


CROW CREEK SIOUX TRIBE)	IN TRIBAL COURT
CROW CREEK SIOUX JURISDICTION)	CIVIL DIVISION
CROW CREEK SIOUX RESERVATION)	CV12-11-159

Crow Creek Tribal Employment Rights Commission)	NOTICE OF ENTRY OF ORDER
)	
Petitioner)	AND/OR JUDGMENT
VS)	AND CERTIFICATE OF
Mountain Movers Construction)	SERVICE
Respondent)	

TO: Sandven Law Office, Mountain Movers & Chairman Brandon Sazue

PLEASE TAKE NOTICE THAT the Crow Creek Tribal Court has entered a **ENFORCEMENT OF COMMISSION ACTION** in the above entitled matter on 17th day of JANUARY, 2013 by the Honorable Steven R. Emery, Crow Creek Tribal Court Judge, a copy of which is attached hereto.

Dated the 25th day JANUARY, 2013


 Rena Metcalf, Clerk of Courts

CERTIFICATE OF SERVICE

I, Rena Metcalf, Clerk of Courts for the Crow Creek Tribal Court, do hereby certify that a true and correct copy of the **ENFORCEMENT OF COMMISSION ACTION** and Notice of Entry of Order and/or Judgment and Certificate of Service was served upon the following persons, by personally serving the person(s) listed herein and/or by first class mail with postage prepaid, on the date shown below.

Mr. Ryan Cwach	Mountain Movers	Chairman Brandon Sazue
Sandven Law Office	628 ½ 6 th st. suite 204	CCST Admin. Ofc.
300 North Dakota Ave	Rapid City SD 57701	PO Box 470
Sioux Falls, SD 57104		FT, SD 57339

Dated the 25th day JANUARY, 2013


 Rena Metcalf, Clerk of Courts

**CROW CREEK SIOUX TRIBAL COURT
CROW CREEK SIOUX TRIBE**)
)

**IN TRIBAL COURT
CIVIL DIVISION**

CROW CREEK SIOUX TRIBAL
EMPLOYMENT RIGHTS COMMISSION,

CASE NO. 12-11-159

Petitioner,

ORDER

v.

MOUNTAIN MOVERS CONSTRUCTION,

Respondents.

THE ABOVE MATTER having come before this Court on January 17, 2013, via the Crow Creek Sioux Tribal Employment Rights Commission's Petition entitled "PETITION FOR ENFORCEMENT OF AGENCY ACTION" requesting the Court to "grant such orders as are necessary and appropriate to enforce the orders of the Commission and the sanctions imposed by it." CCST Law & Order Code 17-1-27.

FINDINGS OF FACT

1. The Crow Creek Sioux Tribe is a sovereign federally recognized Tribe that operates and administers the Tribal Employment Rights Ordinance ("TERO") No. 17 within the boundaries of its reservation.
2. Mountain Movers Construction is the prime contractor with the U.S. Army Corp of Engineers for the repair and improvement of the Big Bend Dam spillway, west of Ft. Thompson, South Dakota.
3. TERO Director Mr. Tom Pickner first became aware that Mountain Movers Construction was the prime contractor on the project through a September 4, 2012 letter from Morris Construction.
4. On September 17, 2012, Director Pickner sent a memorandum to Mountain Movers Construction informing the company that it was responsible for the payment of TERO fees and encouraging Mountain Movers Construction to contact him to informally settle the matter. Mountain Movers Construction failed to respond.
5. On September 27, 2012, Director Pickner sent another memorandum to Mountain Movers Construction re-iterating his desire to enter informal settlement negotiations. Additionally, Director Pickner informed Mountain Movers

Construction of his intent to request a hearing before the TERO Commission if necessary. Mountain Movers Construction again failed to respond, and so, Director Pickner requested a hearing with the TERO Commission.

