



Notice of

Public Meeting

to be held

January 7, 2016 at 12:15 p.m.

OBC Conference Room—2nd Floor, Norbert Hill Center



Topic: Administrative Procedures Act

The Legislative Operating Committee is hosting this Public Meeting to gather feedback from the community regarding a legislative proposal that would:

- ◆ Require hearing bodies to follow the Law when conducting hearings;
- ◆ Allow hearing bodies to develop additional hearing body procedures so long as those procedures do not conflict with the APA and are noticed to the public;
- ◆ Establishing procedural requirements for hearings, including:
 - ◆ Specifying requirements for a complaint;
 - ◆ Identifying how a complaint and summons can be served;
 - ◆ Authorizing hearing bodies to establish a regular time to hold pre-hearings and hearings;
 - ◆ Authorizing hearing bodies to designate officer and alternates to serve on the hearing body;
 - ◆ Restricting hearing officers and parties from engaging in ex parte communications;
 - ◆ Specifying when evidence is used and how it can be obtained and presented, or objected to;
 - ◆ Require a pre-hearing to be conducted, in part, to allow determine dispositive motions, identify the need for witnesses and/or evidence;
 - ◆ Implement a scheduling order and address matters that will clarify, simplify or settle the case or facilitate a just, speedy and inexpensive disposition;
 - ◆ Specifying time requirements for setting hearing dates.
- ◆ Authorize the hearing bodies to issue fines, orders and/or penalties; that comply with the Indian Civil Rights Act.
- ◆ Allow a party to appeal the hearing body's decision to the Tribe's Court of Appeals.

All community members are invited to attend this meeting to learn more about this proposal and/or to submit comments concerning this proposal.

Public Comment Period—Open until January 14, 2016

During the Public Comment Period, all interested persons may submit written comments regarding this legislative proposal; and/or a transcript of any testimony/spoken comments made during the Public Meeting. Written comments may be submitted to the Tribal Secretary's Office or to the Legislative Reference Office in person or by U.S. mail, interoffice mail, e-mail or fax.

For more information about the public meeting process, or to obtain copies of the Public Meeting documents for this proposal, please visit www.oneida-nsn.gov/Register/PublicMeetings or contact the Legislative Reference Office, which is located on the second floor of the Norbert Hill Center, Oneida WI.

Mail: **Legislative Reference Office**
PO Box 365
Oneida, WI 54155

Phone: **(920) 869-4376 or (800) 236-2214**
E-Mail: **LOC@oneidanation.org**
Fax: **(920) 869-4040**

<i>Analysis by the Legislative Reference Office</i>			
Title	Administrative Procedures Act (APA)		
Drafter	Lynn Franzmeier/Doug McIntyre	Analyst	Candice E. Skenandore
Reason for Request	Ensure that Tribal boards, committees and commissions have hearing procedures that are noticed so a person is presented with a fair opportunity to file a claim that arises under Tribal law [See 1.1-2].		
Purpose	The APA provides hearing procedures for boards, committees and commissions that do not have established hearing procedures in place [See 1.1-1].		
Authorized/ Affected Entities	Tribal boards, committees and commissions that are authorized, by Tribal law, to conduct hearings; anyone bringing or defending an action before such a Tribal hearing body; anyone identified as a respondent; witness; and the Court of Appeals [See 1.4-1, 1.1-1, 1.4-2, 1.4-3 (a), 1.5-5 (b) & 1.6-2]		
Due Process	A party can appeal a hearing body’s decision to the Tribe’s Court of Appeals [See 1.6-2]		
Related Legislation	The following are some Tribal laws and policies that reference the APA when describing how a hearing is conducted: All-Terrain Vehicle Law [49.6-2]; Building Code [66.24-1]; Condominium Ordinance [68.26-2]; Oneida Nation Gaming Ordinance [21.12-8 (g)]; Hunting, Fishing and Trapping Law [45.15-3]; On-Site Waste Disposal Ordinance [46.5-1 (a), (b)(2) & (c)(2)]; Protection and Management of Archeological & Historical Resources [12.5-3]; Real Property Law [67.16-3 (a) (3)]; Oneida Vendor Licensing [56.7-1]; Well-Abandonment Law [43.7-3] and Employee Protection Policy [4-7]		
Policy Mechanism	The hearing body can issue fines, orders and/or penalties so long as they comply with the Indian Civil Rights Act [See 1.6-1].		

