

01-02-14 P02:23 IN
Betty Justice

IN THE NOOKSACK TRIBAL COURT

RUDY ST. GERMAIN, et al.,

Plaintiffs,

v.

ROBERT KELLY, et al.,

Defendants.

NO. 2013-CI-CL-005

DECLARATION OF LEAH ZAPATA

I, Leah Zapata, declare as follows:

1. I am an enrolled member of the Nooksack Tribe. I am 1/4 Nooksack blood, and 3/4 Filipino. I descend from Louisa Johnson George. I am not proposed for disenrollment, or a member of the "Nooksack 306."

2. Until December 27, 2013, I worked in the Tribe's accounting department for 31 years. I started working there when I was 13 years old. For almost eight of those years, I also served on the Nooksack Tribal Council. From 1997 until 2004, I was on Council; for 3 1/2 of those years, I was the Tribal Treasurer. On the morning of Friday, December 27, a day when the Tribe was closed for the holidays, I was visited by the Tribal Police at my home. A Tribal cop handed me a termination letter and left a box with my belongings from my office on my front doorstep. I was fired by the prevailing faction of the Nooksack Tribal Council, for no just reason.

3. Before I was fired, I served as an accounting specialist. My job description included responsibilities for making the Tribe's per capita distributions to Tribal members,

1 including school supplies stipends and Christmas support payments. Along with my fellow
2 accounting specialist, Jennifer George – who was also fired on December 27 in the same manner
3 – handled those distributions over the last several years. Those distributions are funded from the
4 Tribe’s general operations account with Bank of America, which is comprised of monies
5 generated from grants, Tribal enterprises, and the Tribe’s two casinos. To make the school
6 supplies stipends and Christmas support payments, the Tribe has established a separate Bank of
7 American account. Monies are transferred from the Tribe’s general operations account, into the
8 distributions account, in order to fund the Tribe’s per capita distributions to Tribal members.

9 4. This summer, Jennifer and I prepared all of the checks for the school supply
10 stipends. We were told by our manager, Nadine Zapata – who too was fired on December 27 in
11 that same way – that according to the Tribal Council, the stipends were only to be made payable
12 to Tribal member children or students who were not proposed for disenrollment; who were not
13 among the “Nooksack 306.” We followed that directive although I thought (to myself) that
14 excluding certain Tribal children from school supplies monies was disgusting. I know some of
15 the children who were excluded and I know how awful that made them feel. I was ashamed of
16 my Tribe and Tribal Council for cutting our youngest Tribal members out of those distributions
17 for political reasons.

18 5. Although both Jennifer and I handled the Christmas support distributions in prior
19 years, I was largely excluded from that process this year. Instead the Christmas support
20 distributions were handled by Roy Bailey and Elizabeth King George of the Enrollment
21 Department. Jennifer and I were again told by Nadine that the Tribal Council had directed that
22 the Nooksack 306 were not to receive Christmas support payments this year.

23 6. Roy and Elizabeth caused the Christmas support checks to be mailed out on
24 December 11, 2013, even though they originally intended to mail them out on December 12,

1 2013. I heard on December 11 that the Tribal Court was going to issue some form of ruling by
2 the end of that day, but I know that the checks were rushed off to the post office before that could
3 happen.

4 7. As is typical with all of the Tribe's per capita distributions to Tribal members,
5 several Christmas support checks were not deliverable or returned in the mail to the Tribe. That
6 typically results from the Tribe not having current contact information, or child custody or
7 guardianship information. The Tribe allows Christmas support checks to be issued to Tribal
8 members until March.

9 8. The only thing that I was allowed to do in regard to this year's Christmas support
10 distributions was help issue new checks to people who did not get them in the original mailing.
11 Frank Leyva, an assistant to the Tribal Treasurer Abby Smith, asked Jennifer and I to help issue
12 about 20 checks. Stop payments had been made on some or all of those checks. I recall that we
13 issued checks to Tribal members who were once in prison but who had been released; and to the
14 parents of children or guardians of foster children because their custody or guardianship
15 information on file with the Tribe was not current.

16 9. On Thursday, December 19, and Friday, December 20, 2013 (which was a day the
17 Tribe closed due to snow), Jennifer and I helped issue approximately 20 Christmas support checks
18 to Tribal members, as Frank asked us to do. On Thursday, Frank had Jennifer print a set of
19 Christmas support checks, each in the amount of \$250, and I stuffed those checks into envelopes
20 for mailing. On Friday, I watched Jennifer print another set of \$250 Christmas support checks,
21 while I was busy doing other time-sensitive accounting work. One of the minors whose \$250
22 Christmas support payment Jennifer issued on December 20, was my grandson, Damon Zapata.

23 10. On December 19 and 20, we did not issue any Christmas support checks to any
24 member of the Nooksack 306. We were never told to issue them \$250 checks as well. As with

1 the school supply stipends, I am disgusted that over 300 of my fellow Tribal members were
2 denied Christmas support. Twice this year the Tribal Council has made Tribal children to feel
3 less than equal. That type of greed, vendetta and hate is simply not the Nooksack way.

4 11. Members of the Nooksack 306 are still enrolled with the Nooksack Tribe and they
5 deserve to be treated equally and with respect.

6 The foregoing statement is made under penalty of perjury under the laws of the Nooksack
7 Tribe and the State of Washington and is true and correct.

8 DATED this 2nd day of January, 2014.

9  1/2/14
10 _____
Leah Zapata