

## **INTERIOR BOARD OF INDIAN APPEALS**

CALIFORNIA VALLEY MIWOK TRIBE,

Appellant,

BUREAU OF INDIAN AFFAIRS,

Appellee,

YAKIMA DIXIE, VELMA WHITEBEAR, and CHADD EVERONE

Interested Parties

**Docket No. IBIA 09-13-A**

**RESPONSE TO INTERESTED PARTIES ANSWER IN OPPOSITION TO THE APPEAL & TO APPELLANT'S RESPONSE TO ORDER TO SHOW CAUSE PLUS RESPONSE TO REQUEST TO EXPEDITE IBIA 7-100-A ALSO, A RESPONSE TO CONTINGENT INTERVENOR STATUS**

The California Valley Miwok Tribe (the "Tribe") provides its Response to the 'Interested Parties' Answer in Opposition to the Appeal & to Appellant's Response to Show Cause plus Response to Request to Expedite IBIA 7-100-A also a Response to Contingent Intervenor Status.

### **APPELLANT RESPONSE**

Appellant opposes any and all documents posted on Interested Parties ('putative members', of which the definition of putative is "supposed rather than real, alleged or assumed") web-site of <http://www.californiavallevmiwok.com> because Interested Parties do not represent the federally recognized California Valley Miwok Tribe and/or its legitimate Tribal Members, nor does Interested Parties have federal recognition as a Tribe, therefore, Interested Parties (by purporting themselves to be the California Valley Miwok Tribe) are in violation of the law and are committing fraud and identity theft.

As for 580 individuals filing their genealogies with the BIA, Appellant's response is that that has no bearing on our Tribe or its enrollment process. The enrollment process is the inherent right of the Tribe and individuals who believe themselves to be Indian of any Tribe have the responsibility to contact said Tribe(s) and request an enrollment application and are expected to return the application to the Tribe with documentation verifying their Indian heritage and/or lineage as affiliated with said Tribe, and then the enrollment process begins.

Appellant opposes Interested Parties leading IBIA to believe that any 'Tribal Council' appointed by Yakima Dixie (cir. 2003) was accepted by the BIA. Yakima Dixie has no authority to appoint a Tribal Councilor any other official to represent the California Valley Miwok Tribe. Interested Parties mentioning "some 120 adult persons who are prospective Members" has nothing to do with the legitimate California Valley Miwok Tribe. Appellant opposes Interested Parties leading the IBIA to believe that the California Valley Miwok Tribe is the only Miwok Tribe in this area. Interest Parties fail to mention other Miwok Tribes such as, Buena Vista Rancheria, Chicken Ranch Rancheria, The Federated Indians of Graton Rancheria, Jackson Rancheria of Me-Wuk Indians, The United Auburn Indian Community, lone Band of Miwok Indians, Shingle Springs Band of Miwok Indians, Tuolumne Band of Me-Wuk Indians, The Sierra Native American Council, American Indian Council of Mariposa County, Wilton Miwok Rancheria, the Calaveras County Mountain Miwoks, Miwok Tribe of El Dorado Rancheria and the Calaveras Band of Miwok Indians. In the enrollment process it is usually found that individuals are lineal descendents of these other Miwok Tribes.

#### **Basis For Appellants Opposition To Interested Parties Opposing Appeal**

Appellant, hereby Oppose the 'Interested Parties Answer in Opposition to the Appeal & to Appellant's Response to Order to Show Cause plus Request to Expedite IBIA 7-100-A and Contingent Intervenor Status" on the basis that Interested Parties are misleading the IBIA to believe that the California

Valley Miwok Tribe is no longer a federally recognized Tribe because it is considered unorganized. Being 'unorganized' in no way circumvents the inherent sovereign rights of the Tribe or its authority. In fact, the Tribe has a ratified Constitution, a General Council, Tribal Council, Ordinances, Policies & Procedures and Tribal Resolutions. The Tribe has passed all annual federal audits (without findings) of which it had received Mature Status in contracting.

The suspension of the PL 93-638 Mature Status Contract was improper (without merit or due cause) and was instigated by the continued interference of Chadd Everone who's actions have caused continued hardships on the legitimate Tribe and its Tribal Members. In previous pleading, Mr. Chadd Everone claimed to be an representing Yakima Dixie (of whom continues to break the law and is currently serving time in State Prison), now Mr. Everone is submitting court pleading with Yakima Dixie's name being signed by Velma Whitebear (without certified documentation proving that Yakima Dixie gave his consent for any such person to sign his name to any document(s)).

