

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Finding Judge Michael T. Telep, Jr. Responsible for Committing Gross Neglect of**  
**Duty as Charged in Count 1 of the Suspension Statement)**

**LEGISLATIVE ORDER NO. 13-059**

1 **WHEREAS, the Legislative Council is exclusively vested with the authority to suspend Nation's**  
2 **judges from office for criminal conduct, gross neglect of duty, and other grounds,**  
3 **subject to a reasonable cause determination by the Judiciary Committee and a final**  
4 **determination by the Legislative Council (6 T.O.C. Chapter 4, Suspension of Judges);**  
5 **and**

6 **WHEREAS, upon commencement of proceedings with the Judiciary Committee, the Committee**  
7 **is vested with authority to determine whether "there is reasonable cause to believe**  
8 **that the accused judge has committed an offense for which suspension is available as**  
9 **charged in the suspension statement" (6 T.O.C. Chapter 4, Section 4104); and**

10 **WHEREAS, on December 13, 2012 a written statement for suspension from office (the "Suspension**  
11 **Statement") was filed with the Judiciary Committee Chairperson in accordance with**  
12 **the 6 T.O.C. Chapter 4, Section 4103 by Chief Judge Teresa Donahue (the "Accuser")**  
13 **against Tohono O'odham Nation Judge Michael T. Telep, Jr. (the "Accused Judge")**  
14 **alleging the Accused Judge committed an offense for which suspension is available;**  
15 **and**

16 **WHEREAS, the Accused Judge was served with notice of the hearing, the Suspension Statement,**  
17 **and the Judicial Suspension Reasonable Cause Hearing Procedures adopted by**  
18 **Judiciary Committee Resolution No. 12-01; and**

19 **WHEREAS, on January 16, 2013, the Judiciary Committee conducted a reasonable cause hearing**  
20 **in accordance with the provisions of Title 6, Chapter 4, Section 4104 of the Tohono**  
21 **O'odham Code and determined there is reasonable cause that the Accused Judge**  
22 **committed an offense of gross neglect of duty as charged in Count 1 of the Suspension**  
23 **Statement (Judiciary Committee Resolution No. 13-04); and**

24 **WHEREAS, pursuant to 6 Tohono O'odham Code Chapter 4, Section 4104(D), the Legislative**  
25 **Judiciary Committee filed with the Secretary of the Legislative Council a copy of the**  
26 **Suspension Statement and Judiciary Committee Resolution No. 13-04; and**

27 **WHEREAS, by Legislative Order No. 13-024, the Legislative Council set a judicial suspension**  
28 **hearing for the Accused Judge for February 8, 2013 at 10:00 a.m. and adopted Judicial**  
29 **Suspension Hearing Procedures to govern the suspension proceedings; and**

30 **WHEREAS, in accordance with Section 4105 of 6 T.O.C. Chapter 4 and the Judicial Suspension**  
31 **Hearing Procedures, the Accused Judge was personally served on January 29, 2013 with**  
32 **(1) notice of the February 8, 2013 suspension hearing, (2) a copy of the Suspension**

**LEGISLATIVE ORDER NO. 13-059**

**(Finding Judge Michael T. Telep, Jr. Responsible for Committing Gross Neglect of Duty as Charged in Count 1 of the Suspension Statement)**

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1                   **Statement, (3) copy of Judiciary Committee Resolution No. 13-04, and (4) copy of the**  
2                   **Judicial Suspension Hearing Procedures; and**

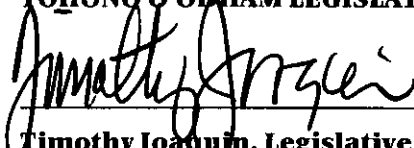
3 **WHEREAS, the Accused Judge was given notice and the opportunity to be present at the**  
4                   **suspension hearing, be represented by legal counsel, call and question witnesses,**  
5                   **cross-examine witnesses against him, make opening and closing statements, file**  
6                   **motions, make objections, present evidence, and otherwise answer the charges**  
7                   **contained in the Suspension Statement; and**

8 **WHEREAS, pursuant to 6 T.O.C. Chapter 4, subsection 4106(B), "During the term of a suspension,**  
9                   **a suspended judge shall not exercise any powers of the Judicial Court and shall not be**  
10                  **deemed to continue in office."**

11 **NOW, THEREFORE, BE IT ORDERED that the Tohono O'odham Legislative Council (1) finds Accused**  
12                  **Judge Michael T. Telep, Jr. responsible for committing an offense of gross neglect of**  
13                  **duty as charged in Count 1 of the Suspension Statement, and (2) suspends Accused**  
14                  **Judge Michael T. Telep, Jr. from office for 60 days, during which he shall not perform**  
15                  **any services or exercise any powers of a Judicial Court judge and he shall not be**  
16                  **deemed to continue in office.**

17 **The foregoing Order was passed by the Tohono O'odham Legislative Council on the 08<sup>TH</sup> day of**  
18 **FEBRUARY, 2013 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0-**  
19 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article**  
20 **VI, Section 1 (a) and (l); Article VIII, Section 3 and 4; and Article XIII, Section 1 of the Constitution**  
21 **of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and**  
22 **approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986,**  
23 **pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

24  
25 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

26   
27 \_\_\_\_\_  
28 Timothy Joaquin, Legislative Chairman

29  
30 8 day of February, 2013

31  
32  
33 **ATTEST:**

34   
35 \_\_\_\_\_  
36 **Evonne Wilson, Legislative Secretary**

37  
38 8 day of January, 2013

**ACTION: FINDING JUDGE MICHAEL T. TELEP, JR. RESPONSIBLE FOR COMMITTING GROSS NEGLECT OF DUTY AS CHARGED IN COUNT 1 OF THE SUSPENSION STATEMENT**

**DATE: JANUARY 28, 2013**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	RESPONSIBLE	NOT RESPONSIBLE	ABSENT
<b>BABOQUIVARI</b> <b>342.0</b>	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X		
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X		
<b>CHUKUT KUK</b> <b>302.2</b>	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X		
	2. BILLMAN LOPEZ ( )	151.10	X		
<b>GU ACHI</b> <b>244.9</b>	1. TIMOTHY L. JOAQUIN ( )	122.45	X		
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X		
<b>GU VO</b> <b>226.7</b>	1. GRACE MANUEL (Floyd Flores)	113.35	X		
	2. PAMELA ANGHILL ( )	113.35	X		X
<b>HICKIWAN</b> <b>186.3</b>	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X		
	2. SANDRA ORTEGA ( )	93.15	X		X
<b>PISINEMO</b> <b>200.7</b>	1. CHESTER ANTONE (Tony Murrietta )	100.35	X		X
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X		
<b>SAN LUCY</b> <b>204.6</b>	1. LORRAINE EILER (Diana Manuel)	102.30	X		
	2. JANA MONTANA (Gloria Ramirez)	102.30	X		
<b>SAN XAVIER</b> <b>215.8</b>	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	X		
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X		
<b>SCHUK TOAK</b> <b>169.8</b>	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	X		
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X		
<b>SELLS</b> <b>475.7</b>	1. ARTHUR WILSON (Kimberly Mull)	237.85	X		
	2. MARIA ACKERMAN ( )	237.85	X		
<b>SIF OIDAK</b> <b>211.9</b>	1. NICHOLAS JOSE ( )	105.95	X		
	2. MARY LOPEZ ( )	105.95	X		
<b>TOTAL</b>		<b>2,780.60</b>	<b>2,780.60</b>	<b>-0-</b>	<b>[03]</b>