



THE MILLE LACS BAND OF OJIBWE INDIANS

Legislative Branch of Tribal Government
Commissioner's Order No. 13 -12

A COMMISSIONER'S ORDER REGARDING AUTHORIZED PICKUP OF BAND MEMBER PER CAPITA DISTRIBUTION

WHEREAS, pursuant to 22 MLBSA § 104 (a) the Commissioner of Finance (Commissioner) of the Mille Lacs Band of Ojibwe (Band) serves as the chief administrative officer of the Band's Office of Management and Budget (OMB) pursuant to the directives of the Band Assembly; and

WHEREAS, pursuant to 22 MLBSA § 104(m) the Commissioner has the power to promulgate rules and regulations through Commissioner's Orders for the administration and enforcement of the provisions of Title 22; and

WHEREAS, OMB is responsible for processing per capita payments to eligible Band Members in accordance with the Band's federally approved Revenue Allocation Plan (RAP); and

WHEREAS, OMB has been asked to permit third parties to pick up per capita checks on behalf of Band Members if the third party is in possession of a Power of Attorney (POA) signed by the Band Member;

WHEREAS, allowing third parties to pick up per capita checks on behalf of Band Members if the third party is in possession of a POA signed by the Band Member: (1) is inconsistent with Commissioner's Order No. 11-12 limiting the use of voluntary assignments of per capita payments; (2) imposes administrative costs and risks of liability on the Band as a result of the need to verify the Band Member's signature on the POA and the identity of the third party; and (3) is subject to abuse; and

WHEREAS, the adoption of a Commissioner's Order regarding requests to permit third parties to pick up per capita checks on behalf of Band Members if the third party is in possession of a POA signed by the Band Member is necessary to: (1) prevent the fraudulent use of Powers of Attorney; (2) aid in the efficiency and accuracy of processing per capita distributions and minimize the risk of liability; (3) ensure that OMB's response is consistent with Band policy and law; (4) prevent abuse; and (5) eliminate the administratively burdensome process that is placed on the Band's OMB employees.

NOW, THEREFORE, pursuant to the authority vested in me as the Commissioner of Finance, I hereby issue this Order prohibiting third parties from picking up per capita checks on behalf of Band Members based on Powers of Attorney (POAs):

1. Effective on the date of this Order, the Office of Management and Budget (OMB) will only distribute per capita payments to Band Members using one of the following three methods: (a) personal delivery to the Band Member upon showing proof of identification such as a driver's license or tribal enrollment card; (b) direct deposit into a Band Member's individual account only, as requested in writing by the Band Member; or (c) first class mail addressed to the Band Member's address as listed with the Band's Enrollment Office (Tribal Operations) and OMB. Except as otherwise provided in Commissioner's Order 11-12 or as ordered by the Band's Court of Central Jurisdiction, OMB shall not distribute per capita payments to any third parties and shall not deliver per capita payments to Band Members in any other manner.

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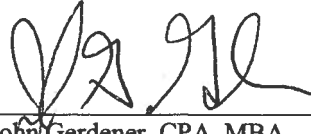
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Commissioner's Order No. 13-12

DATED this 8th day of December, 2011.



John Gerdener, CPA, MBA
Commissioner of Finance

APPROVED AS TO FORM, EXECUTION
AND NUMBERING



Todd Matha, Solicitor General

OFFICIAL SEAL OF THE BAND