THE ETHICS COMMISSION of the MOHAWK COUNCIL of KANESATAKE

In the Matter of an Appeal

Pursuant to Section 6.9 of the *Mohawks of Kanesatake Custom Electoral Code*

Ratified June 20th 2015

and

The *Terms of Reference for the Ethics Commission*

of the Mohawk Council of Kanesatake (the **Terms of Reference**")

Before Commission Panel Members:

Kathleen N. Lickers, Chair; Daniela T. Corapi and
Arlene H. Henry, KC

DECISION RE: APPEAL (001-025)

Date and place of Hearing:	March 17, 2025, by Zoom video conference ("**Hearing**")
Date of Decision:	March 26, 2025
Appellants:	Victor Bonspille and Valerie Bonspille. Neither attended nor were represented at the Hearing
Respondent:	Mohawk Council of Kanesatake ("**MCK**"), Represented by Mr. Nicholas Dodd of Dionne Schulze, Attorneys for MCK

REASONS FOR DECISION

Introduction

1. This appeal arises from a decision made by the Mohawk Council of Kanesatake (the "Respondent") pursuant to the *Mohawks of Kanesatake Custom Electoral Code*, ratified June 20th 2015 (the "Code")[1].

Decision(s) Appealed:

2. On February 27, 2024, the Respondent relied on the rule set out in sections 9.1 and 9.1.5 of the Code and determined the positions of Grand Chief, held by Victor Bonspille, and of Chief, held by Valerie Bonspille, each to be vacant; and a quorum of Council adopted a resolution ("MCK Resolution #0038.2324.00069")[2] instituting disciplinary measures against both Appellants including requiring the return of all materials belonging to MCK and suspending them without pay (the "Decision").

Appeal Request:

3. Victor Bonspille and Valerie Bonspille (the "Appellants") in a letter dated March 6, 2024[3] prepared by their legal counsel Mr. Pepper ("March 6th Letter"), "vigorously den[ied] the facts alleged against them" and demanded an appeal of the Decision to the Ethics Commission, in accordance with section 9.6 of the Code.

General:

4. This is the Appellants' appeal to the Ethics Commission. At all times, Victor Bonspille and Valerie Bonspille have proceeded together in their correspondence and positions advanced by legal counsel. We therefore treat them together as the Appellants in our summary of the facts, our analysis and findings. We have received and considered correspondence of the Appellants and the written and oral submission of the Respondents, and determine that the Appellants have vacated their positions pursuant to 9.1.5 and 9.1.6 of the Code.

5. These are our reasons.

General Background

6. A general election was held July 2021 to fill the seven positions on the Mohawk Council of Kanesatake for a four-year term.

7. The results of the 2021 election were as follows: Victor Bonspille was elected Grand Chief and the following six persons were elected as Chiefs: Amy Beauvais, Valerie Bonspille, John Canatonquin, Denise David, Brant Etienne and Jeremy Tomlinson.

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[1] Mohawks of Kanesatake Custom Electoral Code, Ratified June 20, 2015, Acceptance of Results of Ratification Vote, MCK Resolution No. 040.1516.00069 dated November 10, 2015.

[2] This decision was recorded in Mohawk Council of Kanesatake resolution #0038.2324.00069; attached as **Schedule 1**.

[3] MCK Written Submission to the Ethics Commission ("MCK Submission"), para. 7, note 5, Document #2.

8. A by-election for Chief was held on January 21, 2023 which saw Serge Simone fill the position vacated by Jeremy Tomlinson (the "2023 by-election").

9. Chiefs Amy Beauvais, John Canatonquin, Denise David, Brant Etienne and Serge Simone are referred to in these Reasons as "the remaining Chiefs".

10. The next general election is scheduled to take place in July 2025.

Commission's Authority

11. In a recent judicial review to the Federal Court of Canada challenging a decision of the Appeal Board under the Code following the 2023 by-election, the Federal Court confirmed the Mohawk Council of Kanesatake is the governing body of the Mohawks of Kanesatake and consists of seven elected members (one Grand Chief and six Chiefs) who typically serve a four-year term. Further, the Federal Court confirmed the Mohawks of Kanesatake Custom Electoral Code was approved by community referendum and by the MCK by resolution in 2015.[4] The 2015 resolution included the signature of the Appellant Victor Bonspille serving in his capacity as Chief of the MCK in 2015 who acknowledged the result of the referendum and fixed the coming into force of the Code.[5]

12. The Ethics Commission was established under the Code and was called upon to hear this appeal as contemplated by s. 9.6 of the Code that reads:

    9.6 Where a Mohawk Council member's position is vacant for any reason engaged by paragraph 9.1.1, 9.1.5, 9.1.6, that Council member shall have the right to appeal his or her dismission to the Ethics Commission, as may be established by MCK.