Appellant opposes Interested Parties misleading IBIA to believe that I, Silvia Burley do not have any authority within the California Valley Miwok Tribe. The Tribe is a federally recognized Tribe that was in existence many years before Mr. Everone decided to interfere into its Tribal Governmental Affairs for his own greedy purpose of obtaining a casino deal with A.D. Seeno, William "Bill Martin" and Le Roi Chapelle. Appellant Opposes Interested Parties slanderous accusations that I, Silvia Burley, Chairperson have misused Tribal Funding /Resources. The Tribe has denied sending any financial records to Yakima Dixie (a felon who is incarcerated in State Prison) or to individual persons who are deliberately and viciously interfering in Tribal Governmental Affairs. Interested Parties failed to provide to IBIA crucial facts that show a conspiracy of said persons purporting themselves to have authority to sign a Memorandum of Understanding, Yakima Dixie (a felon, falsely claiming to be Chief) and Albert D. Seeno

signed an agreement in which they conspire to overthrow our Tribal Government and appointing and/or electing Yakima Dixie or Velma Whitbear to the leadership position of the Tribe in which the above mentioned shall comply with said agreement. And to further their agenda, they hired Arlo Smith and Peter Melnicoe (former employees of the California Gambling Control Commission 'CGCC') to advocate on their behalf.

Appellant Opposes Interested Parties accusations that I, Silvia Burley, Chairperson denied benefits to Tribal Members, in fact the "Tribe" has in the past and continues to assist individuals and non-recognized Indians on a daily basis, circumstances vary depending on the specifics of what is being requested.

Due to the callous actions and continued threats of harm to Tribal Members by Interested Parties, the Tribe has erected a security fence around the Tribal Property. It is a known fact that the Interested Parties are associated with A.D. Seeno, who has an endless supply of money and is willing to assist them in overthrowing our Tribal Government so they can proceed forward with their casino deal and it is also a known fact that A.D. Seeno admitted he knew he was not supposed to associate with underworld figures or convicted felons, therefore, the Tribe and its legitimate members in fearing for their safety are vindicated in protecting themselves and the sovereignty of the Tribe.

Appellant Opposes Interested Parties Request for Intervenor Status. Interested Parties are not representing the legitimate California Valley Miwok Tribe or its Tribal Members. Yakima Dixie is incarcerated in State Prison, Velma Whitebear is not a federally recognized member of our Tribe, NOR does she hold any official authority to represent our federally recognized Tribe or to sign and legal documents on Yakima Dixie's behalf, and Chadd Everone is a non-Indian whose only agenda is

to benefit from a casino deal with his associates William "Bill" Martin, Le Roi Chappelle and A.D. Seeno Jr.

**Appellant Opposes Interested Parties statement that**

**"The Appellant's Main Argument is Untenable"**

I Silvia Burley, am the duly elected Chairperson of the California Valley Miwok Tribe and do not project myself to be the "absolute" authority as the Interested Parties are falsely leading the IBIA to believe (apparently, Yakima Dixie shown to 'Delusions of Grandeur, Interested Parties state that Yakima Dixie appointed in 2003 the "Tribal Council' is there no room for democracy within his group of people, do they not possess the ability to elect a council of their own free will?)

Unfortunately, the Interested Parties do not understand what sovereignty means to a Federally Recognized Tribe and are willing to give away the inherent sovereign rights of the sovereign Indian Nations located in the United States of America, starting out by destroying our Tribe.

Appellant Opposes Interested Parties claiming that "Indian Tribes being Domestic Sovereign Entities that are Dependent on the USA (for benefits and recognition)" This is clearly a misleading statement. Due to the clear fact that many Tribes are self-reliant especially since many Tribes have casinos or other economic development (s) to sustain them, many Tribes have rejected or refused to accept the PL 93-638 government funding. Interested Parties failed to inform the IBIA that the California Valley Miwok Tribe submitted a ratified Constitution to the Bureau of Indian Affairs in March 2000 of which in accordance to the CRF 25 the BIA has 180 days to act on the Constitution and if no action was taken within that timeline, the Constitution is automatically considered approved. In accordance with the PL 93-638 Contract between the United States of America and the United States of America and the California Valley Miwok Tribe was asked to send a courtesy copy of the Tribal Constitution to the U.S. Bureau of Indian Affairs upon any changes

Therefore, at a Special Election of the General Council, a change was voted upon and approved by the vote of the membership of the General Council and a revised copy of the Tribal Constitution was submitted to the BIA to file. A miss understanding occurred and the Constitution was returned to the Tribe. The Tribe's ratified constitution has been in effect since being approved by the Tribe and is in full effect today.

