

**LEGISLATIVE ORDER OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Calling on Rep. Timothy L. Joaquin to Immediately Resign from the Tohono O'odham  
Legislative Council and Repay the Branch for Unauthorized Expenditures)**

**LEGISLATIVE ORDER NO. 24-152**

- 1 **WHEREAS,** "The Tohono O'odham Council shall elect from among its own membership a  
2 chairman and vice-chairman. The chairman, or in his absence, the vice-  
3 chairman shall preside at all meetings of the council, shall perform all duties of  
4 a chairman and exercise any authority delegated to him by the council."  
5 (Constitution of the Tohono O'odham Nation, Article V, Section 4); and
- 6 **WHEREAS,** the Legislative Council delegates to the Council chairperson authority to  
7 "Allocate funds, staff, and other resources for the effective operation of the  
8 Legislative Branch," "Approve Legislative Branch expenditures," and "Supervise  
9 and delegate the supervision of Legislative Branch employees." Legislative Order  
10 No. 06-047; and
- 11 **WHEREAS,** the Standards of Conduct for Legislative Council Representatives and Alternates  
12 adopted by Legislative Order No. 23-022 require all Council representatives to  
13 "Only use or authorize the use of branch vehicles and equipment for business  
14 purposes and comply with vehicle, travel, and other policies." Standards, II.(I);  
15 and
- 16 **WHEREAS,** the Standards of Conduct further require, "Council Representatives shall not use  
17 their official position to improperly secure information, privileges, or benefits  
18 for themselves or others which they are not otherwise entitled by law to receive."  
19 Standards, I(C); and
- 20 **WHEREAS,** Representative Timothy L. Joaquin served as Legislative Council chairman from  
21 June 17, 2011 until his resignation on May 18, 2023 (Legislative Order No. 23-156  
22 "Accepting Resignation of Rep. Timothy L. Joaquin as Legislative Council  
23 Chairperson"); and
- 24 **WHEREAS,** by Legislative Order No. 16-039, the Legislative Council directed then-Chairman  
25 Joaquin to "prepare and implement an updated credit card policy to govern the  
26 use of credit cards issued to the Legislative Council officers and administrative  
27 staff"; and
- 28 **WHEREAS,** on January 29, 2016, then-Chairman Joaquin issued the Legislative Branch Credit  
29 Card Policy, which requires a Council officer or employee who is issued a credit  
30 card to "retain and submit detailed receipts for each credit card purchase  
31 appearing on the monthly statement" and to justify questionable expenses in  
32 writing or lose credit card privileges and immediately reimburse the Branch; and

1 **WHEREAS,** the Legislative Branch Credit Card Policy requires that in the “case of meals for  
2 an official government purpose, the receipt shall include the names of all persons  
3 involved in the purchase, and a brief description of the government purpose.”  
4 Credit Card Policy Section 6(B); and

5 **WHEREAS,** the Credit Card Policy also requires that, “Separate electronic files, which shall  
6 include copies of the monthly statements and all receipts submitted, shall be  
7 created and maintained by designated Legislative Branch staff for each credit  
8 card.” Credit Card Policy Section 6(C); and

9 **WHEREAS,** Representative Joaquin, in his capacity as Council chairman and a credit card  
10 holder, was required to satisfy all requirements for credit card expenses and to  
11 ensure that electronic files mandated by the Credit Card Policy were kept by the  
12 Legislative Branch administration; and

13 **WHEREAS,** as a Legislative Council representative, Representative Joaquin also was required  
14 by the Legislative Branch Travel Policy to complete a travel request authorization  
15 form for each trip, submit travel expense reports supported by receipts within  
16 seven working days, submit an overall written report within ten working days of  
17 each trip, and distribute the written travel report “to the Legislative Council at  
18 the next general session” as required by the Legislative Branch Travel Policy,  
19 Procedures, I and V.C. (2013); and

20 **WHEREAS,** the Nation's Judicial Court has recognized,

21 In order [for the Legislative Council] to legislate properly and supervise  
22 the functions of the Executive and administrative agencies, it must be  
23 thoroughly informed. In short, it must have the power to investigate. The  
24 scope of its power can be as penetrating and far reaching as the power to  
25 make laws, and, is proper under the Constitution.

