

IN THE OSAGE NATION TRIAL COURT
CIVIL DIVISION
Pawhuska, OK

Trial Court of the Osage Nation
FILED

JAN 20 2015

BY K Blunde

THE OSAGE NATION,)
)
 Plaintiff,)
)
 Vs.)
)
 Andrew Yates,)
 Duly Elected Minerals Council Member,)
)
 Defendant.)

Case No. CV-2015-02

Ethics Complaint

COMES NOW the Plaintiff, the Osage Nation, by and through Jeff S. Jones, Attorney General seeking declaratory relief pursuant to Osage Nation declaratory judgment law, 3 ONC §5-101 et seq., to determine whether the Osage Nation laws apply to the Osage Minerals Council and for his Complaint alleges and states the following:

JURISDICTION

1. Jurisdiction is proper in the Osage Nation Trial Court pursuant to 3 ONC §5-101 et seq. which states that the Osage Nation Trial Court may determine rights, status or other legal relations of any statute or other governmental regulation.
2. The Office of Attorney General has brought this declaratory action to determine whether Osage Nation law, specifically the Osage Nation Ethics law, 15 ONC §6-101 et seq., applies to the Osage Minerals Council.
3. The sovereign immunity of the elected officials is waived in 3 ONC §5-104 which states that all persons shall be made parties who have or claim any interest which would be affected by the declaration.

4. Plaintiff has standing to file this Complaint for declaratory judgment as Attorney General for the Osage Nation pursuant to the Osage Nation Attorney General Act, codified at 15 ONC §3-107(B).

FACTS

5. The above referenced member of the Osage Minerals Council is a duly elected official of the Osage Nation.
6. The above referenced member of the Osage Minerals Council has not filed the affidavit required by the Osage Nation Ethics law, 15 ONC §6-203(C), which states that “each elected and appointed Osage Nation official shall file an affidavit, sworn under oath, with the Osage Nation Trial Court listing all gifts received during the previous fiscal year, the giver, and the stated dollar amount of each gift.”
7. The Attorney General sent a letter to each member of the Osage Minerals Council informing them that the Ethics Law applies to them and that each member of the Osage Minerals Council shall file the required ethics affidavit.
8. “Osage Nation official” is defined by 15 ONC §6-103(U) as “any person holding an elected or appointed office in any governmental body of the Osage Nation as defined herein.”
9. “Governmental body” is defined by 15 ONC §6-103(O) as “any branch, entity, enterprise, authority, division, department, office, commission, council, board, bureau, committee, legislative body, agency, and task force of the Executive Branch, including the Osage Nation Minerals Council, Legislative Branch, or Judicial Branch of the Osage Nation.”

CLAIM FOR RELIEF

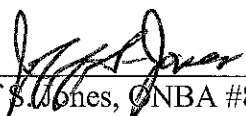
10. Plaintiff incorporates paragraphs 1 – 9 as if restated herein.

11. As of the date of the filing of this Petition for Declaratory Judgment, the above referenced duly elected member of the Osage Minerals Council has not filed the required ethics affidavit.

WHEREFORE, Plaintiff prays for judgment ordering declaratory relief finding that the Osage Minerals Council must obey the laws and statutes of the Osage Nation and specifically, the Osage Nation Ethics law, 15 ONC §6-101 et seq., applies to the Osage Minerals Council and, as such, each duly elected member of the Osage Minerals Council must file the yearly affidavit with the Osage Nation Trial court listing all gifts received during the previous fiscal year, the giver, and the stated dollar amount of each gift.

And such other and further relief as the court deems just and proper.

Dated: 1-20-15




Jeff S. Jones, ONBA #83
Osage Nation Attorney General
1223 Grandview
Pawhuska, OK 74056
(918) 287-5659
Fax: (918) 287-5468
jsjones@osagenation-nsn.gov

VERIFICATION

STATE OF OKLAHOMA)
)
County of Osage) ss.

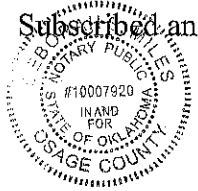
JEFF S. JONES, of lawful age, being first duly sworn upon oath, states:

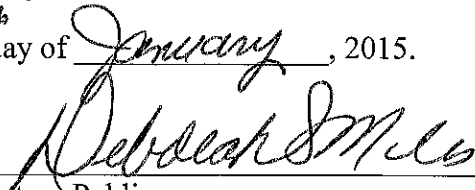
That he is the Plaintiff above-named; he has read the foregoing Ethics Complaint and understands the same; and the facts therein set forth are, to the best of his knowledge and belief, true and correct.



JEFF S. JONES

Subscribed and sworn to before me this 20th day of January, 2015.





Notary Public

My Commission Expires: 9/23/18
Commission Number: 10007920