

COURT OF APPEALS

Lynn M. King,

Appellant,

Case No.: 20-AC-003

v.

Date: September 28, 2020

Oneida Comprehensive Housing Division,

Respondent.

INITIAL REVIEW DECISION

This matter has come before Oneida Judiciary Appellate Judges: Chad Hendricks, Diane House, and Leland Wigg-Ninham for appellate review.

BACKGROUND

Appellant Lynn M. King (hereinafter “King”) signed a residential lease with the Oneida Comprehensive Housing Division (hereinafter “Housing”) for a property located at 1216 Chief Hill Dr., Green Bay, WI 54313. Housing received a report from the Brown County Drug Task Force that reported heroin and/or narcotics were manufactured and delivered at King’s residence located at 1216 Chief Hill Drive, Green Bay, WI 54313. Housing issued King a Five (5) Day Notice to Vacate – Termination of Rental Agreement on August 5, 2020. King did not deny the criminal activity took place at her residence. King filed for a complaint with the Oneida Judiciary Trial Court (hereinafter “Trial Court”) to stop the eviction on August 6, 2020. The Trial Court scheduled a hearing for August 18, 2020. On August 19, 2020, the Trial Court issued an order upholding the eviction and termination of King’s lease with Housing. King filed a perfected Notice of Appeal with the Oneida Judiciary Court of Appeals on August 27, 2020.

DECISION

After review of the information contained in the Notice of Appeal and the decision of the Trial Court as the original hearing body, it is determined that King has not sufficiently alleged that the Trial Court's decision:

1. Violated applicable provisions of the Constitution;
2. Violated provisions, substantive or procedural, of applicable Tribal law or applicable federal law;
3. Is an administrative decision that is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with applicable law; or
4. Is not supported by the substantial evidence on the record taken as a whole.

King has failed to state the legal grounds for her appeal under Oneida Rule of Appellate Procedure §805.5-2(c)(3). The Trial Court properly found that Housing could terminate King's lease per 6 O.C. 610.5-1(b) due to the report submitted to Housing from the Brown County Drug Task Force.

King argued that the Trial Court's decision violated provisions of applicable Oneida law. However, King has not provided any proof of her allegations. At her hearing on August 18, 2020, Housing submitted a report from the Brown County Drug Task Force which proved criminal activity took place on the property. King did not dispute this report. Therefore, Housing was within its rights to terminate King's lease per 6 O.C. 610.5-1(b). The Trial Court found that Housing complied with all requirements per 6 O.C. 610.5-3 and did not violate any provisions of Oneida law.

The Trial Court's Order upholding the Eviction and Termination of the Comprehensive Housing Division's Rental Agreement with King is AFFIRMED. Since the decision of the Trial Court is affirmed and King's appeal is denied, King's Petition for a Fee Waiver is moot.

By the authority vested in the Oneida Judiciary, Court of Appeals, in Oneida General Tribal Council Resolutions 01-07-13-B and 03-19-17-A this appeal is hereby **DENIED**. Dated this 28th day of September 2020 in the matter of Case Number 20-AC-003, *Lynn M. King v. Oneida Comprehensive Housing Division*.

It is so ordered.