

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Suspending Michael T. Telep, Jr. Without Pay)**

LEGISLATIVE ORDER NO. 13-062

1 **WHEREAS, the Legislative Council is exclusively vested with the power to appoint and remove the**  
2 **Nation's judges (Constitution of the Tohono O'odham Nation, Article VIII, Sections 3**  
3 **and 4, and Article XIII, Sections 1 and 3); and**

4 **WHEREAS, the Tohono O'odham Judicial Court's jurisdiction to review Legislative Council**  
5 **removal proceedings is "extremely limited," *Francisco v. Manuel*, 89-WM-4664 at 9**  
6 **(T.O.Jud.Ct. Nov. 15, 1989); "There is, after all, no right to hold office." *Enos Francisco,***  
7 ***Jr. v. Legislative Council*, (Trial Ct., Mar. 7, 1989) 1 Tohono O'odham Reports 76, 77; and**

8 **WHEREAS, in addition to possessing the power to appoint and remove, the Legislative Council is**  
9 **vested with the power to suspend Nation's judges from office for criminal conduct,**  
10 **gross neglect of duty, and other grounds, subject to a reasonable cause determination**  
11 **by the Judiciary Committee and a final determination by the Legislative Council (6**  
12 **T.O.C. Chapter 4 - Suspension of Judges); and**

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

18 **WHEREAS, the Accused Judge was served with notice of the reasonable cause hearing, the**  
19 **Suspension Statement, and the Judicial Suspension Reasonable Cause Hearing**  
20 **Procedures adopted by the Judiciary Committee; and**

21 **WHEREAS, on January 16, 2013, the Judiciary Committee conducted a reasonable cause hearing**  
22 **in accordance with the provisions of 6 T.O.C. Chapter 4, Section 4104 and found**  
23 **reasonable cause that the Accused Judge committed gross neglect of duty, conduct**  
24 **prejudicial to the administration of justice, and misconduct reflecting on the dignity**  
25 **and integrity of the court as charged in the Suspension Statement (Judiciary**  
26 **Committee Resolutions No. 13-04, No. 13-05, and No. 13-06); and**

27 **WHEREAS, pursuant to 6 T.O.C. Chapter 4, Section 4104(D), the Judiciary Committee filed with the**  
28 **Secretary of the Legislative Council a copy of the Suspension Statement and its**  
29 **resolutions finding reasonable cause; and**

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

1 **WHEREAS, in accordance with Section 4105 of 6 T.O.C. Chapter 4 and the Judicial Suspension**  
2 **Hearing Procedures, the Accused Judge was personally served on January 29, 2013 with**  
3 **(1) notice of the February 8, 2013 suspension hearing, (2) a copy of the Suspension**  
4 **Statement, (3) copies of Judiciary Committee Resolutions No. 13-04, No. 13-05, and No.**  
5 **13-06, and (4) a copy of the Judicial Suspension Hearing Procedures; and**

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

11 **WHEREAS, after conducting a suspension hearing and considering the evidence, the Legislative**  
12 **Council found the Accused Judge responsible for committing offenses as provided by**  
13 **6 T.O.C. Chapter 4, Section 4102 and as charged in the Suspension Statement and**  
14 **suspended him for sixty days; and**

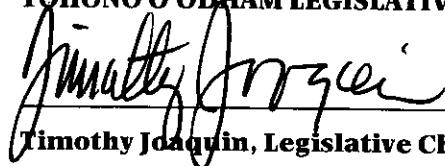
15 **WHEREAS, pursuant to 6 T.O.C. Chapter 4, subsection 4106(B), "During the term of a suspension,**  
16 **a suspended judge shall not exercise any powers of the Judicial Court and shall not be**  
17 **deemed to continue in office."; and**

18 **WHEREAS, pursuant to Judicial Suspension Hearing Procedures 23(C), "The Accused shall not**  
19 **continue in office during the term of the suspension, and the Council in a separate**  
20 **order may vote to suspend the Accused's pay during that period."**

21 **NOW, THEREFORE, BE IT ORDERED by the Tohono O'odham Legislative Council that Michael T.**  
22 **Telep, Jr. is suspended without pay for sixty days effective immediately.**

23 **The foregoing Order was passed by the Tohono O'odham Legislative Council on the 08<sup>TH</sup> day of**  
24 **FEBRUARY, 2013 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0-**  
25 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article**  
26 **VI, Section 1 (d) and (l); Article VIII, Section 3 and 4; and Article XIII, Section 1 and 3 of the**  
27 **Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January**  
28 **18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on**  
29 **March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

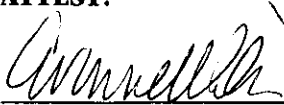
30  
31 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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34 **Timothy Joaquin, Legislative Chairman**

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36 8 day of February, 2013  
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**ATTEST:**



**Evonne Wilson, Legislative Secretary**

9 day of January, 2013

ACTION: SUSPENDING MICHAEL T. TELEP, JR. WITHOUT PAY

MOVED: COUNCILWOMAN FRANCES G. ANTONE

SECOND: COUNCILWOMAN FRANCES MIGUEL

DATE: FEBRUARY 08, 2013

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