records and business of the tribe, violated the employee's right to privacy and failed to properly perform his duties and maintain proper protocol as Chairman.

COUNT 6. On November 2, 2019, Chief Joe Harold Bunch did unlawfully instruct the council to vote "No" when the motion was made to reappoint a corporate board member to the UKB Corporate Board, which he verbally instructed on three separate occasions, time stamp, 2:00 to 2:09, UKB live feed, quote: "Ok, those of you that want to vote no and nominate someone else for that position, if yes, vote yes. Quote, "if you do not agree with the nomination, vote no." Chief Joe Harold Bunch repeated this twice, in violation of Section 402 (a) (1), Improper Influence.

In his actions stated above and improper executive actions, Chief Joe Harold Bunch, undermined the integrity and brought disrepute on the office of Chief, has betrayed his trust as Chief, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United Keetoowah Band of Cherokee Indians in Oklahoma to which he swore an oath to promote in any way the general welfare of the Indians of the United Keetoowah Band of Cherokee Indians in Oklahoma.

Wherefore, Chief Joe Harold Bunch, by such conduct, warrants impeachment and hearing, and removal from office, permanent disbarment from eligibility for future candidacy for any elective or appointive office of the United Keetoowah Band of Cherokee Indians in Oklahoma. And warrants permanent banishment from membership from the United Keetoowah Band of Cherokee Indians in Oklahoma.

ARTICLE II. VIOLATION OF THE FEDERAL CORPORATE CHARTER OF THE UNITED KEETOOWAH BAND OF CHEROKEE INDIANS IN OKLAHOMA, RATIFIED ON OCTOBER 3, 1950, UKB CORPORATE BOARD ACT OF 2015, AND CRIMES & PUNISHMENT, ACT OF 1990, 90-UKB-12-5.

A. UKB Constitution.

1. XI - Bill of Rights, Section 1. All members of the Band shall enjoy without hindrance freedom of worship, conscience, speech, press, assembly and association.

B. Corporate Charter, Section II. Objectives. (1) to define and safeguard the rights and powers of the UKB and its members, (2) to advance the standard of living, and, (3) to promote in

any other way the general welfare of the United Keetoowah Band of Cherokee Indians in Oklahoma

C. Crimes and Punishment, Act of 1990, 90-UKB-12-5.

1. Section 302, Criminal Conspiracy, by agreeing with one or more persons to engage in or cause the performance of conduct with the intent to commit any Tribal or Federal offense within the Tribal jurisdiction and any one person commits an overt act in pursuance of the conspiracy.
2. Section 406, Oppression in Office.
3. Section 414, Obstructing Governmental Function, Crimes and Punishment, Act of 1990, 90-UKB-12-5.
4. Section 452, Official Unlawful Action, Crimes and Punishment, Act of 1990, 90-UKB-12-5.
5. Section 504, Harassment, Crimes and Punishment, Act of 1990, 90-UKB-12-5.
6. Section 564, Criminal Defamation, Crimes and Punishment, Act of 1990, 90-UKB-12-5.

D. UKB Corporate Act of 2015.

Section 208, Removal of Officers. which requires a formal notice and hearing to remove an officer from the Corporate Board by a two-thirds vote of the council for incompetence, neglect of duty, or for misconduct.

COUNT 1. On or about December 27, 2016, Chief Joe Harold Bunch called a Special Meeting for the purpose of removing the Chairman of the Corporate Board, violating Section 208 of the Corporate Act of 2015. Chief Joe Bunch acted with malice and forethought in an act of oppression, to violate the rights of this individual tribal member to sit on a board after duly being appointed by the council, the Supreme Governing Authority of the Tribe. This unlawful act was later overturned by the Attorney General, but Chief Joe Harold Bunch, for unknown reasons, except personal reasons or personal gain, or motivated by political motivations, continued to engage in unconstitutional actions and harassment of the individual and the Corporate Board.

COUNT 2. On or about February 27, 2017, Chief Joe Harold Bunch called a special meeting to engage certain members of the council to convene at a Special Meeting for the purpose of repealing the Corporate Act of 2015, rendering the document null and void, putting to a standstill pending economic development projects. Chief Bunch declared himself as the person who would take over these projects, in violation of the UKB Constitution, Article I, Section 1, Duties, which is outside the scope of his duties. This was later overturned by the Attorney General. The overthrow of the Corporate Board was executed with malicious intent, to undermine the purpose of the UKB Constitution and UKB Corporate Charter to improve the general welfare of the Band and its members, and did so by a hostile takeover as evidenced by chain-locked doors to deter entry to all Corporate Office and other tribal

offices. Chief Joe Harold Bunch's actions to overthrow the Corporate Board by way of repealing the Corporate Act of 2015 is subversive to the operations of the Corporate Board and to the tribe's members dependence on its board of directors to obtain and maintain economic stability, already weakened by previous leadership.

