

1 GALANDA BROADMAN, PLLC
8606 35th Ave NE, Suite L1
2 P.O. Box 15146
Seattle, WA 98115
3 Telephone: (206) 557-7509
Fax: (206) 299-7690
4 Attorneys for the Plaintiff

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7 BEFORE THE TRIBAL COURT FOR
8 THE CONFEDERATED TRIBES OF GRAND RONDE
9

10 GARRY WILLIAMS, enrolled member of the
Confederated Tribes of the Grand Ronde
Community of Oregon,

11 Plaintiff,

12 v.

13 CHAIRMAN REYN LENO, PENNY DELOE,
14 AND JOHN DOES NOS 1 THROUGH 25 AND
15 JANE DOES NOS. 1 THROUGH 25, all of
whose actual identities are presently unknown;
in their official capacities.

16 Defendants.
17

NO. _____

COMPLAINT FOR SANCTIONS AND
DECLARATORY RELIEF

18 I. INTRODUCTION

19 1. Plaintiff, an enrolled member of the Confederated Tribes of the Grand Ronde
20 Community of Oregon ("Tribe"), brings this action for nonmonetary relief to hold Defendants
21 accountable for their knowing and willful violations of tribal law.

22 2. Plaintiff brings this action under the Grand Ronde Constitution ("Constitution"),
23 Chapter 107, the Tribal Ethical Standards Ordinance of the Grand Ronde Tribal Code, and § 4.10
24 *et seq.* of the Grand Ronde Tribal Enrollment Ordinance.
25

1 3. Defendants are Grand Ronde “Officials” as defined under the Tribal Ethical
2 Standards Ordinance.

3 4. As set forth in greater detail below, by initiating, allowing, or sanctioning an audit
4 of Tribal Members’ enrollment records under which confidential enrollment records were
5 illegally furnished to an entity unauthorized to view and receive such confidential materials, and
6 permitting the ongoing possession of such confidential materials, Defendants have knowingly
7 and willfully violated Grand Ronde Tribal Law in their official capacities, and continue to
8 violate Grand Ronde Tribal Law on an ongoing basis.

9 5. Defendants, as Officials and in their official capacities, have each knowingly and
10 willfully used, and continue to use, confidential information for their own personal gain or
11 benefit or for the gain or benefit of family or others.

12 6. Defendants, as Officials and in their official capacities, have each knowingly and
13 willfully engaged in actions or activities — and are currently engaging in actions or activities —
14 that discredit or bring disrespect to the Grand Ronde Tribe.

15 7. The aforementioned and herein described acts and omissions of Defendants are
16 expressly proscribed by the Grand Ronde Constitution, the Tribal Ethical Standards Ordinance,
17 and the Enrollment Ordinance, and are subject to Tribal-Member petitions for relief to this Court
18 under the Grand Ronde Constitution and Section (f)(1)(A) of the Tribal Ethical Standards
19 Ordinance.

20 8. In addition, the elected Officials who sanctioned the audit and, in furnishing
21 confidential information to unauthorized recipients, willfully engaged in and continue to engage
22 in a conspiracy to violate the Grand Ronde Enrollment Ordinance, including at least Tribal
23 Council Chairman Reyn Leno among potential additional “John Does” or “Jane Does”, all of
24 whom are subject to sanctions in addition to and in excess of those prescribed under the Tribal
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1 Ethical Standards Ordinance (i.e., those sanctions dictated by the Tribal Ethical Standards
2 Ordinance and any other applicable relief the Court deems just and appropriate), including
3 without limitation, recall or removal from the Enrollment Committee.

4 **II. JURISDICTION**

5 9. The Court has jurisdiction over Defendants pursuant to Article IV of the Grand
6 Ronde Constitution and Grand Ronde Tribal Code § 302(d)(1)(A). The Court has jurisdiction
7 over this action pursuant to Grand Ronde Tribal Code § 302(d)(1)(B).

8 **III. PARTIES**

9 6. Defendants are members of the Grand Ronde Tribal Council and other “Officials”
10 as defined in the Tribal Ethical Standards Ordinance, who are each of them sued in their
11 respective official capacities for nonmonetary relief.

12 7. Plaintiff is an enrolled member of the Tribe.

