

**ATTACHMENT 8**

FILED  
APRIL 29, 2005  
*S. J. [unclear]*  
clerk

In the California Valley Miwok  
Tribal Court

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3  
4 Yakima Kenneth Dixie, : Case No.: CVMT-BH-2004-001  
5 Appellant, : Decision and Order  
6 :  
7 :  
8 California Valley Miwok Tribe, :  
9 Appellee :  
10

11 This matter is before the Court at the behest of Yakima K. Dixie, a  
12 member of the California Valley Miwok Tribe (hereafter "Tribe" or "the  
13 Tribe"). Mr. Dixie challenges the Tribe's recognition of Silvia Burley as  
14 Chairperson of the Tribe. This matter came on for a hearing on January 18,  
15 2005 at 2:00 p.m. in Sacramento, California pursuant to notice to the  
16 parties. The parties in this action have been represented by attorneys. The  
17 parties were duly notified of the date, time and location of the hearing.  
18 Each party submitted statements, including evidence supporting its position,  
19 to this tribunal detailing its relative position in this matter.

20 In reviewing this case, the documents and evidence from the parties  
21 submitted to this tribunal have been reviewed and listed in the Appendix to  
22 this Decision and Order. The Exhibits are comprised entirely of documents

23 The California Valley Miwok Tribe was formerly known as the Sheep Ranch  
24 Rancheria of Me-Wuk Indians.

25 By letter to this tribunal, Mr. Dixie notified the Court that he would  
neither attend the hearing nor send his attorney. The Court responded to  
this as notice that Mr. Dixie will proceed on the written documents and  
evidence he submitted in this case. While Mr. Dixie has been given the  
opportunity to attend the hearing and provide additional evidence, there is  
no procedural requirement that he do so.

and evidence submitted by Yakima K. Dixie and by the California Valley Miwok Tribe.

Jurisdiction

This court is convened pursuant to the inherent sovereign authority of the California Valley Miwok Tribe. The Constitution of the California Valley Miwok Tribe provides that the Tribal Council has the power to establish Tribal courts or courts of Indian offenses or dispute resolution processes, and to establish procedures and methods for the selection of judges, upon a two-thirds (2/3) majority vote of the Tribal Council. Article VI, Section 2, Paragraph 15.<sup>4</sup> On March 8, 2004, the Tribal Council of the California Valley Miwok Tribe established this tribunal and appointed the Administrative Hearing Officer pursuant to California Valley Miwok Tribal Council Resolution Number R-1-02-04-2004.

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The California Valley Miwok Tribe was formerly known as the Sheep Ranch Rancheria of Me-Wuk Indians.

This forum takes judicial notice of P.L. 108-204, March 2, 2004, 118 Stat. 542, wherein the Congress of the United States amended Section 16 of the Indian Reorganization Act ("IRA"), 25 U.S.C. § 476, to clarify that an Indian tribe may organize without recourse to the IRA:

(h) TRIBAL SOVEREIGNTY-Notwithstanding any other provision of this Act-

(1) each Indian tribe shall retain inherent sovereign power to adopt governing documents under procedures other than those specified in this section; and

(2) nothing in this Act invalidates any constitution or other governing document adopted by an Indian tribe after June 18, 1934, in accordance with the authority described in paragraph (1).

See also, *Kerr McGee Corporation v. Navajo Tribe of Indians*, 731 F. 2d 597, 603-604 (9<sup>th</sup> Cir. 1984) affirmed, 471 U.S. 195 (1985) (noting that the Navajo Tribe never adopted a constitution and that the choice of government is, itself, an act of self-government). The California Valley Miwok Tribe adopted its constitution pursuant to its inherent sovereign authority.

1 The law is clear that the California Valley Miwok Tribe has the  
2 inherent authority to establish this tribunal to hear this appeal. Congress  
3 has determined that "Indian tribes possess the inherent authority to  
4 establish their own form of government, including tribal justice systems" and  
5 that tribal justice systems are an essential part of tribal governments and  
6 serve as important forums for ensuring public health and safety and the  
7 political integrity of tribal governments." 25 U.S.C. § 3601 (4-5).

8 Along with their inherent power to establish tribal justice systems,  
9 Indian tribes possess the inherent sovereign power to regulate internal  
10 domestic affairs. *Montana v. United States*, 450 U.S. 544 (1981); *United*  
11 *States v. Wheeler*, 435 U.S. 313 (1978). Indian tribes possess attributes of  
12 sovereignty over both their members and their territory. *United States v.*  
13 *Mazurie*, 419 U.S. 544 (1979). However, California is one of the "mandatory"  
14 states named in P.L. 280<sup>4</sup> as receiving Congress's delegation of jurisdiction  
15  
16  
17

18 \* Tribal justice systems, as recognized by Congress, means "the entire  
19 judicial branch, and employees thereof, of an Indian tribe, including (but  
20 not limited to) traditional methods and forums for dispute resolution, lower  
21 courts, appellate courts (including intertribal appellate courts),  
22 alternative dispute resolution systems, and circuit rider systems,  
23 established by inherent tribal authority whether or not they constitute a  
24 court of record." 25 U.S.C. § 3602(8).

25 <sup>4</sup> In P.L. 93-280, Act of Aug. 15, 1953, 67 Stat. 588, (codified as amended at  
26 25 U.S.C. §§ 1321-1326), Congress delegated its jurisdiction over Indian  
27 Country to several states. However, this act did not divest the tribes in  
28 those states of their inherent sovereign authority. See *Cabazon, supra*;  
29 Felix S. Cohen's Handbook of Federal Indian Law at 344-345 (1982 Ed.); Vanessa  
30 Jimenez & Seo Song, *Current Tribal and State Jurisdiction Under P.L. 280*, 47  
31 Am. U. L. Rev. 1627 (1988) (Indian Tribes retain concurrent jurisdiction under  
32 P.L. 280, having never been divested of jurisdiction); Carol Goldberg, *Public*  
33 *Law 280: The Limits Of State Jurisdiction Over Reservation Indians*, 22  
34 U.C.L.A. L. Rev. (1975).

1 in Indian Country so we must determine whether the State of California has  
2 jurisdiction over this matter.

3 In analyzing whether the State of California has jurisdiction over  
4 civil matters occurring within Indian Country, the Supreme Court of the  
5 United States has been very specific:

6 [T]his case turns on whether state authority is pre-empted by the  
7 operation of federal law; and '[s]tate jurisdiction is pre-empted  
8 . . . if it interferes or is incompatible with federal and tribal  
9 interests reflected in federal law, unless the state interests at  
10 stake are sufficient to justify the assertion of state  
11 authority.' *Mescalero*, 462 U.S. 324, at 333, 334. The inquiry is  
12 to proceed in light of traditional notions of Indian sovereignty  
13 and the congressional goal of Indian self-government, including  
14 its "overriding goal" of encouraging tribal self-sufficiency and  
15 economic development. *Id.*, at 334-335.

