

Oneida Appeals Commission

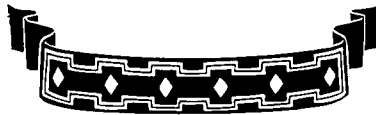
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Trial Court

Kelly Stevens,
Petitioner

Docket No. 07-TC-041

vs.

Date: March 15, 2007

IEI General Contractors, Inc.,
Respondent

Decision

This case has come before the Oneida Appeals Commission. Judicial Officers: Mary Adams, Robert Christjohn, and Gerald Cornelius, presiding.

I History

On March 13, 2007 Petitioner, Kelly Stevens, filed a Motion for an Injunction against Respondent, IEI Constructors, Inc., to prevent further harm to himself. Petitioner claims Respondent is violating the Oneida Indian Preference Law §57.3-17 and 3-18, which obligates vendors of the Oneida Tribe to employ Oneida workers on jobs for which they contract.

II Analysis

On March 16, 2007 the court decided to deny the Motion for an Injunction. According to the Rules of Civil Procedure, Rule 31(B)(1)(a), in order for this court to issue an injunction, Petitioner must show with clarity how the alleged action of the Respondents will result in immediate and irreparable harm.

Under §57.14.1 aggrieved individuals must file a complaint with the Oneida Indian Preference Department. In addition to not establishing harm, Petitioner has not established if Oneida Indian Preference Department refused to review his complaint.

In accordance with the Oneida Indian Preference Law §57.14, it places the Oneida Indian Preference Department (OIPD) with the authority to conduct investigations of written complaints. This law identifies the proper procedure for filing complaints prior to filing at this court. Even though Petitioner's mother is the director of the OIPD, this fact does not excuse compliance with Chapter 57. Perhaps someone other than Petitioner's mother could fulfill the OIPD's obligation of enforcement, because Petitioner must exhaust all remedies prior to filing at this court. Furthermore, service is the responsibility of the Petitioner, it is unclear if Respondent was served a copy of this complaint in accordance with Rules of Civil Procedure, Rule 3.

III Decision

This case is not ripe for review. Therefore, this case is dismissed without prejudice.