

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

Raymond DePerry
55 North E Street, Apt. 12
Porterville, CA 93257

Plaintiff,

v.

COMPLAINT

Lawrence Deragon
94120 Little Sand Bay Road
Bayfield, WI 54814

Case No. 12-CV-123

Michael Babineau
14798 Bishop Lane
Bayfield, WI 54814

Jean Defoe
90340 Blueberry Road
Bayfield, WI 54814

Mark Duffy
37015 Pike Road
Bayfield, WI 54814

Desiree Livingston
38305 Bishop Loop Road
Bayfield, WI 54814

Jeffrey Benton
38000 Bishop Lane
Bayfield, WI 54814

Veronica "Ronnie" Wilcox
37400 Pike Road
Bayfield, WI 54814

Defendants.

Now comes the plaintiff, Raymond DePerry, by his attorney, Robert A. Kennedy, Jr., as and for a complaint against the defendants, alleges as follows:

THE PARTIES

1. The plaintiff, Raymond DePerry, is an adult resident of 55 North E Street, Apt. 2, Porterville, California 93257, whose occupation is a government service housing management officer.

2. The defendant, Lawrence Deragon, is an adult resident of 94120 Little Sand Bay Road, Bayfield, WI 54814, in the Western District and State of Wisconsin, and at all material times was a member of the Board of Commissioners of the Red Cliff Chippewa Housing Authority.

3. The defendant, Michael Babineau, is an adult resident of 14798 Bishop Lane, Bayfield, WI 54814, in the Western District and State of Wisconsin, and at all material times was a member of the Board of Commissioners of the Red Cliff Chippewa Housing Authority.

4. The defendant, Jean Defoe, is an adult resident of 90340 Blueberry Road, Bayfield, WI 54814, in the Western District and State of Wisconsin, and at all material times was a member of the Board of Commissioners of the Red Cliff Chippewa Housing Authority.

5. The defendant, Mark Duffy, is an adult resident of 37015 Pike Road, Bayfield, WI 54814, in the Western District and State of Wisconsin, and at all material times was a member of the Board of Commissioners of the Red Cliff Chippewa Housing Authority.

6. The defendant, Desiree Livingston, is an adult resident of 38305 Bishop Loop Road, Bayfield, WI 54814, in the Western District and State of Wisconsin, and at all material times was a member of the Board of Commissioners of the Red Cliff Chippewa Housing Authority.

7. The defendant, Jeffrey Benton, is an adult resident of 38000 Bishop Lane, Bayfield, WI 54814, in the Western District and State of Wisconsin, and at all material times was a member of the Board of Commissioners of the Red Cliff Chippewa Housing Authority.

8. The defendant, Veronica "Ronnie" Wilcox, is an adult resident of 37400 Pike Road, Bayfield, WI 54814, in the Western District and State of Wisconsin, and at all material times was a member of the Board of Commissioners of the Red Cliff Chippewa Housing Authority.

JURISDICTION AND VENUE

9. All acts or omissions which are the subject of this complaint occurred in the Western District of Wisconsin.

10. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §1343(a)(2) in that the defendants, wrongfully refused to retroactively reinstate the plaintiff while acting as an appeal tribunal of their own decision; plaintiff's termination from employment being the result of a derivative conspiracy within the ambit of 42 U.S.C. §1985(3).

11. That the derivative conspiracy to fire the plaintiff was in retaliation for and in conjunction with plaintiff's opposition to the main conspiracy to unlawfully prevent the Red Cliff Chippewa Housing Authority from carrying out the obligations imposed by 25 U.S.C. §4137(a)(6)(C) to remove those tenants engaged in drug-related criminal activity for the benefit of the health and safety of the class of the remaining tenants.

GENERAL ALLEGATIONS PRIOR TO MORATORIUM

12. That the plaintiff was hired as the Executive Director of the Red Cliff Chippewa Housing Authority on or about June 4, 2007.

13. The annual salary, 401K benefit, insurance benefits paid to the plaintiff for his services were worth about \$78,000 per year.

14. That the job description, 4 pages, included on page 2 "process eviction of tenants in compliance with court order and directions from lawyer and owner."

15. That the Red Cliff Chippewa Housing Authority manages housing units that are subject to the federal legislation passed on October 26, 1996 as Public Law 104-330, Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), 25 U.S.C. §4101 et. sq.

16. That the Red Cliff Chippewa Housing Authority is responsible for managing housing units rented to tenants, all housing units being located on the Reservation belonging to the Red Cliff Band of Lake Superior Chippewas.

17. That among the objectives of NAHASDA includes providing a safe and healthy housing environment, NAHASDA §2(1)(A), (5), (6); and removing threats to the collective health and safety of all tenants, NAHASDA §207(a)(6).

18. That the job description of the plaintiff was subject to the requirements of NAHASDA.

19. That on June 4, 2007 the orientation checklist signed by the plaintiff at page 3 sets forth a grievance procedure. Provision 16 stated:

16. GRIEVANCE PROCEDURES

A. WITHIN 3 WORKING DAYS OF THE OCCURENCES SUBMIT

1. IN WRITING TO PERSONNEL MANAGER
2. MEETING WITH BOARD NO LATER THAN 10
WORKING DAYS
3. DECISION SENT WITHIN 10 WORKING DAYS
4. APPEAL DECISION WITHIN 10 WORKING DAYS
TO TRIBAL COUNCIL IF NEEDED
5. TRIBAL COUNCIL HEARS APPEAL
6. STEPS NOT INITIATED WITHIN TIME LIMITS
STOPS GRIEVANCE PROCEDURE

A copy of this orientation check list is attached at Exhibit "A".

20. That the plaintiff's performance review of September 30, 2008, which summarized "exceeds job requirements" in all ten domains, resulted in continued employment. A copy thereof is attached at Exhibit "B".

21. That the plaintiff's performance review of September 30, 2009, which summarized "exceeds job requirements" in all eleven domains, resulted in continued employment. A copy thereof is attached at Exhibit "C".

22. One tenant, Donald King, Jr., is the same individual who was the defendant in a criminal prosecution in the Circuit Court of Bayfield County, Case No. 10-CF-10, filed January 26, 2010.

23. The allegations in the criminal prosecution against Donald King, Jr., included the type of drug offense which NAHASDA at §207(a)(6)(C) classified as drug-related criminal activity.

24. That the requirement in the job description at paragraph 14 concerning input from the housing board and legal representation as a prerequisite to evicting a tenant was satisfied.

25. The plaintiff, as executive director, was obligated to enforce NAHASDA to terminate the Donald King, Jr., tenancy for the health and safety of all tenants.

26. That correspondence and notices to vacate were unproductive, therefore plaintiff sought legal services to commence an eviction proceeding.

27. That Donald King, Jr. was free on bond in Bayfield County Case No. 10-CF-10 and still living in the housing unit as of February 25, 2010, and for a substantial time thereafter.

28. The plaintiff filed an eviction action in Tribal Court, a copy of ten pages of records thereof being attached at Exhibit "D".

29. The Tribal Council of the Red Cliff Band of Lake Superior Chippewas passed a moratorium on the Red Cliff

Chippewa Housing Authority pursuing any evictions on March 1, 2010, which was in effect until April 5, 2010.

30. That a copy of a portion of the minutes of March 1, 2010 imposing this moratorium is attached at Exhibit "E".

31. That as a direct and proximate result of the moratorium, the ability of the plaintiff to carry out his obligations under NAHASDA concerning the health and safety of all tenants was compromised.

32. The moratorium applied to the eviction process of Donald King, Jr. referred to at Exhibit "D".

33. The concerns of the plaintiff set forth at Exhibit "D" would ultimately be proven correct, as the judgment of conviction in Case No. 10-CF-10 would include an offense NAHASDA would consider drug-related criminal activity for purposes of §4(3) and §207(a)(6)(C) for purposes of removing tenants.

34. The moratorium on evictions compromised the ability of the plaintiff to remove tenants which adversely affected the health and safety of all tenants which the plaintiff had an obligation to manage.

35. The actions of certain members of the Tribal Council in imposing and maintaining a moratorium violated 42 U.S.C. §1985(3) by depriving the entire class of law

abiding tenants of the equal privilege of the ability of management to remove those tenants who threaten their health and safety, including drug related criminal activity.

DERIVATIVE RETALIATION AGAINST PLAINTIFF

36. The plaintiff reacted to the moratorium by speaking out as a private citizen on a matter of public concern. On March 12, 2010 the plaintiff wrote a letter to the editor of The Daily Press in Ashland, Wisconsin. A copy of the newspaper article is attached at Exhibit "F".

37. The plaintiff, as a private citizen on a matter of public concern, wrote another letter to The Daily Press. A sample of this letter to the editor published on or about March 16, 2010 is attached at Exhibit "G".

38. A complaint was filed with Red Cliff Chippewa Housing Authority seeking to fire the plaintiff. On March 17, 2010 a special meeting of the Board of Commissioners refused to discipline plaintiff.

39. Upon the failure of the Red Cliff Chippewa Housing Authority to fire the plaintiff on March 17, 2010 the retaliation against the plaintiff continued.

40. That the Tribal Chairperson, Rose Gurnoe Soulier, wanted the plaintiff fired, and was dissatisfied with

Lawrence Deragon's letter of March 18, 2010 summarizing the decision of March 17, 2010 not to fire the plaintiff.

41. Under pressure from the Tribal Chairperson, a special meeting of the Board of Commissioners was convened March 19, 2010.

42. On March 19, 2010 the Housing Board notified Rose Gurnoe Soulier of the fact plaintiff's employment status was reviewed on March 19, 2010, two days after the review of March 17, 2010; which second review did not result in termination.

43. On March 23, 2010 the Tribal Council met and demanded the disciplinary process be continued. A copy of a portion of the minutes from this meeting is attached as Exhibit "H".

44. The disciplinary process continued on March 25, 2010 when the Board of Commissioners again met, and this time fired the plaintiff.

45. On March 26, 2010 a notice was issued to plaintiff advising him he was fired. This notice, a copy with enclosures being attached at Exhibit "I", specifically referred to an appeal procedure.

