

FORM #11

(Section 16.2(a) – Customary Election Regulations of the Peerless Trout First Nation)

Notice of Appeal

I, ANDREW ORR (Name of Person Appealing)
(Print)

of Peerless Lake Alberta
(Address of Person Appealing)

appeal the results of the Election dated Oct 28 2022 (Date of Election)

and the election of Corrine Alook (Name of Elected Official)

My appeal is based on the following (check the relevant statements):

- the Electoral Officer made an error in the interpretation or application of the Election Regulations which affected the outcome of the Election;
- a Candidate who ran in the Election was ineligible to run and provided false information;
- a Candidate who ran in the Election failed to disclose information relevant to the validity of their Nomination;
- a person voted in the Election who was ineligible to vote;
- a Candidate was guilty of a Corrupt Election Practice or benefited from and consented to a Corrupt Election Practice;
- improper activity by the Electoral Officer or Polling Clerk;
- other reason.

The facts which I rely on to support my appeal are as follows:

- 16.1 (e) - Other Actions by Electoral Officer,
and Directly affected the conduct and out come
of the Election.

- myself Andrew Orr written submission attached.

I intend to call the following witnesses at the hearing of this appeal:

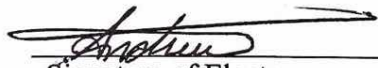
(Witnesses who are not disclosed may not give evidence at an appeal hearing)
(State none if no witnesses will be called)

Norman Okemow _____

I intend to use the following documents at a hearing of this appeal:

(Documents which are not disclosed may not be used at an appeal hearing)
(State none if no documents will be used)

- ① Norman Okemow to appeal the appeal arbitrator. Submission.
- ② Text message from Electoral officer
- ③ Meeting minutes Dated Aug 23, 2022
- ④ BCR Dated Aug 12 2022.
- ⑤ Actual Suspension - Sept 7, 2022
- ⑥ Suspension minutes - Sept 7, 2022
- ⑦ Norman's eme.1 April 24, 2022.



Signature of Elector

ALL APPEALS MUST BE RECEIVED WITH A NON-REFUNDABLE FILING FEE OF \$100

After the nomination and nearing the election date on October 25, 2022, I Andrew Orr texted the electoral officer regarding Councillor Corrine Alook running for re-election, I asked Electoral Officer Darcy Gurski is Councillor Corrine Alook was eligible to run on PTFN Council on October 28, 2022, election as she was suspended during the nominations, where the Electoral Officer texted back with a list of eligible candidates which included Councillor Corrine Alook. Text message attached to this appeal.

- A. On June 30, 2022, Councillor Corrine Alook was to repay funds on or before August 31, 2022, the sum of 46,500.00 and was not suspended at that time but given time to pay and if she did not pay, she was looking at a suspension.
- B. Meeting minutes dated August 31, 2022, where it shows that Councillor Corrine Alook involvement in the selection and had knowledge that Electoral Officer Darcy Gurski and Election Appeal Arbitrator.
- C. Band Council Resolution Dated August 12, 2022, that Councillor Corrine Alook was involved in the hiring of the Election Officer and Election Appeal Arbitrator as per Section 8.2.
- D. Councillor Corrine Alook was given a 30-day suspension on September 7, 2022, to October 7, 2022, as per Customary Election Regulations of the Peerless Trout First Nation where Councillor Corrine Alook willingly and deliberately did not pay sum of money and knew the suspension was coming.
- E. Nomination day was held on September 26, 2022, which during took place during Councillor Corrine Alook 30-day suspension.
- F. Electoral Officer Darcy Gurski disregarded the suspension and allowed Councillor Corrine Alook to run for re-election.
- G. Electoral Officer Darcy Gurski opposed a disciplinary action that was issued by Council to suspend the Councillor according to the Customary Election Regulations of the Peerless Trout First Nation where I believe the decision made by Electoral Officer would either enforce the Customary Election Regulations of the Peerless Trout First Nation under the which the suspension was issued or cancel the suspension, which in this case the suspension was dismissed.
- H. The issue is Councillor Corrine Alook was involved in the Band Council Resolution which is mentioned on Section 8.2 and Section 16.2 (e) (ii) in the Customary Election Regulations of the Peerless Trout First Nation but was clearly involved in the process.
- I. And the decision by Peerless Trout First Nation Council to suspend Councillor Corrine Alook dated September 7, 2022, is the same quorum that hired Electoral Officer Darcy Gurski and therefore Electoral Officer Darcy Gurski was not in a position to make a fair decision concerning Councillor Corrine Alook eligibility for nomination due to Councillor Corrine was involved in the appointment of the Electoral Officer as per Customary Election Regulations of the Peerless Trout First Nation.
- J. There is no direction in the Customary Election Regulations of the Peerless Trout First Nation as to when the Electoral Officer is guilty of an error.
- K. I Appeal Electoral Officer Darcy Gurski's decision to allow Councillor Corrine Alook nomination to run in the election for the outcome would have been different as corrupt election practice is present.

