

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Finding Tohono O'odham Legislative Council Representative Dennis E. Jose Guilty of
Misconduct Reflecting Upon the Dignity and Integrity of the Nation's Government and
Removing Dennis E. Jose from Office)**

LEGISLATIVE ORDER NO. 05-708

1 **WHEREAS, the Legislative Council possesses "all of the legislative powers vested in the Tohono**
2 **O'odham Nation" and is further vested with exclusive authority to hold hearings to**
3 **consider removal from office of any representative of the Tohono O'odham Council,**
4 **upon accusation by any voter of the Tohono O'odham Nation (Constitution of the**
5 **Tohono O'odham Nation, Article VI, Section 1 and Article XIII, Section 1; Uniform**
6 **Election Ordinance, Article IX, Section 2); and**

7 **WHEREAS, as the Tohono O'odham Judicial Court has recognized, "The Legislative Council is**
8 **exclusively vested with the power to remove . . . removal is a uniquely legislative and**
9 **political function. It is not judicial." (*Francisco v. Legislative Council of the Tohono***
10 ***O'odham Nation*, Case No. 89-M-4592 (March 7, 1989) at 1-2); and**

11 **WHEREAS, on October 24, 2005, a written accusation for removal from office ("Accusation") was**
12 **filed with the Judiciary Committee Chairperson by a registered voter, Joseph "Tony"**
13 **Burrell (the "Accuser"), against Legislative Representative Dennis Jose (the "Accused")**
14 **alleging the Accused committed removable offenses in accordance with the**
15 **provisions of Section 2 of Article IX of the Uniform Election Ordinance; and**

16 **WHEREAS, the Accused was personally served with the Accusation on October 25, 2005; and**

17 **WHEREAS, on November 10, 2005, the Judiciary Committee held a hearing upon the Accusation**
18 **in accordance with Section 2(C) of Article IX of the Election Ordinance and, by**
19 **Judiciary Committee Resolution No. 05-08, did find reasonable cause to believe that**
20 **the Accused committed the offense of misconduct reflecting on the dignity and**
21 **integrity of the Tohono O'odham government; and**

22 **WHEREAS, in accordance with Section 2(C) of Article IX of the Uniform Election Ordinance and**
23 **pursuant to Judiciary Committee Resolutions No. 05-05, 05-06, and 05-07, a majority**
24 **of the Judiciary Committee did not find reasonable cause to believe that the Accused**
25 **committed the offenses of moral turpitude, gross neglect of duty, and malfeasance**
26 **in office; these allegations were therefore dismissed; and**

1 **WHEREAS, the Judiciary Committee did file a copy of Resolution No. 05-08 and the Accusation**
2 **with the Legislative Council Secretary in accordance with the provisions of Section**
3 **2(C) of Article IX of the Uniform Election Ordinance; and**

4 **WHEREAS, on November 15, 2005, the Accused was personally served with Judiciary Committee**
5 **Resolution No. 05-08, the Legislative Rules of Procedure Upon Accusation for**
6 **Removal, a written notice to appear and answer the Accusation on December 1, 2005,**
7 **the legislative order setting the removal hearing, and a second copy of the**
8 **Accusation; and**

9 **WHEREAS, on December 1, 2005, the Legislative Council organized as a court of removal for the**
10 **purpose of trying the Accusation and the Accused was given the opportunity to**
11 **question witnesses, make an opening statement and closing argument, file motions,**
12 **make objections, and otherwise present his case and answer the Accusation; and**

13 **WHEREAS, at the removal hearing, the Legislative Council did determine by a majority of the**
14 **votes cast by the members present that the Accused, Dennis E. Jose, was guilty of**
15 **misconduct reflecting on the dignity and integrity of the Nation's government.**

16 **NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council, sitting as**
17 **a court of removal, that:**

- 18 **1. The Accused, Dennis E. Jose, is guilty of misconduct reflecting on the dignity and**
19 **integrity of the Nation's government; he is therefore removed from office as a**
20 **Legislative Council Representative effective immediately.**
- 21 **2. The judgement of the Legislative Council is final.**

22 **The foregoing Order was passed by the Tohono O'odham Legislative Council on the 01ST Day of**
23 **DECEMBER, 2005 at a hearing at which a quorum was present with a vote of 1,967.95 GUILTY;**
24 **472.85 NOT GUILTY, pursuant to the powers vested in the Council by Article V, Section 1; Article**
25 **VI, Section 1; Article X, Section 7; Article XIII, Section 1 and Section 3 of the Constitution of the**
26 **Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and**
27 **approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986,**
28 **pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

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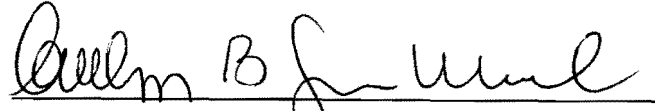
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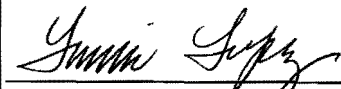
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Evelyn B. Juan Manuel, Legislative Chairwoman

ATTEST:



Lucille Lopez, Acting Legislative Secretary

ACTION: FINDING TOHONO O'ODHAM LEGISLATIVE COUNCIL REPRESENTATIVE DENNIS E. JOSE GUILTY OF MISCONDUCT REFLECTING UPON THE DIGNITY AND INTEGRITY OF THE NATION'S GOVERNMENT AND REMOVING DENNIS E. JOSE FROM OFFICE

DATE: DECEMBER 01, 2005

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	GUILTY	NOT GUILTY
BABOQUIVARI 310.8	1. FRANCES MIGUEL ()	155.40	X	
	2. FRANCES G. ANTONE (Lucilda J. Valenzuela (Norris))	155.40	X	
CHUKUT KUK 258.7	1. ETHEL GARCIA ()	129.35	X	
	2. VERLON M. JOSE (David Garcia)	129.35	X	
GU ACHI 221.6	1. TIMOTHY L. JOAQUIN (Jonas Robles)	110.80	X	
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	110.80	X	
GU VO 193.1	1. RAYMOND VICTOR ()	96.55	X	
	2. MICHAEL FLORES (Grace Manuel)	96.55	X	
HICKIWAN 167.4	1. DELMA GARCIA (Mary E. Sam)	83.70	X	
	2. SANDRA ORTEGA ()	83.70	X	
PISINEMO 171.8	1. BARBARA SALVICIO ()	85.90	X	
	2. GERALD FAYUANT ()	85.90	X	
SAN LUCY 169.0	1. JOHN W. LAWSON, SR. ()	84.50		X
	2. GLORIA RAMIREZ ()	84.50		X
SAN XAVIER 193.8	1. FELICIA NUÑEZ ()	96.90	X	
	2. OLIVIA VILLEGAS-LISTON ()	96.90	X	
SCHUK TOAK 146.9	1. FRANCES B. CONDE ()	73.45	X	
	2. PHYLLIS JUAN ()	73.45	X	
SELLS 421.0	1. DENNIS E. JOSE ()	210.50		X
	2. EVELYN B. JUAN MANUEL ()	210.50	X	
SIF OIDAK 186.7	1. WVALENE SAUNDERS (Isidro Lopez)	93.35	X	
	2. DARLENÉ ANDREW (Rita Martinez)	93.35		X
TOTAL		2,440.80	1,967.95	472.85

**PASSED VOTES