16 *California v. Cabazon Band of Mission Indians*, 480 U.S. 202 at 217 (1987)  
17 (citations omitted). The matter before this Court is civil in nature, rather  
18 than criminal. The issues in this case involve internal tribal matters  
19 essential to tribal self-government. These fall squarely within the rubric  
20 of tribal self-government and self-determination. There is no state interest  
21 implicated in this matter. Even had we been able to find any California law  
22 implicated in resolving an Indian tribe's leadership question, which we have  
23 not, state jurisdiction in this case is "pre-empted" because it "interferes

24 <sup>7</sup> P.L. 280's Section 4(a) was codified at 28 U.S.C. 1360(a) (1982 ed. and  
25 Supp. III). It provides:

26 "Each of the States listed in the following table shall have  
27 jurisdiction over civil causes of action between Indians or to which  
28 Indians are parties which arise in the areas of Indian country listed .  
29 . . . to the same extent that such State has jurisdiction over other  
30 civil causes of action, and those civil laws of such State that are of  
31 general application to private persons or private property shall have  
32 the same force and effect within such Indian country as they have  
33 elsewhere within the State:

34 "California . . . . . All Indian country within the State."

1 or is incompatible with federal and tribal interests reflected in federal  
2 Law." *Id.* Moreover, the state interests at stake are nonexistent and thus  
3 insufficient to "justify the assertion of state authority" over this matter.  
4 *Mescalero*, 462 U.S. 325, at 333, 334. As noted earlier in this Opinion, there  
5 is a substantial body of federal law aimed at achieving the goal of fostering  
6 tribal self-government, tribal court systems and tribal jurisdiction over  
7 members.

8 In any event, P.L. 280 was amended to include the following provision:

9 Any tribal ordinance or custom heretofore or hereafter adopted by  
10 an Indian tribe, band, or community in the exercise of any  
11 authority which it may possess shall, if not inconsistent with  
12 any applicable civil law of the State, be given full force and  
13 effect in the determination of civil causes of action pursuant to  
14 this section. 28 U.S.C. § 1360 (c).

15 Thus, the jurisdictional reach of P.L. 280 is preempted by  
16 federal law through the operation of tribal law intended to foster  
17 tribal self-government and self-determination.

18 Specifically, state law is preempted in this case by tribal law adopted  
19 to settle internal tribal disputes. California Valley Miwok Tribal Council  
20 Resolution No. R-1-02-04-2004 (March 8, 2004). We have determined that the  
21 Tribal law adopted to settle internal disputes is not inconsistent with any  
22 applicable civil law of the state and thus will be "given full force and  
23 effect" in this case. *Cabazon, supra.*

24 Yakima Dixie is a member of the California Valley Miwok Tribe. See  
25 Appellant's Exhibits 2003-10-30; Constitution of the California Valley Miwok  
26 Tribe, Article III, Section 1 (list of tribal members including Yakima  
27 Kenneth Dixie (Hernandez) (Jeff). Yakima Dixie resides within Indian Country

1 over which the California Valley Miwok Tribe exercises sovereign authority'.  
2 Appellant's Exhibit 1971-11-01 (U.S. Department of Interior Order determining  
3 Yakima Dixie's inheritance of a 1/6 interest in trust or restricted  
4 property); Appellant's Exhibit 1999-04-30 (Yakima Dixie certifying that he  
5 resides at Sheep Ranch Rancheria, Calaveras County, California).

6 As a member of the California Valley Miwok Tribe and as a resident  
7 within Indian Country over which the Tribe exercises governmental authority,  
8 Yakima Dixie is subject to the jurisdiction of the California Valley Miwok  
9 Tribe in general and this court in particular.

10 The Interior Board of Indian Appeals has held that "[I]t is a well  
11 established principle of Federal law that intra-tribal disputes should be  
12 resolved in tribal forums. This rule applies with particular force to intra-  
13 tribal disputes concerning the proper composition of a tribe's governing  
14 body." *Darrell Wadena, Tony Wadena, Jerry Rawley, Paul Williams, Rick Clark,*  
15 *and Doyle Turner v. Acting Minneapolis Area Director*, 30 IBIA 130 (1996)  
16 *citing Bucktooth v. Acting Eastern Area Director*, 29 IBIA 144, 149 (1996).  
17 We believe the reasoning in that case is persuasive and we hereby adopt the  
18 same rationale in this case.

19  
20  
21 Indian Country includes "all land within the limits of any Indian  
22 reservation under the jurisdiction of the United States Government,  
23 notwithstanding the issuance of any patent, and, including rights-of-way  
24 running through the reservation," "all dependent Indian communities within  
25 the borders of the United States whether within the original or subsequently  
acquired territory thereof, and whether within or without the limits of a  
state" and "all Indian allotments, the Indian titles to which have not been  
extinguished, including rights-of-way running through the same." 18 U.S.C. §  
1151(a)-(c). Though the definition of Indian Country is contained in federal  
criminal statutes, it "generally applies as well to questions of civil  
jurisdiction." *De Coteau v. District County Court*, 420 U.S. 425, 429 n.2  
(1975).

1 In this case, Mr. Dixie's appeal of this issue has been time-barred  
2 before the Bureau of Indian Affairs, see letter of February 11, 2005, from  
3 Michael D. Olsen, Principal Deputy Acting Assistant Secretary-Indian Affairs,  
4 to Yakima K. Dixie (on file). Mr. Dixie also had his claims dismissed by a  
5 federal district court for failing to exhaust tribal remedies. *Shoup Ranch*  
6 *Rancheria v. Burley*, No. S-01-1389 LKK/DAD (E. D. Cal. Jan. 24, 2002).  
7 Finally, Mr. Dixie was notified by the Bureau of Indian Affairs, by letter  
8 dated February 4, 2004, that:

9 the appointment of Tribal leadership and the conduct of Tribal  
10 elections are internal matters. Tribal members reasonably  
11 believing such actions to be invalid have the right to appeal as  
12 a matter of due process. Appeals are to be made within a  
reasonable time after the election and in an appropriate manner  
as defined by Tribal law. Appeals are to be made directly to and  
resolved within the appropriate Tribal forum designated and  
empowered under Tribal law to process and decide such appeals.

13 Appellant's Exhibit 2000-02-04 at 4. Thus, every forum that has considered  
14 this matter has directed Mr. Dixie to bring his concerns to the Tribe's  
15 forum.

16 Though Mr. Dixie's appeal was time-barred from being heard by the BIA,  
17 dismissed by the federal district court for failure to exhaust tribal  
18 remedies, and previously dismissed by the Tribal Council of the California  
19 Valley Miwok Tribe, the Tribe agreed to give Mr. Dixie yet another  
20 opportunity to be heard in a tribal forum. See California Valley Miwok  
21 Tribal Council Resolution R-2-3-16-2000 (March 6, 2000) (referencing thirty-  
22 day period afforded Mr. Yakima Dixie to prosecute his allegation of fraud  
23 and/or misconduct on the part of the Tribal Council and noting the failure of  
24 Mr. Dixie to pursue his allegations during the time allotted); Appellee's  
25 Exhibit 12 (California Valley Miwok Tribal Council Resolution No. R-1-02-04-

1 2004 (March 8, 2004) (tribal forum established to hear allegations of Yakima  
2 Dixie).

3 The Tribe has made extensive efforts to provide Mr. Dixie due process  
4 in his appeal. Pursuant to the Tribe's Resolution establishing a forum to  
5 hear the appeal of Mr. Dixie, this tribunal established and sent to Mr. Dixie  
6 the Rules for Conducting Administrative Hearing." As stated in correspondence  
7 to the parties, the purpose of the Administrative Hearing Process is to  
8 "provide a fair and impartial proceeding to both the Complainant/Appellant  
9 and the Respondent/Appellee." Rules for Conducting Administrative Hearings,  
10 California Valley Miwok Tribe (on file).