46. That the appeal procedures described in the orientation check list at Exhibit "A" were the same as referred to at Exhibit "I".

47. That the plaintiff followed the grievance procedures. The plaintiff assumed he had the right to appeal to the Tribal Council and then to Tribal Court. The plaintiff sought reinstatement retroactive to March 26, 2010.

48. The plaintiff was told on April 9, 2010 in a memo his appeal would be heard by the Personnel Selection Committee on April 16, 2010 at 9:00 A.M. at the Tribal Courthouse. A copy of this memo is attached at Exhibit "J".

49. On April 13, 2010 the plaintiff was notified he had no right of appeal to the Tribal Council or Tribal Court, a copy of that notice being attached at Exhibit "K".

50. That the plaintiff was retaliated against for disagreeing with the moratorium, and attempting to implement NAHASDA with respect to drug-related criminal activity, and the conspirators succeeded in preventing plaintiff from opposing the moratorium by encouraging groundless complaints which got him wrongfully fired.

51. On April 16, 2010 the Board of Commissioners, comprised of the same individuals who considered the propriety of firing the plaintiff at hearings on March 17, 2010; March 19, 2010; and March 26, 2010; presided as an

appeals panel to review the discipline they imposed on March 26, 2010.

52. On April 27, 2010 a decision was issued affirming plaintiff's firing. A copy of this decision is attached at Exhibit "L". Pursuant to Exhibit "K", there was no right of appeal to Tribal Court.

EXISTENCE OF A CONSPIRACY FOR PURPOSES OF

42 U.S.C. §1985(3)

53. That a conspiracy existed to prevent that aspect of NAHASDA including but not limited to §207(a)(6)(C), from being enforced by the Red Cliff Chippewa Housing Authority for the betterment of the health and safety of all tenants in the form of terminating leases of those tenants engaged in drug related criminal activity, or other conduct that threatens the health and safety of other tenants.

54. That this conspiracy accomplished this objective in the form of a moratorium passed March 1, 2010 by the Red Cliff Tribal Council, and continued until the moratorium was terminated on April 5, 2010.

55. The Red Cliff Tribal Council on March 1, 2010 passed a moratorium that had the effect of suspending the operation of at least a part of NAHASDA, specifically removal authorized by 25 U.S.C. §4137(a)(6)(C), of tenants engaged in drug related criminal activity.

56. That the conspirators in the capacity as members of the Red Cliff Tribal Council acted outside their colorable authority bestowed by the Red Cliff Band of Lake Superior Chippewas by violating the Supremacy Clause of the United States Constitution at Article VI Clause 2 by restraining the operation of a federal law, NAHASDA, between March 1, 2010 and April 5, 2010.

57. That, while acting outside the scope of authority of the office of membership in the Tribal Council, the conspiracy on March 1, 2010 also applied to deprive the plaintiff of the ability to enforce 25 U.S.C. §4137(a)(6)(C), and was continuing when he was fired on March 26, 2010.

58. That the most prominent members of the conspiracy to adopt the moratorium, and prevent the plaintiff from enforcing 25 U.S.C. §4137(a)(6)(C), were the Tribal Chair, Rose Gurnoe Soulier, and Vice Chair, Marvin DeFoe.

59. That the extent of the conspiracy to prevent the enforcement of 25 U.S.C. §4137(a)(6)(C) included monitoring the complaints against plaintiff forwarded by Rose Gurnoe Soulier to the Red Cliff Chippewa Housing Authority.

60. That the conspiracy continued against enforcement of 25 U.S.C. §4137(a)(6)(C) by succeeding in pressuring the

Board of Commissioners, after three hearings to fire plaintiff.

61. That the response to the hearing notice for the appeal at Exhibit "K" was outside the scope of any colorable claim to authority which the Tribe could bestow in that the Red Cliff Personnel Policies and Procedures cannot be amended retroactively, or without any written record by the Tribal Council of such amendment.

62. That the activity of the conspirators in adopting a moratorium that suspends the operation of 25 U.S.C. §4137(a)(6)(C) in conjunction with depriving plaintiff of meaningful appellate review of his firing in retaliation for plaintiff's disagreement with the moratorium constitutes a conspiracy for purposes of 25 U.S.C. §1985(3) by government officials outside the scope of employment.

FURTHERANCE OF A CONSPIRACY CONTRARY TO

29 U.S.C. §1343(a)(2)

63. That the defendants knew the moratorium was illegal and the plaintiff opposed the moratorium.

64. That the defendants knew the Tribal Chair, Rose Gurnoe Soulier, wanted the plaintiff fired, as evidenced by her demands for subsequent meetings after the plaintiff was not terminated.

65. That the defendants were never authorized to act as an appeals panel for their own disciplinary decision.

66. That the actions of the defendants in acting as an appeals body to review their own decision was outside the scope of their employment.

67. That the refusal to provide an impartial tribunal to review plaintiff's appeal resulted in a failure to reverse a goal of the conspiracy to enforce the moratorium by having the plaintiff fired.

68. That the actions of the defendants, should they have been reviewed by an impartial appeals panel, would have been found to be arbitrary and capricious.

69. That the actions of the defendants during the three hearings of March 17, 2010, March 19, 2010 and March 26, 2010 are arbitrary and capricious because:

(a) The first two refusals to fire the plaintiff were reversed at the third hearing on no new evidence. Consecutive temporal decisions at the same level on the same evidence which contradict each other is evidence of arbitrary and capricious conduct.

(b) The failure to recognize the moratorium was an illegal attempt to suspend federal law to which the plaintiff had a First Amendment right to publicly disagree as a private citizen. Article VII(A)(b) is applied in the

context of off-reservation protected First Amendment speech as clearly established by existing case law. Article VII(A)(b) is applied in violation of the First Amendment.

(c) The failure to present evidence substantiating the shortcomings mentioned. No documentation was ever shown to plaintiff corroborating these infractions. This documentation must be in plaintiff's personal file per Article VII and Article XI(C).

(d) The failure to consider the two performance reviews at Exhibit "B" and "C" which make no mention whatsoever of any of the issues upon which this dismissal is based.

(e) The failure to recognize the reality expressed in the article in the Daily Press published March 27 and 28, 2010, a copy attached at Exhibit "M".

(f) The failure to recognize retaliation for upholding the application of a federal statute, viz 25 U.S.C. §4137(a)(6)(C), cannot constitute good cause for dismissal.

(g) The failure to recognize retaliation for First Amendment free speech as a citizen on an issue of public concern in the Daily Press cannot constitute good cause for dismissal.

(h) Immediate termination is only available at Article XI (C) infractions that are "severe". Nowhere in the decision is it ever said the infractions were "severe".

(i) There was no prior disciplinary action before January 26, 2010.

70. That the plaintiff was deprived at Exhibit "K" of the availability of filing legal action in the Court system of the Red Cliff Band of Lake Superior Chippewas to contest his termination.

71. The plaintiff is excused from any obligation to exhaust remedies in the Tribal Court system for the reason he was denied access to that Court system at Exhibit "K".

72. That the termination of the plaintiff be evaluated by this Court and determined to be arbitrary and capricious.

73. That the firing of the plaintiff by the defendants was under circumstances where the defendants knew, or should have known, would advance the purpose of the derivative conspiracy against the plaintiff for opposing the conspiracy to prevent the law abiding tenants from receiving the protection of removing tenants who threaten their health and safety.

74. That the defendants had the power to refuse to fire plaintiff by acting in a manner that was not arbitrary and capricious.

75. That the defendants fired plaintiff outside the scope of their employment on April 27, 2010, by failing to reinstate plaintiff retroactive to March 26, 2010.

76. That a jury must determine if the primary factor for firing plaintiff was retaliation for exercising plaintiff's right to enforce NAHASDA, and in particular 25 U.S.C. §4137 (a)(6)(C).

77. The plaintiff submits the primary reason for being terminated was his insistence on complying with 25 U.S.C. §4137(a)(6)(C) for the benefit of the housing units plaintiff managed as a whole, and his willingness to impede the conspiracy not to enforce NAHASDA.

CLAIM FOR DAMAGES

78. That as a direct and proximate result of the defendants failing to resist the conspiracy to not enforce NAHASDA the actions of the defendants caused plaintiff to lose his job.

79. That the plaintiff lost income for a period of April 2010 through December 2011, a period of 21 months, for which he would have earned \$137,500.

80. The plaintiff has earned approximately \$40,000 at other employment during this 19 month period.

81. The plaintiff has lost income of \$97,500 as a result of being fired by defendants.

82. The plaintiff has incurred additional losses due to his attempting to find other employment.

DEMAND FOR JURY TRIAL

83. The plaintiff demands a jury trial.

WHEREFORE, the plaintiff demands judgment against the defendants for damages in an amount to be determined by a jury, together with the costs and disbursements of this action, and any other relief that is just and equitable.

Dated this 23rd day of February, 2012.

/s/ Robert A. Kennedy, Jr.
Robert A. Kennedy, Jr.
Attorney for Plaintiff
State Bar No.: 1009177
Kennedy Law Office
209 East Madison Street
Crandon, WI 54520
(715) 478-3386

ORIENTATION CHECKLIST

NAME OF EMPLOYEE

Ray Terry

WHEN AN ITEM HAS BEEN EXPLAINED OR COMPLETED, CHECK THE BOX IN FRONT OF THAT NUMBER.

