

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Authorizing Partial Settlement of Civil Claims in Morton Matter)**

**RESOLUTION NO. 94-219**

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3 **WHEREAS, the Tohono O'odham Nation has substantial damage**  
4 **claims against a former employee and others arising out**  
5 **of financial misconduct in the unauthorized use of the**  
6 **Nation's funds; and**

7  
8 **WHEREAS, without the approval or knowledge of the Nation, the**  
9 **former employee wrongfully caused not less than**  
10 **\$612,500 of the Nation's funds to be transferred to John**  
11 **M. Morton and Ginger Morton, dba J.M. Enterprises**  
12 **(collectively referred to as the "Mortons"), in the form of**  
13 **a purported loan secured by certain deeds of trust on**  
14 **property owned by the Mortons (the "Morton Property");**  
15 **and**

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18 **WHEREAS, on August 13, 1993, the Mortons entered into an**  
19 **agreement with Scott R. Steenson and/or Steenson's**  
20 **assigns pursuant to which the Mortons agreed to sell the**  
21 **Morton Property for \$1.2 million; and**

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23 **WHEREAS, the Nation's officials have been informed that Steenson**  
24 **is acting on behalf of Wal-Mart Corporation, Wal-Mart**  
25 **will acquire the Morton Property and has funded the**  
26 **acquisition, and the sale is scheduled to close on June**  
27 **28, 1994; and**  
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3 **WHEREAS, negotiations have been conducted with the Mortons**  
4 **regarding restitution to the Nation of \$612,500, as well as**  
5 **additional damages suffered by the Nation in connection**  
6 **with the purported loan, and other matters; and**

7 **WHEREAS, the Investment and Budget & Finance Committees**  
8 **recommend partial settlement of the Nation's claims**  
9 **against the Mortons on the terms prescribed below.**

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11 **NOW, THEREFORE, BE IT RESOLVED THAT:**

12 **1. The Tohono O'odham Legislative Council authorizes**  
13 **a partial settlement of the Nation's claims against the**  
14 **Mortons on the following terms:**

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16 **(a) The Nation shall receive the sum of \$918,000**  
17 **from the proceeds of sale of the Morton Property**  
18 **to Wal-Mart;**

19 **(b) Such funds shall be received on or before August**  
20 **10, 1994 unless, by action of the Legislative**  
21 **Council, this deadline is extended;**

22  
23 **(c) Subject to receipt of \$918,000 in conformity with**  
24 **the foregoing terms, the Nation shall release its**  
25 **claims against the Morton Property and those**  
26 **claims against the Mortons which relate solely to**  
27 **the Mortons' use of \$612,500 received as a**  
28 **purported loan;**

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**(d) The Mortons fully cooperate with officials of the Nation in providing any and all information related to the purported loan and other matters involving the Nation's legal interests; and**

**(e) There does not now or in the future exist a credible basis on which to conclude that the Mortons misrepresented, or failed to disclose, facts material to any matter involving the Nation's interests.**

**2. In consultation with the Nation's Attorney General and the Investment Committee, the Chairman of the Nation is authorized and directed to execute escrow instructions, a partial settlement agreement and such other documents as may be required to implement this Resolution on the terms prescribed above.**

**The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 8TH. day of JUNE, 1994 at a meeting at which a quorum was present with a vote of 1,665.0 FOR; -0- AGAINST; -0- NOT VOTING; and 98.0 [04] ABSENT, pursuant to the powers vested in the Council by Section 1(d)(1), (2) & (3) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

Earl A. Ramon  
For **Alex J. Ramon, Legislative Chairman**

14 day of June, 1994

**ATTEST:**

Teresa M. Choyguha  
**Teresa M. Choyguha, Legislative Secretary**

14<sup>th</sup> day of June, 1994.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 14 day of June, 1994 at 11:11 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

Earl A. Ramon  
For **Alex J. Ramon, Legislative Chairman**

**APPROVED** on the 15 day of June, 1994  
 **DISAPPROVED** at 12:52 o'clock, P.M.

Sylvester Listo  
**SYLVESTER LISTO, Chairman**  
**TOHONO O'ODHAM NATION**

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Returned to the Legislative Secretary on the 15 day of  
June, 1994, at 3:30 o'clock, P.M.

Julianne Sasajiro for  
**Teresa M. Choyguha, Legislative Secretary**

ACTION: AUTHORIZING PARTIAL SETTLEMENT OF CIVIL CLAIMS IN MORTON MATTER

MOVED: COUNCILMAN EUGENE ENIS, SR.

SECOND: COUNCILMAN MANUEL OSEQUEDA, JR.

DATE: JUNE 08, 1994

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF Oidak 151.0	1. WILLARD JUAN, SR. (Delbert Thomas)	75.5	X			
	2. MARY ANN ANTONE (Nellie Miguel)	75.5	X			
SELLS 290.0	1. ANDREW M. PATRICIO (Lucille Encinas)	145.0	X			
	2. JOSEPH T. JOAQUIN (Allen W. Garcia, Jr.)	145.0	X			
SCHUK TOAK 113.0	1. FRANCES FRANCISCO ( )	56.5	X			X
	2. KENNETH J. ANTONE ( )	56.5	X			
SAN XAVIER 135.0	1. EUGENE ENIS, SR. ( )	67.5	X			
	2. DENNIS RAMON ( )	67.5	X			
BABOQUIVARI 230.0	1. FRANCES MIGUEL ( )	115.0	X			
	2. EARL A. FRANCISCO ( )	115.0	X			
GU ACHI 180.0	1. WILLARD ANITA ( )	90.0	X			
	2. ALEX J. RAMON (Marian Johnson)	90.0	X			
PISINEMO 128.0	1. CHESTER ANTONE (Fernando Valentine)	64.0	X			
	2. JOHNSON M. JOSE (Roseleen Antone)	64.0	X			
SAN LUCY 98.0	1. JOHN RENO ( )	49.0				X
	2. ALBERT MANUEL, JR. (Ernestine Marquez)	49.0				X
GU VO 124.0	1. EMILIO LEWIS ( )	62.0	X			
	2. MICHAEL FLORES (Fern Salcido)	62.0	X			
HICKIWAN 136.0	1. MANUEL OSEQUEDA, JR. ( )	68.0	X			
	2. LLOYD FRANCISCO ( )	68.0	X			
CHUKUT KUK 178.0	1. ALBERTA M. LOPEZ (Berdella Jose)	89.0	X			X
	2. KENNETH WILLIAMS ( )	89.0	X			
<b>TOTAL</b>		<b>1,763.0</b>	<b>1,665.0</b>	<b>-0-</b>	<b>-0-</b>	<b>98.0 [04]</b>

\*\*PASSED VOTES