



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

**2009 BUSINESS COMMITTEE OF THE
SAN PASQUAL BAND OF MISSION INDIANS,**

PLAINTIFF/APPELLANT

v.

**PACIFIC REGIONAL DIRECTOR,
BUREAU OF INDIAN AFFAIRS,**

DEFENDANT/APPELLEE.

ORDER

On December 8, 2008, the Superintendent of the Southern California Agency issued a decision rejecting the appellant as the valid tribal government of the San Pasqual Band. On November 30, 2009, the Acting Director of the Pacific Regional Office of the Bureau of Indian Affairs (BIA) issued a decision affirming the Superintendent's decision. The Regional Director agreed that the exclusion of the descendants of Marcus Alto, Sr., from the tribal election conducted in January, 2009, violated tribal law and rendered the election invalid. The Regional Director further agreed with the Superintendent that, for purposes of government-to-government relations, the Bureau continues to recognize the last validly-elected Business Committee, elected in January 2007.

On December 15, 2009, the Interior Board of Indian Appeals (IBIA) received plaintiff's notice of appeal of the Regional Director's decision (attached), compliant with the provisions of 43 C.F.R. § 4.322. By notice transmitted to IBIA on December 30, 2009, I took jurisdiction over the appeal, compliant with the provisions of 25 C.F.R. § 2.20(c) and 43 C.F.R. § 4.332(b). By notice filed December 31, 2009, IBIA transferred the case to my office.

I have received the Regional Director's administrative record on which he relied in reaching his November 30, 2009, decision, and attach a copy hereto.

It is hereby ordered that:

Appellant and interested parties shall submit briefs to my office within 21 days from the date of this Order.

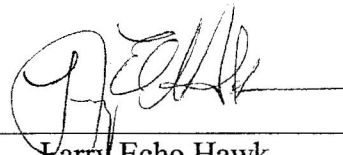
Appellant and interested parties shall submit briefs to my office within 21 days from the date of this Order.

Appellee Regional Director may file a Response brief within 21 days from the date of Appellant's brief.

Appellants may file Reply Briefs no more than 10 days from the date of the Regional Director's response.

Pursuant to 25 C.F.R. § 2.20(c), I shall issue my decision on this matter within 60 days after the last filing deadline, including any extensions of such deadlines, has passed. My decision will be effective immediately, final for the Department, and not subject to further administrative appeals.

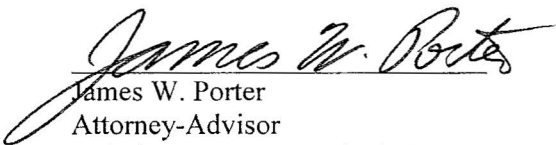
Dated: **FEB 19 2010**



Larry Echo Hawk
Assistant Secretary – Indian Affairs

CERTIFICATE OF SERVICE

I certify that on the 22nd day of February, 2010, I delivered a true copy of the foregoing Order to each of the entities on the following list, either by depositing an appropriately-addressed copy in the United States mail, or by hand-delivery.


James W. Porter
Attorney-Advisor

Tribal Government and Alaska
Division of Indian Affairs
Office of the Solicitor, Department of Interior
1849 C Street, N.W. Washington, D.C. 20240
Mail stop 6518
202-208-5349 (phone)
202-208-4115 (fax)
James.Porter@sol.doi.gov

Distribution list:

Counsel for appellants
Geoffrey D. Strommer, Esq.
Hobbs, Straus, Dean & Walker, LLP
806 SW Broadway, Suite 900
Portland, OR 97205

Counsel for Marcus Alto, Sr., descendants
Glen W. Charos, Esq.
220 West Grand Avenue
Escondido, CA 92025

Director, Bureau of Indian Affairs
MS-4513-MIB
1849 C Street, NW
Washington, D.C. 20240

Director, Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way, Room W-820
Sacramento, CA 95825

Superintendent, Southern California Agency
Bureau of Indian Affairs
1451 Research Park Drive, Suite 100
Riverside, CA 92507

Regional Solicitor
Pacific Southwest Region
2800 Cottage Way, E-1712
Sacramento, CA 95825-1890

National Indian Gaming Commission
George Skibine, Acting Chairman
1441 L Street, NW, Suite 9100
Washington, D.C. 20005