

MISSION – Tribal Court Chief Judge William Johnson, on July 12, dismissed the suit that was filed within the Confederated Tribes of the Umatilla Indian Reservation's (CTUIR) government which was brought forward by the Board of Trustees (BOT) Secretary David Close against Executive Director Dave Tovey and Human Resources Director Kathy Burke.

In May, Close filed the petition to bring suit against Tovey and Burke because they would not release personnel files of Tribal employees to him in his capacity as Secretary. During the June 28 oral arguments, he contended that the CTUIR Constitution provides that the BOT "Secretary shall ... have custody of all files and records, etc. of the BOT," according to the Case Ruling document. During the hearing Close made the statement that it was his Constitutional right to all documents of the Tribal government.

However, on June 1, the BOT enacted Resolution 16-033 determining that "all files and records, etc." in the Constitution does not include personnel files of Tribal employees.

Therefore, the Tribes attorneys, Dan Hester and Naomi Stacy who represented Tovey and Burke, argued for dismissal based on the CTUIR's sovereign immunity, and that Close failed to state a claim upon which relief could be granted, and that he lacked standing to bring the lawsuit because it was not approved by the entire BOT.

Chief Judge William Johnson reviewed the case and ruled that "Secretary Close lacks standing or authority to have access or have custody of these records without BOT approval," and as a result he ordered a dismissal.

The BOT has been advised of the Courts decision on July 13, 2016.