

Oneida Appeals Commission

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TRIAL COURT

WELLS FARGO FINANCIAL ACCEPTANCE,

Petitioner,

v.

Docket No. 06-TC-037

Date: June 26, 2006

JAMES M. YOUNGER,

Respondent.

ORDER

This case has come before the Oneida Tribal Judicial System Trial Court, Judicial Officers Leland Wigg-Ninham, Mary Adams and Robert Christjohn presiding.

I. Background

This case involves a request by Petitioner to repossess an automobile belonging to the Respondent. Petitioner alleges Respondent is in default under financial agreements executed by the Respondent with the Petitioner. The parties appeared before the Oneida Appeals Commission on June 6, 2006 for a pre-trial hearing. Oneida law prevents us from asserting jurisdiction. Accordingly, we dismiss the case.

II. Issues

Does the Court have jurisdiction to hear an original action for a repossession of a vehicle located on the Oneida Reservation?

III. Analysis

We have carefully examined Oneida law and cannot find a basis for asserting jurisdiction over this matter. The jurisdiction granted the Oneida tribal judiciary is primarily appellate jurisdiction. The Administrative Procedure Act grants appellate jurisdiction over contested cases. Sec. 1.11-1. The Addendum to Resolution 8-19-91A identifies various types of appeals that may be heard. Other tribal ordinances grant various appeal rights to parties from administrative or other proceedings within the tribe. (See e.g., Oneida Worker's Compensation, Sec. 13.11-0, party may appeal to the Appeals Commission the Administrator's determination of worker's compensation benefits; Oneida Nation Gaming Ordinance, Sec. 21.10-11, employee may appeal the suspension or revocation of his or her gaming license; Oneida Nation Law Enforcement Ordinance, Sec. 37.9-9, rulings of the Oneida Police Commission may be appealed to the Oneida Appeals Commission; Real Property Law, Sec. 67.9-13, Declaratory Rulings by the Land Commission in probate matters may be appealed to the Oneida Appeals Commission.) This matter is not an appeal, therefore the Commission's appellate jurisdiction cannot be invoked.

In some limited cases, the Appeals Commission has original jurisdiction. (See e.g., Oneida Indian Preference Law, Sec. 57.14, permitting an original action for violations of the Indian Preference Ordinance; Garnishment Ordinance, Sec. 58.4-1, permitting original actions for wage garnishments of tribal employees.)

No tribal law that we are aware of permits original actions for repossession of a vehicle. The Addendum to Resolution 8-19-91-A states that the Commission will have authority to hear and attempt to resolve actions that are "subject to ordinance or rules that have no specified hearing forum within the Oneida Tribe." However, we are not aware of any ordinance or rule governing financing and repossession of automobiles. Finding no basis for our jurisdiction, we dismiss this matter.

We are not pleased with this result. The Oneida Tribe is viewed nationally as a leader among Indian tribes. However, the Tribe's legal system is far behind that of many tribes. Our laws do

not permit the handling of many routine civil matters. This is not the first time an action has been turned away.

The Petitioner in this matter voluntarily submitted itself to the jurisdiction of the tribal court. The Petitioner assumed that a routine repossession case would be handled in tribal court since the automobile in question is allegedly located on the Oneida Reservation. Despite the progressive view of the Petitioner, the Tribe's laws are woefully lagging. This matter should be heard in tribal court, but the law prevents this Court from asserting jurisdiction.

IV. Decision

We dismiss this matter without prejudice. It is so ordered.