☒ 1. GIVE EMPLOYEE COPY OF POLICIES AND PROCEDURES

☒ 2. GIVE EMPLOYEE COPY OF THEIR JOB DESCRIPTION

☒ 3. HOURS OF WORK

A. ADMINISTRATION 8:00 AM – 4:30 PM MONDAY THROUGH FRIDAY

B. MAINTENANCE 7:00 AM – 3:30 PM MONDAY THROUGH FRIDAY

C. ALL BUILDINGS NON-SMOKING

D. 2 BREAKS – MORNING AND AFTERNOON, NO SET TIME

E. 30 MINUTE LUNCH TIME

F. SPECIAL STARTING TIMES IN POLICIES AND PROCEDURES

☒ 4. WORK RULES

A. DRESS APPROPRIATELY FOR WORK – NO DRESS CODE

B. PHONE REGULATIONS

1. Lucent System

2. Long Distance – Personnel Code

☒ 5. TIME SHEETS – PAYDAYS

A. TIME SHEETS BY 9:00 AM FOLLOWING THE END OF THE PAY PERIOD.

B. TWO WEEK PAY PERIOD

C. PAY DATE TUESDAY FOLLOWING END OF PAY PERIOD, UNLESS OTHER ARRANGEMENTS MADE.

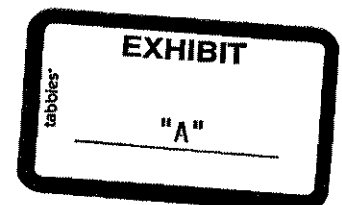
D. I-9 FORM

E. W – 4 FORM

F. BACKGROUND INVESTIGATION FORM IF REQUIRED FOR POSITION

☒ 6. BENEFITS

- P.R. A. PROBATIONARY PERIOD → *example*
P.R. B. GENERAL LEAVE - *starts immediately*
C. HOLIDAYS



D. INSURANCE

1. Health Forms, if eligible
2. Dental, weekly disability, life insurance – if eligible
3. Other life insurance
4. AFLAC
5. Christmas club account

☒ 7. PENSION

- A. 401 K, if eligible

☒ 8. EMPLOYEE CONDUCT

- A. DO NOT SPEAK ON BEHALF OF THE TDHE, UNLESS DESIGNATED
- B. BE ACCURATE ON STATEMENTS
- C. DO NOT DISCUSS CONFIDENTIAL MATTERS OUTSIDE OF THE OFFICE
- D. TREAT RESPECTFULLY DIFFERENCES OF OPINION
- E. TREAT CO-WORKERS AND PUBLIC WITHOUT DISCRIMINATION
- F. SHARE INFO WITH CO-WORKERS
- G. RESPECT PRIVACY AND DIGNITY OF ALL PERSONS

☒ 9. CHAIN OF COMMAND

☒ 10. ABSENTEEISM AND TARDINESS

- A. CALL SUPERVISOR NO LATER THAN 30 MINUTES AFTER STARTING TIME

☒ 11. TRAINING AND CAREER DEVELOPMENT

- A. TRAVEL REQUEST

☒ 12. TRAVEL EXPENSE

- A. MILEAGE – CURRENT GSA RATE
- B. PERDIEM, CAB, PARKING, ETC.

☒ 13. CHANGE IN STATUS

- A. A NEW W-4, CHANGE IN ADDRESS, MARITAL STATUS OR NUMBER OF EXEMPTIONS MAY BE DONE AT ANYTIME THROUGH THE YEAR

☒ 14. PERFORMANCE EVALUATIONS

- A. AT THE END OF PROBATIONARY PERIOD (90) DAYS

- B. IF UNSATISFACTORY – TDHE MAY EXTEND ANOTHER 30 DAYS
- C. AND ANNUALLY

☒ 15. DISCIPLINARY ACTIONS

- A. ORAL, WRITTEN, SUSPENSION AND TERMINATION
- B. SUSPENSION AND TERMINATION RECOMMEND BY SUPERVISOR AND APPROVED BY DIRECTOR OR ASSISTANT DIRECTOR

☒ 16. GRIEVANCE PROCEDURES

- A. WITHIN 3 WORKING DAYS OF THE OCCURRENCE SUBMIT
 - 1. IN WRITING TO PERSONNEL MANAGER
 - 2. MEETING WITH BOARD NO LATER THAN 10 WORKING DAYS
 - 3. DECISION SENT WITHIN 10 WORKING DAYS
 - 4. APPEAL DECISION WITHIN 10 WORKING DAYS TO TRIBAL COUNCIL IF NEEDED
 - 5. TRIBAL COUNCIL HEARS APPEAL
 - 6. STEPS NOT INITIATED WITHIN TIME LIMITS STOPS GRIEVANCE PROCEDURE

☒ 17. ACCIDENTS ON THE JOB

- A. REPORT TO SUPERVISOR WITHIN 3 DAYS
- B. FILL OUT ACCIDENT REPORT PERSONNEL OFFICE



EMPLOYEE SIGNATURE

6-4-07

DATE



PERSONNEL MANAGER

6-4-07

DATE

(No Company Name)
Performance Review

Employee Name: Ray DePerry
Job Title: Executive Director
Department:
Review Period Start: 10/1/2007
Review Period End: 9/30/2008
Last Review Date: 9/30/2007
Reviewer Name: Larry Deragon
Reviewer Title: Board Chairman

CURRENT GOALS

PERFORMANCE ELEMENTS

Quality

Exceeds job requirements

The work Ray produces is usually highly accurate and thorough. He displays a strong dedication and commitment to excellence. He consistently and carefully monitors his work to ensure its quality. Ray applies the feedback he receives to improve his performance.

Job Knowledge

Exceeds job requirements

Ray demonstrates a high level of competency in the skills and knowledge required. He learns and applies new skills quickly. He does an excellent job of keeping himself updated about current developments in his field and he needs a minimal amount of supervision to fulfill his responsibilities. Ray displays a better than usual understanding of the interrelationship between his job and the jobs of others. He takes advantage of the resources and tools available to him.

Problem Solving

Exceeds job requirements

Ray identifies the existence of problems quickly. He is skilled at gathering and analyzing information from multiple sources. He addresses problem solving situations by analyzing options and developing several alternative solutions. Ray resolves or minimizes problems by addressing them in their early stages. In group situations, he contributes actively to help solve problems.

Communications

Exceeds job requirements

Ray displays very good verbal skills, communicating clearly and concisely. He demonstrates excellent written communications skills. He exhibits good listening skills and comprehends complex matters well. When communicating, Ray is very good at selecting and using the most effective methods. He keeps others adequately informed.

Adaptability

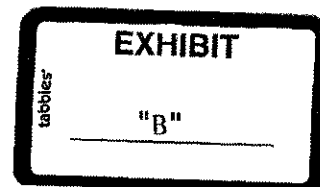
Exceeds job requirements

Ray shows flexibility by adapting quickly to changes in his job and work environment. He easily balances competing demands on his time and he accepts criticism and feedback well. When a different approach or method is needed, Ray adjusts his style of working to fit most situations.

Planning & Organization

Exceeds job requirements

Ray is very good at prioritizing and planning his work. He manages his time in highly efficient ways and he rarely incurs problems in smoothly integrating changes into existing plans. Ray sets specific, ambitious



goals and objectives for himself. He is very well-organized. He plans ahead for additional resources.

Judgment

Exceeds job requirements

Ray confidently makes decisions in all areas of his job. His decisions are on target and reflect his reliable, sound judgment skills. He can clearly explain the reasoning and provide good support for his decisions. He verifies that the appropriate people are included in the decision-making process and he can usually make decisions even under tight time frames.

Innovation

Exceeds job requirements

Ray often displays creativity and original thinking beyond the expectations for his position. When faced with unexpected challenges, he is very resourceful. He generates many usable and ingenious suggestions for improving work. Ray has developed some highly innovative approaches and ideas.

Managing People

Exceeds job requirements

Ray provides clear direction and has little problem gaining compliance from others. He makes sure that his subordinates are an important part of all planning. He does not hesitate to take appropriate responsibility for his subordinates' activities and he makes every effort to make himself accessible to his subordinates. Ray provides consistent, valuable performance feedback and he dedicates considerable effort to developing the skills of his subordinates.

Leadership

Exceeds job requirements

Ray exhibits a high degree of confidence in himself as well as in others. He inspires the respect and trust of others through his openness and integrity. He tolerates a great deal of pressure and he quickly assumes a strong leadership role when action is needed. Ray excels at motivating others to perform better.

SUMMARY

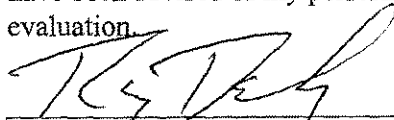
PLANS FOR IMPROVEMENT

FUTURE GOALS

EMPLOYEE COMMENTS

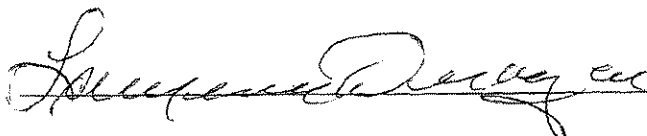
Employee Acknowledgment

I have reviewed this document and discussed the contents with my manager. My signature means that I have been advised of my performance status and does not necessarily imply that I agree with the evaluation.


Employee Signature/Date

9-30-08

REVIEWER COMMENTS

 9-30-08

Red Cliff Housing Authority Performance Review

Employee Name: Ray DePerry
Job Title: Executive Director
Department:
Review Period Start: 10/1/2008
Review Period End: 9/30/2009
Last Review Date: 9/30/2008
Reviewer Name: Larry Deragon
Reviewer Title: Board Chairman

CURRENT GOALS

PERFORMANCE ELEMENTS

Quality

Exceeds job requirements

The work Ray produces is usually highly accurate and thorough. He displays a strong dedication and commitment to excellence. He works hard to improve quality in his own work and promotes quality awareness throughout the organization. Ray consistently and carefully monitors his work to ensure its quality. He applies the feedback he receives to improve his performance.

Job Knowledge

Exceeds job requirements

Ray reads and researches extensively, staying on top of current developments that might impact his field. He performs extremely well with very little, if any, supervision or assistance needed. He displays a better than usual understanding of the interrelationship between his job and the jobs of others. Ray takes advantage of the resources and tools available to him. He demonstrates competency in the skills and knowledge required. He learns and applies new skills within the expected time period.

Problem Solving

Exceeds job requirements

Ray identifies the existence of problems quickly. He is skilled at gathering and analyzing information from multiple sources. He addresses problem solving situations by analyzing options and developing several alternative solutions. Ray resolves or minimizes problems by addressing them in their early stages. In group situations, he contributes actively to help solve problems.

Communications

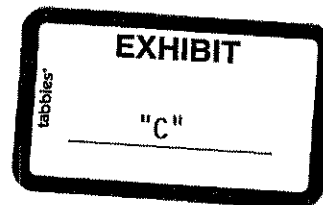
Exceeds job requirements

Ray displays very good verbal skills, communicating clearly and concisely. He demonstrates excellent written communications skills. He exhibits good listening skills and comprehends complex matters well. Ray is careful to keep others informed in a timely manner. When communicating, he is very good at selecting and using the most effective methods.

