

LITTLE TRAVERSE BAY
BANDS OF ODAWA INDIANS
TRIBAL COURT

ORDER AFTER HEARING

FILE NO.

H-034-1004

5

Court Address: 7500 Odawa Circle, Harbor Springs, MI 49740

(231)242-1461

THE PEOPLE OF THE LITTLE
TRAVERSE BAY BANDS OF ODAWA
INDIANS BY THE NATURAL
RESOURCES DEPARTMENT

V

Respondent's name, address, and telephone no.

DEAN R. SAMUELS
3664 Zhou-Noong Circle
Harbor Springs, MI 49740.

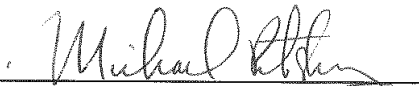
This Court, having heard the testimony and arguments in this case, finds the following:

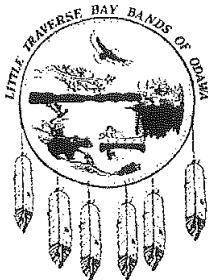
- (1) Respondent did not receive a treaty fishing card indicating that he is duly licensed;
- (2) Respondent has not engaged in any fishing activity because he did not have a license (card) in his actual possession;
- (3) Respondent was confused about whether he was duly licensed or not;
- (4) Respondent is a tribal elder and admits to "senior moments";
- (5) the Department testified that once the license fees are paid, the licensee immediately has activity privileges even though license cards are not provided until about a month later by the Bureau of Indian Affairs;
- (6) the conservation laws do require the filing of monthly catch reports each and every month by those holding either Captain's or subsistence privileges;
- (7) Respondent chooses himself to exercise the privileges of having a Captain's license rather than a Helper's license, which does not have a monthly reporting requirement; and
- (8) Respondent states that now he understands that he is indeed duly licensed and that he is required to file monthly catch reports.

FOR ALL OF THE FOREGOING , ALTHOUGH THE COURT FINDS THAT THERE HAS BEEN A TECHICAL VIOLATION OF THE REPORTING REQUIREMENTS AND THAT RESPONDENT IS "RESPONSIBLE" FOR A CIVIL VIOLATION, THE INTERESTS OF JUSTICE ARE NOT FURTHERED BY IMPOSING A FINE AND COURT COSTS.

12/02/04

Date


Honorable Michael Petoskey, Chief Judge



Certificate of Service

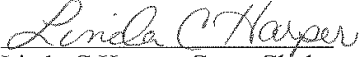
I certify that a copy of the *Order After Hearing* was served upon the following party by first class mail at their last known address:

Dean R Samuels, Respondent
3664 Zhou-Noong Circle
Harbor Springs, MI 49740

And by LTBB internal mail:

Roger Willis, NR Officer
LTBB Natural Resources Dept

On this day December 2, 2004.


Linda C Harper, Court Clerk