    Paragraphs 9.1.1, 9.1.5 and 9.1.6 of the Code read as follows:

    9.1. The position of grand chief or chief becomes vacant when a person who holds that position:

    9.1.1 Is convicted of a criminal offence;

    ...

    9.1.5 Misses a total of Three (3) Mohawk Council and/or Public meetings without valid reasons during mandate;

    9.1.6 Engages in, during their term, any wrongful conduct that affects, interrupts, or interferes with the performance of their duties.[6]

13. The Respondent's representative submitted that this Code has been applied in the 2017 and 2021 general elections of the MCK and recently in the 2023 by-election that was the

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[4] *Simon v. Mohawk Council of Kanesatake*, 2023 FC 668, para. 4;

[5] Transcript of Pre-Trial Examination of Victor Akwirente Bonspille in Quebec Superior Court, File no. 700-17-019992-238 ("Transcript"), p. 8; MCK Submission, para. 4, note 2, Document #1.

[6] The details of how the Commission was established and its originating members is explained in the First Procedural Direction of the Ethics Commission of the MCK, in the matter of Bonspille et al (January 9, 2025), attached as **Schedule 2**.

subject of the judicial review in *Simon*. The Respondent's representative submitted that once established, the rules within the Code must be respected and it is important for one set of rules to apply to all and be enforced.

14. The Respondent's representative also made it known that this Code will be applied to the upcoming election in July and until the Code is changed, the Code's Principles of Government confirm that the MCK will "exercise its jurisdiction and authority with honesty, impartiality, fairness and openness in the interests of the Mohawks of Kanesatake." [7]

15. We accept the submissions of the MCK that it was the Appellants' March 6th Letter delivered by bailiff demanding an opportunity to exercise their right to appeal to the Ethics Commission under the Code that prompted the MCK to take steps to give effect to the due process and fairness of process envisioned by the Code and create the Commission.

Procedural Steps taken in this Appeal

16. Once constituted, the Commission was verbally advised by the MCK Consulting Communications Officer that the Commission had been called upon to hear an appeal as contemplated by section 9.6 of the Code brought by Victor Bonspille and Valerie Bonspille.

17. On January 9, 2025 the Commission issued our First Procedural Direction[8] ("First Direction"), outlining the timetable for an orderly exchange of written submissions of evidence and argument by the parties and setting out proposed hearing dates. The Direction was communicated to the parties on January 13, 2025.

18. On January 14, 2025, the Appellants acknowledged receipt of this First Direction and communicated their request to the Commission for an extension to mid-February for the parties' exchange of submissions "in order to meet with our legal representative and provide our submissions and positions on this issue".

19. The Commission granted the Appellants' request and in our Second Procedural Direction[9] issued on January 21, 2025 ("Second Direction"), we outlined a revised timetable for the orderly exchange of written submissions and rescheduled the date for the Hearing.

20. Our Second Direction gave the Appellants until February 14th to provide submissions to all parties and the Commission. The Commission did not receive any submissions of the Appellants by this deadline.

21. The Respondent was given until February 28th to provide their submissions to all parties and the Commission. This timeline was met, and we have the submissions of the Respondent.

22. Our Second Direction gave the Appellants until March 7th to submit a reply to the Respondent's submission. Again, nothing was received from the Appellants by this

[7] Section 2.3 of the Code.
[8] *Supra*, note 6.
[9] Second Procedural Direction, January 21, 2025, attached as **Schedule 3**.

deadline. To sum, as of March 7th the Commission had received nothing from the Appellants.

23. On March 11th, 2025 after the close of submissions based upon the revised timetable sought by the Appellants and set out clearly in the Second Direction, the MCK Consulting Communications Officer was copied on a letter dated March 11, 2025 addressed to Mr. Dodds and signed by Mr. Robert Lord, legal counsel for the Appellants ("March 11th Letter")[10]. In this March 11th Letter, Mr. Lord communicated that the Appellants would not be attending the Hearing; that they have no representations to make other than what was contained in the March 11th Letter; and that the MCK Consulting Communications Officer be requested to deposit a copy of this letter into the Commission's records.

Commission s Decision to Proceed with this Hearing

24. As previously stated, it was the Appellants who demanded this Appeal to the Ethics Commission by the March 6th Letter and following this request, the MCK took steps pursuant to s. 9.6 of the Code to establish the Commission. The Commission's Terms of Reference were drafted July 16, 2024 and formally adopted November 29, 2024. The Commission was fully constituted by October 7, 2024.