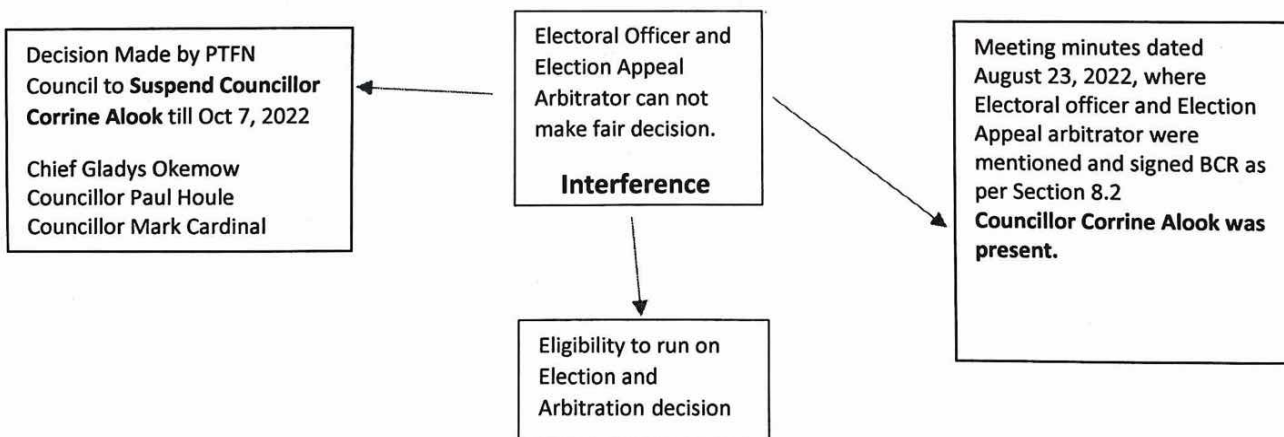
Sincerely,



Andrew Orr

This notice may be beyond the Peerless Trout First Nation Council, but I object for Arbitrator Lorne J Ternes to Arbitrate the Notice of Appeal sent in by Anderw Orr.

- A. Andrew Orr’s appeal on the grounds where Electoral Officer Darcy Gurski was not able to make a fair decision on Councillor Corrine Alook’s suspension and eligibility to run in the October 28, 2022, election, due to Councillor Corrine Alook was involved in the election Process and was involved in the hiring of the Electoral Officer Darcy Gurski as per Section 8.2 in the Customary Election Regulations of the Peerless Trout First Nation according to the Band Council Resolution dated August 12, 2022 and meeting minutes dated August 23, 2022.
- B. And the decision by Peerless Trout First Nation Council to suspend Councillor Corrine Alook dated September 7, 2022 is the same quorum that hired Electoral Officer Darcy Gurski and hired Lorne J Ternes also, Therefore Lorne J Ternes will not be able to arbitrate this Appeal for neither Election Appeal Arbitrator Lorne J Ternes and Electoral Officer Darcy Gurski are in a position to make a fair decision for an appeal against Councillor Corrine Alook due to Councillor Corrine was involved in the process and in the appointment of the Electoral Officer and Election Appeal arbitrator as per Section 8.2 in the Customary Election Regulations of the Peerless Trout First Nation and the Councillor being suspended is the same as the appointer.
- C. Election Appeal arbitrator Lorne J Ternes can not be the judge for this Notice of Appeal sent by Andrew Orr regarding Councillor Corrine Alook as per Section 16.2 (e) in the Customary Election Regulations of the Peerless Trout First Nation.
- D. There is no direction in the Customary Election Regulations of the Peerless Trout First Nation as to this matter for Lorne J Ternes will not be able to make fair decision to Judge this appeal as per procedural fairness.
- E. I request this matter go back to Peerless Trout First Nation Council.



