

IN THE OSAGE NATION TRIAL COURT  
CIVIL DIVISION  
Pawhuska, OK

FEB 20 2019



Osage Nation Attorney General, )  
Petitioner, )  
v. )  
Susan Revard Foreman, )  
Respondent, )  
)

CV-2019-01

**ETHICS COMPLAINT**

COMES NOW the Petitioner, the Osage Nation, by and through the Office of the Attorney General, pursuant to 15 ONC § 3-108(4) and 15 ONC § 6-303 for a determination on the merits whether Respondent violated the Osage Nation Ethics Law; and in support of seeking such determination alleges and states the following:

**JURISDICTION**

1. Jurisdiction is proper in the Osage Nation Trial Court pursuant to the Osage Nation Ethics Law, which requires all complaints brought by the Attorney General to be brought within the Osage Nation Trial Court for adjudication on the merits, 15 ONC § 6-304.
2. Petitioner as Attorney General of the Osage Nation is vested with the authority to bring this suit pursuant to the Osage Nation Attorney General Act, 15 ONC §3-108 and the Osage Nation Ethics Law, 15 ONC § 6-303.
3. Respondent is an Osage Nation Official subject to suit for violation of the Osage Nation Ethics Law pursuant to the Osage Nation Constitution and applicable law; and therefore does not enjoy the Nation's sovereign immunity.
4. Petitioner has determined there is sufficient basis for prosecution because Respondent's

conduct as an elected official of the Osage Minerals Council violated the Osage Nation Constitution, Article X, Section 3 and Osage Nation Ethics Law, 15 ONC § 6-201(A).

5. The Petitioner has determined the Complainant (as identified below in the *Statement of Facts*) who is an Osage Nation Official and was injured by the Respondent's conduct, has standing.

#### **STATEMENT OF FACTS**

6. The Respondent being an elected member of the Osage Minerals Council is an Osage Nation Official of a governmental body of the Osage Nation pursuant to 15 ONC §6-103(U).
7. The Osage Minerals Council is included in the definition of a governmental body of the Osage Nation pursuant to 15 ONC §6-103(O).
8. The Respondent violated the Osage Nation Ethics Law by committing abusive conduct and personal charges upon Complainant, Marsha Harlan who is an Osage Nation Official as defined in Paragraphs 5 & 6, by screaming at Complainant to "respect her" and causing a scene at an official place of business of the Osage Nation in the presence of other Osage Nation Officials and employees; and by placing her hand on Complainant's left arm and threatening Complainant's term on the Osage Minerals Council by stating "if you want to make it the next four years." 15 ONC § 6-201(A).

#### **SANCTIONS & PENALTIES**

9. Upon finding there has been a violation of the Osage Nation Ethics Law, the Court may make recommendations or impose any and all of the following penalties or sanctions as applicable to Respondent pursuant to 15 ONC § 6-401:
  - a. Recommend the Osage Nation Congress initiate removal proceedings pursuant to Article XII of the Osage Nation Constitution;
  - b. Disqualify Respondent for all elective public offices of the Osage Nation and/or

appointment to or employment in any public office of the Osage Nation, for a set number of years from the effective date of removal;

- c. Issue a public reprimand be entered in the person's permanent record of office;
- d. Issue a private reprimand to Respondent, with or without suspension of any and all other sanctions provided herein; and
- e. Impose restitution or such other civil penalties as provided by 15 ONC § 6-401.

10. Fine Respondent in an amount not to exceed One Thousand Dollars (\$1,000.00) for each violation herein.

11. Issue any other penalty or sanction as deemed appropriate by the Court under any other applicable law, rules, regulations or procedures.

12. Award attorneys' fees and costs to the prevailing party.

**CLAIM FOR RELIEF**

13. Petitioner incorporates paragraphs 9 - 12 as if restated herein.

WHEREFORE, Plaintiff prays the Court find the Respondent's conduct violated the Osage Nation Ethics Law, recommend any such sanctions and/or order such penalties against Respondent as the Court deems just and proper; award attorneys' fees and costs to the Petitioner; and order such other and further relief as the Court deems just and proper.

Dated this 20<sup>th</sup> day of February 2019.



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