Initiative

Exceeds job requirements

Ray is a total self-starter, taking independent actions and well-calculated risks. He is always alert to opportunities and makes the most of them. He knows immediately when he may require assistance and does not hesitate to ask for it. He is quick to volunteer whenever others need help. He undertakes self-development activities on his own initiative and he occasionally seeks increased responsibilities beyond the normal scope of his job.



Adaptability***Exceeds job requirements***

Ray shows flexibility by adapting quickly to changes in his job and work environment. He easily balances competing demands on his time and he accepts criticism and feedback well. When a different approach or method is needed, Ray adjusts his style of working to fit most situations.

Planning & Organization***Exceeds job requirements***

Ray is very good at prioritizing and planning his work. He manages his time in highly efficient ways and he usually anticipates additional resource requirements. Ray rarely incurs problems in smoothly integrating changes into existing plans. He sets specific, ambitious goals and objectives for himself.

Judgment***Exceeds job requirements***

Ray confidently makes decisions in all areas of his job. His decisions are on target and reflect his reliable, sound judgment skills. He can clearly explain the reasoning and provide good support for his decisions. He verifies that the appropriate people are included in the decision-making process and he can usually make decisions even under tight time frames.

Innovation***Exceeds job requirements***

Ray often displays creativity and original thinking beyond the expectations for his position. When faced with unexpected challenges, he is very resourceful. He generates many usable and ingenious suggestions for improving work. Ray has developed some highly innovative approaches and ideas.

Managing People***Exceeds job requirements***

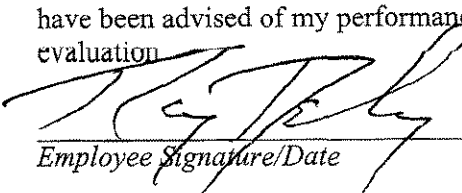
Ray excels at providing clear direction to others as well as gaining their compliance quickly. He makes sure that his subordinates are an important part of all planning. He makes himself available to his subordinates.

Leadership***Exceeds job requirements***

Ray exhibits a high degree of confidence in himself as well as in others. He tolerates a great deal of pressure and he quickly assumes a strong leadership role when action is needed. Ray inspires the respect and trust of others through his actions.


SUMMARY**PLANS FOR IMPROVEMENT****FUTURE GOALS****EMPLOYEE COMMENTS****Employee Acknowledgment**

I have reviewed this document and discussed the contents with my manager. My signature means that I have been advised of my performance status and does not necessarily imply that I agree with the evaluation.


Employee Signature/Date

9-30-09

REVIEWER COMMENTS



Reviewer Signature/Date

RED CLIFF TRIBAL COURT

RED CLIFF HOUSING AUTHORITY,

Plaintiff,

v.

SUMMONS

DONALD JOSEPH KING,

Defendant,

Case No.

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned to answer the attached Complaint which has been filed against you in the Red Cliff Tribal Court of the Red Cliff Band of Lake Superior Chippewa Indians. You must appear and answer the Complaint as follows:

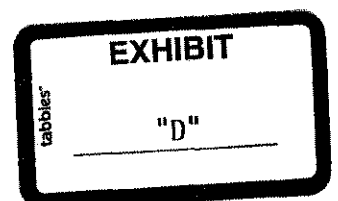
DATE: March 11, 2010.

TIME: 1:30 p.m.

PLACE: Red Cliff Tribal Court, 88385 Pike Road, Highway 13, Red Cliff.

Dated this _____ day of _____, 2010.

Clerk of Court



RED CLIFF TRIBAL COURT

RED CLIFF HOUSING AUTHORITY.

Plaintiff,

v.

DONALD JOSEPH KING,

COMPLAINT

Defendant.

Case No.

As and for its Complaint, the plaintiff Red Cliff Housing Authority states the following:

1. The plaintiff is the Red Cliff Housing Authority, a tribally designated housing entity established by Ordinance adopted by the Red Cliff Band of Lake Superior Chippewa Indians. Its address is 37645 New Housing Road, Bayfield, WI 54814.

2. The defendant is Donald Joseph King, born July 9, 1976. His address is 89925 Jack Pine Road, Bayfield, WI 54814.

3. The defendant is married to Jamie L. Goodlet-King, and is listed as a member of her household in her lease with the plaintiff Red Cliff Housing Authority for the rental unit occupied by defendant, his wife, and two children at 89925 Jack Pine Road, Bayfield, WI 54814, owned by the plaintiff Red Cliff Housing Authority and located on the Red Cliff Reservation.

4. The defendant has a minor daughter T.M., date of birth 5/12/1994, who does not live with him, but who was visiting him over the Christmas-New Year's holiday, 2009-2010.

5. The lease for the unit occupied by defendant and his family provides, among other things:

a. Section 6(A): Tenant . . . agrees not to use or permit the use of the dwelling unit for any illegal or immoral purpose. . .

b. Section 6(D):

(1) Tenant, any member of Tenant's household, or any guest or other person under tenant's control shall not engage in criminal activity, including drug-related criminal activity, on or near the premises . . . and such criminal activity shall be cause for termination of tenancy.

(3) If the Housing Authority has substantial relevant and admissible evidence that a Tenant, Tenant's Guest, or person under Tenant's control was in possession of a controlled substance in the Leased unit or on/near the Leased premises, shall be grounds for termination of the Lease. Arrest for such activity, and confiscation of drugs (that field test Positive) and or drug related paraphernalia is deemed sufficient grounds for Termination of Lease. A Criminal Conviction, in a Court of Law, does not have to take place prior to Termination of Lease.

c. Section 6(G)(1): Tenant, Tenants' family, and Tenant's guests shall refrain from purposely or negligently engaging in any activity which threatens the health or safety of other residents, . . . or persons residing in the vicinity of the premises.

d. Section 10(B): The follow violations shall be considered "serious" violations and shall result in termination of the lease:

(5) Engagement in Criminal activities.

(8) Engaging in conduct which threatens the health, safety, or peaceful enjoyment of any person . . .

6. The provisions of the lease listed in paragraph 5, above, were violated on January 1, 2010, by the following activities of the defendant conducted on or near the leased premises.

(a) Possession of THC.

(b) Delivery of THC to his minor daughter T.M.

(c) Exposure of sexually explicit pornographic filmed/television material to his minor daughter T.M.

(d) Sexual assault of his minor daughter T.M.

7. The defendant violated personal obligations of his not to possess or deliver a controlled substance while on the leased premises, and not to engage in other illegal or immoral activities while on the leased premises, by his activities on January 1, 2010, listed in paragraph 6, above.

8. Defendant's activities on January 1, 2010, listed in paragraph 6, above, are sufficient to terminate the lease to the premises. Such termination would have a negative effect on the defendant's wife and the defendant's two children who are part of the household and who are innocent of the activities described in paragraph 6.

9. The continued presence of the defendant in Red Cliff Housing Authority housing causes immediate and irreparable injury to the Housing Authority and its other tenants, by subjecting them to the risk that the defendant will victimize their children.

10. The victimization by defendant of other children residing in Red Cliff Housing Authority housing would cause them irreparable harm.

11. The issuance of an injunction requiring defendant to vacate Red Cliff Housing Authority housing, without evicting his entire family, would limit the harm to defendant to the minimum required to protect the public welfare and, on balance, would be less than the harm to the other residents of Red Cliff Housing Authority housing if the defendant were allowed to stay.

12. The public interest would be served by removing from Red Cliff Housing Authority housing the threat that the defendant's presence causes.

WHEREFORE, plaintiff requests the following relief:

1. A Temporary Restraining Order requiring the defendant to immediately vacate the residence at 89925 Jack Pine Road, and prohibiting the defendant from moving into, residing permanently or temporarily, or staying overnight, in any unit owned by the Red Cliff Housing Authority. Submitted in support of the relief requested is the Affidavit of William Wellens, attached hereto, and incorporated by reference as if fully set forth.

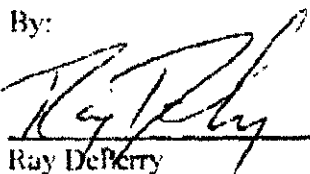
2. A Permanent Injunction requiring the defendant to immediately vacate the residence at 89925 Jack Pine Road, and prohibiting the defendant from moving into, residing permanently or temporarily, or staying overnight, in any unit owned by the Red Cliff Housing Authority.

3. Costs and attorney fees as permitted by law.

4. Such other relief as is just in the circumstances.

RED CLIFF HOUSING AUTHORITY

By:



Ray DeBerry
Executive Director

2-25-10

Date

SIEGLER LAW OFFICE, S.C.

David J. Siegler
Attorney at law

Date

P.O. Box 89
Ashland WI 54806
715-682-6442

RED CLIFF TRIBAL COURT

RED CLIFF HOUSING AUTHORITY,

Plaintiff

v.

DONALD JOSEPH KING,

Defendant.

Case No.

AFFIDAVIT IN SUPPORT OF TEMPORARY RESTRAINING ORDER AND
PERMANENT INJUNCTION

STATE OF WISCONSIN)
)ss.
BAYFIELD COUNTY)

The undersigned, being first duly sworn, deposes and states as follows:

1. My name is William Wellens. I am a police officer employed by the Red Cliff Police Department.

2. I was on duty for the Red Cliff Police Department on January 1, 2010. I conducted the investigation which has now resulted in an Information being filed by the Bayfield County District Attorney against Donald Joseph King, charging him with sexual assault of a child under 16 years of age, incest, causing a child over 13 to view/listen to sexual activity, and delivery of THC. All of these charges result from the activities of the defendant on January 1, 2010, with his 15 year old daughter, T[REDACTED] M[REDACTED], at the Red Cliff Housing Authority rental unit located at is 89925 Jack Pine Road, Bayfield, WI 54814.

