

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS TRIBAL COURT	ORDER AFTER HEARING	FILE NO. H-032-0704
Court Address: 7500 Odawa Circle, Harbor Springs, MI 49740		Phone (231) 242-1462

The People of
Little Traverse Bay Bands of Odawa
Indians

v.

James Hardwick
13326 S 15 Road
Rapid River, MI 49875

A Hearing was held on August 20, 2004 before Michael Petoskey, Chief Judge. The Hearing was requested by Respondent and he traveled from Rapid River to appear.

Respondent testified that he and his wife were both informed that there was a five (5) day grace period between the filing deadline, i.e. the tenth day of each month, and the date that citations would actually be issued, i.e. the fifteenth day of each month. He further testified that he mailed the catch report in question on the thirteenth of the month by first-class mail.

The Conservation Department Director represented the tribal interests in this matter. He testified that Respondent had already received one verbal warning this year for an earlier catch report that was late and that the Department did not receive the catch report that Respondent said he mailed on the thirteenth of the month. The Director testified that he could not attest to what the Conservation Officers or Department staff might have told Respondent and his wife about a five-day grace period. The regulations state that reports are to be filed by the tenth of the following month. There is no ambiguity. The Director also testified about the variety of ways that a catch report could be filed, i.e. by telephone, fax, e-mail and first-class mail.

Based upon the foregoing, this Court finds that:

- (1) Respondent is now informed of the firm deadline for filing reports and of the variety of methods available for filing;
- (2) The interests of justice would not be furthered by imposing a fine and costs in this matter.

WHEREFORE, THIS COURTS ORDERS THAT THIS MATTER BE DISMISSED.


08/20/04
Date


Honorable Michael Petoskey, Chief Judge

CERTIFICATE OF SERVICE

I certify that on this date copies of this *Order* were served upon the parties by First - Class Mail and by LTBB Internal Mail.

08-20-04
Date


Linda C. Harper, Court Clerk