11 In Mr. Dixie's September 19, 2004 submission to this office, he  
12 challenged the "venue, jurisdiction and authority for these proceedings."  
13 Appellant's Exhibit 2004-09-19. Mr. Dixie initially stated that he would not  
14 participate in this dispute resolution process. In response, this tribunal  
15 determined it would give him additional time in which to submit evidence to  
16 the Court. Mr. Dixie eventually took that opportunity and submitted  
17 substantial amounts of evidence to this tribunal dated September 19, 2004.  
18 Appellant's Exhibit 2004-09-19.

19 Position of the Parties

20 Yakima Dixie claims that he, not Silvia Burley, is the authorized  
21 representative of the California Valley Miwok Tribe. See Appellant's Exhibit  
22 2004-09-19 at 6 ("Yakima is the legitimate authority for the tribe; and he

23  
24 Mr. Dixie has been represented by attorneys in this litigation. He was  
25 represented by Thomas W. Wolfrum and the firm of Akin, Gump, Straus, Hauer  
and Feld, LLP. Appellant's Exhibit 2004-09-19. Upon service of process  
upon that firm, Akin Gump Straus Hauer and Feld notified this tribunal that  
as of November 9, 2004, their firm "no longer represents Mr. Yakima Dixie and  
thus have no further attorney-client relationship" (on file with the Court).

1 and/or his Executive Director (Velma Whitebear) should be determined by the  
2 BIA to be the "authorized representative(s)" for the tribe as the agents to  
3 organize the tribe). In the materials submitted, Mr. Dixie also asserts that  
4 Silvia Burley is not a member of his Tribe.

5 The California Valley Miwok Tribe asserts that Silvia Burley was  
6 appointed Chairperson by the General Council of the Tribe simultaneously with  
7 the Council's acceptance of the resignation of Yakima Dixie, that Silvia  
8 Burley was subsequently duly elected Chairperson of the Tribe and that Mr.  
9 Dixie's claims are without merit. The Tribe also asserts that its position  
10 reflects the position of both the Federal Government and the State of  
11 California. See Cover Letter to Exhibits from California Valley Miwok Tribe  
12 to Administrative Hearing Officer (October 30, 2004) (on file). The Tribe  
13 also asserts that Silvia Burley is an enrolled member of the California  
14 Valley Miwok Tribe.

15 **Holding**

16 We hold that Silvia Burley is an enrolled member of the California  
17 Valley Miwok Tribe. We hold that Yakima K. Dixie has failed to prove his  
18 allegations that he was unlawfully replaced as Chairperson of the California  
19 Valley Miwok Tribe. We hold that Yakima K. Dixie resigned his position as  
20 Chairperson, and Silvia Burley was appointed to the position of Chairperson  
21 by the Tribal Council. We hold that Yakima K. Dixie was duly elected as the  
22 Vice-Chairperson of the California Valley Miwok Tribe in the same election  
23 where Silvia Burley was elected as the Chairperson of the Tribe; and, that  
24 both Mr. Dixie and Ms. Burley acted in those offices, as evidenced by both  
25 their signatures above these respective titles, on official tribal documents  
and correspondence with the government of the United States, subsequent to

1 the date of this election. We hold that Mr. Dixie's objection to these  
2 actions came at a late date and have been duly heard by the court.

### 3 Past Procedural History

#### 4 California Valley Miwok Appeal Process

5 On April 21, 1999 Yakima Dixie filed a letter of protest with the  
6 Bureau of Indian Affairs asserting that he never resigned his position of  
7 Chairperson. The Tribe treated this letter as an appeal and initially  
8 provided Mr. Dixie a 30-day period in which to pursue his appeal with the  
9 Tribe. Appellee's Exhibit 12 at 2 (Tribal Council Resolution R-2-3-16-2000,  
10 dated March 6, 2000, wherein the Tribal Council acknowledges having provided  
11 Mr. Dixie thirty days (Feb. 9, 2000-Mar. 10, 2000) to present his claims of  
12 fraud and misconduct to the Tribal Council). Mr. Dixie did not pursue this  
13 appeal and the Tribal Council voted to have this matter closed. Id. at 2.  
14 When Mr. Dixie continued to allege fraud on the part of the Tribal Council,  
15 the Council took action by California Valley Miwok Tribal Council Resolution  
16 Number R-1-02-04-2004, wherein the Council voted to provide Mr. Dixie due  
17 process whereby he could pursue his appeal rights. Pursuant to that  
18 Resolution, Mr. Dixie renewed his appeal with the Tribe in the instant case.

#### 19 First Federal Case: United States District Court 20 for the Eastern District of California

21 The California Valley Miwok Tribal Court is not the first judicial  
22 forum that has considered this matter. On January 24, 2002, the United States  
23 District Court for the Eastern District of California issued an Order  
24 dismissing the claim of plaintiffs who were listed as: Sheep Ranch Rancheria;

25 

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Mr. Dixie's initial letter of protest has not been presented as evidence by  
either party but is referenced in letters from the BIA.

1 Miwok Indian Tribe of California; Yakima Dixie (Chief); Melvin Dixie; and  
2 Rocky Dixie. The Defendants were listed as Silvia Burley; Tiger Burley and  
3 Rashel Reznor. See *Sheep Ranch Rancheria v. Burley*, No. S-01-1389 LKK/DAD  
4 (E. D. Cal. Jan. 24, 2002) (Appellee's Exhibit 13 herein; Appellant's Exhibit  
5 2001-07-18 (complaint initiating lawsuit)).

6 The court dismissed the case but, before doing so, took judicial notice  
7 of "evidence that defendants Silvia Burley and Rashel Reznor are recognized  
8 by the BIA as the sole members of the governing body of the Sheep Ranch  
9 Rancheria of Me-Wuk Indians." Citing BIA July 12, 2000 Letter of Recognition  
10 (Appellee's Exhibit 6 at 2 herein). The Court further took judicial notice  
11 "that there is no federally recognized tribe known as the Sheep Ranch  
12 Rancheria of Miwok Indians." Citing 65 Fed. Reg. 49 at 13301. *Sheep Ranch*  
13 *Rancheria* slip op. at 3.

14 The Court characterized the suit by Mr. Dixie et al. as one "regarding  
15 the proper leadership, membership and use of funds in an Indian tribe." Slip  
16 op. at 4. The court noted that the plaintiffs have already taken their  
17 complaint regarding defendants' alleged fraud to the Bureau of Indian  
18 Affairs, which directed plaintiffs to first exhaust their tribal remedies.  
19 Slip op. at 5 citing BIA letter of February 4, 2000.

#### 20 BIA Appeal

21 On October 30, 2003 Yakima Dixie filed an appeal with the Principal  
22 Deputy Assistant Secretary-Indian Affairs at the Department of the Interior  
23 in Washington, D.C, simultaneous to his appeal in federal court, and he  
24 renewed his appeal to the Tribe." The "formal appeal" was made under Title  
25

1 25 of the Code of Federal Regulations. In that appeal, Mr. Dixie contested  
2 "the administrative action (without [his] knowledge or consent) by agents of  
3 the Bureau of Indian Affairs, in which Silvia Burley fraudulently came to be  
4 recognized authority for and Chairperson of [his] tribe, of which [he is] the  
5 hereditary Chief. . ." In that appeal, Mr. Dixie requested the nullification  
6 of both "her appointment as Chairperson and her original adoption into [his]  
7 tribe, which, again, [he] allege[s] was fraudulent." These are the same  
8 allegations Mr. Dixie made in his appeal to the California Valley Miwok  
9 Tribe.