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Overview

The APA once housed the process for adopting Tribal legislation as well as the hearing procedures for Tribal boards, committees and commissions (hearing bodies) that have hearing authority, including the Oneida Appeals Commission. On January 7, 2013, the GTC 1) adopted the Legislative Procedures Act (LPA) which transferred the Tribal legislation process from the APA to the LPA and 2) adopted the Judiciary which repealed the hearing procedures for the Oneida Appeals Commission set forth in the APA effective March 1, 2015 [See GTC Resolutions 01-07-13-A & 01-07-13-B]. Because other Tribal laws reference the APA as a guide to be used for hearing procedures of various Tribal hearing bodies and because these Tribal hearing bodies continued to have hearing authority after the APA was set to expire, the Oneida Business Committee (OBC) adopted emergency amendments to the APA which provided a consistent process for these hearing bodies to conduct hearings. These emergency amendments became effective on March 1, 2015; were extended for six months and are set to expire on March 1, 2016.

The following amendments to the APA are currently in effect and are being considered for permanent adoption. These amendments:

- Require hearing bodies to follow the APA when conducting hearings unless another Tribal law establishes hearing procedures for the specific hearing body [See 1.4-1]. The APA will not pertain to the Oneida Personnel Commission, Oneida Police Commission or Oneida Election Board because Tribal law dictates how their hearings are conducted [See Oneida Judiciary Rules of Civil Procedure 153.4-6, Oneida Nation Law Enforcement Ordinance 37.9-1 and Oneida Election Law 2.5-6]. In addition, the APA

- 24 specifically excludes the Tribe’s Judiciary and Family Court *[See 1.3-1 (f)]*.
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- 28 ■ Allow hearing bodies to develop additional hearing body procedures so long as those
 - 29 procedures do not conflict with the APA and are noticed to the public *[See 1.4-1]*.
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 - 31 ■ Establishing procedural requirements for hearings, including:
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- Specifying what information must be included in the complaint as well as identify how a complaint and summons can be served and that service must be made within 30 days of filing the complaint *[See 1.4-2 & 1.4-3]*.
 - Authorizing hearing bodies to establish a regular time to hold pre-hearings and hearings as well as designate officer and alternates to serve on the hearing body *[See 1.5-1]*.
 - Restricting hearing officers and parties from engaging in ex parte communications *[See 1.5-2]*.
 - Specifying when evidence is used and how it can be obtained and presented, or objected to. *[See 1.5-3]*.
 - Require a pre-hearing to be conducted within 45 days after notice is served *[See 1.5-4]*. The pre-hearing allows the hearing body or hearing officer to determine dispositive motions; identify the need for witnesses and/or evidence; implement a scheduling order and address matters that will clarify, simplify or settle the case or facilitate a just, speedy and inexpensive disposition *[See 1.5-4]*.
 - Require a hearing, if necessary, to be conducted within 60 days after the pre-hearing or within 60 days after it is decided to not hold a pre-hearing *[See 1.5-6]*.
 - Authorize the hearing bodies to issue fines, orders and/or penalties that comply with the Indian Civil Rights Act *[See 1.6-1]*.
 - Allow a party to appeal the hearing body’s decision to the Tribe’s Court of Appeals in accordance with the Judiciary law and any applicable rules of procedure *[See 1.6-2]*.

