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Betty Lenth

IN THE TRIBAL COURT OF THE NOOKSACK TRIBE OF INDIANS FOR THE
NOOKSACK INDIAN TRIBE

ST. GERMAIN, et al.,

Plaintiffs,

Case No. 2013-CI-CL-005

v.

KELLY, et al.,

Defendants.

DECLARATION OF AGRIPINA
SMITH, TRIBAL COUNCIL
TREASURER

COPY

I, AGRIPINA SMITH, declare under penalty of perjury under the laws of the Nooksack Indian Tribe and the State of Washington that the following is true and correct to the best of my knowledge:

DECLARATION OF AGRIPINA SMITH,
TRIBAL COUNCIL TREASURER

- Page 1 of 6

Nooksack Indian Tribe
Office of Tribal Attorney
P.O. Box 63
5047 Mt. Baker Hwy.
Deming, WA 98244
Tel. (360) 592-4158
Fax (360) 592-2227

- 1
- 2 1. I am over the age of eighteen (18), competent to testify about the matters stated herein,
- 3 and make this declaration of my personal knowledge.
- 4 2. I am the currently elected Tribal Council Treasurer and I am also employed as the Tribal
- 5 Events Coordinator.
- 6 3. I am a named Defendant in this case and I have reviewed the declaration of Leah Zapata
- 7 filed herein.
- 8 4. Prior to December 2013, I worked with Elizabeth Ames, Controller; Jeff Meyer, CFO;
- 9 Katherine Canete, G.M. and Tribal Councilmember; and Frank Leyva, Assistant to Tribal
- 10 Secretary on creating a budget for the 2013 Tribal Member Christmas Gift Distribution.
- 11 5. On December 3, 2013, Tribal Council reviewed and approved what is now known as
- 12 Resolution 13-171, which authorized a Tribal Member Christmas Gift Distribution. The
- 13 resolution presented to us for signature was believed to contain language requested by the
- 14 Tribal Council. That language not only authorized a Christmas Gift Distribution to Tribal
- 15 Members not subject to pending disenrollment proceedings, but also authorized a
- 16 Christmas Gift Distribution to Members subject to a pending disenrollment proceeding
- 17 once the Member received a favorable Council determination concerning their individual
- 18 enrollment status. By oversight, Council approved Resolution 13-171 without the
- 19 requested language.
- 20 6. On December 4, 2013, a meeting was called to plan for the 2013 Tribal Member
- 21 Christmas Gift Distributions.
- 22 a. To my recollection, the following persons attended the meeting: myself; Elizabeth
- 23 Ames, Controller; Frank Leyva, Assistant to the Treasurer; Elizabeth King-

24 DECLARATION OF AGRIPINA SMITH,
25 TRIBAL COUNCIL TREASURER

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1 George, Interim Director of Tribal Enrollment; Roy Bailey, Enrollment Officer;
2 and Jennifer George, Accounting Specialist.

3 b. Leah Zapata was not present.

4 c. During this meeting, we planned the logistics of the actual Gift Distribution. The
5 Gift Distribution was prompted by Tribal Council Resolution 13-171, which we
6 received a copy of at the meeting. Resolution 13-171 defined the scope of our
7 work: (1) which Tribal Members were to receive a check at this time and (2) what
8 amount the check was to be issued (\$250).

9 d. The roles of Mr. Leyva; Leah Zapata; and myself were to verify that only the
10 Tribal Members authorized by Resolution 13-171 were to receive a check by
11 cross referencing names and addresses on Accounting and Enrollment
12 Department records.

13 7. On December 5, 2013, I received an email from General Manager Canete that Christmas
14 checks should be ready by December 10th or 11th for mail-out.

15 8. During the week of December 9, 2013, Mr. Leyva and I cross referenced the lists from
16 the Enrollment and Accounting Departments to ensure that only appropriate Tribal
17 Members would receive checks at the current time and that their addresses were correct.

18 a. Once verified, we forwarded this information to Jennifer George in order to post
19 and print the actual checks.

20 b. Once completed, we verified the information on the checks (name, membership
21 number, and amount) matched the information from the Enrollment Department
22 and Resolution 13-171.

23 c. If correct, the check was ready for signature.

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1 d. Ms. Zapata assisted us with some, but not all, of the verifications.

2 9. During the week of December 9, 2013, I signed numerous Gift checks as well as Payroll
3 and Accounts Payable checks.

4 10. By December 13, 2013, Tribal Council became aware of the oversight contained in
5 Resolution 13-171. As a result, on or about December 13, 2013, Tribal Council reviewed
6 and passed what is now known as Resolution 13-181, which superseded Resolution 13-
7 171. Resolution 13-181 specifically contained language approving a Christmas Gift
8 Distribution to Members who were subject to pending disenrollment proceedings once
9 the Member received a favorable Tribal Council determination concerning their
10 individual enrollment status.

11 11. During the week of December 16th, we received numerous check reissuance requests.

12 a. Mr. Leyva personally handled all check reissuance requests.

13 b. I was informed that the following persons requested a check reissuance following
14 December 17, 2013:

<u>Name</u>	<u>Reason</u>	<u>Date</u>
15 1. Paul K Cline	Incorrect Address	12/18/2013
16 2. Josette Johnson	Incorrect Address	12/18/2013
17 3. Tabitha Johnnie	Incorrect Address	12/18/2013
18 4. Erica LaClair	No Address	12/18/2013
19 5. Catherine E. Parker	Incorrect Name	12/18/2013
20 6. Julie Marie Solomon	Incorrect Address	12/18/2013
21 7. Damon Joseph Zapata	Incorrect Address	12/19/2013

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24 DECLARATION OF AGRIPINA SMITH,
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- 1 c. As was standard, once a check reissuance request was received, Ms. Nadene
2 Rapada was notified of the request so that the original check could be voided or a
3 stop payment order could be placed. At this point, the check could be reprinted.
4 d. In each of the seven check reissuance requests identified above, the checks were
5 reprinted on December 20, 2013 and then mailed (or hand delivered).
6 e. I am not aware of any other check reissuance requests that came in following
7 December 17, 2013, including any reissuance requests from any individual
8 Plaintiffs.

9 12. On December 20, 2013, I again signed numerous checks including the seven reissued
10 Christmas Gift checks, Payroll checks, and other checks unrelated to the Christmas Gift
11 distribution.

12 13. At no time during the process did I give any directive toward Tribal accounting staff or
13 other staff regarding the check issuance/re-issuance process or the treatment of individual
14 Plaintiffs and/or other Tribal members with regards to the Christmas Gift Distributions; I
15 only attempted to fulfill the role delegated to me at the December 4th meeting and in
16 compliance with the Council resolutions.

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24 DECLARATION OF AGRIPINA SMITH,
25 TRIBAL COUNCIL TREASURER
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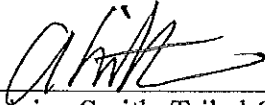
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1 I declare under the penalty of perjury, under the laws of Nooksack Indian Tribe, that the
2 foregoing is true and correct.

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5 Signed at Deming, Washington on January 8, 2014.

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8 _____
9 Agripina Smith, Tribal Council Treasurer
Nooksack Indian Tribe

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