10 In his appeal to the Deputy Assistant Secretary, Mr. Dixie alleged he  
11 appealed to that office because his attempt to "initiate the Appeal at the  
12 office of both the Area and Regional Directors have failed to receive any  
13 attention." Appellant's Exhibit 2003-10-30 at 2. Mr. Dixie states that on  
14 May 5, 2003 he sent a request to the Tribal Operations Officer at the  
15 Sacramento Area Office seeking "help in preparing this Appeal." *Id* at 2,  
16 citing Appellant's Exhibit 2003-05-05. He further asserted that on June 26,  
17 2003 he "directed this same inquiry to Raymond Fry's supervisor, Dale  
18 Risling, Superintendent, Central California Area Office" who "likewise failed  
19 to respond to [his] request." *Id.* at 2, citing Appellant's Exhibit 2003-06-  
20 26. Mr. Dixie argued that because of his previous appeals to the various BIA  
21 offices, he had "exhausted [his] attempts to initiate [his] Appeal 'in the  
22 office of the official whose decisions is being appealed' as prescribed in  
23 Section 2.9 of the above cited code in the CFR." *Id* at 2. The Notice of  
24 Appeal then contains a statement of reasons for his appeal to the Deputy  
25 Assistant Secretary.

1 On February 11, 2005, Yakima Dixie's appeal to the Department of the  
2 Interior was dismissed. See letter from Michael D. Olsen, Principal Deputy  
3 Acting Assistant Secretary-Indian Affairs, to Yakima K. Dixie (On file--copy  
4 also sent by Michael D. Olsen to the California Valley Miwok Tribe and Mr.  
5 Dixie). We take judicial notice that Mr. Dixie's Appeal to the Department of  
6 the Interior on these issues has been dismissed.

7 **Second Federal Case: United States District Court**  
8 **for the Eastern District of California**

9 Again, as recently as January 12, 2004, the parties were before a  
10 federal district court. *California Valley Miwok Tribe v. United States*, No.  
11 S-02-0912 FCD GGH (E. D. Cal. Jan. 12, 2004) (Appellee's Exhibit 14). In  
12 that case, the Tribe sought an injunction ordering the United States to  
13 acquire reservation lands for the Tribe's benefit. Mr. Dixie sought to  
14 intervene in the case. The Court determined that Mr. Dixie was not entitled  
15 to intervene as of right. Slip opinion at 9. The Court opined that Mr.  
16 Dixie's "real motivation for intervention is to import into [the] litigation  
17 his claim that Silvia Burley illegally usurped his position as Tribal  
18 Chairperson". Slip opinion at 9. Because the Court held that this  
19 contention was not the same question raised by the Tribe's claims in the  
20 case, Mr. Dixie was not entitled to permissive intervention in the case and  
21 denied Mr. Dixie's motion to intervene in the case. Slip opinion at 10.

22 **Current Procedural Issues**

23 On October 30, 2003, when Yakima Dixie submitted his appeal to the BIA  
24 and the California Valley Miwok Tribe, the Tribe began the process to grant  
25 Mr. Dixie an additional opportunity to present his case. See Appellant's  
Exhibit 2003-10-30. Despite having filed his appeal with the Tribe, the

1 Appellant questions whether the California Valley Miwok Tribe's tribal forum  
2 is the correct forum to hear this appeal. However, all other avenues of  
3 appeal have been foreclosed to Mr. Dixie: two federal courts and the  
4 Assistant Secretary-Indian Affairs have refused to hear his appeal. Only the  
5 California Valley Miwok Tribe has agreed to provide Mr. Dixie a forum to  
6 present his appeals. Both the Bureau of Indian Affairs and the federal courts  
7 acknowledge that the appropriate venue for judicial intervention regarding  
8 internal tribal affairs is a Tribal Court.

#### 9 Standard of Review

10 Appellant must show by a preponderance of the evidence that his  
11 position is true and should be enforced by the judicial tribunal of the  
12 Tribe. This standard requires that the Administrative Hearing Officer must be  
13 persuaded that the facts are more probably plaintiff's way than the  
14 defendant's.

#### 15 Analysis

16 The parties are in essential agreement that until April 20, 1999,  
17 Yakima Dixie was the undisputed leader of the California Valley Miwok Tribe  
18 (then known as the Sheep Ranch Rancheria). The parties disagree and have  
19 presented evidence regarding a purported resignation by Yakima Kenneth Dixie  
20 and the appointment of Silvia Burley as Chairperson. The Tribe has submitted  
21 additional evidence in support of a subsequent tribal election wherein Silvia  
22 Burley was elected Chairperson and Yakima Dixie was elected Vice-Chairperson  
23 of the Tribe. The Tribe has also submitted evidence supporting Silvia  
24 Burley's enrollment with the Tribe.

Silvia Burley's Membership Status

1  
2 The California Valley Miwok Tribe makes several arguments in its  
3 submission advocating that Silvia Burley is an enrolled member of the Tribe.  
4 The membership status of Silvia Burley is well settled as recognized by  
5 administrative action of the BIA and by judicial notice of the Federal  
6 District Court for the Eastern District of California. See Appellant's  
7 Exhibit 2000-02-04 (February 4, 2000 letter from Dale Risling, Sr. to Yakima  
8 K. Dixie, Vice-Chairperson, Sheep Ranch Rancheria, stating that "on August 5,  
9 1998 Mr. Dixie accepted as members of the Tribe Silvia Burley, Rashel Reznor,  
10 Anjelica Paulk and Tristian Wallace" and indicating "there are no  
11 restrictions" on the tribal rights of these members); Appellant's Exhibit  
12 2004-04-300e1 (April 29, 2004 Declaration of Brian Golding, Sr. stating the  
13 BIA acknowledges Silvia Burley as the authorized representative of the  
14 California Valley Miwok Tribe with whom government-to-government business is  
15 conducted). See generally, *Sheep Ranch Rancheria v. Burley*, No. S-01-1389  
16 LKK/DAD (E. D. Cal. Jan. 24, 2002) (slip opinion at 3) (the court may take  
17 judicial notice of evidence that defendants Silvia Burley and Rashel Reznor  
18 are recognized by the BIA as the sole members of the governing body of the  
19 Sheep Ranch Rancheria of Me-Wuk Indians).

20 We note that in the video-taped meeting held on September 8, 1998  
21 attended by Mr. Dixie, Ms. Burley and BIA officials, which has been submitted  
22 to the Court on DVD by Appellant, Brian Golding of the BIA specifically  
23 states that the membership of the Tribe consists of Mr. Dixie, his brother  
24 [Melvin Dixie], Silvia Burley and her daughters. Appellant's Exhibit 1998-  
25 09-08. This is confirmed in a follow-up letter to that meeting from Dale  
Risling to Yakima K. Dixie. Appellee's Exhibit 4. In that letter Mr. Risling

1 specifically states that "on August 5, 1998, as the Spokesperson of the  
2 Tribe, you accepted Silvia Burley, Rashel Reznor, Anjelica Faulk, and  
3 Tristian Wallace as enrolled members of the Tribe." The enrollment of the  
4 above individuals in the Tribe was reiterated by the BIA in its February 4,  
5 2000 letter from Dale Risling, Superintendent to Yakima K. Dixie, Vice-  
6 Chairperson. Appellee's Exhibit 5. The enrolled status of Silvia Burley is  
7 again confirmed by the BIA in its July 26, 2000 letter to Silvia Burley,  
8 Chairperson, wherein Dale Risling, Sr. states that "[t]he Bureau of Indian  
9 Affairs, Central California Agency, recognizes the following individuals as  
10 members of the Tribal Council, governing body, of the Sheep Ranch Rancheria  
11 of Me-Wuk Indians: 1. Silvia Burley, Chairperson, 2. Vacant, Vice-  
12 Chairperson, 3. Rashel K. Reznor, Secretary/Treasurer." Appellee's Exhibit  
13 6. Although cumulative, yet another letter from Dale Risling to Kevin Gover  
14 again makes the point. The July 26, 2000 letter introduces Silvia Burley "as  
15 the Chairperson of the Sheep Ranch Rancheria of Me-Wuk Indians of California"  
16 and confirms "that Ms. Burley is an elected official of a federally  
17 recognized tribe." Appellee's Exhibit 6.