50 **Considerations**

51 The LOC may want to consider the following:

- 52 ■ Amendments require a pre-hearing to be conducted within 45 days after the notice is
- 53 served as well as require a hearing be held, if necessary, within 60 days after the pre-
- 54 hearing was conducted or the decision that a pre-hearing is not needed *[See 1.5-1 and*
- 55 *1.5-5]*. The amendments do not address allowing hearing bodies to extend these
- 56 timelines. The LOC may want to consider whether or not to allow hearing bodies to
- 57 extend the 45 day pre-hearing and/or 60 day hearing timelines if all parties agree, or in
- 58 specific circumstances when additional time is necessary in the interests of justice.
- 59 ■ Amendments will allow the hearing body to issue fines, orders or penalties for those who
- 60 violate the APA but there are no enforcement provisions for hearing bodies that violate
- 61 this Law.
- 62 ■ The APA does not state whether or not a hearing body can issue subpoenas.

63 **Miscellaneous**

64 A public meeting has not been held. Please refer to the fiscal impact statement for any

65 financial impacts.

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Chapter 1 Administrative Procedures Act

1.1. Purpose and Policy
1.2. Adoption, Amendment, Repeal
1.3. Definitions

1.4. Complaints and Notice
1.5. Procedures
1.6. Judgments and Appeals

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2 ~~1.1-1. Authority. The Oneida Tribe of Indians of Wisconsin has the authority and jurisdiction~~
3 ~~to enforce this act as well as the responsibility as a government to protect the health, safety,~~
4 ~~welfare, and economy of the Oneida Reservation lands and all persons who either reside on the~~
5 ~~reservation or who are visitors and/or are conducting business within the exterior boundaries of~~
6 ~~the reservation. The Oneida Tribe shall ensure due process of law for the designated citizens~~
7 ~~through adoption of this act, pursuant to Article VI of the Oneida Tribal Constitution, as~~
8 ~~amended.~~
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10 ~~1.2-1. Purpose. The Oneida Business Committee, various committees, entities and~~
11 ~~administrative bodies of the Oneida Tribe shall act in a responsible and consistent manner when~~
12 ~~enacting, approving, revising, reviewing, interpreting, implementing, and administering the laws,~~
13 ~~directions, rules, programs, and policies of the Oneida Tribe as adopted. The following~~
14 ~~principles shall be the framework of this Act:~~

- 15 (a) ~~Fundamental fairness, justice, and common sense.~~
16 (b) ~~Record keeping that is responsible, organized, accessible, and understandable.~~
17 (c) ~~Deliberative bodies and decision makers which are familiar with the evidence and~~
18 ~~facts of the cases presented to them as well as issuing clear and concise written opinions;~~
19 ~~and~~
20 (d) ~~Provisions for appeals of administrative errors and contested issues.~~
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22 ~~1.3-1. Adoption, Amendment, Repeal~~

23 (a) ~~This law was adopted by the Oneida General Tribal Council by resolution GTC 8-19-91-A~~
24 ~~and amended by GTC 1-07-13-A.~~

25 (b) ~~This law may be amended by the Oneida General Tribal Council.~~

26 (c) ~~Should a provision of this law or the application thereof to any person or circumstances be~~
27 ~~held as invalid, such invalidity shall not affect other provisions of this law which are considered~~
28 ~~to have legal force without the invalid portions.~~

29 (d) ~~Any law, policy, regulation, rule, resolution or motion, or portion thereof, which directly~~
30 ~~conflicts with the provisions of this law is hereby repealed to the extent that it is inconsistent~~
31 ~~with or is contrary to this law. Specifically, the following are repealed:~~

32 (a) ~~BC #7-5-95-K (Amendment to the Administrative Procedures Act to address public~~
33 ~~hearing process)~~

34 (b) ~~BC# 2-2-88-A (Public hearing process for laws and policies)~~

35 (e) ~~This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of~~
36 ~~Wisconsin.~~
37

