



MILLE LACS BAND OF OJIBWE

Executive Branch of Tribal Government

EXECUTIVE ORDER 154 – 08

AN EXECUTIVE ORDER PROHIBITING THE RELEASE OF ANY INFORMATION RELATED TO THE INVESTIGATIVE REPORT PREPARED BY FREDRICKSON & BYRON P.A. CONCERNING THE BAND COMMUNITY DEVELOPMENT DEPARTMENT AND OFFICE OF MANAGEMENT AND BUDGET UNTIL THE CONCLUSION OF THE UNITED STATES FEDERAL DEPARTMENT OF INTERIOR INVESTIGATION INTO THE MATTER

WHEREAS, On August 30, 2007 a Contract for Legal Services was entered into between the Band and Fredrikson and Byron P.A. for representation of the Band Government in response to a federal Department of Interior investigation into allegations concerning the Band's Community Development Department and Office of Management and Budget. As part of this agreement Fredrikson and Byron P.A. conducted an internal investigation for the Band into matters related to the Community Development program and related financial accounting procedures. A report on the results of the Fredrikson & Byron P.A. investigation is to be provided to the Chief Executive, Secretary-Treasurer, and District Representatives on or about September, 2008.

WHEREAS, the report being prepared is for the Band's use and is therefore property of the Band.

WHEREAS, the Chief Executive is the custodian of all Band property pursuant to 4 MLBSA §6(f)

WHEREAS, Mille Lacs Band Statute 4 MLBSA §6(e) authorizes the Chief Executive to issue Executive Orders on any subject matter within the Executive Branch of government pursuant to the authority conferred by Band Statute;

NOW THEREFORE, IT IS ORDERED, that any and all electronic and written information contained or referenced in the Fredrikson & Byron P.A. report mentioned above, including any notes, records, emails, summaries, charts, graphs, photos, or

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correspondence which were collected as part of the internal investigation; or which may have been referred to during, or as part of the report; is prohibited from being released or shared with any person not specifically listed below until the Department of Interior investigation and any federal court action which might be taken, is conclusively ended.

IT IS FURTHER ORDERED THAT only the Band's Chief Executive, Secretary-Treasurer, District Representatives, Solicitor General, lawfully retained exterior legal counsel of the Band, Commissioner of Administration, Assistant Commissioner of Administration, and Commissioner of Finance, may access this information for the purpose of effecting necessary changes to the Band's programs, or to perform their respective government functions. However, the information contained or referenced in the aforementioned report, and reviewed by these individuals; including those notes, records, emails, summaries, or correspondence collected as part of the internal investigation; may not be disclosed to any other persons except the Court of Central Jurisdiction staff, District Judge and Justices in the event court action regarding recovery of Band property is deemed necessary by the Solicitor General.

IT IS FURTHER ORDERED THAT violators of this Executive Order will be subject to the penalties set forth in 24 MLBSA §1212 and that a presumption that a disclosure of such information was not in good faith and was done with knowledge that such disclosure was without lawful authority, is to apply.

Dated this 3rd day of September, 2008.


Melanie Benjamin – Chief Executive

Expiration Date: March 31, 2010

APPROVED AS TO FORM AND EXECUTION:

Rjay Brunkow
Solicitor General