18 Thus, the overwhelming preponderance of the evidence supports the  
19 Tribe's position that Silvia Burley is an enrolled member of the Tribe and  
20 has been since at least August 5, 1998. We so hold.

21 Office of the Chairperson

22 At the heart of this controversy is whether the alleged resignation of  
23 Mr. Dixie from the office of Chairperson of the Tribe in fact occurred and  
24 whether he was unlawfully replaced by Silvia Burley. The California Valley  
25 Miwok Tribe has submitted a document dated April 20, 1999, which states: "the  
General Council is in agreement to the acceptance of the resignation of Mr.

1 Yakima K. Dixie as Chairperson and has officially appointed Silvia Burley as  
2 Chairperson of the Sheep Ranch Tribe of Me-Wuk Indians." Appellee's Exhibit  
3 9; Appellant's Exhibit 1999-04-20. The Document is signed by Yakima Kenneth  
4 Dixie as Chairperson, Silvia Burley as Secretary-Treasurer and Fashel K.  
5 Reznor as a tribal member. The Tribe and Mr. Dixie have both submitted a  
6 document styled as "Formal notice of resignation"[sic]. This document is  
7 quoted here in its entirety:

8 I Yakima K. Dixie being of sound mind and body on this date of  
9 Tuesday April 20<sup>th</sup>, 1999, am resigning as Chairperson of the Sheep  
10 Ranch Tribe of Me-Wuk Indians Sheep Ranch, California. This  
11 written document shall serve as a formal notice within the Tribe  
12 and to the United States Government and/or any other powers that  
13 may be. Signed Yakima Kenneth Dixie.

14 Appellee's Exhibit 9. Mr. Dixie alleges that the resignation is a  
15 forgery and that therefore he retains the office of chairperson of the Tribe.  
16 The Tribe argues that the resignation is genuine and is supported by other  
17 contemporaneous documents. In support of his allegation of forgery, Mr. Dixie  
18 presents his own statements, and a letter by M. Patricia Fisher of Fisher  
19 Forensic Document Laboratory, Inc.<sup>12</sup> Patricia M. Fisher states that she has  
20 examined the letter of resignation and that while the questioned signature  
21 "initially looks like the known signatures," [of Yakima Kenneth Dixie] "on  
22 careful examination there are significant differences." Appellant's Exhibit  
23 2003-06-22 at 1. Mrs. Fisher opines that "based on this examination, it is  
24 [her] preliminary opinion that Yakima Kenneth Dixie did not sign the  
25 questioned resignation letter." *Id.* at 1. However, Ms. Fisher further states  
26 that her opinion is "necessarily qualified because [she] examined a copy of

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27 <sup>12</sup> The expert retained by Mr. Dixie notes that "there is currently no academic  
28 degree in the United States for the examination of questioned documents."  
29 See Statement of Qualifications of M. Patricia Fisher at  
30 [http://www.doclab.com/qualif\\_set.html](http://www.doclab.com/qualif_set.html).

1 the signature, rather than the original." *Id.* She further requests a copy of  
2 an original signature for further testing purposes. *Id.*

3 No explanation or documentation is offered by Ms. Fisher or the  
4 Appellant to explain the standards used in arriving at her preliminary and  
5 qualified opinion. However, the Federal Bureau of Investigation ("FBI") has  
6 published a set of such standards. In the absence of any standards offered  
7 by Ms. Fisher, this tribunal adopts the standards published by the FBI. The  
8 FBI standards require comparison with a piece of known writing with a copy of  
9 a piece of writing. The standards also require the document examiner to  
10 conduct a side-by-side comparison of questioned writing and known writing:

11 **4.8.1. Comparability.** If the questioned writing and known writing  
12 are not comparable, discontinue comparison and request comparable  
13 known writing. If comparable known writing is made available,  
14 return to **Section 4.3** in this Guideline. If comparable writing is  
15 not made available, discontinue the comparison and report  
16 accordingly.

17 **4.8.2.** Determine whether or not there are *dissimilarities, absent*  
18 *characters, and/or similarities.* Evaluate their significance  
19 individually and in combination.

20 **4.8.3. Sufficient quantity.** If questioned and/or known writing is  
21 not sufficient in quantity for elimination or identification,  
22 continue the comparison to the extent possible. When appropriate,  
23 request more known writing. If more known writing is made  
24 available, return to **Section 4.3** in this Guideline.

25 **4.9.** Form an opinion using **Reporting Conclusions** in **Section 5** in  
this Guideline.

26 See Guideline for Forensic Document Examination at  
27 <http://www.fbi.gov/hq/lab/fsc/backissu/april2000/swgdoc4.htm>.

28 Section 5 of the FBI Guidelines provides a range of possible  
29 conclusions based on the side-by-side comparison. This range of possible  
30 conclusions consists of Identification, Highly Probable Did Write, Did Write,  
31 Indications Did Write, No Conclusion, Indications Did Not Write, Probable Did  
32 Not Write, Highly Probable Did Not Write and Elimination. Under the FBI

1 Guideline, the listed criteria should be met in order to reach the  
2 appropriate conclusion. Ms. Fisher conducted a side-by-side comparison as  
3 required by the FBI Guideline. However, under the FBI Guideline, Ms.  
4 Fisher's "preliminary opinion" that there are significant differences,  
5 without more comparison with original signatures rather than copies of  
6 signatures, does not lead to the conclusion that Yakima Kenneth Dixie did not  
7 sign the questioned resignation letter. Mrs. Fisher fails to indicate whether  
8 the comparison leads to an elimination, an identification, or something in  
9 between. The FBI Guideline suggests that if neither elimination nor  
10 identification is possible the examiner should then, when appropriate,  
11 request more known writing. Mrs. Fisher's preliminary and qualified opinion  
12 seems to indicate, but does not explicitly state, she has made an elimination  
13 of Mr. Dixie as the signer of that document; however, her request for  
14 original signature implies that she has been unable to conclusively make any  
15 determination. She makes the opinion preliminary, apparently anticipating she  
16 will do further analysis or testing. She then qualifies the preliminary  
17 opinion because she did not evaluate an original signature. Ms. Fisher's  
18 opinion is of very little probative value in light of her qualification that  
19 "she examined a copy of the signature, rather than the original" and her note  
20 that the opinion is "preliminary" rather than final. Appellant's Exhibit  
21 2003-06-26.