3. I attended the Preliminary Hearing held in Bayfield County Case No. 2010 CF 10, at which the Bayfield County Circuit Judge found probable cause to believe that the defendant had committed a crime on January 1, 2010, at the Red Cliff Housing Authority rental unit located at is 89925 Jack Pine Road, Bayfield, WI 54814. The statements contained in this affidavit are based on my own personal knowledge, my own investigation, the analysis results I received from the State of Wisconsin Crime Lab, and the sworn testimony which I listened to at the Preliminary Hearing.

4. T■■■■ M■■■■ is Donald King's daughter. She is 15 years old. She lives with her mother in Oxford, Wisconsin. She was visiting her father over the Christmas-New Year's vacation, 2009-2010.

5. On New Year's Eve, after 12:00 midnight (so that it was January 1, 2010) the rest of the defendant's family had gone to bed except T■■■■ M■■■■. The defendant and his daughter were watching movies on the television, when he turned on some pornographic material he had recorded on his digital video recorder. The pornographic material showed men and women without clothes engaging in sexual activity.

6. After watching the pornographic material for several minutes the defendant and his daughter went outside and smoked a cigarette. They then went back inside and watched a movie for a while that was not pornographic. They then went outside and smoked a marijuana joint together which the defendant got from his room inside the house.

7. The defendant and his daughter then went back inside the house, watched a movie for a while and then started to play a videogame. After five to ten minutes, the defendant started to kiss his daughter. She pushed him away but he kept trying. He put

her on the floor and touched her breasts over her shirt. Then he lifted up her shirt and touched her breasts under her shirt. He then took off her pants and started touching her vagina. He then pulled his pants down and penetrated her vagina with his penis. He then ejaculated on her stomach.

8. Before and after engaging in the sexual activities described above, the defendant told his daughter not to tell anyone what he did. He also told her that she had nice breasts and was tight.

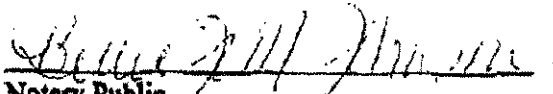
9. On January 1, 2010, I accompanied T. Morgan to Memorial Medical Center. I sent the sexual assault kit that was used with Ms. Morgan to the State Crime Lab. Semen removed from Ms. Morgan was sent to the State Crime Lab. I received the report of the analysis conducted by the State Crime Lab. The DNA found in the semen matched the DNA of the defendant.

10. On January 1, 2010, I executed a search warrant at the defendant's residence at 89925 Jack Pine Road. I found plastic bags with what appeared to be marijuana stems. There was a strong and distinct odor of marijuana smoke in the house.



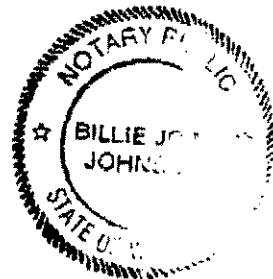
William Wellens

Subscribed and sworn to before me this 26th day of February, 2010.



Notary Public

My commission expires April 14, 2013





February 26, 2010

Ray DePerry
Red Cliff Housing Authority

Re: RCIA v. Donald Joseph King

Dear Ray,

The Red Cliff Tribal Court declines your petition for a temporary restraining order and injunctive relief, filed today, requesting immediate eviction.

It is my understanding that Mr. King appeared in Bayfield County Circuit Court on January 26, 2010 at a preliminary hearing on a criminal complaint involving this same issue. He is also scheduled for arraignment on March 2, 2010. At this time an immediate hearing on your petition may involve a presumption of guilt and could result in a denial of due process for the respondent.

The concern in your petition for the immediate safety of those persons still residing on the premises are more appropriately shared with the Bayfield County Court who has responsibility as well as exclusive criminal jurisdiction in this matter.

If you still feel that this particular accusation of guilt fulfills the legal requirements within Chapter 19 of the Red Cliff Code of Laws, feel at liberty to file a formal petition of eviction with this court.

Sincerely

A handwritten signature in black ink, which appears to read "Donald G. Gurnoe". The signature is written in a cursive style with a large, stylized "G" at the end.

Donald G. Gurnoe
Chief Judge
Red Cliff Tribal Court

Cc: File

Council members received an email from Chairperson Rose Soulier stating there is a Special Council meeting with Housing at the Fire Hall at 3:00 p.m. on Wednesday, March 5, 2010.

The Tribe received a letter from Citgo regarding the heating program and gave the Tribe \$40,000 to assist individuals with heating bills. They are committed to continuing to partner with citizen programs for this assistance to the Tribe.

There will be a chili and fry bread fund raiser for the Food Shelf at the Food Distribution building on Friday, March 5th, 11:00 to 1:00 for \$5.00. The Food Shelf is open from 1:00p.m. to 3:00 p.m. Contact Paula Bonney for Food Shelf services.

Jim Pete Requests

Jim's requests were in written form and copies were provided to the Council. Request #1) He is asking the Council to have an open meeting for the membership by March 31st on (1) the terms of the \$300,000 Calleo contract; (2) any recommendations made by Calleo and status of those recommendations and (3) a financial status report by Jeff Gordon, Isle Vista Casino General Manager on his analysis of the financial condition of the casino before the arrival of Calleo and upon their exit. Request #2) a special investigation to be conducted to review Isle Vista Casino operations from January 2006 to present. This may include interviewing current and former staff in the activities of the day to day operations, Calleo staff, the rumor of kick backs to individuals, the manner in which Calleo was given this contract; sole source, without bidding, and taking into consideration Indian preference. He is requesting this be completed by April 15th with an open meeting to share the results of the investigation by April 30, 2010. Ray DePerry moved that Request #1 be implemented immediately. Seconded by Marvin Defoe. Motion carried. Larry Deragon moved to approve request #2. Seconded by Ray DePerry. 1 abstention (Marvin Defoe). Motion carried.

Jamie Goodlet King Letter

Tribal Chairperson Rose Soulier stated that Jamie feels she was denied due process. Rose would like Dave Ujke to review the occupancy policies, Code of Laws and other policies/documents to see if due process was followed. Access to Jamie's file and housing records will be kept confidential. A report should be brought back to the Council.

Vice Chairman Marvin Defoe received a phone call from Senator Kohl's office regarding this issue and wanted the Council to deal with it; if not, he intends to contact HUD.

Jamie stated there are a number of families facing evictions. 1) They want a moratorium on evictions until this issue gets resolved. She feels her civil rights were violated; there has been harassment, entering homes without consent, fraud and people living in mold. 2) Re-organize the Tenant Association; monies are available for this group, need to protect their rights as tenants. They want a closed hearing with the Tribal Council, Housing and tenants with issues. Ray DePerry and Larry Deragon are involved in housing and they



hope for ethical reason that they abstain from this matter. This is our Tribe, our people; it's time politics takes a back seat to humanity.

Marvin Defoe stated he had a mother come in to the office; she was being evicted because her daughter and grandchildren were staying with her. Two weeks later she received a Certified Letter that she would be evicted from housing. A week later another one received an eviction letter; she has disabled children and was evicted for having two bags of garbage in her garage. Another week later here comes Jamie with an eviction notice. A question was asked why build more homes if they are kicking people out.

Joe Gordon and Mary Ann Basina both felt that Ray DePerry and Larry Deragon should abstain from this issue. It is a conflict of interest, eight people received evictions, something is wrong and they want to be heard

Marvin Defoe moved to go with all requests presented here. Seconded by Laura Gordon Amend motion to include the moratorium is for 30 days. Legal is to investigate the legalities of the eviction and to provide a written response to that. Second concurs. Ray DePerry stated that he will not shirk his duties as an elected official and will not run from these duties 1 opposed (Ray DePerry), 1 abstention (Larry Deragon). Motion carried

OLD BUSINESS

TREASURER'S REPORT DECEMBER 2009

Page three was corrected and given to the Council. Council member Larry Deragon asked for a breakdown on third party funds. Question was asked what is safe on percentages to spend. July is 13%, October 25%. Marvin Defoe moved to approve Treasurer's Report for December. Seconded by Mike Gurnoe. Motion carried.

OLD HOUSING TAX CREDIT/TIM FUNK

Bobbi Rose Basina presented a petition to the Council asking them not to demolish Old Housing and tear it down and rebuild in Bradum Subdivision. People know the issues and do not want to move.

Tim explained that Tom Langraf did provide the information on costs of rehabilitation versus reconstruction. Four units are to be demolished and six will be converted to individual homes, 14 families will be moved to Bradum development. NASHDA funds have been diminishing. If the tax credit application is to be changed it has to be soon to revamp and resubmit it. Discussed this issue, the petition and the workshop held on the issue Saturday

Marvin Defoe moved to not go forward with new application. Seconded by Dennis Soulier. 2 opposed (Ray DePerry, Larry Deragon). Motion carried.

Ray DePerry moved the petition be denied. Seconded by Larry Deragon. 3 for (Ray DePerry, Larry Deragon, Mike Gurnoe), 3 opposed (Laura Gordon, Dennis Soulier and Marvin Defoe) 1 abstention (Jeanne Gordon). Chair voted against the motion.

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Toledo

that much in the union-union
scheme of things, but the cost
of the "fix" runs in the tens of
billions, according to a health
lobbyist who crunched the
numbers for me.
Other sweethearts
sions that remain
include special
Florida ("G
Louisiana ("The
Purchase"), Nevada

raise — "with respect" — the
specter of opaque and unsa-
vory" deal-making, where-
upon Obama reminded his
former presidential foe that
was over.
ctly true, of
taken.
o push any
through Con-
ss, no matter

additional federal financing to
all states for the expansion of
Medicaid."
More fair? Sure, but at
mind-boggling cost to taxpay-
ers. To correct a \$100 million
mistake, we'll spend tens of
billions instead.
Throughout the health care
process, the Democrats' *modus operandi* has been to

is as lean as it could be. A
spoonful of sugar may indeed
help the medicine go down,
but even King Kandy and the
Gingerbread People can
choke on too many sweets.

Kathleen Parker's e-mail
address is [kathleenpark-
er@washpost.com](mailto:kathleenpark-
er@washpost.com).