13 **IV. FACTS**

14 8. Upon information and belief, Defendants expressly authorized the release of
15 Grand Ronde Tribal Members’ confidential enrollment file documents and information to a
16 corporation based in Albuquerque, New Mexico, which, upon information and belief, still
17 illegally retains this confidential information as sanctioned by Defendants.

18 9. Upon information and belief, this authorization led certain Defendants to
19 disseminate Grand Ronde enrollment files to a New Mexico corporation that is not among the
20 exclusive list of Officials and other individuals authorized to access Grand Ronde enrollment
21 files and the information contained therein.

22 10. Specifically, the aforementioned dissemination of enrollment file information is
23 expressly prohibited by the Grand Ronde Enrollment Ordinance, which provides, in relevant
24 part, that “[r]evealing information in the Enrollment Records to someone other than a Tribal
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1 member, the Executive Officer, or the Tribal Attorney, the [Enrollment] Committee or
2 Enrollment Staff shall be deemed grounds for termination of employment, recall of an elected
3 Tribal official, or cause for removing a committee member.” Enrollment Ordinance, Section
4 (c)(5)(B). The Defendants knowingly and willfully violated this provision of Grand Ronde
5 Tribal Law because the New Mexico corporation that Defendants allowed to access all
6 information contained in Grand Ronde membership’s enrollment files is not either (a) a Grand
7 Ronde member, (b) the Grand Ronde Tribe’s Executive Officer, (c) the Grand Ronde Tribal
8 Attorney, (d) the Grand Ronde Enrollment Committee, or (e) any member of the Grand Ronde
9 Enrollment Staff.

10 11. Upon information and belief, Defendant Reyn Leno, in his official capacity as
11 Tribal Council Chairman, has expressly or implicitly authorized the illegal dissemination of
12 information contained in Grand Ronde Tribal members’ enrollment files, has otherwise failed to
13 prevent said dissemination upon his election as Chairman of the Grand Ronde Tribal Council and
14 during his tenure as Vice Chairman of the Grand Ronde Tribal Council, and has failed to take
15 affirmative steps to stop the ongoing violation of the Enrollment Ordinance and the Tribal
16 Ethical Standards Ordinance by demanding all information granted to the New Mexico
17 corporation be returned or destroyed.

18 12. Under the direction of Defendant Penny DeLoc, her staff, and other Officials, the
19 illegal dissemination of information contained in the Grand Ronde Tribal member enrollment
20 files was presided over or facilitated by Defendants Jane Does and John Does, each of who
21 illegally participated in the illegal dissemination of enrollment information under the direction of
22 other Defendants.

1 13. Additional Jane Does and John Does authorized, permitted, or otherwise
2 facilitated the illegal dissemination of information contained in the Grand Ronde Tribal
3 members' enrollment files, thereby violating Grand Ronde Tribal law.

4 14. In acting to illegally disseminate information contained in the Grand Ronde Tribal
5 member enrollment files — or in failing to act to prevent the same — Defendants have
6 knowingly and willfully violated Grand Ronde Tribal Law as Tribal Officials, and continue to
7 violate Grand Ronde Tribal Law by not taking immediate steps to remedy said violations of
8 Tribal Members' rights.

9 15. In acting to illegally disseminate information contained in the Grand Ronde Tribal
10 member enrollment files — or in failing to act to prevent or remedy the same — Defendants
11 have knowingly and willfully used and continue to knowingly and willfully use confidential
12 information for their own personal gain or benefit or for the gain or benefit of family or others.

13 16. In acting to illegally disseminate information contained in the Grand Ronde
14 Tribal member enrollment files — or in failing to act to prevent or remedy the same —
15 Defendants have knowingly and willfully acted and continue to act knowingly and willfully act
16 in a way that discredits or bring disrespect to the Tribe.

17 **V. FIRST CAUSE OF ACTION**
18 **(For Declaratory Relief and Sanctions Under Tribal Ethical Standards Ordinance)**

19 17. Plaintiff incorporates and realleges the foregoing allegations.

20 18. Plaintiff requests affirmative relief under the Grand Ronde Tribal Ethical
21 Standards Ordinance.