22 The Tribe has submitted several additional documents which  
23 contradict the statements of Mr. Dixie that he did not resign and which shed  
24 light on the process. The first is a notice of a General Council Meeting of  
25 "all voting members of the Sheep Ranch Tribe of Me-Wuk Indians on the 8<sup>th</sup> day  
of May, 1999, at the Sheep Ranch Rancheria, starting at 2 pm and continuing

1 until all the . . . agenda items are finished." Appellee's Exhibit 10 at 1.  
2 Among the list of agenda items is the "organization of provisional  
3 government" and "election of officers." Appellee's Exhibit 10 at 1. The  
4 notice is signed by Yakima K. Dixie, Silvia Burley and Rashel Reznor who, by  
5 their signature, "each certify" that he or she had "received actual notice of  
6 the above meeting all agenda items a minimum of one week prior to attending  
7 the meeting and waive any objection to any notice requirements through my  
8 attendance and participation in the meeting." *Id.* Mr. Dixie does not  
9 challenge the authenticity of this document and we accept it as genuine.

10 The Tribe has submitted a second document, signed by Mr. Dixie on the  
11 same day as the alleged forged resignation letter (20<sup>th</sup> of April 1999),  
12 wherein Mr. Yakima Kenneth Dixie, Silvia Burley and Rashel K. Reznor, acting  
13 as the "General Council and Governing Body of the Sheep Ranch Tribe of Me-Wuk  
14 Indians" agrees to accept the resignation of Chairperson from Mr. Yakima K.  
15 Dixie and appointing Silvia Burley as Chairperson. Appellee's Exhibit 9 at  
16 1. Mr. Dixie does not challenge the authenticity of this document and we  
17 accept it as genuine.

18 The Tribe has submitted a third document entitled "Certification of  
19 Election of Officers for Provisional Government." Appellee Exhibit 10 at 2.  
20 This document certifies "that on the 8<sup>th</sup> of May, 1999, during a duly called  
21 meeting of the General Council Governing Body of the Sheep Ranch Tribe of Me-  
22 Wuk Indians, the following officers were elected by secret ballot pursuant to  
23 Article XIV of the Constitution: Chairperson: Silvia Burley, Vice  
24 Chairperson: Yakima Kenneth Dixie, Secretary/Treasurer: Rashel K. Reznor."  
25

1 The document is certified by Rashel K. Reznor and dated 5/9/99. Mr. Dixie  
2 does not challenge the authenticity of this document and we accept it as  
3 genuine.

4 While the Appellant, Mr. Dixie, challenges the veracity of the  
5 resignation letter, he does not offer any documentation or otherwise attempt  
6 to refute the documents evidencing the election process: the Notice of a  
7 General Council Meeting dated May 8, 1999 and signed by Mr. Dixie as  
8 Chairperson and the Certification of Election signed by Ms. Reznor. These  
9 documents are proof that the Tribe held a duly noticed election in which Mr.  
10 Dixie participated. Appellee's Exhibit 10 at 2

11 Even if Mr. Dixie's allegation of forgery of the resignation letter  
12 were proven, which it is not, the election is a separate and distinct process  
13 whereby the voting members of the Tribe voted in Silvia Burley as the  
14 Chairperson and Yakima K. Dixie as the Vice-Chairman. The election process  
15 has not been challenged in any forum by any party, including Mr. Dixie.  
16 Therefore, even had he not resigned as Chairperson, Mr. Dixie would have been  
17 replaced as Chairperson by the separate and independent election process,  
18 which does not require the resignation of the Chairperson to go forward,  
19 wherein Yakima Dixie was voted out and Silvia Burley was voted in as  
20 Chairperson.

21 Both the April 20<sup>th</sup>, 1999 Formal Notice of Resignation (Appellee's  
22 Exhibit 9 at 2) and the April 20<sup>th</sup>, 1999 Special Meeting notice, minutes and  
23

24 We take judicial notice that the record shows Mrs. Burley was elected  
25 Chairperson on May 8, 1999, Appellee's Exhibit 10 at 2, and thereafter Mrs.  
Burley and Mr. Dixie each signed contracts together, he as the "tribal  
member" and she as "Chairperson." See Appellee's Exhibit 7 at 2 (contract  
dated July 23, 1999); Appellee's Exhibit 3 at 15 (contract commencing May 8,  
1999).

1 resolution (Appellee's Exhibit 9 at 1) support the Tribe's position that the  
2 California Valley Miwok Tribe provided notice and then held an actual meeting  
3 where the resignation letter of Mr. Dixie was accepted and where Silvia  
4 Burley was appointed Chairperson.

5 This tribal action was followed by subsequent Tribal action where, by  
6 notice of the meeting of all voting members on May 8<sup>th</sup>, 1999, the members of  
7 the Tribe were notified of a meeting whose agenda included the election of  
8 officers. Appellee's Exhibit 10 at 1. The election of officers is evidenced  
9 by the May 8<sup>th</sup>, 1999 Certification of Election Of Officers for Provisional  
10 Government, which certifies that by secret ballot, Silvia Burley was elected  
11 Chairperson, Yakima Kenneth Dixie was elected Vice Chairperson and Rashel K.  
12 Reznor was elected Secretary/Treasurer. Appellee's Exhibit 10 at 2.

13 Based on the preponderance of the evidence, this tribunal finds it is  
14 more probable than not that the California Valley Miwok Tribal Council duly  
15 provided notice and held the meeting wherein Mr. Dixie resigned and Ms.  
16 Burley was appointed to the office of Tribal Chairperson. The evidence  
17 supports the Tribe's position that Mr. Dixie resigned at that meeting. The  
18 evidence fails to support Mr. Dixie's allegation that the resignation was a  
19 forgery. Even if this tribunal were to accept the allegation that the  
20 resignation was a forgery, which we do not, the additional evidence further  
21 establishes that Ms. Burley was appointed as Tribal Chairperson to replace  
22 Mr. Dixie by the Tribal Council and that Mr. Dixie fully participated in that  
23 decision.<sup>14</sup> The evidence establishes that subsequent to the appointment of  
24

25 <sup>14</sup> Support for Mr. Dixie's resignation as Tribal Chairperson and Mrs. Burley's  
appointment in his stead is provided in the affidavit of Mary T. Wynn,  
attorney at law, wherein she declares that "I recall some discussion of

1 Silvia Burley as Chairperson on April 20, 1999, the Tribal members voted and  
2 elected Silvia Burley as Chairperson on May 8, 1999. Thus the evidence  
3 establishes that Ms. Burley was appointed as Chairperson by the Tribal  
4 Council and then subsequently elected as Chairperson by the voting members of  
5 the Tribe.

6 In a case filed by Mr. Dixie and styled as *Sheep Ranch Rancheria v.*  
7 *Burley*, No. S-01-1389 LKK/DAD (E. D. Cal. Jan. 24, 2002) (Appellee's Exhibit  
8 13 herein; Appellant's Exhibit 2001-07-18 (complaint initiating lawsuit)),  
9 the court dismissed the case but, before doing so, "took judicial notice of  
10 evidence that defendants Silvia Burley and Rashel Reznor are recognized by  
11 the BIA as the sole members of the governing body of the Sheep Ranch  
12 Rancheria of Me-Wuk Indians." Citing BIA July 12, 2000 Letter of Recognition.  
13 We hereby adopt and incorporate the finding of the federal district court.