38 ~~1.4-1. Definitions. (a) "AGENCY": Any tribal entity, board, commission, committee,~~
39 ~~department, or officer authorized by the Oneida Tribe to propose ordinance/rules for adoption by~~
40 ~~the Oneida Business Committee or a decision maker for the contested cases. The term "Agency"~~
41 ~~shall not include the Oneida Business Committee or a tribal appeals body.~~

42 (b) ~~"CONFIDENTIALITY": State or quality of being confidential; treated as private and not for~~
43 ~~publication.~~

- 44 ~~(c) "CONTESTED CASES": A proceeding before an "Agency" in which an opportunity for a~~
45 ~~hearing before said "Agency" is required by law prior or subsequent to the determination of the~~
46 ~~"Agency" of the legal rights, duties, or privileges of specific parties unless otherwise provided~~
47 ~~for by tribal law. This shall include the revocation, suspension, or modification of a license or~~
48 ~~permit when a grant of such application is contested by a person directly affected by said~~
49 ~~licensing or permitting.~~
- 50 ~~(d) "DECLARATORY RULING": A written ruling made by a tribal decision-making body~~
51 ~~which removes doubts or puts an end to conflicting decisions in regard to what law is in relation~~
52 ~~to a particular matter.~~
- 53 ~~(e) "DELIBERATIVE BODY": A body that weighs, examines, and consults the reasons for and~~
54 ~~against a contemplated act or course of conduct or a choice of acts or means in order to form an~~
55 ~~opinion.~~
- 56 ~~(f) "EMERGENCY": An unexpected or unforeseen occurrence or condition; a sudden or~~
57 ~~unexpected occasion for action; pressing necessity.~~
- 58 ~~(g) "LICENSE" or "PERMIT": The approval, permission, or allowance of an individual or~~
59 ~~group to engage in an activity that is lawfully adopted by the Oneida Tribe.~~
- 60 ~~(h) "LICENSING" or "PERMITTING": The process that refers to the grant, denial, renewal,~~
61 ~~revocation, suspension, annulment, withdrawal, or modification of a license or permit.~~
- 62 ~~(i) "ONEIDA BUSINESS COMMITTEE" (OBC): The representative body of the Oneida Tribe~~
63 ~~elected by the Oneida General Tribal Council pursuant to Article III of the Oneida Tribal~~
64 ~~Constitution.~~
- 65 ~~(j) "ONEIDA GENERAL TRIBAL COUNCIL": The ultimate governing body of the Oneida~~
66 ~~Tribe composed of enrolled tribal members as described in Article III of the Oneida Tribal~~
67 ~~Constitution.~~
- 68 ~~(k) "ORDINANCE": A tribal law that applies to and governs persons, activities, and properties~~
69 ~~subject to tribal jurisdiction.~~
- 70 ~~(l) "RESERVATION": All land within the exterior boundaries of the Reservation of the Oneida~~
71 ~~Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat.~~
72 ~~566, and any lands added thereto pursuant to federal law.~~
- 73 ~~(m) "RESERVATION ENVIRONMENT" or "RESERVATION RESOURCES": Land, surface~~
74 ~~water, ground water, fish, animals, flora, fauna, air, wildlife, and capital improvements on or~~
75 ~~near the reservation.~~
- 76 ~~(n) "RULE/REGULATION": Any order or directive, or regulation of general applicability~~
77 ~~enacted into law and approved by the Oneida Business Committee that exhibits the following:~~
- 78 ~~(1) The violation of which may result in a fine, penalty, or other civil administrative~~
79 ~~sanction;~~
- 80 ~~(2) May establish, change, or revoke a procedure, practice, or requirement of~~
81 ~~administration hearing;~~
- 82 ~~(3) May establish, change, or revoke requirements relating to benefits or privileges~~
83 ~~conferred by law;~~
- 84 ~~(4) May establish, change, or revoke standards for assistance, suspension, or revocation~~
85 ~~of licenses;~~
- 86 ~~(5) The amendment or repeal of a prior ordinance/rule;~~
- 87 ~~(6) Does not include the following:~~
- 88 ~~(A) statements concerning internal management of an area, nor.~~
- 89 ~~(B) Declaratory rulings issued pursuant to this Act as now or hereafter amended.~~
- 90 ~~(o) "SECRETARY": Secretary of the Oneida Business Committee.~~