22 19. As defined in Section (c)(1) of the Grand Ronde Ethical Standards Ordinance, all
23 Defendants are "Officials" subject to the Grand Ronde Ethical Standards Ordinance's standards
24
25

1 because they are all either “elected or appointed to any public office or Public Body¹ of the
2 [Grand Ronde] Tribe . . .” Grand Ronde Ethical Standards Ordinance, Section (c)(1).

3 20. Section (d) of the Grand Ronde Ethical Standards Ordinance sets certain absolute
4 and unequivocal standards for all “Officials,” including, *inter alia*, a mandate that Officials “not
5 knowingly and willfully commit any act prohibited by law within their official capacit[ies]...”,
6 the proscription against any Official’s use of “confidential information for their personal gain or
7 benefit or for the gain or benefit of family or others...”, and the requirement that all Officials
8 refrain from “engag[ing] in actions or activities that discredit or bring disrespect to the [Grand
9 Ronde] Tribe.” Grand Ronde Ethical Standards Ordinance, Section (d)(2),(7), and (12).
10 Defendants have each violated these three standards in authorizing, facilitating, or participating
11 in the illegal dissemination of confidential enrollment materials to a New Mexico corporation, in
12 willful and knowing violation of the Grand Ronde Enrollment Ordinance, as set forth in detail
13 below.

14 21. The unethical conduct herein alleged is ongoing, and damages to the Grand
15 Ronde Tribal membership continue to accrue, as, upon information and belief, no order requiring
16 the New Mexico corporation to return or destroy confidential enrollment materials has been
17 made by any Defendant.

18 22. The appropriate sanctions for any Tribal Council Member Defendants violating
19 the Grand Ronde Ethical Standards Ordinance include “reprimand, censure (published in the
20 Tribe’s newsletter or newspaper), or temporary suspension (not to exceed three (3) months).”²
21 Grand Ronde Ethical Standards Ordinance, Section (f)(2)(A). The appropriate sanctions for any

22 ¹ Under the applicable law, the term “Public Body” is defined as “[a]ny agency, authority, board
23 . . . body commission, committee, department, division, or office of the [Grand Ronde] Tribe
other than the Tribal Court or the Tribal Court of Appeals.” Grand Ronde Ethical Standards
Ordinance, Section (c)(2).

24 ² Enhanced sanctions for Tribal Council Members violating the Enrollment Ordinance are
25 prescribed under said ordinance are expressly requested herein. Enrollment Ordinance, Section
(c)(5)(B).

1 non-Tribal Council Member Defendants include “reprimand, verbal or written warning,
2 suspension, termination or removal from his or her position, subject to applicable Tribal
3 personnel policies and any applicable contractual terms of employment.” *Id.*, Section (f)(2)(B).

4 23. Under the Grand Ronde Ethical Standards Ordinance, this Court is the exclusive
5 forum in which Grand Ronde Tribal Members may seek relief from the conduct of any Officials
6 violating the standards set forth in the Grand Ronde Ethical Standards Ordinance. A judicial
7 determination resolving this actual controversy and sanctioning Defendants is therefore
8 necessary and appropriate at this time.

9 **VI. SECOND CAUSE OF ACTION**
10 **(For Declaratory Relief under the Grand Ronde Constitution and Sanctions under**
11 **Enrollment Ordinance)**

12 24. Plaintiff incorporates and realleges the foregoing allegations.

13 25. Plaintiff requests affirmative relief under the Grand Ronde Constitution and the
14 Grand Ronde Enrollment Ordinance.

15 26. The Grand Ronde Enrollment Ordinance provides the following, in relevant part,
16 regarding the confidentiality of Enrollment Records:

17 Access to Records: Confidentiality.

18 (A) The term “Enrollment Records” means all documents contained in
19 Enrollment Department files and any compilation of information prepared by the
20 Enrollment Department from information contained in enrollment files whether in
21 written or electronic form.