14 Like the Court, we note that the Bureau of Indian Affairs has  
15 consistently acknowledged and referred to Ms. Burley as the Chairperson of  
16 the Tribe. See Appellee's Exhibit 1 (letter dated April 26, 2003 from Dale  
17 Risling, Sr., Superintendent, Central California Agency, to Silvia Burley,  
18 Chairperson, California Valley Miwok Tribe); Appellee's Exhibit 6 (July 26,  
19 2000 letter from Dale Risling, Sr., Superintendent, Central California  
20 Agency, to Kevin Gover, Assistant Secretary-Indian Affairs introducing Silvia  
21 Burley as the Chairperson of the Sheep Ranch Rancheria of Me-Wuk Indians of  
22

23 concerns about whether Yakima could act as chairman in matters that related  
24 to or might relate in the future to the Tribe's ability to enter into gaming  
25 as an economic enterprise due to Yakima's alleged criminal history. As a  
tribal chairman and list Silvia Burley as the chair. She frequently signed  
such documents as the chairperson, although I do not recall whether the  
Bureau of Indian [sic] did acknowledged [sic] whether such actions would be  
recognized or not." Appellant's Exhibit 2004-03-15.

1 California, and to confirm that Ms. Burley is an elected official of  
2 Federally recognized tribe); Appellee's Exhibit 6 at 2 (July 12, 2000 letter  
3 from Dale Risling, Sr., Superintendent, Central California Agency, to Silvia  
4 Burley, Chairperson, providing a recognition letter from the Bureau of Indian  
5 Affairs recognizing Silvia F. Burley as Chairperson of the Sheep Ranch  
6 Rancheria of Me-Wuk Indians); Appellee's Exhibit 15 (November 24, 2003 Letter  
7 from Dale Risling, Sr., Superintendent Central California Agency, certifying  
8 that the Bureau of Indian Affairs maintains a government to government  
9 relationship with the California Valley Band of Miwok Indians through the  
10 tribal Council chaired by Ms. Sylvia [sic] Burley).

11 During the same period, the BIA referred to Mr. Dixie as the Vice-  
12 Chairman of the Tribe. See Appellant's Exhibit 2000-02-04; Appellee's  
13 Exhibit 5 (identical copies of February 4, 2000 letter from Dale Risling,  
14 Sr., Superintendent, Central California Agency, referring to Yakima Dixie as  
15 Vice-Chairperson); Appellee's Exhibit 11 (March 7, 2000 letter from Dale  
16 Risling, Sr., Superintendent, Central California Agency, to Silvia Burley,  
17 Chairperson, providing a summary of the meeting the BIA's Central California  
18 Agency had with Yakima Dixie, Vice-Chairperson of the Sheep Ranch  
19 Rancheria)(emphasis added). During this time period, Mr. Dixie sometimes  
20 signed documents as a "Tribal Member," on the same signature page, directly  
21 below the signature line containing the typed and handwritten signature of  
22 Silvia Burley, Chairperson. Appellee's Exhibit 7 at 2 (contract dated July  
23 23, 1999 between BBC Entertainment and the Tribe); Appellee's Exhibit 8  
24 (Contract, apparently dated May 8, 1999, between BBC Entertainment and the  
25 Tribe).

1 The signature of Yakima K. Dixie on these documents as a tribal member,  
2 along with the signature of Silvia Burley as Chairperson, contradicts Mr.  
3 Dixie's allegation that the resignation was a forgery and that he was unaware  
4 of the change in leadership. The existence of these signatures clearly  
5 supports the Tribe's position that Mr. Dixie resigned as Chairperson and the  
6 Council appointed Silvia Burley in his place as Chairperson. The reference  
7 by the BIA to Mr. Dixie as Vice-Chairperson supports the Tribe's position  
8 that an actual election had occurred and that the BIA accepted the results of  
9 that election -- Silvia Burley's election as Chairperson; Yakima Dixie's  
10 election as Vice-Chairperson.

11 Though the record contains several references, subsequent to the May 8,  
12 1999 election, to Yakima K. Dixie as the Vice-Chairperson of the California  
13 Valley Miwok Tribe, Mr. Dixie does not challenge these references. Mr.  
14 Dixie's failure to challenge or otherwise contradict the references to him as  
15 Vice-Chairperson will be considered a waiver of this issue by Mr. Dixie and  
16 as such, lends further support to the Tribe's position that an election had  
17 taken place that not only elected the Chairperson of the Tribe but also its  
18 Vice-Chairman.<sup>15</sup>

19 Conclusion

20 Based on the evidence submitted to this Tribunal by the parties, we  
21 find that the record fails to support the allegation of Yakima K. Dixie that  
22

23  
24 There is some indication in the record that the Tribal Council took action  
25 to remove Yakima K. Dixie from his elected position as Vice-Chairperson of  
the Tribe. Appellant's Exhibit 2003-12-17 (Tribal Council Resolution  
restricting Yakima K. Dixie's participation in Tribal Council meetings  
because of his extensive violent criminal record and threats against Council  
members). However, that issue is not before us at this time and will not be  
addressed.

1 Sylvia Burley is not a member of the California Valley Miwok Tribe. We find  
2 that the record fails to support the allegation that Yakima Dixie, rather  
3 than Silvia Burley, is the rightful Chairperson of the California Valley  
4 Miwok Tribe. We find that the evidence instead supports the Tribe's position  
5 that Mr. Dixie fully participated in a Special Meeting he called on April 20,  
6 1999 wherein Mr. Dixie resigned from the office of Chairperson, the Tribal  
7 Council accepted his resignation on that date and appointed Silvia Burley as  
8 the Chairperson of the California Valley Miwok Tribe. The evidence further  
9 shows that the Tribe held a duly noticed election in which Yakima K. Dixie  
10 participated, and which was called and held by the California Valley Miwok  
11 Tribe on May 8, 1999. We find that Yakima K. Dixie was elected to the office  
12 of Vice-Chairperson on May 8, 1999, in the same election where Silvia Burley  
13 was elected Chairperson of the Tribe and Rashel Reznor was elected  
14 Secretary/Treasurer.

15 We hold that as a matter of law, Mr. Yakima K. Dixie was afforded due  
16 process and an opportunity to be heard by the California Valley Miwok Tribe  
17 first, when the Tribe provided Mr. Dixie a thirty day appeal period (February  
18 9, 2000 through March 10, 2000) to bring a claim in this matter before the  
19 tribe and second, when the Tribe passed a resolution and provided this forum  
20 to hear Mr. Dixie's claims. This decision is final for the Court.

21  
22 Dated this 29<sup>th</sup> day of April, 2005

23 By: 

24 Troy M. Woodward  
25 Administrative Hearing Officer

1 APPENDIX

2 **Appellant's Exhibits**

3 Yakima K. Dixie has submitted a black three-ring binder with a cover  
4 page. The cover page contains letterhead of Yakima K. Dixie. The letterhead  
5 also lists Sheep Ranch Rancheria of MiWok Indians of California, 11178 Sheep  
6 Ranch Rd., Mail P.O. Box 41, Sheep Ranch[, ] California 95250, Phone 209-723-  
7 2102. The cover is dated October 30, 2003. The cover has prominently  
8 displayed the words "Notice of Appeal" and under that heading is the address  
9 of Aurene Martin, Principal Deputy Assistant Secretary, United States  
10 Department of the Interior, Bureau of Indian Affairs, 1849 C Street NW #4160,  
11 Washington DC 20240-9997, (202) 208-7163. The cover states that "this is a  
12 formal appeal made under Title 25 of the Code of Federal Regulations Ch 1 (4-  
13 1-03 Edition) Part 2 'Appeals From Administrative Actions (The Code).' " The  
14 binder contains various labeled exhibits (by year, month and day of  
15 correspondence). There is no indication that the submission was served on  
16 the opposing party in this case (the tribe).

17 Appellant's List of Exhibits

18 2004-09-10 Yakima Dixies' Response to notice of administrated hearing,  
19 Aug 6, 2004.