25. At no time after their demand for an appeal nor at any time following delivery of either of the Commission's First Direction or Second Direction did the Appellants express their denial of the authority of the Commission. Instead, the Appellants communicated to the Commission an intention to participate.

26. The First Direction of the Commission was provided to the parties on January 13, 2025 and on January 14, 2025 the Appellants requested an extension "in order to meet with our legal representative and provide our submissions and position on the issue". The Commission granted the extension requested by the Appellants and consequently the Second Direction was provided to the parties. Rather than dispute the authority of the Commission to proceed, we believed the Appellants' communication indicated their intention to respect the process for the timely and orderly exchange of written submissions leading to the Hearing date. As such, time and resources were being expended by the Commission and the Respondents based upon the actions of the Appellants.

27. It came as a surprise then to read the March 11th Letter, delivered after the close of submissions, whereby the Appellants seemingly only now rejected the authority of the Commission and announced that they would not be attending the Hearing.

28. The Appellants contest the standing of the MCK and therefore contest any actions taken by Council, including the purported constitution of the Ethics Commission. The Appellants mandated their legal counsel to advise that they consider the Commission to be "invalidly constituted" and consequently "it is their firm belief that the Ethics Commission has no

[10] March 11, 2025 letter from Robert W. Lord, Barrister Re: the matter of Grand Chief Victor Bonspille and Chief Valerie Bonspille Ethics Commission of the Mohawk Council of Kanesatake

authority generally and no authority as regards them [my clients] specifically."[11] The Appellants contest the standing of the remaining Chiefs as members of the Council and therefore contest the validity of any action taken by the Council, including the constitution of this Ethics Commission. The Appellants, however, have made no application to the Federal Court to formally review the constitution of the Commission.

29. The Federal Court decision in *Simon* confirmed the governing authority of the MCK and the validity of the Code, the Ethics Commission is a creature of the Code.[12] The Appellants demanded this appeal by their March 6th Letter and communicated their intention to participate; as a result, the Commission and the Respondents expended resources in anticipation of giving full effect to the due process and fairness contemplated for all parties under the Code. Failing to file their submissions and then subsequently raising an objection of authority after the close of submissions and on the eve of a public hearing undermines the process. We are prepared to proceed.

Questions for the Ethics Commission to Decide

30. In their written submission, the Respondents submit there are two questions before the Commission:

    a. Have the positions of Victor Bonspille and Valerie Bonspille become vacant pursuant to s. 9.1.5 of the Code because they have, without valid reasons, failed to attend three or more Mohawk Council meetings?

    b. Have the Appellants' seats on Council become vacant pursuant to 9.1.6 of the Code because they have engaged in "wrongful conduct that affects, interrupts, or interferes with the performance of their duties"?

31. The Respondents submit that the answer to both of these questions should be yes, and request that the Commission confirm that the Appellants no longer hold the positions of Grand Chief and Chief, respectively.

32. We will consider each question in turn.

Vacancy of Position on Council

Appellants' Position

33. The Commission is under no obligation to accept the March 11th Letter as valid submissions by the Appellants, having missed the deadline for submission as noted already and thereby preventing the Respondent an opportunity to respond specifically to the March 11th Letter. The Commission notes however that the Respondent appears to have anticipated the Appellants' argument as the Respondent's written submission received by the Commission on February 28, 2025 in fact addresses most of the Appellants' arguments.

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[11] *Supra*, note 10.
[12] Section 9.6 of the Code.

34. The Commission has decided to deem the contents of the March 11th Letter eligible for consideration in this Hearing.

35. While contesting the authority of the Commission, in the March 11th Letter the Appellants "in any event" state,

> *… "the purported vacation of their positions as Grand Chief and Chief was unfounded. They are accused of missing a total of three (3) Mohawk Council and/or Public meetings without valid reasons. It is well established that Council meetings can only be called by the Grand Chief, as admitted by Serge Simon (Exhibit D-1 in the above mentioned Superior Court file). In addition to the invalid constitution of the Council, the meetings my clients are accused of missing were not properly called. Nor were any community meetings ever called.*
>
> *Furthermore, my clients had every reason to avoid attending the meetings, as the meetings have degenerated into nothing more than shouting matches.*
>
> *Furthermore, it is rather the five individuals who have missed properly called community meetings without valid reason. Community meetings have been called on March 19 and July 30th 2024 and December 10th 2025. The five individuals were absent for all of them.*
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> *I think it appropriate to add that, whatever the outcome of any hearing before the Commission, and regardless of any decision that may be made, no decision can prevent my clients from running in the band elections scheduled for this summer. Consequently, my clients see no purpose in incurring additional expense with regard to this matter.*
>
> *Consequently, my clients will not be attending any hearings of the ethics Commission. They have no other representations to make it this time other than what is contained in this letter, which are made without any admission as to the validity of the Commission. A copy of this letter is sent to Justine Germain, and she is requested to deposit it into the Commission s records.*
>
> *My clients reserve all rights and recourses which may lie in their favor."*

