



TRIBAL EMPLOYMENT AND CONTRACTING
RIGHTS COMMISSION

IN RE MATTER OF MOUNTAIN MOVERS
CONSTRUCTION, INC.

TERO HEARING #01-2012

**NOTICE OF SCHEDULED
HEARING**

Notice is hereby given that a Compliance Hearing *In Re Matter of Mountain Movers Construction, Inc.* has been set for 10:00AM on October 28, 2012 in the Tribal Council's chambers at the Crow Creek Tribal Offices located at 100 Drifting Goose Road, Fort Thompson, SD 57339.

This hearing was requested by Tribal Employment Rights Director Tom Pickner. Mr. Pickner is alleging that Mountain Movers Construction, Inc. is a covered entity with a covered contract operating within the exterior boundaries of the Crow Creek Sioux Tribe. Mr. Pickner is further alleging that he made several attempts to collect the TERO and training fees from Mountain Movers Construction, Inc., but that Mountain Movers, Inc. refused or failed to pay the TERO and training fees.

The Tribal Employment and Contracting Rights Commission conducts compliance hearings. The Tribal Employment and Contracting Rights Commission members are the Tribal Council members. Mountain Movers, Inc. has a right to review the Director's case file by scheduling a visit to the Director's office during regular working hours. Mountain Movers, Inc. must present a list of witnesses to be called at the hearing by October 15, 2012 to the TERO Office. You have the right to interview any witnesses before the hearing, but the TERO Director must also be in attendance at any interviews. Mountain Movers, Inc. must also present a list of all documents and other evidence it wishes to have subpoenaed by October 15, 2012. The TERO Director shall provide those documents and other evidence before the hearing. Mountain Movers has the right to request postponement of the hearing by October 24, 2012. The parties may jointly request postponement if pursuing settlement. Any requests for postponement should be directed to Chairman Brandon Sazue, P.O. Box 50, Ft. Thompson, SD 57339, Phone: 605.245.2221, Fax: 605.245.2470.

During the compliance hearing, Mountain Movers, Inc. has the right to have an attorney present, but the respondent shall represent himself or may appoint a non-attorney representative. Mountain Movers, Inc. will be afforded the opportunity to make an opening statement, examine and cross-examine witnesses. In the event a witness cannot

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attend a hearing, written testimony may be submitted. The hearing will be recorded and is open to the public.

In the event that Mountain Movers, Inc. is found noncompliant, the Commission may impose the following sanctions:

1. Deny the right to commence business within the exterior boundaries of the Crow Creek Reservation;
2. Suspend any ongoing operations within the exterior boundaries of the Crow Creek Reservation;
3. Terminate any ongoing operations within the exterior boundaries of the Crow Creek Reservation;
4. Deny the right of such party to conduct any further business within the Crow Creek Reservation;
5. Impose a maximum of \$500/violation in civil penalties;
6. Any other action as is necessary to ensure compliance with the Tribal Employment and Contracting Rights Ordinance or remedy any other harm that has resulted from the violation of this Ordinance.

The Tribal Employment and Contracting Rights Commission was created by Crow Creek Sioux Tribe ordinance. The Commission is responsible for the enforcement of the rules, regulations, and guidelines of the Tribal Employment and Contracting Rights ordinance. The Commission has the authority to administer oaths, conduct hearings, and, by subpoena, compel attendance of witnesses and the production of records and other documents.

Please contact me if you have any questions.

Sincerely,

Brandon Sazue
Chairman

Date