

IIPAY NATION OF SANTA YSABEL
LEGISLATIVE BRANCH

5/7/09
JRH

PETITION FOR REMOVAL

We, the undersigned Legislators of the Iipay Nation of Santa Ysabel, pursuant to the authority granted to us under Article X of the Nation's Constitution, hereby petition for the removal of Johnny Hernandez who holds the office of Chairman. The grounds for removal are as follows.

Charge One:

Johnny Hernandez, Chairman of the Iipay Nation of Santa Ysabel ("the Nation"), has committed an act or acts of gross misconduct while in office, and has violated his oath of office. Beginning on or about a date unknown, but no later than December of 2008, in the Territory of the Nation and elsewhere, Chairman Hernandez committed an act or acts of gross misconduct by misappropriating funds of the Nation that were authorized in the Annual Budget for Inter-Tribal Court.

In support of this charge:

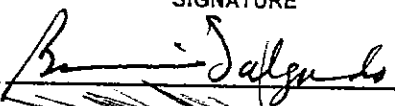
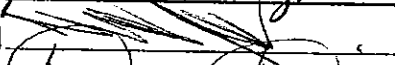
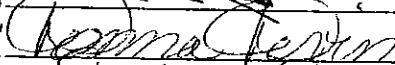
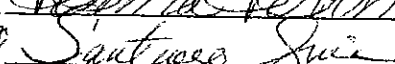
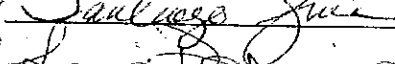

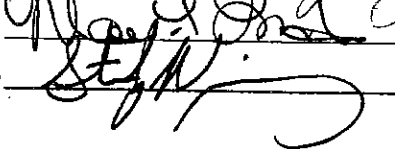
1. The primary law of the Nation is set forth in the Constitution of the Iipay Nation of Santa Ysabel ("Constitution").
2. Article VI of the Constitution establishes the Executive Branch. Pursuant to Article VI, Section 2(a) the Executive Power of the Nation is vested in the Chairman and he is charged with executing, administering and enforcing the laws of the Nation.
3. As Chairman, Hernandez exercises authority, direction, and control over the entire Executive Branch and its employees.
4. Before assuming his office, Chairman Hernandez was constitutionally mandated to take an oath to uphold the Constitution and laws of the Nation.
5. Pursuant to the Constitution and his oath of office Chairman Hernandez, and his subordinates and employees, is required to obey Article V Sections 2 (b) and (c) which prohibits spending revenue or funds of the Nation unless included in a budget approved by the Legislature.
6. Article VI Section 2 (b) makes spending government revenues or drawing monies from the Treasury without authorization and appropriation by law embezzlement and fraud against the Nation.
7. The Annual Budget for 2008 (the "Annual Budget") was enacted in accordance with the Legislative Process outlined in the Constitution and signed by Chairman Hernandez into law on August 13, 2008. Pursuant to this law, an annual budget for the Nation was authorized and funds from the Treasury were appropriated. (See Exhibit A.)
8. The Annual Budget authorized and appropriated the sum of \$27,180 for payment to Inter-Tribal Court. (See Exhibit A.)
9. Chairman Hernandez did not pay the Inter-Tribal Court as required by the Annual Budget. (See Exhibits B and C.)
10. Chairman Hernandez spent the funds authorized and appropriated for Inter-Tribal Court on something other than Inter-Tribal Court. (See Exhibit D.)
11. Gross Misconduct:
 - a. Gross is defined as glaringly noticeable usually because of inexcusable badness or objectionableness. Webster's New Collegiate Dictionary 507 (1973). Black's Law Dictionary 702 (6th ed. 1990), defines "gross" as "[o]ut of all measure; beyond allowance; flagrant; shameful; as a gross dereliction of duty, a gross injustice, gross carelessness or negligence. . . . Such conduct as is not to be excused."

- b. Misconduct is defined as "[a] transgression of some established and definite rule of action, a forbidden act, a dereliction from duty, unlawful behavior." Black's Law Dictionary 999 (6th ed. 1990).
12. Misappropriation is defined by Barron's Law Dictionary as "the use of funds or property for a purpose other than that for which they are intended or legally required to be used; implies a conscious misappropriation or illegality. pg 319 (1996)

SIGNER'(S) OATH

"I swear (or affirm) that I know the contents and purpose of this petition that the allegations it contains are true and accurate, and that I signed the petition only once and of my own free will."

All information must be filled in by the person(s) signing the petition unless disability prevents the person(s) from doing so. All information on this petition is subject to public inspection.

DATE	SIGNATURE	PRINTED NAME
1. 5/6/09		Bonnie Salgado
2. 05-06-09		JEFFERIE J. ARTIS
3. 05.06.09		LONNA DENINE
4. 05-06-09		SANTIAGO GUIAN
5. 05-06-09		Sunni Dominguez
6. 5-6-9		MARIOW F. LINTON
7. 5-6-09		Stanley R. Rodriguez

PETITION FOR REMOVAL OF:

Johnny Hernandez, Chairman

May 6, 2009

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