MCK's Position

36. Relying upon s. 9.1 of the Code, the Respondent alleges that the Grand Chief Victor Bonspille and Chief Valerie Bonspille have since August 1, 2021[13] refused to attend over 50 duly convened weekly council meetings without cause.

37. The Respondent submits that Appellant Victor Bonspille has admitted in a sworn deposition provided on April 9, 2024 ("Sworn Deposition"), during concurrent proceedings underway in the Quebec Superior Court, that MCK has a long tradition of meeting every Tuesday.[14] The Respondent calculates that by the time the remaining Chiefs instituted the disciplinary

[13] MCK Resolution #0038.2324.00069
[14] Transcript, p. 12 (lines 11-18).

measures the Appellants had missed over 50 weekly Council meetings. The Respondent's representative submits that these facts are not in dispute. It is these facts that gave rise to the Decision to rely upon s. 9.1.5 to declare the positions of Grand Chief and Chief vacant.[15]

38. The Respondent's representative draws the Commission's attention to two Federal Court decisions where issues concerning the custom of Council meetings at Kanesatake were under review. In *Francis*, the Federal Court provided an analysis of contemporary custom election issues in Kanesatake and stated clearly that to prove the existence of a custom, a party must show that a rule is "firmly established, generalized and followed consistently and conscientiously by a majority of the community, thus evidencing a broad consensus as to its applicability."[16]

39. In *Gabriel*, a judicial review was brought to set aside a resolution of the MCK in 2002 removing James Gabriel as Grand Chief of the Council. The MCK argued that a custom existed of dismissing Council members by votes of non-confidence. The parties each presented argument to the court. In their examination the court stated, "a custom must include practices generally acceptable to members of the band and upon which there is a broach consensus." [17] The court in *Gabriel* held that in Kanesatake there is no custom for dismissing Council members by votes of non-confidence.[18]

Panel Findings

40. It is beyond the jurisdiction of the Commission to decide the bona fides of the Appellants' contest of the standing of the Mohawk Council. This is for the Federal Court.

41. We are prepared to rely upon the current jurisprudence of the Federal Court in both *Simon* and *Gabriel*, that the MCK is the governing authority, and no custom currently exists to dismiss council members by votes of non-confidence. A plain reading of the Code at s. 1.14 indicates that a process for non-confidence has not yet been approved by all Members of Kanesatake.

42. The Commission is required to interpret whether s. 9.1.5 of the Code has been met. This in turn requires us to determine whether the person who holds the position of Grand Chief or of Chief "misses a total of three (3) Mohawk Council and/or Public meetings without valid reasons during mandate". A plain reading of "public meetings" is not in dispute. What appears to be in dispute is what constitutes a meeting of the "Mohawk Council".

43. The Appellants rely upon their view that only Council meetings called by the Grand Chief are valid; together with Appellant Victor Bonspille's statement in the Sworn Deposition that he has not called any Council meetings "because we've been toxic"[19]. The Commission finds that he has not called, thus not attended, any Council meetings of MCK from January 1,

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[15] MCK Submission, para. 11-12.
[16] MCK Submission, para. 14, Francis v. Mohawk Council of Kanesatake [2003] 4 FC 1133, para. 36.
[17] MCK Submission para. 18 citing Gabriel v. Mohawk Council of Kanesatake [2002] FCT 483, para. 21
[18] MCK Submission para. 18 citing Gabriel v. Mohawk Council of Kanesatake [2002] FCT 483, paras 19- 21.
[19] Transcript, p.19

2023 through to the date of the Sworn Deposition.[20] The Appellants repeat in the March 11th Letter to the Respondents that Council meetings can only be called by the Grand Chief and state therefore that any meeting not properly called by the Grand Chief can be missed. In this same letter, the Appellants also seem to rely upon avoiding (Council) meetings, "as these meetings have degenerated into nothing more than shouting matches."[21]

44. After initiating their request for an appeal to the Commission on March 6, 2024, and responding to the Commission's First Direction to ask for an extension of time to submit their written submissions without delay, their March 11th Letter is the only communication received by the Commission. As previously summarized, they reject the authority of the Commission but nonetheless repeat their view of the Grand Chief's sole authority to call Council meetings but have provided no evidence, documentation or other authority for holding such a view.