91 ~~(p) "SPONSORING AGENCIES": Any tribal agency that prepares an ordinance/rule or other~~
92 ~~matter under this Act for action by the Oneida Business Committee.~~

93
94 ~~**1.5-1. Inspection of Agency Orders, Decisions, and Opinions** Each agency shall keep on file~~
95 ~~for public inspection all final orders, decisions, and opinions in contested cases as well as an~~
96 ~~index to said cases, decisions, orders, or opinions except that said public inspection shall be~~
97 ~~limited by applicable federal law or tribal laws of confidentiality. In addition, said agencies shall~~
98 ~~forward all agency orders, decisions, or opinions to the "Secretary" who shall keep said records~~
99 ~~in one centralized area.~~

100
101 **1.1. Purpose and Policy**

102 1.1-1. Purpose. The purpose of this Law is to provide procedures for boards, committees and
103 commissions that conduct hearings for disputes arising under Tribal law and have no procedures
104 in place under other Tribal law. This Law shall not apply to hearings held before the Family
105 Court or any court of the Tribe's Judiciary. This Law shall not be construed to create hearing
106 rights where no hearing rights exist under Tribal law

107 1.1-2. Policy. It is the policy of the Tribe that the hearing procedures of boards, committees and
108 commissions shall be noticed to ensure all individuals are presented with a fair opportunity to
109 file any claim that may arise under Tribal law.

110
111 **1.2. Adoption, Amendment, Repeal**

112 1.2-1. This Law was adopted by the Oneida Business Committee by resolution BC _____.

113 1.2-2. This Law may be amended or repealed by the Oneida Business Committee pursuant to the
114 procedures set out in the Legislative Procedures Act.

115 1.2-3. Should a provision of this Law or the application thereof to any person or circumstances
116 be held as invalid, such invalidity shall not affect other provisions of this Law which are
117 considered to have legal force without the invalid portions.

118 1.2-4. In the event of a conflict between a provision of this Law and a provision of another law,
119 the provisions of this Law shall control.

120 1.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of
121 Wisconsin.

122
123 **1.3. Definitions**

124 1.3-1. This section shall govern the definitions of words and phrases used within this Law. All
125 words not defined herein shall be used in their ordinary and everyday sense.

126 (a) "Decision" shall mean the written conclusion of the hearing body concerning the
127 facts, alleged violations of Tribal law and penalties.

128 (b) "Deliberations" shall mean the confidential process during which the hearing officers
129 discuss the issues presented before the hearing body.

130 (c) "Dispositive motion" shall mean a request to the hearing body to entirely dispose of
131 one (1) or more claims in favor of the party making the request without need for a further
132 hearing.

133 (d) "Evidence" shall mean documentation or testimony presented to the hearing body
134 which supports a party's claim.

135 (e) "Ex parte communication" shall mean oral or written, off-the-record communication
136 made to or by the hearing officers without notice to the parties that is directed to the
137 merits or outcome of the hearing.

138 (f) "Hearing body" shall mean the member or members of a board, committee or

139 commission that hear and decide the case or motions presented as part of a case.
140 “Hearing body” shall not include the Family Court or any court of the Tribe’s Judiciary.
141 (g) “Scheduling order” shall mean the hearing body’s order establishing the dates of the
142 hearing and the deadlines for discovery and submitting witness lists.
143 (h) “Summons” shall mean an order to appear before a hearing body because a petitioner
144 has filed a complaint.

