



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Suspending Judge Kane with Opportunity to Address Allegations of Abuse, Neglect, and Misconduct at an Administrative Hearing)

- WHEREAS,** pursuant to Article IV, Section 1(a) and 1(s) of the Constitution of the White Mountain Apache Tribe (“WMAT”), *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** on this day, members of the governing body were made aware of concerns regarding alleged inappropriate behavior by Judge Candace Kane acting on behalf of the White Mountain Apache Tribal Court. The allegations, if true, provide evidence of conduct that satisfies the elements of removable offenses under Section 2.12(B); and
- WHEREAS,** specifically, Section 2.12(B) states that a judge may be removed if evidence of “abuse of office, neglect of duty, or gross misconduct” exists, provided the accused is given written notice of charges against her at least 10 days prior to the meeting and allowed to address her accusers at an administrative hearing before the Tribal Council; and
- WHEREAS,** the Tribal Council considered whether termination was justifiable given the facts, but after discussing the matter with the Attorney General, the Council and Attorney fully agree that the only appropriate action is to suspend Judge Kane with pay, pending an administrative hearing – should the Judge wish to address the allegations raised or confront her accusers as permitted by the Judicial Code, Section 2.12.
- WHEREAS,** the notice requirement pursuant to Section 2.12(B) shall be satisfied when a letter that fully details the allegations raised by the various parties is issued to the accused. This Resolution merely serves to notify the public of the action taken and to summarize the events that have given rise to the administrative action taken thus far, and to serve notice to the accused of any rights she may be entitled to and to ensure that a fair hearing on the merits of disciplinary action or removal is offered prior to a final decision of the Tribal Council; and
- WHEREAS,** the Tribal Council finds it in the WMAT’s best interest to direct that Judge Kane be suspended, a letter providing notice of allegations in detail be issued, and that an offer should be provided for Judge Kane to confront her accusers and address all allegations made pursuant to official notice and letter from the White Mountain Apache Tribe.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that Judge Candace Kane shall be suspended effective upon delivery of notice of allegations raised and the correspondence therein shall have an opportunity to request an administrative hearing to address all allegations made prior to the Tribal Council making a final administrative decision.

Resolution No. 10-2015-218

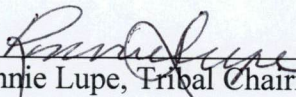
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that suspension shall be administered with pay, and that neither this Resolution nor notice issued pursuant to this Resolution shall be viewed as a judgment or final decision. Members of the Council and Attorney General's Office, and accusing parties are all aware that this process will allow interested parties to present before the Council and that only after the Judge and accusers have been heard, shall the Tribal Council take final action on this matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

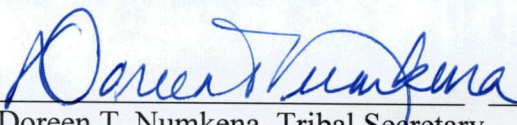
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on October 21, 2015 duly adopted by a vote of EIGHT for, ZERO against, and THREE abstaining by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).



Ronnie Lupe, Tribal Chairman

10-26-15
Date



Doreen T. Numkena, Tribal Secretary

10/26/2015
Date