

RESOLUTION

WHEREAS, it is the recommendation of the Rules Committee to approve the following findings of the Rules committee following the Investigative Hearing regarding Ethics Case No. RC-01-2013: The Rules Committee finds that the facts presented support a finding of unethical conduct by Benjamin E. Marchand, Jr. from the Colville Business Council, based upon a violation of the ethical standard set out in the Council's Code of Professional Responsibility, Colville Tribal Code section 1-8-20 (d) (3), by violating the Colville Business Council's credit card policy in a manner constitution misfeasance for unauthorized purchases made on Mr. Marchand's Tribal credit card. Furthermore, to approve the following disciplinary action for Benjamin E. Marchand Jr., pursuant to Colville Tribal Code section 1-8-30 (l) (1) and based upon a finding of fact that Mr. Marchand violated an ethical standard set out in the Council's Code of Professional Responsibility, Colville Tribal Code section 1-8-20 (d) (3): Mr. Marchand shall be expelled for the duration of his term from the Colville Business Council, effective immediately, and; Mr. Marchand shall be ordered to pay restitution of eighteen unauthorized credit card purchases made which were the subject of the original complaint filed in this matter.

THEREFORE, BE IT RESOLVED, that we, the Colville Business Council, meeting in a **SPECIAL SESSION** this **6th day of March, 2014** acting for and in behalf of the Colville Confederated Tribes, Nespelem Washington, do hereby approve the above recommendation of the Rules Committee.

The foregoing was duly enacted by the Colville Business Council by a vote of **10 FOR 3 AGAINST 0 ABSTAINED**, under authority contained in Article V, Section 1(a) of the Constitution of the Confederated Tribes of the Colville Reservation, ratified by the Colville Indians February 26, 1938, and approved by the Commissioner of Indian Affairs on April 19, 1938.

ATTEST:



**Michael O. Finley, Chairman
Colville Business Council**

cc: William Nicholson II, Committee Chair
Margaret Circle, Committee Secretary
Trisha Jack, CBC Recording Secretary
Francis Somday, Executive Director
Debra Wulff, BIA Superintendent
Anna Vargas, Reservation Attorney
David Osenga, Comptroller
Dept. or Program: Colville Business Council



COLVILLE CONFEDERATED TRIBES

Nespelem, Washington

TO: COLVILLE BUSINESS COUNCIL

DATE: February 4, 2014

FROM: Rules Committee

SUBJECT: Benjamin E. Marchand, Jr. Ethics Charge--Findings of Fact and disciplinary action

Initiated By: Rules Committee

Program: Colville Business Council

Committee Recommendations: To approve the following findings of the Rules Committee following the Investigative Hearing regarding Ethics Case No. RC-01-2013: The Rules Committee finds that the facts presented support a finding of unethical conduct by Benjamin E. Marchand, Jr. from the Colville Business Council, based upon a violation of the ethical standard set out in the Council's Code of Professional Responsibility, Colville Tribal Code section 1-8-20 (d) (3), by violating the Colville Business Council's credit card policy in a manner constituting misfeasance for unauthorized purchases made on Mr. Marchand's Tribal credit card. Furthermore, to approve the following disciplinary action for Benjamin E. Marchand, Jr., pursuant to Colville Tribal Code section 1-8-30 (l) (1) and based upon a finding of fact that Mr. Marchand violated an ethical standard set out in the Council's Code of Professional Responsibility, Colville Tribal Code section 1-8-20 (d) (3): Mr. Marchand shall be put on a two week suspension from his duties, without pay, and; Mr. Marchand shall be ordered to pay restitution of eighteen unauthorized credit card purchases made which were the subject of the original complaint filed in this matter.

Table with 4 columns: COMMITTEE MEMBERS, VOTE CAST (YES), VOTE CAST (NO), COMMITTEE MEMBERS, VOTE CAST (YES), VOTE CAST (NO). Contains multiple rows of blank lines for recording votes.

Business Council Actions: Seconded by:

10 FOR Signed:

3 NAY LPH, BM, JS Signed:

0 ABSTAINED

J Ferguson Committee Chairperson

Will I CBC Chairperson

Date Enacted: 3-6-14

10 For
3 Nay BM LPH JS
— Abstain

Amendments:

~~A~~ expelled for the duration of his term ~~from the~~
~~remaining~~ Colville Business Council, effective immediately.
~~Strike from Apnt... pay A~~

Emergency (10 Affirmative Signatures) Rationale attached: _____

Ricky Gabriel

2nd - Stevey Seymour - Bylilly