EXHIBIT

"F"

OTHER VIEW

Why I'm mad at the Red Cliff Tribal Council

BY RAY DEPERRY

I'm mad at my tribal council for tak-
ing the action it did the other night,
to place a moratorium on any and all
eviction proceedings the Red Cliff
Housing Authority (RCHA) reviews.
I'm still mad at the council's way of
governing and decision-making, with-
out first obtaining and reviewing any
evidence or documentation that sug-
gests that the RCHA is — in fact —
violating any "tenant occupancy
rights or protections" as described in
federal or tribal laws. I'm still mad at
my tribal council for taking at face
value the unsubstantiated, emotional
whims of a tenant whose goal was to
sway the council into believing the
miscarriages of justice of which she
accused the RCHA. And the council
mindlessly, by their response and
action, implicitly sided with her —
finding RCHA guilty as charged. And,
to make matters even more embar-
rassing, this tenant not only brings
these allegations to the tribal council
but to Governor Doyle, Representa-
tive Sherman, State Senator Jauch,
Senators Kohl and Feingold, Con-
gressman Obey, the regional HUD
office, and others.

I'm still mad at how some of my tribal
council just sat there and let a
"spokesperson" for this tenant continue
on with a litany of additional allegations,
essentially stating that RCHA failed to
provide due process in this particular
case. In another case, that RCHA was
unjustly evicting a mother and child in
the dead of winter, and another they
weren't even going to review the circum-
stances around the case. I'm still mad at
my tribal council for not asking of this
spokesperson the hard questions (that
they have the ethical and legal responsi-
bility to ask) such as: "Where are your
facts? Where are your documents that
support your accusations? How can you
expect us to side with you based merely
on your accusations, for without proof it
would be immoral and unfair to the hous-
ing authority? Until there is proof, they

are only stories."

I'm still mad at my tribal council for
not having enough faith and trust in me
as their executive director of housing,
and in Mr. Larry Deragon, chairman of
the Housing Board — and a council mem-
ber as well. We have consistently
informed the council that there is no
basis in fact for these allegations. Yet still
some tenants who, even after Housing
has worked long and diligently with them
to do everything in their power to help
them take the corrective actions neces-
sary to avoid eviction, according to the
Housing Authority's Policy and Proce-
dures, and come to an agreement with
the tenants about steps, still we are
accused of being unjust, unfair.

I'm still mad at my tribal council for
not wanting to even listen to the
extremes that the Housing staff goes
through to work with the very few ten-
ants who are having troubles with rent
payments and utilities payments, for
example.

I'm extremely mad at my tribal council
for placing a 30-day moratorium on any
and all eviction proceedings. Why?
Because now RCHA's hands are tied, we
are disallowed to evict and remove from
the premises an individual who — over
this past holiday season, when a 15-year-
old was visiting — allegedly provided
her with drugs, forced her to watch sexu-
ally explicit movies and then to have
allegedly engaged in sexual intercourse
with her. Oh, I'm mad as hell with my
tribal council. And you should be, too!
I'm still mad....

I'm still mad at my tribal council
because many will hide being the veil of
doubt, fear and ignorance. Yes, I can just
hear the usual comments now, "my god, I
didn't know...How could this be?!" And
other such comments wielded to wash
the guilt of silence and/or lies from their
face. I am mad because when the sicken-
ing details were brought to the attention
of the administration's office, details
which were not disclosed during the
open council meeting for obvious rea-
sons, the administration failed to seek a
modification of the moratorium decision.

The tenant in question is a registered
sex offender. The decision to place him
and his family in one of our units was
painstaking and only after a thorough
review of his files, consultation with his
parole officer, and status of his compli-
ance requirement with the state's moni-
toring system, the Board decided to give
him and his family the opportunity to
reside in the community. Did you ever
wish — real hard like — that you had a
crystal ball to guide in your decision-
making duties? I think we all have at one
time or another; more importantly, every-
one associated with this particular case
has. Unfortunately however, as things
stand today, the tenant in question will be
allowed to stay in the unit at least until
the expiration of the moratorium.

The review of our eviction procedures
will move on despite the circumstances
surrounding this tenant. I can say with a
degree of certainty that our housing staff,
administration, and board will have noth-
ing to be ashamed of or embarrassed by.
The review will show the standard HUD-
approved lease we enter into with each
tenant; we show the HUD-approved
occupancy policies and procedures; we
will show under what condition(s)
grounds exist for possible eviction
actions; we will show in individual files
(providing confidentiality releases are
obtained) the number of times the staff
have tried to work with the tenants in an
attempt to resolve the issues of concern
(i.e. rent owing, arrearages owing, utili-
ties owing, destruction of property, etc)
and we will show the actual number of
cases that have been recommended for
eviction but before the actual court hear-
ing itself, the tenant(s) would agree to a
stipulated agreement in order to prevent
actual eviction. We will show that the
Housing Authority often goes above and
beyond when it comes to working with
the tenants who are experiencing diffi-
culties.

Ray DePerry is a Red Cliff Council
member and executive director of the
Red Cliff Housing Authority.

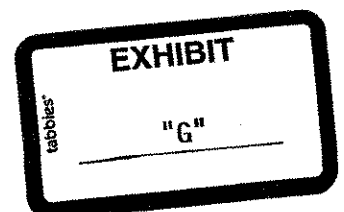
DID I HIT A TRIBAL NERVE?

Did I hit a tribal nerve or what? Since the publication of my "I am mad at my tribal council" article a few days ago, comments have not only been logged on to the Press website, but individuals have been sending "mad as hell" correspondence to the tribal official's office as if I were the alleged sexual predator. This is causing tribal officials to scurry around a bit looking for an office(s) or individuals to address "IT" without giving any clear directive as to what "IT" really is.

Let's step back a minute and put things in their proper perspective: (1) I am a duly elected representative on the Red Cliff Tribal Council. (2) I am a citizen of the United States of America and a dual citizen of the Red Cliff Band of Lake Superior Chippewa Indians. (3) As a citizen of both Nations I have basic constitutional rights guaranteed me by the constitution of the United States and the constitution of the Red Cliff Band of Lake Superior Chippewa Indians. (4) To the best of my knowledge those constitutionally guaranteed rights have never been rescinded, retracted or amended in any way what so ever (4) Probably more so as an elected representative serving on a governmental body, I have a duty to seriously question government actions if I am of the opinion those actions can bring serious harm or injury to the general well being of a community. (5) I would be derelict in my duties and would seriously damage the faith and trust the electorate placed in me were I to passively standby while the government intrudes on established programmatic issues without a basis in fact to do so (6) I have a right to voice my opinion as a citizen of two nations. (7) The opinion which I had raised a few days ago was not a "housing issue" as so many are trying to make this out to be and thereby pass this off to the Housing Authority to deal with "IT", but my opinion was about a government (in this case tribal) intruding into established operational procedures of established programmatic protocol without any justifiable reason(s). (8) If in fact a government's powers are not held in check, then the likelihood of government to abuse its power can (and will) run rampant and in doing so will trample even more so on mine and your constitutional rights more than we care to know. And folks here in Indian Country I have seen enough basic rights trampled upon under the veil of tribal sovereignty. (9) Lastly, as a citizen of both Nations and not as an elected representative, but as a citizen of both Nations, I choose not to want to leave that as a legacy for the generations present and those yet to come.

If I did hit a tribal nerve I am at a loss how this could be so.

Ray DePerry
Red Cliff Tribal Council Member



Joe Gordon along with the Tenant Association has an update on what is going on. They are requesting the moratorium be extended 90 to 180 days to review all notices the Association has received. Tribal Chairperson Rose stated a meeting is scheduled March 30th as a listening session at the bingo hall at 6 p.m. The Tribal Attorney has to finish his investigation and gather more information. From 5 to 6 p.m. will be a report on Calleo.

Grace Livingston stated there is still speeding on Daley Road and no one seems to stop at the stop sign including the busses. The speed sign should be put on the road again and bring this to the attention of the school.

Free breakfast on April 2, 2010 at the bingo hall from 8 to 10 am for all area service providers that work with children to recognize the service and work you provide for all children. Speaker will be Candi Gil Aubid, Therapist MSW, LIC SW Family Prevention Therapist.

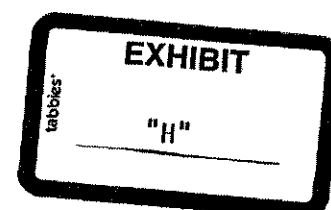
Internet Safety Presentation, by CESA 12 at the Elderly Center, on Wednesday April 7, 2010, from 6 to 7:30 p.m. Both presentations are provided by the Red Cliff Family Violence Program, ICW, Police Dept., TINA program and Family Services Division.

CASINO REPORT/JEFF GORDON

A budget has been done through September 30th and next years budget will be broken down into departments. Slot revenue, October-February with actual expenses, numbers on Calleo are not in this budget. February balance sheet revenue vs. expenses \$54,000 profit with net profit of \$200,000. There will be an improvement in the audit next year. Question asked about the money market account, it has approximately \$74,000 in it. The casino has made it through the winter. Next months report will have a profit/loss per department. Discussed ways to make a profit and bring in people by marketing. Question asked if casino could do away with the Styrofoam cups used for coffee and if a small kiosk could be set up where people could have a good cup of specialty coffee. Also they use Styrofoam trays. Jeff will check into this right away regarding the dinners and look at a kiosk. Questions asked about the campground and marina and on Point Detour which will be cleaned up and ready for anyone to camp. The stairs going down to the lake will be fixed. Discussed Calleo; Calleo was paid out of casino revenues. A report will be coming out on this at a meeting.

Tribal Chairperson Rose Gurnoe stated they have been working with Shakopee and there will be a community meeting the third week in April to discuss a comprehensive plan. They have had three meetings so far. KKE was also involved as Shakopee has worked with them before. Question asked if casino employees will have first placement and the required training needed. This will not change. It was brought up that there were two referendums on this before and Council's didn't listen to the people. If there is another one do they plan to listen this time? Chairperson responded that we intend to move forward.

Dennis Soulier moved to approve the Casino report and budget for 2010. Seconded by Marvin Defoe. Motion carried.