20 2003-10-30 Letter to Silvia Burley from Yakima Dixie requesting her  
21 voluntary resignation and a copy of all documents pertaining to tribal  
22 affairs. Contains copy of Notice of Appeal, October 30, 2003.

23 1915-08-13 August 13, 1915 Census of Sheepranch Indians, recording 12  
24 members.

25 1925-00-00 Handbook of the Indians of California.

1           **1971-08-09** Inventory and Appraisement of Indian Trust Land of Mable  
2 Hodge Dixie, Unallotted California Indian, Sacramento Area Office,  
3 Sacramento, California.

4           **1998-09-08** DVD of meeting at Sheep-Ranch Rancheria on Sep. 8, 1998  
5 between Yakima Dixie, Raymond Fry, Brian Golding, with Silvia Burleys voice  
6 in background. Fry and Golding are visiting with the purpose of helping  
7 Yakima establish his tribe. Silvia is not a member at this time.

8           **1998-??-??**[sic] Resolution establishing a general council to serve as  
9 the governing body of the Sheep Ranch band of Me-Wuk Indians.

10           **1999-04-20** General Council of Sheep Ranch Tribe of Me-Wuk Indians  
11 accepting Yakima K. Dixie's resignation as Chairperson and the appointment of  
12 Silvia Burley as Chairperson.

13           **1999-04-30** General Power of Attorney for Business Affairs from Yakima  
14 Dixie to Mary T. Wynne.

15           **2000-02-04** Letter from BIA to Yakima Dixie addressing concerns raised  
16 regarding his resignation as Chairperson.

17           **2000-09-27** Complaint for Breach of Contract and Fraud filed by North  
18 American Sports Management Inc., v. California Valley Miwok Tribe.

19           **2001-07-18** Complaint for Fraud, Violation of the Racketeer Influenced  
20 and Corrupt Organizations, Accounting, and Declaratory Relief filed by Sheep  
21 Ranch Miwok Indian Tribe against Silvia Burley, Tiger Burley, and Rashel  
22 Reznor.

23           **2003-05-05** Letter from Yakima Dixie to Raymond Fry, listing the  
24 offenses he believed he sustained and the remedies he demanded.

25           **2003-06-22** Report from Fisher Forensic Document Laboratories RE:  
Questioned Signature of Yakima Kenneth Dixie.

1           2003-06-26 Letter to Dale Risling from Yakima Dixie constituting an  
2 "Appeal from Inaction of Official."

3           2003-08-15 Letter to Clayton Gregory from Yakima Dixie filing a Notice  
4 of Appeal.

5           2003-09-30 Letter from Yakima Dixie to Willie Chism requesting a copy  
6 of all documents relating to Yakima Dixie, his family, and his tribe, under  
7 the Freedom of Information and Privacy Acts.

8                   **Appellant's Supplemental Filings to the Original Appeal**

9           2003-10-30d Letter from Yakima Dixie to Silvia Burley informing her of  
10 his intention to move forward in the process of nullifying her as  
11 Chairperson.

12           2003-12-09d Letter from Yakima Dixie to Silvia Burley demanding  
13 information on the next tribal meeting.

14           2003-12-17 Resolution Restricting the Personal Participation of Yakima  
15 K. Dixie from tribal and General Council Meetings of the California Valley  
16 Miwok Tribe.

17           2003-12-30a Letter from Yakima Dixie to Silvia Burley requesting  
18 resolution of issues raised in earlier correspondence.

19           2004-01-05 Letter to Scott Keep RE: the Appeal by Yakima K. Dixie on  
20 the Appointment of Silvia Burley as Chairperson of the California Valley  
21 Miwck Tribe.

22           2004-01-05a Photographs and information pertaining to Silvia Burley and  
23 Yakima Dixie's personal residences.

24           2004-01-05b Letter to Yakima Dixie from the California Valley Miwok  
25 Tribe RE: Membership.

1           2004-01-15a Letter from Yakima Dixie to Silvia Burley regarding the  
2 letter of Jan 5, 2004 RE: Membership.

3           2004-03-15 Deposition by Mary T. Wynne.

4           2004-04-30-e1 Declaration of Brian Golding, Sr. in support of  
5 Defendants opposition to Flaintiffs motion for summary judgment.

6           2004-05-11a1 Deposition of Silvia Burley.

7           2004-07-01 Memorandum and Order filed by California Valley Miwok Tribe  
8 v. United States of America.

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Appellee's Exhibits

The California Valley Miwok Tribe has submitted a packet of material to this office dated October 30, 2004. The packet contains a cover letter addressed to this office along with various attachments styled Exhibits 1 through 16. The cover letter is on letterhead of the California Valley Miwok Tribe, Office of the General Counsel, 10601 Escondido Place, Stockton, CA 95212. The cover letter indicates that copies of this submission were submitted to Silvia Burley, Yakima Dixie, George Steele and Scott Keep.

**Appellee's List of Exhibits**

**EXHIBIT 1** Cover letter to Silvia Burley from Dale Risling for duplicate of Modification #12.

**EXHIBIT 2** Yakima Dixie v. State of California, Memo of Points and Authorities in Opposition to the Application for Temporary Restraining Order and/or Order to Show Cause RE: Preliminary Injunction.

**EXHIBIT 3** Notice of Appeal to Clayton Gregory from Yakima Dixie.

**EXHIBIT 4** Letter to Yakima Dixie from BIA summarizing issues discussed during a meeting with Mr. Dixie and Silvia Burley.

**EXHIBIT 5** Letter to Yakima Dixie from BIA responding to concerns raised by Mr. Dixie, also contains notice of a meeting on Tuesday, Feb 15, 2000 to discuss further issues among members of the tribe.

**EXHIBIT 6** Letter to Kevin Grover from Dale Risling to introduce Silvia Burley.

**EXHIBIT 7** Addendum to Development Agreement.

**EXHIBIT 8** Development Agreement with EBC Entertainment.

1           **EXHIBIT 9** Minutes of meeting RE: Yakima Dixies' resignation as  
2 Chairperson of The Sheep Ranch Tribe of Me-Wuk Indians, Mr. Dixies' letter of  
3 resignation.

4           **EXHIBIT 10** Notice of General Council Meeting of the Sheep Ranch Tribe  
5 of Me-Wuk Indians on May 8, 1999, signed by Yakima Dixie, Silvia Burley, and  
6 Pashel Reznor.

7           **EXHIBIT 11** Letter from BIA to Silvia Burley dated Mar. 7, 2000  
8 containing a summary of the discussion during a meeting with Yakima Dixie,  
9 Melvin Dixie and other interested parties on Feb 15, 2000.

10           **EXHIBIT 12** Resolution by the Sheep Ranch Rancheria of Me-Wuk Indians  
11 Tribal Council in Response to the Matter of Yakima Dixie, March 6, 2000.

12           **EXHIBIT 13** *Sheep Ranch Rancheria v. Burley*, No. S-01-1389 LKK/DAD (E.  
13 D. Cal. Jan. 24, 2002).

14           **EXHIBIT 14** *California Valley Miwok Tribe v. United States*, No. S-02-  
15 0912 FCD GGH (E. D. Cal. Jan. 12, 2004)

16           **EXHIBIT 15** Notice from BIA stating that they maintain a government to  
17 government relationship with the California Band of Miwok Indians, Nov 24,  
18 2003.

19           **EXHIBIT 16** Letter to John Ashcroft from Silvia Burley requesting  
20 assistance in investigating the activities of Mr. William Martin.

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