145 **1.4. Complaints and Notice**

146 1.4-1. Whenever a claim arises under Tribal law, a hearing body shall hear the complaint in
147 accordance with the procedures established under this Law, unless another Tribal law has
148 established hearing procedures for that specific hearing body. Nothing in this Law shall be
149 construed to prevent a hearing body from establishing additional hearing body procedures, as
150 long as those procedures do not conflict with this Law and are noticed to the public by the
151 hearing body.

152 1.4-2. A petitioner(s) may file a complaint with the hearing body, the complaint shall include:

- 153 (a) The name and contact information of each petitioner;
154 (b) The name and contact information, if known, of the respondent(s)
155 (c) The alleged violation that resulted in the complaint and the Tribal law that has been
156 violated;
157 (d) The date, time, place and description of the alleged violation;
158 (e) The nature of the relief requested.

159 1.4-3. Notice. The complaint, along with a summons, shall be served upon the respondent(s)
160 within thirty (30) days after the complaint is filed with the hearing body.

- 161 (a) The summons shall contain the date, time and place the respondent(s) is required to
162 appear, along with a notice that failure to appear may result in a default judgment against
163 him or her.
164 (b) Anyone who is not a party to the action and is at least eighteen (18) years of age may
165 serve the notice. Notice shall be served in the following order of progression, unless
166 personal service is more practical than by mail:
167 (1) Mail with delivery confirmation, using U.S. mail or a private carrier.
168 (2) Personal service, by hand delivering a copy of the complaint and summons to
169 the party named in the complaint.
170 (3) Publication, in the Kalihwisaks and another paper located in an area where
171 the subject was last known to have resided. The publication shall be designated
172 as a legal notice, stating the name and last-known address of the subject being
173 located.

174 **1.5. Procedures**

175 1.5-1. Designated Hearing Dates. The hearing body may establish a regular time to hold pre-
176 hearings and hearings. The hearing body shall designate officers and may designate alternates to
177 serve on a hearing body.

178 1.5-2. Ex Parte Communications. Hearing officers and parties shall not engage in ex parte
179 communications.

180 1.5-3. Evidence. A party shall include evidence as part of his/her original filings or obtain the
181 evidence through discovery. A party may attempt to present the hearing body with evidence
182 later in the proceedings if the opposing party does not object.

- 183 (a) Copies. If a party submits documentation as evidence, the party shall present an
184 original for the record and copies to each of the hearing officers and the opposing party.

187 (b) Objections. The opposing party may object to any evidence submitted.

188 (c) Acceptance into the record. The hearing body makes the final determination whether
189 to accept evidence into the record. The hearing body may admit and consider evidence
190 that is commonly accepted and has a direct connection to the case.

191 1.5-4. Pre-Hearings. Pre-hearings shall be conducted within forty-five (45) days after notice
192 has been served. The purpose of a pre-hearing is for the hearing body or a hearing officer to:

193 (a) Hear and determine dispositive motions. The parties may present any dispositive
194 motions and raise any issues that may affect the conduct of the hearing, including, but not
195 limited to excluding evidence. If either party makes a dispositive motion:

196 (1) The party making the motion shall reference the applicable law and state with
197 clarity why the hearing body should grant the motion. The party making the
198 motion may present a proposed written decision for the hearing body to consider.

199 (2) The opposing party shall respond and state with clarity why the hearing body
200 should not grant the motion. The opposing party may request an adjournment to
201 prepare a written response to oral dispositive motions.

202 (3) The hearing body may ask any questions of the parties in order to clarify the
203 issues.

204 (b) Identify the need for any witnesses and/or evidence.

205 (c) Implement a scheduling order.

206 (d) Address any matters which will assist in the clarification, simplification or settlement
207 of the case or that may facilitate the just, speedy and inexpensive disposition of the
208 matter.