6. The TERO Commission scheduled a hearing for October 28, 2012, which was later changed to October 29, 2012 at 10:00 a.m. Notice of this hearing was provided to Mountain Movers Construction.
7. Mountain Movers Construction failed to attend the TERO Commission hearing.
8. Based on the evidence presented, the TERO Commission ordered (1) Mountain Movers Construction suspend any current operations within the Crow Creek Sioux Tribe Reservation; (2) Mountain Movers Construction be denied any future business within the Crow Creek Sioux Tribe reservation; and, (3) imposition of a maximum \$500/violation per day from the date of contract execution in civil penalties.
9. A copy of the TERO Commission's Order was delivered to Mountain Movers Construction via facsimile.
10. Mountain Movers Construction did not appeal the TERO Commission's decision.
11. The TERO Commission filed a petition to this Court to enforce their Order on November 19, 2012. Mountain Movers Construction did not file any response within the proscribed deadline of the Crow Creek Sioux Tribe Law & Order Code. Furthermore, Mountain Movers Construction failed to attend the scheduled hearing or send counsel in this matter despite notice from the Court.

FINDINGS OF LAW

1. The Crow Creek Sioux Tribal Court has jurisdiction over civil disputes involving a corporation's business activity within the exterior boundaries of the Reservation. CCST Law & Order Code § 2-1-1(A) & (B)(2)(a) & (b).
2. The Big Bend Dam spillway located west of Ft. Thompson, South Dakota is within the boundaries of the Crow Creek Sioux Tribe Indian Reservation. *See United States v. Wounded Knee*, 596 2.d 790 (8th Cir. 1979) ("In summary, after considering all relevant factors as outlined by the Supreme Court in Rosebud Sioux Tribe v. Kneip, 430 U.S. at 586-97, 97 S. Ct. 1361, and particularly bearing in mind that doubtful expressions are to be resolved in favor of the Indians and against diminishment, Id., we are satisfied that Congress in enacting P.L. 87-735, did not diminish the Crow Creek Sioux Reservation to the extent of the area taken for the Big Bend Dam and Reservoir project."); Lower Brule Sioux Tribe v. South Dakota, 711 F.2d 809 (8th Cir. 1983) ("Although the land issue in Wounded Knee was taken from the Crow Creek Sioux Reservation by the Big Bend Act, we are bound by that precedent").

3. Upon petition by the TERO Commission, the Crow Creek Sioux Tribal Court is authorized to enforce TERO Commission orders. CCST Law & Order Code § 17-1-27.
4. TERO Director Pickner satisfied all due process requirements of the TERO Ordinance before requesting a hearing with the TERO Commission.
5. Mountain Movers Construction was afforded an opportunity to be heard at the TERO Commission hearing, but failed to participate.
6. TERO Commission Order No. 12-TERO-01 was not unconscionable or unduly harsh and complied with CCST Law & Order Code § 17-1-24.

WHEREAS, IT IS ORDERED, ADJUDGED AND DECREED that:

1. Mountain Movers Construction is denied the right to commence business within the exterior boundaries of the Crow Creek Reservation;
2. Mountain Movers Construction must suspend and terminate any ongoing operations within the exterior boundaries of the Crow Creek Reservation;
3. Mountain Movers Construction is prohibited from conducting any further business within the Crow Creek Reservation; and,
4. Mountain Movers Construction is assessed civil penalties of \$85,000 accruing at an additional \$500 per day for each day after this Order until judgment is satisfied.

BY THE COURT:

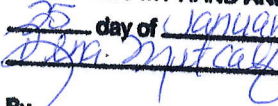


 Honorable Steve Emery

Attest:



 Clerk of Court

STATE OF SOUTH DAKOTA
 COUNTY OF BUFFALO ss
 CROW CREEK SIOUX TRIBAL COURT
 I, Dana Metcalf Clerk of Courts, in
 and for said Crow Creek Sioux Tribal Court
 do hereby certify that I have compared the
 above and foregoing instrument with the
 original now on file in this office, and that the
 same is a true and correct copy thereof
 WITNESS MY HAND AND SEAL THIS
25 day of January, 2013


 By _____ Clerk of Courts
 Deputy