

**BEFORE THE ETHICS AND RULES COMMITTEE
OF THE NAVAJO NATION COUNCIL**

The Navajo Nation Ethics and Rules Office)
Ex. Rel., Eileen Hardy, Vernice Wagner-Morgan,)
Complainant,)
vs.)
Eddie K. Yazzie [REDACTED])
[REDACTED])
Respondent.)

No. C-2008-07

**ORDER
ENTERING DEFAULT
FOR NONAPPEARANCE**

A hearing regarding the above-entitled cause of action was scheduled January 9, 2009, at the hour of 9:00 a.m. in the Conference Room of the Ethics and Rules Office in Window Rock, Arizona (Navajo Nation). The Respondent did not appear.

This matter was rescheduled twice. It was originally scheduled for November 20, 2008. The case at that time was continued upon request for Respondent's counsel, as he had just been retained by the Respondent. The case was rescheduled for December 18, 2008.

On December 10, 2008, in a factually-related civil case, the Dilkon District Family Court issued notice to Respondent's Counsel about a hearing scheduled for January 9, 2009. In this case, Respondent's counsel, Mr. William Battles, Esq., was advised to notify his client and witnesses for that court hearing and to be present. See court documents attached to Respondent's Motion for Continuance filed and presented to the Committee January 9, 2009.

On December 18, 2008, the Ethics and Rules Committee again convened for hearing. However, the case was once again continued. The Navajo Nation sought the introduction of new evidence and Respondent, through counsel, needed time to review such evidence. Both attorneys of record, Ms. Lynn White, the Presenting Officer for the Ethics and Rules Office, and Mr.

Jimmie Dougi, attorney for the Respondent, at that time agreed upon January 9, 2009 as the new hearing date.

On January 9, 2009, the time set for hearing, attorney Mr. Jimmie Dougi presented a Motion for Continuance due to his client's Family Court hearing in Dilkon at the same time. Upon due consideration of the request for continuance, the Ethics and Rules Committee however denies it and enters default for Respondent's nonappearance pursuant to Rule 15(B) of the *Administrative Hearing Rules* of the Committee. Rule 15(B), *Nonappearance*, provides (in pertinent part):

Should the Respondent fail to appear for hearing, the Committee may immediately thereupon enter a final order, which shall include any authorized sanction, based on the complaint filed.

Based on hearing notices issued by the Dilkon Family Court, Respondent was aware of the January 9, 2009 court date when such notice was issued December 10, 2008. On December 18, 2008, when it was agreed that the ethics case would be rescheduled for January 9, 2009, he, through his counsel, should have promptly sought a different date. A motion for continuance based on these facts cannot be granted and is accordingly denied. An order for default for nonappearance is appropriate under the circumstances.

IT IS HEREBY ORDERED:

1. The Navajo Nation Ethics and Rules Office is granted its prayer for relief as requested in its complaint filed against the Respondent, Mr. Eddie K. Yazzie, based on violations of the *Navajo Nation Regulations and Standards of Conduct for Elected Officials of the Navajo Nation*. The prayer of relief includes a finding of violations as alleged, more specifically Section One (C), Section Three (A) and (B), Section Four (E) and Section Six (A) and (B) of the *Standards of Conduct*.

2. Respondent, Mr. Eddie K. Yazzie, shall be removed from all elective positions and shall further be ineligible for elective public offices of the Navajo Nation for a period of five years. He shall also issue a public apology the community of Birdsprings.

SO ORDERED by the Ethics and Rules Committee of the Navajo Nation Council this 9th day of January, 2009.

A handwritten signature in black ink, appearing to read 'Francis Redhouse', written over a horizontal line.

Francis Redhouse, Chairman
Ethics and Rules Committee
Navajo Nation Council