

RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION

WHEREAS, the Tribal Council has been presented with the following facts by the Tribal Attorney's Office:

- (1) Thomas J. Thomas, III and Debra S. Thomas, hereinafter "The Thomas'" are husband and wife and were doing business as Squires Sports Den during the period from December 1983 through January 1, 1985, and were engaged in the business of selling sporting goods and recreational permits, with their principle place of business located at Pinetop, Arizona, County of Navajo.
- (2) The Constitution of the White Mountain Apache Tribe empowers the Tribe to protect and preserve the wildlife, natural resources and water rights of the tribe; to regulate hunting and fishing on the reservation; to regulate the uses and disposition of tribal property; and to enact ordinances to insure the proper management and control of the tribe's resources.
- (3) The Game and Fish Code of the White Mountain Apache Tribe was enacted to govern the conservation and management of the wildlife and recreational resources of the tribe. The Game and Fish Code provides for the limited use of the wildlife and recreational resources of the reservation by non-tribal members for the economic benefit of the tribe pursuant to a system of regulated sales of tribal recreation permits.
- (4) Section 6.8 of the Game and Fish Code provides for the authorization of permit sales by appointed off-reservation agents of the Tribe who are referred to as permit dealers.
- (5) On January 4, 1984, the Thomas' furnished the Tribe with a license dealers bond pursuant to the requirements of Section 6.8 of the Game and Fish Code. The bond established a surety obligation in the amount of \$16,000 payable to the tribe upon default of the Thomas' in their obligations as permit dealers.
- (6) Coterminous with the execution of the bond, the Thomas' were on January 4, 1984 appointed sellers of hunting and fishing licenses by the White Mountain Apache Tribe for a term beginning on the 4th day of

January 1984 and to remain in effect until terminated by the Tribe or upon the request of the dealer.

(7) Each permit issued by the Thomas' was recorded on a memory diskette inside the tribal computerized permit machine. The permit machine kept a full and accurate account of all permits issued and cash received by the Thomas' on behalf of the Tribe.

(8) During the months of May, June, July, August, September, October, and November 1984 the Thomas' received invoices or copies of invoices from the White Mountain Apache Recreation Enterprise for permit sales totalling \$61,278.50 less commissions in the amount of \$3,063.96 for total due the White Mountain Apache Recreation Enterprise in the amount of \$58,214.54 and that after deducting all amounts paid to the Tribe by the surety, the Thomas' owe a debt to the White Mountain Apache Tribe of \$45,566.00.

(9) The White Mountain Apache Tribe made demand to the Thomas' that the permit fees collected be paid over to the White Mountain Apache Tribe but said request were ignored and no funds have been received by the Tribe in payment of the obligation owed by the Thomas' to collect and remit to the tribe said permit fees and in fact, the Thomas' deposited the money collected from the sale of tribal permits into their personal business banking account at Valley National Bank.

(10) On March 1, 1985 demand was made to Northwestern National Insurance Company, as surety on the bond for the amount of the bond based on the Thomas' failure to account in full for all money due to the tribe for the sale of reservation permits. As a result of the tribe's claim, the surety paid to the tribe \$16,000 on June 18, 1985 pursuant to its joint obligation with the Thomas' to account in full for all permits or money due the tribe for permit sales made by the defendants.

(11) Following refusal of the Thomas' to pay the remaining balance, the White Mountain Apache Tribe filed a lawsuit against the Thomas' in the Navajo County Superior Court seeking to obtain a judgment against the Thomas' for all funds collected pursuant to permit sales but not remitted to the tribe and the matter has now proceeded through trial and the Court has returned a judgment against the Thomas' finding that the Thomas' sold permits under the authority

given to the business which they owned and that the Thomas' received money on behalf of the tribe but did not remit the amount owed to the tribe and that the tribe demanded payment in full for all funds received by the Thomas on behalf of the tribe and that the money received by the Thomas' for the sale of reservation permits were comingled with the Thomas' business funds and spent as part of the business and/or personal transactions of the Thomas' and that the Thomas' have an obligation to remit the proceeds of reservation permits and licenses to the tribe and that the court finds the tribe is entitled to a judgment against the Thomas' in the amount requested plus interest at the legal rate.

(12) The Thomas' continue to refuse to pay all amounts due to the White Mountain Apache Tribe but they continue to take advantage of tribal resources by engaging in fishing and camping and other outdoor recreational activities on the reservation in total offense to the dignity and sovereignty of the White Mountain Apache Tribe and

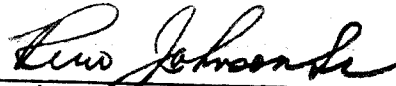
WHEREAS, the Tribal Council concludes that the continued presence of the Thomas' on the Fort Apache Indian Reservation constitutes a threat and an offense to the sovereignty of the White Mountain Apache Tribe; and

WHEREAS, the Tribal Council has authority pursuant to Section 5.4 of the Government Code of the White Mountain Apache Tribe to direct either the Chairman or Vice Chairman of the Tribal Council to cause a petition to be delivered to the Tribal Court requesting a notice of exclusion or removal to be served personally or by registered mail upon any non-member whenever cause exist for exclusion or removal of such non-member; and

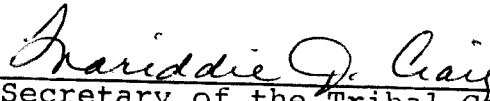
WHEREAS, the Tribal Council concludes that the Thomas' have engaged in acts which constitute a basis by which they may be excluded and removed from the reservation pursuant to Section 5.4 et. seq. of the Government Code of the White Mountain Apache Tribe.

THEREFORE BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Chairman to forthwith petition the Tribal Court for a notice of exclusion or removal of the Thomas', pursuant to procedures set forth in Section 5.4 et. seq. of the Government Code of the White Mountain Apache Tribe.

The foregoing resolution was on August 10, 1988, duly adopted by a vote of TEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council



Secretary of the Tribal Council

**RECEIVED**

AUG 25 1988

Fort Apache Indian Agency  
Whittier, Arizona