26 *(Francisco v. Toro, 1 TOR3d 68, 75 (Trial Ct. Jan. 12, 1989); and*

27 **WHEREAS,** in May 2023, the Legislative Rules and Budget and Finance Committees received  
28 allegations that from 2021 to 2023, then-Chairman Joaquin directed staff to pay  
29 monthly statements for his assigned credit card without providing receipts or  
30 required written statements verifying the purpose of purchases and otherwise  
31 violated the Legislative Branch's credit card, travel, and vehicle policies and  
32 requirements that are designed to provide accountability and protect the  
33 Nation's funds and other assets; and

34

1 **WHEREAS,** in response, the Rules and Budget and Finance Committees informed then-  
2 Chairman Joaquin in writing of the allegations, and requested copies of all the  
3 receipts and documentation required by the Legislative Branch policies from  
4 May 1, 2021 to May 2023 and written justifications for charges that were  
5 questionable; and

6 **WHEREAS,** then-Chairman Joaquin responded to the Rules and Budget and Finance  
7 Committees with various documents, including an incomplete record of  
8 purchase requisitions and supporting documents for credit card expenditures;  
9 and

10 **WHEREAS,** by additional correspondence, the Rules and Budget and Finance Committees  
11 informed then-Chairman Joaquin that the documents provided in response to  
12 the Committees' initial letter were insufficient, did not meet the requirements of  
13 the Legislative Branch policies, and the Credit Card Policy therefore required  
14 him to immediately reimburse the Branch; and

15 **WHEREAS,** when presented with a proposed legislative order removing Chairman Joaquin as  
16 Council chairman in light of the allegations, the Committees' investigation, and  
17 Representative Joaquin's inability to provide required documentation or  
18 justification for travel and expenditures, Representative Joaquin resigned as  
19 Council chairman (Legislative Order No. 23-156 "Accepting Resignation of Rep.  
20 Timothy L. Joaquin as Legislative Council Chairperson"); and

21 **WHEREAS,** by Legislative Order No. 23-329, the Legislative Council supported an  
22 independent audit, under the Council officers' direction, of compliance with the  
23 Legislative Branch Credit Card Policy and other policies, including the Travel  
24 Policy; and

25 **WHEREAS,** Legislative Order No. 23-329 also directed the Council officers to determine,  
26 based on available information, whether action is necessary to comply with the  
27 Standards of Conduct for Legislative Council Representatives and Alternates; and

28 **WHEREAS,** on August 31, 2023, the Legislative Branch engaged Keegan Linscott & Associates,  
29 an independent forensic accounting firm, to provide forensic accounting  
30 services and evaluate compliance with the Legislative Branch Credit Card Policy,  
31 Travel Policy, and other policies; and

32 **WHEREAS,** on May 30, 2024, Keegan Linscott & Associates presented to the Legislative Council  
33 the Legislative Branch Phase I Audit Report ("Audit Report"), which detailed  
34 significant and repeated violations of Legislative Branch policies by then-

1           **Chairman Joaquin, including expenditures of Branch funds during multiple,**  
2           **personal trips to the Indian National Finals Rodeo in Las Vegas, Nevada that**  
3           **lacked a business purpose, regular and repeated expenditures of Branch funds**  
4           **for fuel for his personal vehicle, approximately \$27,450.00 in meals and fuel**  
5           **charges without a documented business purpose or meals without a required list**  
6           **of attendees to verify authorized expenditures, and more than \$436,000.00 in**  
7           **charges on his assigned credit card that lacked a documented business purpose,**  
8           **were not supported by receipts or other required documentation or justification,**  
9           **or did not otherwise comply with the Credit Card Policy that Chairman Joaquin**  
10           **adopted or other policies he was responsible for enforcing; and**

11 **WHEREAS, Representative Joaquin was (1) provided notice of the allegations, (2) interviewed**  
12           **by Keegan Linscott & Associates and provided the opportunity to respond to the**  
13           **allegations and provide records and documentation required by Branch policies,**  
14           **(3) provided advance notice of the Council session addressing the Audit Report,**  
15           **and (4) provided the opportunity to respond to the allegations; and**

16 **WHEREAS, based upon the detailed, independent Audit Report findings of significant and**  
17           **repeated violations of Legislative Branch policies by Representative Joaquin**  
18           **during his term as Council chairman, repeated and significant violations of the**  
19           **Standards of Conduct, and the failure to repay the Branch for questionable**  
20           **charges as Branch policies require, the Budget and Finance and Rules**  
21           **Committees recommend that Representative Joaquin resign from the office of**  
22           **Council representative effective immediately and repay the Branch consistent**  
23           **with applicable policies.**

24 **NOW, THEREFORE, BE IT ORDERED that the Tohono O'odham Legislative Council determines**  
25           **that Representative Timothy L. Joaquin repeatedly violated the Standards of**  
26           **Conduct during his tenure as Legislative Council chairperson and calls on**  
27           **Representative Timothy L. Joaquin to immediately resign from the office of**  
28           **Legislative Council representative and repay the Branch for unauthorized**  
29           **expenditures consistent with applicable policies.**