Sincerely

Norman Okemow



6 Messages
PTFN 2022 Ge...



See more

Found in Sent Mailbox



Andrew Orr 2022-10-25

To: D Gurski >

Hello Darcy I have questions
these photos I sent to you
should she running for counsel
?

Sent from my iPhone

See More



D Gurski

Wednesday

To: Andrew Orr >



Fwd: Regarding To Your Claim 7904A5646

6 Messages
PTFN 2022 Ge...**To: Andrew Orr >**

Hello Andrew,

This information was brought to my attention in advance of the Nomination meetings.

The Notice of Election Day contains the names of all candidates eligible to run for office.

Regards,

Darcy Gurski

PTFN Electoral Officer



Fwd: Regarding To Your Claim 7904A5646



PEERLESS TROUT FIRST NATION # 478

Box 128
Peerless Lake, AB
T0G 2W0

Phone: 1-780-869-3985

Fax: 780-869-3983

September 7, 2022

Chief & Council
Holiday Inn Express 2:50pm
18520 100th Ave

Attendance: Chief Gladys Okemow
Councillor: Judy Sinclair
Sheirra Noskiye Terry Antonello (phone)

Councillor: Paul Houle
Councillor: Mark Cardinal

“That Peerless Trout First Nation Councillor Corrine Alook effective September 7, 2022 be suspended for a period of 30 days without pay pursuant to Section 19.1 (b) of the Customary Election Regulations of the Peerless Trout First Nation.”

Moved by: Paul Houle
Seconded by: Chief Gladys Okemow
All in favour: 3 Abstained: 1 Against: 0



PEERLESS TROUT FIRST NATION # 478

Box 128
Peerless Lake, AB
T0G 2W0

Phone: 1-780-869-3985

Fax: 780-869-3983

September 7, 2022

Councillor Corrine Alook
Peerless Trout First Nation
PO Box 128
Peerless Lake, AB T0G 2W0

RE: Suspension

Further to the letter dated June 30, 2022 that you received from Peerless Trout First Nation Chief and Council this letter is to give you notice that the following motion was passed by a quorum of the Peerless Trout First Nation Chief & Council on September 7, 2022;

"That Peerless Trout First Nation Councillor Corrine Alook effective September 7, 2022 be suspended for a period of 30 days without pay pursuant to Section 19.1 (b) of the Customary Election Regulations of the Peerless Trout First Nation."

The grounds for the suspension are set out in Section 20.1 (e) of the Customary Election Regulations of the Peerless Trout First Nation;

20.(1) The removal of a Chief or Councillor from office shall be determined by the Council on the following grounds;

- (e) They breach Conflict of Interest Guidelines for Chief & Council as set out in Schedule "C"

Specifically, through your employment as a Peerless Trout First Nation Pandemic Checkpoint Coordinator for you were in breach of Sections 4 (a) and 4 (b) of Schedule "C" of the Customary Election Regulations of the Peerless Trout First Nation.

Schedule C Conflict of Interest Guidelines for Chief & Council

Council must not directly or indirectly engage in any personal or business activity which competes or conflicts with the interests of the Peerless Trout First Nation (hereinafter "the Nation") or compromises their ability to serve the interests of the Nation. These activities include but are not limited to the following:



PEERLESS TROUT FIRST NATION # 478

Box 128
Peerless Lake, AB
T0G 2W0

Phone: 1-780-869-3985

Fax: 780-869-3983


4. Outside Business

- (a) Council must promptly divulge, in writing the nature and extent of their outside employment and business interests to the Council.
- (b) And each Chief & Councillor must not deprive the Nation of their best efforts in performing their duties as a Chief and/or Councillor and if they do it is considered a conflict of interest unless it is decided necessary for health, personal or family reasons.

Peerless Trout First Nation Chief and Council



Chief Gladys Okemow



Councillor Paul Houle

Councillor Judy Sinclair



Councillor Mark Cardinal



Chronological No. 2022 General Election
File Reference No. Appoint EO, set date, & Arbitrator

BAND COUNCIL RESOLUTION

DO HEREBY RESOLVE:

WHEREAS: A quorum of the Peerless Trout First Nation met on August 12, 2022;

WHEREAS: Pursuant to the *Indian Act* and their inherent right to self-government, the Chief and Council are empowered to act on behalf of the Peerless Trout First Nation;

WHEREAS: The Chief and Council desire to administer the Customary Election Regulations during the upcoming Peerless Trout First Nation election to elect one Chief, one Councillor from the Peerless Lake community and one Councillor from the Trout Lake community.


THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Chief and Council declare that the next Peerless Trout First Nation General Election will be held on the 28th day of October 2022;
2. The Chief and Council appoint Darcy Gurski as the Electoral Officer who will supervise and ensure that the General Election is conducted in accordance with the Peerless Trout First Nation Customary Election Regulations;
3. The Chief and Council appoint Lorne Temes as the Appeal Arbitrator who will supervise and ensure that any appeals from the General Election are conducted in accordance with the Peerless Trout First Nation Customary Election Regulations and the rules of natural justice and administrative fairness;
4. The Chief and Council declare that the polling stations for the Peerless Trout First Nation General Election will be located at the Community Hall in Trout Lake and at the Community Hall in Peerless Lake and the Red Earth Creek Community Hall. Should these locations become unavailable the Electoral Officer in consultation with Chief and Council shall declare alternate locations for polling stations.

A Quorum of PTFN's Council is 3 of 5


Chief - Gladys Okemow


Councillor - Judy Sinclair


Councillor - Corinne Alook


Councillor - Mark Cardinal


Councillor - Paul Houle



PEERLESS TROUT FIRST NATION # 478

Box 128
Peerless Lake, AB
T0G 2W0

Phone: 1-780-869-3985

Fax: 780-869-3983

August 23, 2022

Chief & Council Discussions 9am

Attendance: Chief Gladys Okemow
Councillor: Judy Sinclair
Councillor: Corrine Alook
Vernon Alook Sheirra Noskiye

Councillor: Paul Houle
Councillor: Mark Cardinal

Opening prayer: Chief Gladys Okemow

Election 2022

Election date is October 28, Nomination meeting Sept 26, Darcy is coming on October 12 for Notice of vote. ? ✓

Loren Ternes – Vernon to follow up. An Election Arbitrator has to be a retired lawyer or someone that has not worked for Peerless Trout First Nation. ✓

Darcy Gurski will be coming to Peerless Trout First Nation to post for Notice of Nomination. Council would like to meet with him and would also like to see the membership list. ✓

For the last Election in 2020, we had a polling station in Red Earth because of Covid but now there is no Covid but we are still having a polling station in Red Earth. ✓

LRRCN - are we going to continue with there members even though they are not official Peerless Trout First Nations members? Vernon to follow up, review the membership code. ?

Housing: received an email from ISC, approved for \$240,000 and also mould and radon awareness \$45,000. Council would like to help \$250,000 for home owners also. ✓ ?

Donations requests:

On Aug 18 Cory Netowastanum came and talked to Vernon and asked if Mable can stay at the camp until she is recovered? Vernon told him she has to seek medical attention. Council advices Hilda Letendre be given a warning. ✓ ?

Jenny Trindle would like financial help with a Trailor she bought from Sharon Laboucan. Look into when the new trailers come and ask them if they would move it for them at the nations cost. Everything else would be on them. ✓

June 30, 2022

DELIVERED

Corrine Alook Councillor
Peerless Trout First Nation
Box 128
Peerless Lake, Alberta T0G 2W0

Dear Madam:

RE: Conflict of Interest

We received requests from PTFN members to review your employment as a Pandemic Checkpoint Coordinator. The concern was whether you were in a conflict of interest being a member of PTFN Chief and Council and at the same being paid as a Pandemic Checkpoint Coordinator.

Schedule C -- Conflict of Interest Guidelines for Chief and Council

"Council must not directly or indirectly engage in any personal or business activity which competes or conflicts with the interest of the Peerless Trout First Nation (hereinafter "the Nation") or compromises their ability to serve the interests of the Nation. These activities include, but are not limited to, the following:

4. OUTSIDE BUSINESS

- (a) Council must promptly divulge, in writing, the nature and extent of their outside employment and business interests to the Council.
- (b) Each member of Council is expected to devote full time to his or her duties on Council and shall not participate in any outside business while they are an elected member of Council."

You did not provide Chief and Council with a written statement divulging the nature of your employment or business hours as required by section 4 (a) of the Conflict of Interest Guidelines.

