

## Judge's order violated as Chukchansi tribal factions continue to bicker

By Marc Benjamin



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In a move that will trigger a new appearance before a federal judge, one faction of the Picayune Rancheria of the Chukchansi Indians is accusing the group overseeing casino operations of defying the judge's order by failing to pay all tribal members.

The Morris Reid group also contends that a third faction, which occupies the business complex and was previously led by Tex McDonald, had secreted away \$1 million in "off-location sites" and also continued to have access to a \$400,000 bank account. The legal motion, which piggybacks on government action that led to the casino's [closure in October](#), is asking Judge Lawrence J. O'Neill to name a receiver to oversee the tribe's funding.

The Reid group also said in the court document that Joseph Ayala — brother of Nancy Ayala, whose group has rejoined with the Reggie Lewis faction to form the "unification council" — was seen in late November depositing \$84,000 of tribal monies into a Madera credit union account for his aunt, Jane Wyatt. The court declaration described Wyatt as "very controversial ... due to her repeated attempts to disenroll the entire membership of the tribe except for her immediate family and certain close associates."

A significant focus of the contempt allegation is that several dozen tribal members were not paid their monthly allowance, generally ranging between \$300 and \$400. The Reid group's motion said the Lewis/Ayala faction, which

oversees casino operations, was supposed to pay the allowance to all tribal members who were part of the tribe in 2010. Many of those who have not been paid had been disenrolled in 2011 and 2012 as the tribe battled over disenrollment, elections, infighting and building takeovers.

The Reid group contends in its action that 77 tribal members went unpaid; Reid named 59 of them in his court declaration. Among those filing affidavits in federal court were Janice Devine and Butch Fernandez. They said they were not issued checks in October, November and December, in defiance of the judge's order.

Fernandez said in his affidavit that he voted in the 2010 election, but in 2012 he was disenrolled by the Lewis/Ayala-run tribal council along with his family.

"I never received per capita distribution from the Lewis/Ayala faction in October, November or December of 2014," Fernandez said in the affidavit. "In addition, none of my 18 family members received a per capita payment."

Those who did receive the tribal allowance over the three months collected a total of about \$1,100.

Reid's lawyer, James Qaquandah, said the Lewis/Ayala group has to explain why it was selective in issuing checks to tribe members.

He said the judge mandated that payments for tribal members be made in equal amounts to all those who were members of the tribe as of December 2010, which is the "only tribal membership list that is established and undisputed," Qaquandah said. The Lewis/Ayala faction needs to explain why they have repeatedly made payments to only select members of the tribe, he said.

Due to these and other potential violations of O'Neill's order, the Reid Council is seeking a court-appointed receiver to manage tribal assets, which will ensure that all future expenditures of tribal funds are for legitimate purposes and comply with the judge's order until the question of who constitutes the tribe's government is conclusively resolved. The Reid group also seeks full accounting to determine exactly where the Lewis-Ayala and McDonald factions have spent the tribe's money, he said.

Lewis told The Bee on Thursday that he was disappointed by the Reid group's motion.

"We were expecting it and we were prepared for it," Lewis said. "We are just not willing to air our dirty laundry; we think that is beneath what we should be doing as representatives of the tribe. These are internal problems."

Chukchansi Gold Resort & Casino, from which the tribe derives the lion's share of its income, has been closed since Oct. 10, a day after the McDonald group's police force raided a gaming office on the hotel and casino property. Lewis/Ayala security group members were detained and turned over to sheriff's deputies before being released. A short time later a fire alarm was pulled in the hotel basement, leading to an evacuation of about 500 employees and patrons.

Three weeks later, the Madera County district attorney's office filed criminal charges against 14 members of the McDonald security team, including McDonald and tribal council member Vernon King.

A U.S. District Court hearing is set in Fresno on Feb. 11.

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