30 **BE IT FINALLY ORDERED that the Tohono O'odham Legislative Council directs the Rules and**  
31           **Budget and Finance Committees, in coordination with the Legislative Council**  
32           **officers, to recommend additional measures and legislation to protect the**  
33           **Nation's assets and strengthen financial accountability.**

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The foregoing Order was passed by the Tohono O'odham Legislative Council on the 30<sup>TH</sup> day of MAY, 2024 at a meeting at which a quorum was present with a vote of 2,870.9 FOR; 392.4 AGAINST; [01] NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the Council by Article V, Section 4; Article VI, Section 1 and Section 1(a) and Section 1(d) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

  
Wavalene M. Saunders, Legislative Chairwoman

30<sup>TH</sup> day of May, 2024

ATTEST:

  
Evonne Wilson, Legislative Secretary

30 day of May, 2024

**ACTION: CALLING ON REP. TIMOTHY L. JOAQUIN TO IMMEDIATELY RESIGN FROM THE TOHONO O'ODHAM LEGISLATIVE COUNCIL AND REPAY THE BRANCH FOR UNAUTHORIZED EXPENDITURES**

**MOVED: COUNCILWOMAN EVELYN JUAN MANUEL**

**SECOND: COUNCILWOMAN JANICE FELIX**

**DATE: MAY 30, 2024**

| DISTRICT             | LEGISLATIVE REPRESENTATIVES   | # OF VOTES       | FOR            | AGAINST      | NOT VOTING  | ABSENT     |
|----------------------|---|------------------|----------------|--------------|-------------|------------|
| BABOQUIVARI<br>394.2 | 1. LEANDER MASE<br>(Francine Schooling)<br>2. JESSE NAVARRO<br>(Alberta J. Ray)               | 197.1<br>197.1   | X<br>X         |              |             |            |
| CHUKUT KUK<br>354.7  | 1. VIVIAN JUAN-SAUNDERS<br>(Cornelius Antone)<br>2. MARLAKAY HENRY<br>( )                     | 177.35<br>177.35 | X<br>X         |              |             |            |
| GUACHI<br>282.7      | 1. VICTORIA HOBBS<br>(Tonya L. Joaquin)<br>2. TIMOTHY L. JOAQUIN<br>(Jerome L. Joaquin)       | 141.35<br>141.35 | X              | X            |             |            |
| GU VO<br>276.0       | 1. DALLAS LEWIS<br>( )<br>2. LESLIE LUNA<br>(Grace Manuel)                                    | 138.0<br>138.0   | X<br>X         |              |             |            |
| HICKIWAN<br>220.5    | 1. DELMA M. GARCIA<br>( )<br>2. LOUIS R. LOPEZ<br>(Loretta A. Ortega)                         | 110.25<br>110.25 | X<br>X         |              |             |            |
| PISINEMO<br>236.2    | 1. EDWARD D. MANUAL<br>(Monica Morgan)<br>2. PAMELA J. BENAVIDEZ<br>(Nora J. Ruelas)          | 118.1<br>118.1   | X<br>X         |              | X           |            |
| SAN LUCY<br>257.6    | 1. ROGER MANUEL<br>(Christina Andrews)<br>2. GLORIA M. RAMIREZ<br>(Lorraine M. Eiler)         | 128.8<br>128.8   | X              | X            |             |            |
| SAN XAVIER<br>244.5  | 1. JANICE FELIX<br>( )<br>2. DANIEL L.A. PRESTON III<br>( )                                   | 122.25<br>122.25 | X              | X            |             |            |
| SCHUK TOAK<br>191.8  | 1. DELISA M. RAMON<br>(Sharon A. Francisco)<br>2. THEORIA CAMPILLO<br>(Rebecca Ann Valentine) | 95.9<br>95.9     | X<br>X         |              |             |            |
| SELLS<br>558.0       | 1. EVELYN JUAN-MANUEL<br>(Arvada Liston)<br>2. JANET B. ELEANDO<br>( )                        | 279.0<br>279.0   | X<br>X         |              |             |            |
| SIF OIDAK<br>247.1   | 1. LUCINDA ALLEN<br>(Francis Homewytewa)<br>2. WAVALENE M. SAUNDERS<br>(Mary Lopez)           | 123.55<br>123.55 | X<br>X         |              |             |            |
|                      | <b>TOTAL</b>  | <b>3,263.30</b>  | <b>2,870.9</b> | <b>392.4</b> | <b>[01]</b> | <b>-0-</b> |