22 (B) All Enrollment Records, except adoptions records, shall remain open
23 during business hours to inspection by the Executive Officer, the Tribal Attorneys
24 and Enrollment Staff. Tribal Members and applicants for membership may
25 review documents filed by such Tribal Member or applicant with Enrollment
26 Staff. **Except as thus provided, all Enrollment Records shall be confidential.**
27 Enrollment Records, except adoption records, may also be inspected by Tribal
28 members pursuant to a Tribal Court order authorizing access to Enrollment
29 Records . . . **Revealing information in the Enrollment Records to someone**
30 **other than a Tribal member, the Executive Officer, or the Tribal Attorney,**
31 **the [Enrollment] Committee or Enrollment Staff shall be deemed grounds**

1 **for termination of employment, recall of an elected Tribal official, or cause**
2 **for removing a committee member.**

3 Enrollment Ordinance, Section (c)(5) (emphasis added).

4 27. Because Defendants have permitted the dissemination and continued possession
5 of confidential enrollment records by a New Mexico corporation who is not one of the exclusive
6 persons or entities enumerated in the Enrollment Ordinance, the Defendants are subject to
7 termination of employment, recall of Tribal Council Defendants, or cause for removing a
8 committee member.

9 28. A judicial determination resolving this actual controversy and sanctioning
10 Defendants is necessary and appropriate at this time because, in order to have legally conducted
11 the audit furnishing enrollment information to a New Mexico corporation, the Tribal Council
12 Defendants were constitutionally required to amend the Enrollment Ordinance to permit such
13 dissemination under Article III, Section 3(g), requiring that “[a]ll final decision of the Tribal
14 Council on matters of **general and permanent interest to the members of the Tribe shall be**
15 **embodied in ordinances. The ordinances shall be collected and made available to tribal**
16 **members and others affected upon reasonable request.”** Grand Ronde Constitution, Art. III,
17 Sec. 3(g) (emphasis added).

18 29. Because an audit furnishing confidential enrollment files of the Grand Ronde
19 Tribal Membership to an unauthorized third-party corporation, and the results of the audit being
20 used to disenroll an unspecified but known-to-be-significant number of Grand Ronde members
21 are matters of general and permanent interest to Grand Ronde members, Tribal Council Member
22 Defendants were required to pass an ordinance authorizing the audit disclosing its intended uses,
23 and were required to amend the Enrollment Ordinance, making it legal to furnish confidential
24 Enrollment Records to some one or entity other than those prescribed by the Enrollment
25 Ordinance presently. Tribal Council Members failed to act as they were required by law, and

1 have therefore violated the rights of Grand Ronde Tribal Members under the Grand Ronde
2 Constitution, and continue to violate those rights to this day.

3 29. Pursuant to Article IV, Section 3 of the Grand Ronde Constitution, this Court has
4 the power to “exercise all judicial authority of the Tribe” including, without limitation, “the
5 power to review and overturn tribal legislative and executive actions for violation of this
6 Constitution or the Indian Civil Rights Act of 1968.”

7 30. Plaintiff therefore requests declaratory relief and appropriate non-monetary
8 sanctions under the Grand Ronde Constitution and the Enrollment Ordinance, independent of the
9 Tribal Ethical Standards Ordinance.

10 **VII. THIRD CAUSE OF ACTION** 11 **(Mandamus)**

12 31. Plaintiff incorporates and realleges the foregoing allegations.

13 32. Defendants must be directed to cease their ongoing unethical and illegal conduct
14 in violation of the Grand Ronde Tribal Laws and Constitution, by requiring Defendants to secure
15 the return or destruction of any confidential information retained by unauthorized persons or
16 entities.

17 **VIII. DATE OF FILING**

18 33. Formal notice is furnished to the Tribal Court pursuant to Grand Ronde Ethical
19 Standards Ordinance, Section (f)(1)(a)(ii), that the Plaintiff furnished copies of this Complaint on
20 November 20, 2013 to the offices of the named Defendants.

21 **IX. RELIEF REQUESTED**

22 WHEREFORE, Plaintiff prays for relief as follows:

- 23 A. For writ of mandamus;
- 24 B. For declaratory judgment;
- 25 C. For imposition of statutory sanctions;

1 D. For attorneys' fees and costs; and

2 E. For such other relief as the Tribal Court may deem just and equitable.

3 Plaintiff reserves the right to further this Complaint pursuant to Grand Ronde Tribal Law.

4 DATED this 20th day of November, 2013.

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Garry Williams

28800 Salmon River Hwy #76

Grand Ronde, OR 97347

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Gabriel S. Galanda

Anthony S. Broadman

R. Joseph Sexton

Attorneys for Plaintiff

GALANDA BROADMAN, PLLC

Email: gabe@galandabroadman.com

Email: anthony@galandabroadman.com

Email: joe@galandabroadman.com