



23RD NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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Council extends statute of limitations for ethics and rules cases

WINDOW ROCK – On Wednesday, the 23rd Navajo Nation Council considered Legislation No. 0108-17, which seeks to amend Navajo Nation Code Title II § 3769 to extend the statute of limitations from four years to five years for ethics and rules cases of tribal officials and Navajo Nation employees, who are investigated for embezzlement, mismanagement of tribal funds, and ethics violations.

According to the legislation, the Office of Ethics and Rules would take no action after five years from the date of official notice.

Legislation sponsor Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill), said the Office of Ethics and Rules may have limited time, or much time has passed since a case was initiated, and extra time is needed to ensure a full investigation, proper legal filings were made, and the case was rectified in the best outcome possible for the Navajo Nation.

“One of the reasons why this was recommended was because of Conditions of Appropriations, reviews, and sanctions on chapters or departments. As they come across information for recommendations, they have to go back a number of years to investigate the funds that were expended or unauthorized, and sometimes that can go back as far as three administrations,” said Delegate Witherspoon.

He added that due to the lack of appropriate staffing and resources, it has led the Office of Ethics and Rules to fall behind on investigating and filing cases in court. The extension is important to prevent the closure of cases because 34-percent of the closures are due to the statute of limitations expiring, said Delegate Witherspoon.

Office of Ethics and Rules executive director Stacy Allison, stated that the old statute language prohibited her office from filing a case "more than four years after the action has accrued," meaning from when a last fraudulent check was cashed or signed. The Navajo Nation Auditor General might file an intake with the Office of Ethics and Rules today, but the start of that investigation may have occurred two to three years ago.

She said that if it reveals an unauthorized use of Navajo Nation funds actually occurred five years ago under the old statutory language, the statute of limitations would be expired and the Office of Ethics and Rules would not be able to bring a case to the Navajo Nation Office of Hearings and Appeals for prosecution.

In support of the legislation, Council Delegate Nathaniel Brown (Chilchinbeto, Dennehotso, Kayenta) said it was important to extend the statute of limitations in order to hold Navajo elected officials and employees accountable for their participation in embezzlement and mismanagement of funds.

“There is no such thing as an ‘honest mistake’ – individuals sign off on those documents and know exactly what they are doing when they are dealing with money. Our Navajo Nation ethics and rules laws have a lot of holes in it, and this is one step closer to protecting our people’s money and the integrity of our Nation. It is about accountability and the oath that we took, and I don’t understand how ‘honest mistakes’ can happen,” said Delegate Brown.

Council Delegate Tuchoney Slim, Jr. (Bodaway/Gap, Coppermine, K’ai’Bii’To, LeChee, Tonalea/Red Lake) said that crimes against the Navajo Nation are not only related to mismanagement of Navajo funds, but it is also addressing ethics complaints regarding the conduct and behavior of elected officials.

“They are elected to serve the people – they need to be held accountable too. They need to show in their work that they work for the people and make sure they uphold their oaths, morals, and behavior, because it’s not just about money. They should know the rules and responsibilities as elected officials and employees,” said Delegate Slim.

Council Delegate Kee Allen Begay, Jr. (Low Mountain, Many Farms, Nazlini, Tachee/Blue Gap, Tselani/Cottonwood) recommended to Council that the Office of Ethics and Rules carry out an assessment of their office in terms of staffing and resources, and to propose a budget for the upcoming fiscal year to address their needs to improve their services and case processing.

Council members voted 18-0 to approve Legislation No. 0108-17, which required two-thirds or 16 supporting votes from the Council. President Russell Begaye will have ten calendar days to consider the resolution once it is sent to the Office of the President and Vice President.

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