Marvin Defoe moved to direct the Housing Board to take immediate action to place Executive Director on Administrative leave and further action may result pending Tenants and housing investigation. Seconded by Dennis Soulier. Roll call vote: Larry Deragon – no, Mike Gurnoe – no, Dennis Soulier – yes, Marvin Defoe – yes, Jeanne Gordon – abstain, Laura Gordon – yes, Ray DePerry – no. 3 for, 3 opposed, 1 abstention. Chair votes yes. Motion carried.

Jeanne Gordon moved to go with moratorium extension until legal gives the report on the issues. Seconded by Marvin Defoe. 2 opposed (Ray DePerry, Larry Deragon). Motion carried.

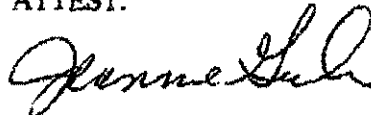
Dennis Soulier moved to adjourn. Seconded by Mike Gurnoe. Motion carried.
Adjourned: 10:35 p.m.

Respectfully Submitted:



Kathy Hanson
Recording Secretary

ATTEST:



Jeanne Gordon, Secretary
Red Cliff Tribal Council

Red Cliff Band of Lake Superior Chippewas

"The Hub Of The



Chippewa Nation"

Red Cliff Chippewa Housing Authority
37645 New Housing Road
Bayfield, WI 54814
V: 715-779-3744 F: 715-779-5044

3/26/10

Mr. Ray DePerry
P.O. Box 574
Bayfield, WI 54814

Re: Personnel action

I have been assigned the task of informing you of the Housing Board's decision to terminate your employment pursuant to the attached order.

Appeals of the termination order may be made pursuant to the 1998-revised Personnel Policies and Procedures of the Red Cliff Chippewa Housing Authority, which will be provided to you.

We are requesting that you return items belonging to the Authority, not limited to credit card, phone, computer, documents, correspondence, or other items.

You will be informed of other matters of separation as they arise.

Sincerely,



Timothy Funk
Red Cliff Chippewa Housing Authority

Cc: Housing Board
Red Cliff Tribal Council and Administration
Red Cliff Chippewa Housing Authority Senior Staff





Red Cliff Housing Authority

NOTICE OF DISCIPLINE ACTION

Name of Employee: Raymond DePerry, Exec. Director. Date: 3/25/2010

Department: Red Cliff Housing Authority Supervisor: Housing Board / Chair

Reason for Discipline: (Be specific; include date (s) of occurrences)

See attached.

Discipline Action:

☐ oral warning ☐ suspension ☒ termination
☐ written warning ☐ # of days ☐ last day
 ☐ begin ☐ end

Performance Changes Necessary: (Do not complete for termination)

N/A

Supervisors Signature: [Signature] Date: 3-25-10

Red Cliff Tribal Chairperson or Designee

[Signature] Date: 3-25-10

The employee is being terminated for two separate reasons. Either is sufficient to warrant termination. Similar reasons are believed to have contributed to the action of Tribal Council at its March 23rd, 2010 meeting to implore the Red Cliff Chippewa Housing Authority Board to take personnel action against Mr. DePerry.

**1. Violation of Personnel Policy as relates to recent communication to the Ashland Daily Press.
Conduct unbecoming an administrator of an institution of public trust.**

- a) The employee violated Article VIII (A) of the Red Cliff Chippewa Housing Authority's Personnel Policies and Procedures, which clearly prohibit making statements to the press without administrative approval. Art. VIII (A)(1) states that "No employee of the Tribe should presume to speak for on behalf of the Tribe or any matter concerning the organization without the expressed approval of the Tribal Management." On Friday March 12, 2010, the Ashland Daily Press, a newspaper that is widely distributed in the area and read by members of the community, published a series of statements by Executive Director Ray DePerry that the Board believes brought disrepute to the Red Cliff Housing Authority. The entire editorial is attached hereto as Exhibit A and is incorporated by reference. The editorial piece was signed in his position as both a Tribal Council member and Executive Director of the RCHA. Even if it were submitted only in his capacity as a member of the Tribal Council, or only as a community member, or whatever other designation he could make to distance himself from the RCHA, his statements reflect badly on the RCHA given that he is, in fact, its Executive Director. Preventing such problems is the purpose and intent of Art. VIII (A)(1) of the Personnel Policies and Procedures manual.
- b) Additionally, Art. VIII A(2) states "...in public statements or actions made as an individual, the employee should at all times be accurate, exercise proper restraint, and show respect for the opinions of others." In this case, the information publicly disclosed by Executive Director DePerry — whether publicly available or not — was neither appropriate nor necessary to advertise publicly, including but not limited to the rationale of the Housing Board originally to admit a sex offender into the unit. Whether accurate or not, Mr. DePerry's statements and disclosures did not show "proper restraint," nor did they respect the Council or the tenant in question. And whether Mr. DePerry's criticisms of Council were valid or not, it is clear they have aggravated tenant relations, worsened regard for the Authority and the Housing Board, degraded RCHA relations with Tribal Council, and compromised Mr. DePerry's own effectiveness as Executive Director of Housing, all of which are outcomes article Art. VIII A(2) is intended to prevent.
- c) Art. VIII (A)(1) of the Personnel Policies and Procedures makes it clear that failure to comply with the above conduct provisions subjects the employee to disciplinary action in the discretion of Tribal Management. Given the nature of the above-described comments and consequences, and likewise given the recent imperative of the Tribal Council of March 23rd, the RCHA Board simply has no alternative but to dismiss Executive Director DePerry immediately in the interests of effective management of the RCHA.
- d) Additional violations of the Personnel Policies and Procedures Section VIII are as follows: Art. VIII introduction states, "Every employee...shall conduct his or herself in a manner to be a credit to the Red Cliff Tribe..." and sub C(1) "Employees shall treat respectfully differences of

opinion between themselves and their colleagues" and sub C(3) "Employees shall support co-workers in fulfilling their responsibilities." Again, Mr. DePerry is an employee. While it has been argued that public statements as a Council member should be considered separate from statements as an Executive Director of Housing, when in a visible administrative position of public trust, this 'separation of selves' is, in all reality, usually impossible. Mr. DePerry's conduct in making statements to the press, additional ones which are known to be forthcoming (including one titled "Did I Hit a Tribal Nerve?") clearly shows a lack of restraint and support for the RCHA Board in fulfilling his responsibilities as Executive Director.

2. A pattern of management insufficient to the needs of the organization

Separate from and in addition to the reasons mentioned above, the Housing Board feels Mr. DePerry has violated Article V (C) (4) "Employees shall hold themselves responsible for the quality and extent of the service they perform." Commonly held concerns of the Housing Board members include:

- a persistent prioritization of travel over other self-evident and important work needs. Mr. DePerry took 11 trips in 2009, not including Amerind and certain in-State trips. Amerind alone calls for as much as a month away per year. Other committees to which he belongs likewise consume time (NWRPC, AIACF, etc.) and are not essential to Housing mission. This places undue pressure on other staff to complete necessary operations, or makes them poorly supervised. Absences are also poorly timed to occur during important Council meetings or other events at which the Executive Director is expected to present. In some cases, issuance of inflammatory public statements just prior to such absences created undue pressure on the Board and other staff.
- Mismanagement of time and lack of productivity; and often not knowledgeable of operational details as should befit position of Executive Director.
- uncommonly large amounts of comp time transacted on time sheets (e.g. nearly 300 hours in 2009), often in the evening and not all associated with travel, and arguments that he is exempt from comp rules due to "Executive Privilege."
- failure to proactively resolve serious personnel concerns with Grace Livingston and Ray DeFoe, as evidenced by community complaints, staff conflicts, and by the Board having to micromanage these matters
- acting contrary to Board directives (e.g. the eviction of Mr. King alone and not his whole family; the reactivation of Mr. DeFoe).
- Unwillingness to communicate / cooperate with Tribal Administration as a subordinate entity, leading self-evident issues of mistrust, and unnecessary tension with the Tribal Council.

These are examples of a pattern of behavior and performance which Board members have mentioned have accumulated finally to be damaging to the Housing Authority and to his capacity to be trusted and act effectively.



DATE: 4/9/10

TO: Ray DePerry, Larry Deragon, and Marvin Defoe

FROM: Richard S. Wygonik, Personnel Manager *RW*

RE: Appeal

Cc: file

The Personnel Selection Committee will be meeting on April 16, 2010 at 9:00 am at the Tribal Courthouse to hear the appeal of termination of Ray DePerry by the Red Cliff Housing Board.



Red Cliff Band of Lake Superior Chippewas

"The Hub Of The



Chippewa Nation"

Red Cliff Chippewa Housing Authority
37645 New Housing Road
Bayfield, WI 54814

4/13/2010

Mr. Ray DePerry
PO Box 574
Bayfield, WI 54814

Re: Personnel appeal

The Housing Authority has been conducting a review of the proceedings of the Housing Board as to the adoption or modification of the 1997-adopted/'98-revised Personnel Policies and Procedures (PPP) and as to the appropriate application of the PPP. The Housing Authority has consulted its own legal counsel in the matter and has conversed with Tribal Legal and Administration.

The conclusion reached is that Authority, as a standalone entity, and notwithstanding anything in the PPP, is not able to refer your grievance through the Tribe's personnel system, including the Tribal Court, without the Tribe's explicit consent. Further, the review indicates that it has been the intent of the Housing Board operating as a separate entity to handle its own personnel matters. Given the unavailability of the Tribe's personnel system, there will not be hearing before the Tribe's Personnel Committee on Friday 4/16/10.

However, in light of this information, it is considered only appropriate and fair that you be given a chance to respond to the issues identified in your termination notice and to direct that response to the Housing Board as the body which hired and supervised the position of Executive Director of the Red Cliff Chippewa Housing Authority.

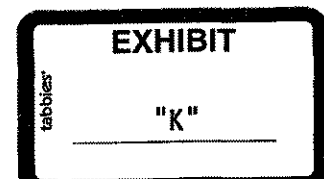
Therefore, the Housing Board will meet at same time, date and location: 9 a.m. Friday, 4/16/10 at the Tribal Courthouse. At this meeting, you will be afforded ample time to present to the Housing Board any information which you deem appropriate to address your concerns with the termination. The purpose of the Board's meeting with you is to listen; the Board will not be responding to questions. The Board will evaluate any information submitted and the Board will provide a written decision as to whether your appeal will be upheld or overturned.