Based on the above and our investigation we find that you were in breach of the conflict of interest guidelines.

19. SUSPENSION OF CHIEF OR COUNCILLOR

19.1 By a motion passed by a Quorum of the Council, the Chief or a Councillor may be suspended without pay for the following reasons:

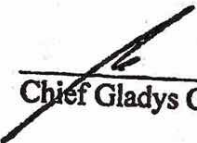
- (b) The grounds set out in Section 20.1;
- (e) They breach the Conflict of Interest Guidelines for Chief and Council as set out in the Schedule C.

19.2 The period of the first suspension may not exceed thirty (30) days for a Chief or Councillor and may not exceed sixty (60) days for a subsequent suspension. Any other terms of suspension shall be determined by Council.

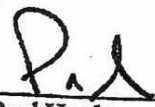
PTFN Chief and Council Decision

1. You were in breach of the Conflict of Interest Guidelines in Schedule C of the Customary Election Regulations of Peerless Trout First Nation;
2. We have decided at this time not to suspend you. Instead, we demand that you repay to PTFN the sum of \$46,500.00 which are the monies that you received as the Pandemic Checkpoint Coordinator. These funds are to be repaid on or before August 31, 2022;
3. In the event that you fail to repay these funds on or before this date we will again review this matter and consider whether you should be suspended.

PTFN Chief and Council


Chief Gladys Okemow


Mark Cardinal


Paul Houle


Judy Sinclair

Home View

☰ New mail ✕ 🗑️ ✕ 📁 ✕ ⚠️ ✕ 📧 ✕ 📧 Read / Unread ✕ 📌 ✕

Your browser supports setting Outlook.com as the default email handler... [Try it now](#) [Ask again later](#) ✕

← Emergency Volunteer Work

NO Norman James Okemow
To: Jason Wigton
Cc: Chief.okemow@ptfn.net

← ↶ ↷ ...
Fri 2020-04-24 12:12 AM

Band Manager, PTEI Manager, Emergency Director,
Deal with this,

I would like to address an incident that happened today regarding volunteer work which is hauling fire wood for the people for PTFN during this Covid 19 pandemic we facing today in our Nation. Today, Marcel Noskiye stopped me at Peerless fire hall on our way to get another load of fire wood which a resident of our Nation was in need of, and he advised me if Christine was still employed by PTFN and getting paid, I said yes, she still does her job, well, you need to find another helper to continue your wood hauling he said, I assumed conflict of interest and I put in Peter Cardinal (Big Joe) to help me if that the case. So, I said to Marcel that me and Christine would finish off the day since that was our second trip of the day and he agreed, we went to get the fire wood and on our way back we stopped at check point at km 11 on 686, some how Elizebeth Letendre knew more that she should, she asked me, what did Marcel commanded you to do? And she said I cant be working with Christine anymore, that Peter Cardinal is my new helper and me and Peter are on the essential list for PTFN, I told her I am refusing to work and Marcel will probably have to find another worker to work with Big Joe. I carried on home to Trout, Big Joe stopped by and he didn't even know he was to be working with me hauling fire wood and he will be on EI.

1. In the beginning it was agreed for me to look for someone to work with Hauling fire wood..
2. The decision to work with Christine and was approved by Marcel, due to it is safer that way especially in an viral pandemic cause if I work with someone else, I don't know if he been keeping himself away from people.
3. We not on a work schedule, we go out when called in to get fire wood for PTFN residents.
4. We agreed 150 a day like all other volunteer worker for PTFN but I was advised by Marcel that the 150 will show up as truck rental so I don't know how conflict of interest would show up. I got text message to Marcel to back this up.
5. We use a Peerless Trout First Nation fire department time sheet.
6. We use **Christine's personal vehicle and quad** and my personal chainsaw and PPE 100% voluntarily, we don't get paid for these.
7. We work regular rate on the long weekend when it should be double time.
8. Our wood hauling does not interfere with her work as custodian at band office.
9. I was not the only vehicle hauling fire wood, there was 4 of us but they never came back.
10. Like everyone else with other jobs but they still do volunteer work, I don't understand why Christine is singled out on this matter, if they are concerned about losing money, the band than owes Christine about 3000 dollars for using her own vehicle, quad, I we the ones losing money here and top it off, Myself and Christine are responsible for the ware and tare on the vehicles still after this is over.