209 1.5-5. Hearing Procedures. Within sixty (60) days after a pre-hearing is conducted, or within
210 sixty (60) days after it has been determined that a pre-hearing will not be conducted, the hearing
211 body shall conduct a hearing, if necessary. If a hearing is conducted, it shall substantially
212 comply with the following:

213 (a) Opening Statements. Each party shall state with clarity why the hearing body should
214 decide in his/her favor based on the facts and the laws presented.

215 (b) Witnesses. Each party may call any witness to testify.

216 (1) Each party shall be responsible for ensuring his or her witness(es) appears at
217 the hearing.

218 (2) A witness(es) may rely only on evidence on record.

219 (3) A witness(es) is subject to cross examination by the opposing party.

220 (4) The hearing body may ask questions of any witness or request clarification of
221 any documents during the proceeding.

222 (c) Rebuttal. Parties may present a witness(es) or introduce evidence that has not been
223 previously presented in order to refute or rebut the opposing party's evidence or a witness
224 statement.

225 (d) Closing Statements. Each party summarizes the evidence and the testimony he or she
226 presented in order to rebut evidence or witness testimony presented by the opposing
227 party.

228 (e) Deliberations. After the hearing, the hearing body shall schedule a time for
229 deliberations. Deliberations are confidential and shall not be subject to reproduction and
230 shall not be part of the case record. During deliberations, the hearing body shall place an
231 emphasis on logic and reasoning in order to make sound decisions. The hearing body
232 may adopt a proposed written decision and issue the decision during the hearing.

233 1.5-6. Decisions. The hearing body may issue an oral decision on a matter, but the decision
234 shall not be final until the hearing body issues a written decision. The hearing body shall issue a

235 written decision within ten (10) business days after a pre-hearing or hearing. Should any party
236 fail to appear at any scheduled pre-hearing or hearing or contest a complaint, the hearing body
237 may issue a default judgment in favor of the opposing party.

238 (a) The decision shall include:

239 (1) Findings of fact and conclusions of law;

240 (2) Reference to specific provision of Tribal law violated;

241 (3) Disposition of any dispositive motions;

242 (4) In the case of a decision issued after a pre-hearing, a scheduling order if the
243 hearing body does not grant a dispositive motion; and

244 (5) Reference to the parties' appeal rights.

245 (b) If the hearing body does not reach a unanimous decision, hearing officers may draft
246 concurring and/or dissenting opinions.

247 (c) Notification to Parties. The hearing body shall ensure the final decision is sent to the
248 parties via mail with delivery confirmation, using U.S. mail or a private carrier, within
249 one (1) business day following the issuance of the decision. Time lines for an appeal are
250 calculated based on receipt of the written decision.

251
252 **1.6. Judgments and Appeals**

253 1.6-1. Judgments A hearing body, subsequent to a hearing, may issue fines, orders and/or
254 penalties that comply with the Indian Civil Rights Act and may include, but not be limited to, the
255 following:

256 (a) An order directing a violator or person in non-compliance of/with a Tribal law or
257 regulation to pay a monetary fine for the violation, and/or actual damages and/or punitive
258 damages.

259 (b) In the case of damages caused by minors, an order requiring the parent, custodian, or
260 guardian to pay for damages and/or plan designed for restitution in lieu of monetary
261 compensation to be fulfilled by the minor.

262 (c) An order directing the violator or non-complying person to cease and desist from
263 further violation or non-compliance and to cure said violation within a specified period.

264 (d) An order requiring appropriate exclusion and/or mandated community service and/or
265 denial of specific Tribal benefits.

266 (e) Unless precluded by law, informal disposition, signed by both parties, may also be
267 made of any contested case by stipulation, agreed settlement, consent order, or default.

268 (f) An order placing a lien upon property owned by a person within jurisdiction of the
269 Tribe.

270 1.6-2. Appeals A party may appeal a decision of a hearing body to the Court of Appeals in
271 accordance with the Judiciary law and any applicable rules of procedure.

272
273 End.
274
275