As Rick Wygonik is no longer involved, questions or messages about the issue should be directed to me, which I'll relay to the Board. Otherwise, the Board will be seeing you on Friday, 4/16/10, at 9 a.m. at the Red Cliff Courthouse.

Sincerely,

Tim Funk
Red Cliff Housing Authority

Cc: Red Cliff Chippewa Housing Authority Board and Interim Executive Director; Red Cliff Tribal Chairperson, Vice Chairperson, Dir. of Operations, and Personnel Director; Tom Torgerson, Hanft Fride Law; David Ujke, Tribal Attorney.



Red Cliff Band of Lake Superior Chippewas

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Chippewa Nation"

Red Cliff Chippewa Housing Authority
37645 New Housing Road
Bayfield, WI 54814

4/27/2010

Mr. Ray DePerry
PO Box 574
Bayfield, WI 54814

Re: Personnel appeal decision

On Friday, 4/16/2010, you met with the Red Cliff Chippewa Housing Authority (RCHA) Board to present your grievance against the Board's 3/25/10 action to terminate your employment. In the week following, the Board considered your oral presentation and written submittal. At its meeting of Friday, 4/23/10, the Board decided to uphold the original decision to terminate for the reasons stated in the 3/25/10 termination notice.

As you are aware, the 1997-adopted/'98-revised Personnel Policies and Procedures (PPP) used by the Red Cliff Chippewa Housing Authority state that the next step in the grievance process is to present your grievance to the Tribal Council. However, as explained in a letter to you of 4/13/10, the Tribe has indicated that RCHA has not been granted the authority to refer personnel appeals the Tribal Council. Therefore, the Housing Board considers the above-mentioned action of 4/23/10 to be the final decision regarding your termination.

RCHA is aware that you may have attended meetings of organizations or boards to which you were appointed either wholly or partly in your capacity as Executive Director of RCHA. This may include but is not limited to HUD's Negotiated Rulemaking committee and the AMERIND Corporation. These organizations will be informed as to your change in employment and the expectation that you are no longer eligible to serve on said committees or boards on behalf of RCHA and/or the Tribe without the explicit consent of RCHA Board or the Red Cliff Tribal Council.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Deragon". The signature is written in a cursive, flowing style.

Larry Deragon
Red Cliff Housing Authority

Cc: Red Cliff Chippewa Housing Authority Board and Interim Executive Director; Red Cliff Tribal Chairperson, Vice Chairperson, Dir. of Operations, and Personnel Director; Tom Torgerson, Hanft Fride Law; David Ujke, Tribal Attorney.



Red Cliff housing head DePerry fired over Daily Press comments

Termination letter also cites pattern of mismanagement issues

By RICK OLIVO
Staff Writer

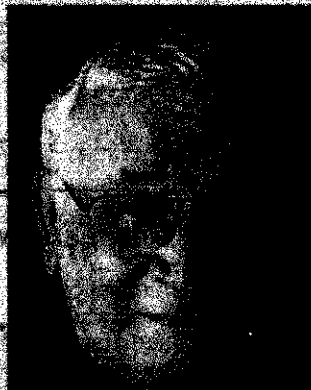
Red Cliff Housing Authority (RCHA) Executive Director Ray DePerry has been fired from his position as the head of the Reservation's housing organization.

DePerry said Friday he was given a letter of termination at his home Friday morning by chairman of the Housing Authority board, Larry Deragon, which was countersigned by Red Cliff Vice Chairman Marvin DePoe, Jr.

The letter stated that DePerry was being terminated for two separate reasons.

"Either is sufficient to warrant termination," the letter said. "Similar reasons are believed to have contributed to the action of the Tribal Council at its March 23rd, 2010 meeting to implore the Red Cliff Chippewa Housing Authority to take personal action against Mr. DePerry."

The first of the two charges against DePerry was that he violated the Authority's personnel policy prohibiting statements to the press without administrative approval. DePerry is alleged to have violated the rule through a commentary he wrote and sent to



DePerry
Critical of Tribal Council

The Daily Press that was critical about Tribal Council actions in placing a moratorium on eviction proceedings at the Housing Authority. That action was apparently taken after housing authority officials began eviction proceedings against a tenant in whose home an alleged sexual assault occurred and where illegal drugs were allegedly found.

DePerry's commentary was critical of the moratorium, saying it allowed a registered sex offender to remain in tribal housing until it was lifted.

The termination letter asserted that the commentary was signed by DePerry in his capacity as both a tribal council member and as Executive Director of the Housing Authority, something DePerry denied, maintaining that he signed only as a tribal council

member and as a community member. DePerry said a tagline at the end of the commentary identifying his Housing Authority position was added by a Daily Press editor, something that was confirmed by Daily Press editor Claire Duquette.

Nevertheless, the termination letter indicated that distinction was irrelevant.

"Even if it were submitted only in his capacity as a member of the tribal council, or only as a community member, or whatever other designation he could make to distance himself from the Red Cliff Housing Authority, his statements reflect badly on the RCHA given that he is, in fact, its executive director," the letter said.

The letter charged that "whether accurate or not, Mr. DePerry's statements and disclosures did not show proper restraint nor did they respect the Council or the tenant in question. And whether Mr. DePerry's criticisms of the Council were valid or not, it is clear they have aggravated tenant relations, worsened regard for the Authority and the Housing Board, degraded RCHA relations with (the) Tribal Council and compromised Mr. DePerry's own effectiveness as Executive Director of Housing."

The letter also asserted that DePerry could not sepa-

See HOUSING Page 8

EXHIBIT

"M"

tabbles

HOUSING: Authority instructed to put DePerry on leave

Continued from Page 1

rate his roles as tribal council member and executive director of the Housing Authority.

"Again, Mr. DePerry is an employee. While it has been argued that public statements as a Council member should be considered separate from statements as an executive director of housing, when in a visible administrative position of public trust this 'separation of selves' is in all reality, usually impossible," the letter said.

The second set of allegations in the termination letter asserted that DePerry exhibited "a pattern of management insufficient to the needs of the organization."

The letter cited a list of "commonly held concerns of the Housing Board members," including too frequent travel to deal with business for organizations other than the Housing Authority, mismanagement of time and lack of productivity, "uncommonly large amounts of comp time transacted on time sheets," failure to resolve serious personnel concerns, acting contrary to board directives and unwillingness to communicate and cooperate with Tribal administration.

"These are examples of a pattern of behavior and performance which board members have mentioned have accumulated finally to be damaging to the Housing Authority and to his capacity to be trusted and act effectively," the letter finished.

For his part, DePerry said the reasons for his dismissal outlined in the termination letter were merely a smokescreen for the real reasons he was fired, which he said was retaliation for his continued criticism about what he said was intrusive meddling by tribal administration into the operations of various Red Cliff activities, including the Housing Authority.

DePerry denied that it wasn't possible for him to separate his two roles as head of the Housing Authority and as a tribal council member.

"They may say that, but I don't believe that to be the case," he said. "I think in our community of Red Cliff, we are called upon to serve in so many capacities that when something is deemed to be

probably wrong, one has to blow the whistle, one has to speak out."

DePerry said his position as a council member allowed him to speak to issues of importance to the tribe.

"If I can't, then who can?" he asked.

DePerry also denied traveling excessively, saying he filed monthly reports about his travels and that the matter has not been an issue he had been confronted with before the termination.

"It's Red Cliff, the political-ness of Red Cliff," he said. "It's the fear of people who live in fear, because to question authority or the wrongdoings that are happening is dangerous. They want to quiet the voices that may come from Red Cliff."

DePerry said had he not written the article raising questions about the eviction moratorium, he believed he would not have been terminated.

"I didn't write the article because of some of the housing issues in it. The article is about the government intruding into operational issues where they have no basis to do that at all," he said. "I could have spoken about education, social services, anyone of those organizations. It's about the meddling of administration."

DePerry asserted that he has been the target of an effort to remove him once before, when the Red Cliff Tribal Council voted to disqualify him over residency issues from seeking reelection as tribal chairman in 2005.

"It's a similar kind of thing," he said.

DePerry said he would appeal the firing to the personnel board and then to the tribal court if necessary.

"I intend to initiate the appeal process in the next couple of days," he said.

He said he was not particularly surprised by the action to terminate him.

"I knew very well that higher-ups would attempt to stifle me," he said. "I prepared myself for a worst-case scenario, and this in my opinion is that worst-case scenario. Am I pleased with it? Hell, no, who would be? It's my livelihood. But as a council member, my job is to protect the integrity of the tribe. That was more important."

DePerry said his firing was not about his handling of the Housing Authority but had more to do with larger political issues.

"Absolutely," he said.

DePerry said he believed that the Housing Authority Board was intimidated into terminating him.

"I believe they fired me at the instigation of tribal administration," he said.

He pointed to a letter sent to tribal Chairwoman Rose Gurnoe-Soulier in which they cited a legal opinion from the Authority's legal counsel Joe Martell that DePerry had not breached confidentiality in the commentary and had not been, in writing the commentary, performing as a part of the Housing Authority, but as a Tribal Council Member and as a community member, in direct contradiction to assertions made by the Authority one week later in the termination letter.

"I'm no dummy, if I were to speak about housing board matters and housing alone, I definitely would get board approval, but in the context of what this is all about, I don't believe it is a housing issue," he said. "It happened to involve some of the particulars of an issue that was going on, that's all."

However, Housing Authority Board Chairman Larry Deragon denied that the Authority bowed to pressure in firing DePerry.

Although he declined to speak about the particulars of DePerry's case pending the appeal process, Deragon said the Housing Authority had been instructed only to place DePerry on administrative leave by the tribal council.

"It was an unpleasant situation for us to deal with," he said. "But it's done and we've got to get beyond that."

Efforts to contact Red Cliff Tribal Chairwoman Rose Gurnoe-Soulier and Vice Chairman Marvin DeFoe Jr. Friday were unsuccessful.

Rick Olivo can be reached at rolivo@ashlanddailypress.net