COUNT 3. Chief Joe Harold Bunch, did on or about May and June 2018 conspire with a member of the Corporate Board and certain members of the Tribal Council, to disrupt the Corporate Board, with a motion to pass a resolution, introduced by then Tahlequah District Representative Webber and seconded by Canadian District Representative Sacks to remove two officers from the board, without benefit of a hearing, and replace with new individuals. The motion was defeated. This attempt of an overthrow of the two officers of the UKB Corporate Board, was with malice and forethought, with no regard for the general welfare of the tribe, and disregard for the December 2016 guidance given by then Attorney General Vaughn when the Chairman of the Corporate Board was unlawfully removed. At the same meeting, a nomination was made to appoint a new individual to fill a vacated position and the nominee was appointed to the board.

COUNT 4. Chief Joe Harold Bunch has worked behind the scenes to circumvent the Corporate Board by attempting to engage others in business ventures, acting outside the scope of his duties. Chief Bunch attempted to engage the former Creek Nation Chief to be the tribe's Economic Advisor, who has since been indicted in federal court, and made appointments with other vendors, including Bingo vendors, without coordination with the Corporate Board, in an attempt to subvert the business undertakings of the Corporate Board. Chief Joe Harold Bunch, in his entire time in office, has hindered and undermined the Corporate Board in their intended purpose to achieve economic development and improve the general welfare of the tribe and its members.

COUNT 5. Chief Joe Harold Bunch distributed an unofficial financial document to the Tribal Council which he knew to be false, in an attempt to mislead the tribal council and to impugn the integrity of the Chairman and Secretary of the Corporate Board by implying that approximately 1.2M of Corporate Board funds were missing, with the implication that they were guilty of theft or mismanagement when no proof was provided. Joe Harold Bunch attempted to defame the reputation of the two board members.

COUNT 6. Chief Bunch has conspired with certain members of the Corporate Board and certain council members to pass laws that are unconstitutional, specifically directed at a single person, violating a tribal member's Indian Civil Rights, for no other purpose than to annoy, taunt, insult or to challenge another. Chief Joe Harold Bunch's oppressive and harassing actions are in violation of the UKB Constitution and Crimes and Punishment Act of 1990. Specific laws passed designed to harass and oppress are: Resolution 18-UKB-64, "A corporate board member can hold one position only", and 18-UKB-75, "A Corporate Board employees cannot serve on the Corporate Board." It's to be noted that this tribal member was the only person in that category at the time the resolution was passed.

COUNT 7. During a November 7, 2018 ^{9/BD} Council Meeting, (refer to ARTICLE I. COUNT 6), Chief Joe Bunch was clearly improperly influencing the council in his words and actions, by telling them to vote NO three times prior to the council voting to re-appoint a corporate board member, an officer of the board, in violation of the Indian Civil Rights Act. During that same meeting a new candidate was being nominated to the vacant position, and a question was raised by a council member, "isn't there a resolution that a corporate board member can only be on one committee?" stating this nominee is on the Tax Commission. Chief Joe Harold Bunch stated he had no knowledge of such a resolution. Chief Joe Harold Bunch made a statement that the nominee wasn't on another committee, he is on a Commission. The resolution states that "a Corporate Board Member can hold one position only." It does not state, committee, board, or commission. Although the law may appear vague to some, Chief Joe Harold Bunch clarified the intent of the "One Position Only" resolution at a June 18 Corporate Board Meeting, where he was present to record what positions this individual would give up, following it up in an email. A council member asked if the resolution was set for one person, (name redacted), and when he didn't answer, she asked the same question, and nodding yes, he answered yes. It is unclear why Chief Joe Harold Bunch would promote this council member, who is a former corporate authority board member, when the records show acts of malfeasance by the former board. Chief Joe Harold Bunch served as Chairman of the Corporate Board for one year, and is fully aware of the mismanagement and Medicaid fraud that was discovered to have been taking place under the former board's management.

In so doing, Chief Joe Harold Bunch has failed to preserve, protect, and defend the Constitution of the United Keetoowah Band of Cherokee Indians in Oklahoma, and has undermined the integrity and brought disrepute on the Office of Chief, and in violation of his constitutional duty to take care of the laws of the tribe to be faithfully executed, willfully corrupted and manipulated; and has committed misfeasance, malfeasance, nonfeasance, and corruption with a willful grievous intent and has abused his office by official misconduct.

Wherefore, Joe Harold Bunch, Chief, by such conduct, warrants impeachment and hearing, removal from office and permanent disbarment from eligibility for future candidacy for any elective or appointive office in the United Keetoowah Band of Cherokee Indians in Oklahoma, and warrants permanent banishment from membership from the United Keetoowah Band of Cherokee Indians in Oklahoma.

Signed:

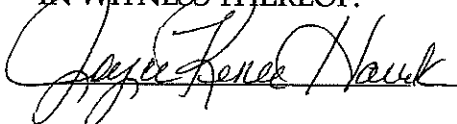


Barry Dotson

Sequoyah District Representative

Dated: 11-25-19

IN WITNESS THEREOF:



Notary Public

JOYCE RENEE HAWK
Notary Public - State of Oklahoma
Commission Number 13007077
My Commission Expires Aug 2, 2021