The Interested Parties failed to inform the IBIA that the Declaration of Brian Golding Sr., Tribal Operations Specialist of the BIA was in retaliation. In a letter dated January 31, 2003, CCA/BIA granted the Tribe's official request to replace Brian Golding, Sr. as the Tribal Operations Specialist to the California Valley Miwok Tribe and in his place they assigned Carol Rogers Davis to serve as the SAOTR for the Tribes Indian Self-Determination and Educational Assistance Act contract (s). In 2004, the Tribe deposed Mr. Golding and a month after being deposed, Mr. Golding gave his retaliatory declaration.

Appellant Opposes Interested Parties misleading IBIA to render Mr. Olsen's Determination of February 11, 2005 letter as a final Bureau action. The Tribe was not given due process and at the time was unaware that Mr. Melnicoe and Mr. Smith were in contact with Solicitor Scott Keep and Mr Jerry Gidner acting of behalf of the fictitious group claiming themselves to be representing the California Valley Miwok Tribe, in which untruths (without merit) were presented to Mr. Olsen unbeknownst to the Tribe (nor was the Tribe allowed due process to counter these vicious attacks) and therefore Mr. Olsen having heard only the side of the group with the agenda to overthrow our Tribe wrote a letter completely blind-siding the Tribe.

In actuality, the second paragraph of the letter addressed to Mr. Yakima K. Dixie (dated FEB 11 2005) from Mr. Olsen states "Your appeal of the BIA' s recognition of Ms. Burley as tribal Chairperson has been rendered moot by the BIA's decision of March 26, 2004". Numerous times, Mr. Dixie had been given "special treatment" affording him extra time to present his case and the Leadership case had been acted upon, not only by the Tribe in its inherent Tribal Appeals Forum but the Leadership question was rendered moot by the BIA, and in defiance of the final decisions made the Interested Parties ignored these official actions and continue to take up the Courts and the Tribes valuable time by resubmitting arguments that have already been decided upon and rendered moot. In doing so, the Interested Parties also are causing undue financial hardships on the legitimate Tribe and its members.

Appellant Opposes Interested Parties claims and slanderous comments that I, Silvia Burley, Chairperson "hold myself to be sui juris, an un-reproachable sovereign authority for the Tribe" and the comment that my status was given authority by Yakima Dixie. When the Tribe organized in August 1998, an election was held in September 1998 in which official Bureau representatives Raymond Fry and Brian Golding Sr., were in attendance of our first election at that time there were only 3 adult members eligible to vote. Yakima was elected Chairperson and I was elected Secretary Treasurer. When Prop I-A and Prop 5 came into being then became the new phase of Indian Gaming. In 1998 Senator Slade Gordon declared a Moratorium of one year (1) on first time contracting and/or newly recognized Tribes, in regards to the P.L. 93-638 Contracting. Since we our Tribe was never terminated and had never contracted with the Bureau of Indian Affairs, we were considered a newly contracting tribe and had to wait one full year before contracting. In April of 1999 Yakima Dixie called together a special meeting of the General Council and complained that being Chairperson was too overwhelming and confusing and that he wanted to resign effective immediately because all he wanted to do was go fishing.

The General Council told Mr. Dixie that he would have to submit a formal resignation to the General Council. At a *Special* General Council Meeting of April 20, 1999, Mr. Yakima Dixie's resignation was accepted by the General Council and an Elections of Officers was scheduled for May 8, 1999 to be held at a duly scheduled General Council Meeting. At the Special Meeting of May 8, 1999, I, Silvia Burley was duly elected Chairperson and Yakima Dixie actively participated in this election. Yakima Dixie was elected Vice Chairperson, and Rashel Reznor was elected Secretary Treasurer. Yakima actively participated in General Council meetings signing as Vice Chairperson until he was approached (unbeknownst to the Tribe) by developers who were interested in a casino (William "Bill" Martin and Le Roi Chapelle, calling themselves ABC Boxing Inc.) They signed with Yakima Dixie who then falsely claimed himself to be the Chairperson. Mr. Dixie had no representation at the signing of said document, nor was he in any authoritative position to sign contracts on the Tribe's behalf, nor did he or they approach or consult with the Tribe regarding any such agreement. A signature page (s) of which the Tribe is submitting shows the date of the Joint Venture Agreement commencing on November 24, 1999 (make note that the Notary Public states that *Bill* Martin and Le Roi Chapelle proved to the notary evidence, yet there are (4) four signatures), July 14, 2000 and January 30, 2003

Appellant Opposes Interested Parties slanderous comments as made in pleading suggesting that I, Silvia Burley, Chairperson or the Tribe in any way mishandled Tribal funds. In fact it is in the PL 93-638 Contract that annual federal audits be performed and our Tribe had received Mature Status due to our commendable financial management of said funding. The Interested Parties allege that Appellant has not provided provisions to the broader community or any financial support, yet the Interested Parties fail to show any documentation of the California Valley Miwok Tribe denying benefits or resources to individuals or community members.



Appellant Opposes Interested Parties slanderous comments that I, Silvia Burley purchased the property at 10601 Escondido Pl, Stockton, California 95212 for my own purpose. The comment made by Interested Parties is false and misleading. Unfortunately, the California Valley Miwok Tribe does not have a land base, reservation or Rancheria in trust (as many federally recognized Tribes have). The 0.92 of an acre that was deemed the Sheep Ranch Rancheria was deeded (in fee) to an individual in the Termination Era. As history shows, the land was given away to an individual by the United States but our Tribe was never deemed terminated, therefore leaving our status as that of a Landless Tribe and a Tribe without a credit history. The Tribe is within its rights to purchase property to be used as its office to do day-today business and for the use of its Tribal Officials and Tribal Members. All necessary legal documents have been verified in audits. It is not mandatory for the Tribe to forward its Governmental documents to individuals residing in State Prisons or to persons who have shown willful discontent and threatened harm towards our Tribe and its membership.

Appellant Opposes Interested Parties accusations/comments "it is likely that some of the payments on the real estate where made from the P.L. 638 grant money". This is a false and misleading assumption on the part of the Interested Parties. In response to the Interested Parties comments to taxes not being paid on Tribal Property, if the fictitious group would stop interfering into the Tribe's Governmental Affairs, the Tribe could stop wasting money and resources defending itself against frivolous lawsuits and appeals brought on by the fictitious group, then the Tribe would be in a position to once again pay its debts.

Unfortunately, the legitimate Tribe is not fortunate enough to have high paying casino developers (A.D. Seeno Jr. and Associates) paying for high end attorney services and/or paying for individuals like Chadd Everone Ph D from Berkeley, while their self appointed "Chief Yakima Dixie, sits in State Prison. Mr. Dixie's criminal history shows a continuing pattern of

his repeat offenses of breaking the law. is out, the 0.92 acre held in trust for the individual, is used by Yakima Dixie as a safe haven to return to each time he is released from jail or prison. Yakima Dixie is not required to pay rent or taxes on the land or his home and according to the MOD he signed Midstate Consultants LLC, dated May 17, 2006 his outstanding legal fees are paid by A.D. Seeno (income Yakima receives (on his behalf as being the 'self appointed Chief of a fictitious group claiming to be a federally recognized Indian Tribe) and also, one can assume income generated from the MOA to Yakima Dixie has not been reported to the IRS).

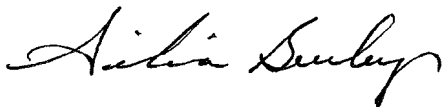
Appellant Opposes Interested Party (Chadd Everone) to have any authority in this matter, for he has hidden from the IBIA that fact that he is an associate of William "Bill" Martin and Le Roi Chaplle (developers), he continues to mislead the IBIA in believing that he is representing a large group of 'putative members' of Miwok Indians being denied benefits or enrollment. Mr. Everone's only interest in this Tribe and its functions are to overthrow the federally recognized Tribe and its elected officials, replace them with the phony group and proceed forward with his and his associates plans to build an Indian Casino, backed by A.D. Seeno Jr. a casino owner/developer located in Reno, Nevada and Contra Costa County, California.

In a letter dated January 29, 2007, it clearly states that I, Silvia Burley am recognized as a "person of authority". It is with the purest intentions of the California Valley Miwok Tribe to work closely with the United States Department of the Interior/Bureau of Indian Affairs in repairing and rebuilding our government-to-government relationship, without the vicious attacks and continued outside interference of the fictitious group purporting itself to be 'putative members' and using malicious tactics (funded by A.D. Seeno to overthrow our Tribal Government for their own greedy agenda of acquiring an Indian Casino) by using shameless attempts to overthrow and/or override the inherent sovereign rights of our tribe.

The California Valley Miwok Tribe, a federally recognized Tribe (listed in the Federal Register) has repeatedly requested assistance from the Department of the Interior / Bureau of Indian Affairs to treat our Tribe equally and fairly as it would any and all other federally Recognized Tribes, and afford us the protection of the Government, from harm being caused to our Tribe and its members by outside 'gaming developers' influences and interferences into our Tribal Governmental Affairs.

Appellant Opposes Interested Parties Request to Expedite the Determination of IBIA #07-100-A and/or IBIA 09-13-A. Due to the unwarranted hardships Interested Parties have caused to the California Valley Miwok Tribe, its Tribal Officials and its Membership, Appellant requests that a proper amount of time be given in this matter, affording the Tribe its 'Due Process'. Therefore, Appellant requests that IBIA Deny Interested Parties request to expedite the Determination of the IBIA #07-100-A and/or IBIA 09-13-A.

Respectfully submitted this 17th day of December, 2008,



Silvia Burley  
Chairperson

California Valley Miwok Tribe  
10601 Escondido Pl.  
Stockton, California 95212  
<http://www.californiavalleymiwoktribe-nsn.gov>  
Telephone: (209) 931-4567  
Facsimile: (209) 931-4333

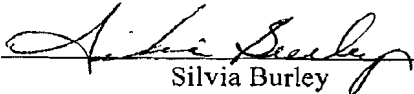
**PLAINTIFF**

**CERTIFICATE OF SERVICE**

I Silvia Burley, Chairperson of the California Valley Miwok Tribe located at 10601 Escondido Pl., Stockton, California 95212 declare that copies of the 'Response to Interested Parties Answer in Opposition to the Appeal & to Appellant's Response to Order to Show Cause plus Response to Request to Expedite IBIA 7-100-A, Also a Response to Contingent Intervenor Status' have been served by certified mail to the "Potentially Interested Parties", persons or entities and at the addresses indicated below.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: December 20, 2008

  
Silvia Burley

**Bureau of Indian Affairs**  
Central California Agency  
**Attn: Mr. Troy Burdick, Superintendent**  
650 Capitol Mall, Suite 8-500  
Sacramento, California 95814-4710  
BY CERTIFIED MAIL  
7006 2760 0004 6406 3599

**Yakima Kenneth Dixie, CDC #V96007**  
c/o Deuel Vocational Institution  
**State Prison Facility**  
P.O. Box 600  
Tracy, California 95378  
BY CERTIFIED MAIL  
7006 2760 0004 6406 3704

**Board of Indian Appeals**  
U.S. Department of the Interior  
801 North Quincy Street  
Arlington, VA 22203  
BY CERTIFIED MAIL 7008 1300 0000 4746 2507

**Chadd Everone**  
2140 Shattuck Ave. #602  
Berkeley, CA 94704  
BY CERTIFIED MAIL  
7008 1300 0000 4746 2491

**U.S. Department of the Interior**  
Bureau of Indian Affairs  
**Attn: Mr. George Skibine**  
Assistant Secretary  
1849 C Street, N.W.  
Washington, D.C. 20240  
BY CERTIFIED MAIL  
7008 1300 0000 4746 2484

**Velma Whitebear**  
213 Downing Dr.  
Galt, CA 95632  
BY CERTIFIED MAIL  
7006 2760 0004 6406 3445

**Hon. Secretary of the Interior**  
Dept. of the Interior – Indian Affairs  
1849 C Street, N.W.  
Washington, DC 20240  
BY CERTIFIED MAIL  
7006 2760 0004 6406 3438

**Mr. Dale Morris, Regional Director**  
Pacific Regional Office - BIA  
2800 Cottage Way  
Sacramento, California 95825  
BY CERTIFIED MAIL  
7006 2760 0004 6406 3605

**Regional Solicitor**  
Pacific Southwest Regional Office  
U.S. Department of the Interior  
2800 Cottage Way, Room E-1712  
Sacramento, California 95825  
BY CERTIFIED MAIL  
7006 2760 0004 6406 3421

**Associate Solicitor**  
Division of Indian Affairs  
MS-6513-MIB  
1849 C. Street, N.W.  
Washington, D.C. 20240  
BY CERTIFIED MAIL  
7006 2760 0004 6406 3414