45. The Appellants have created a difficult circumstance where they demanded the appeal to the Commission and now that the Commission is constituted, challenge the authority of the Commission and refuse to now participate but have not brought an application to the Federal Court to decide the issue. This jurisdictional issue is compounded by the fact that the issue to be determined by the Commission, whether three meetings have been missed and what constitutes a properly convened Mohawk Council meeting, is in dispute. By refusing to participate the Appellants undermine the very Code they were elected under and that currently governs the people of Kanesatake until they decide otherwise.

46. We are prepared to accept a plain reading of the Code and its "Principles of Government" pursuant to s. 2.0. Under s. 2.2., the Members of the Mohawks of Kanesatake elect their Mohawk Council as their governing body in accordance with the procedures outlined in the present Custom Electoral Code." Under s. 1.11 of the Code, Mohawk Council member means the Grand Chief and Chiefs elected under this Electoral Code and under s. 7.1 shall consist of one Grand Chief and six Chiefs. We interpret, a "Mohawk Council meeting" to mean a meeting of the Grand Chief and six Chiefs. There is nothing in the Code that requires a Mohawk Council meeting to be called only by the Grand Chief.

47. Based upon the evidence submitted by the Respondent of the Appellant Victor Bonspille's Sworn Deposition, and their admission in the March 11th Letter that they filed with the Commission, the Appellants have admitted their failure to attend. We accept this evidence that they have not attended a meeting of the MCK since January 2023, nor have they provided a valid reason for doing so.

48. We believe we can dispense the appeal based upon our finding concerning s. 9.1.5 of the Code but as MCK has introduced s. 9.1.6, we have considered this below.

[20] Transcript, p. 18, line 22 to p.19, line 10.
[21] *Supra*, note 10.

Wrongful Conduct

49. We have only the submission and evidence submitted by the Respondent who directs the Commission to consider the following legal principles when considering wrongful conduct pursuant to s. 9.1.6 of the Code:

    a. The Code requires Council members to act "with honesty, impartiality, fairness and openness in the interests of the Mohawks of Kanesatake";[22] and

    b. Caselaw has established that band council officials owe a fiduciary duty to the band, which means that "upon being elected, [the council member] undertakes to act in the interests of members of the band" and "not to allow his or her interest to conflict with the duty that he or she has undertaken."[23]

50. The Respondent submits that Council's June 8, 2023 Resolution laid out various actions of the Appellants, which they believe constitute wrongful conduct under s. 9.1.6 of the Code; and have highlighted in its written submission three separate incidents, each of which would constitute wrongful conduct but taken together are more than sufficient to trigger s. 9.1.6. Based upon the evidence submitted by the Respondent in support of their submission, the incidents are not in dispute.

51. The three incidents are described in the Respondent's written submission, as follows:

    a. The Appellants requested that federal government remove MCK's financial autonomy by imposing third-party management on Kanesatake. Under third-party management, the government transfers all of a band's funding to a separate entity, which is paid from band funds, to manage the programs usually operated by the band council. This action removes a community's autonomy over its financial management. [24] The Sworn Deposition of the Appellant Victor Bonspille made known he took this action not because he believed the band was in serious financial trouble but because of his political disagreement and personal frustration with how money was being spent.[25]

    b. An altercation involving Appellant Victor Bonspille and Appellant Valerie Bonspille which took place in the Council offices on August 8, 2022, resulting in Chief Denise David being physically assaulted by Appellant Valerie Bonspille causing Chief David to suffer physical injuries documented in a detailed incident report filed with the police. It is not known whether criminal charges were laid.[26]

    c. The Appellants, with the assistance of a small group of community members, chained the front doors of the Council building shut on October 25, 2024 prompting the Respondent to seek and be granted a provisional injunction from the Quebec

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[22] Section 2.3 of the Code
[23] *Assu v. Chickite*, 1998 Can LII 3974 (BCSC), paras. 22026; *Blueberry Interim Trust (Re*) 2011 BCSC 769 769, para. 42; *Gilbert v. Abbey*, 1992 CanLII 921 (BCSC), para.
[24] MCK Submission, para. 23
[25] Transcript, p. 97-100.
[26] MCK Submission, para. 29; Incident Report prepared by Chief Denise David (Document #7)

Superior Court authorizing them to remove the chains and prohibit the Appellants from further interfering with Council's operations.[27] For more than seven days staff and employees were prevented from being able to provide services and programs for the community.

52. We accept that the Code is very clear in its statement of Governing Principles that elected Council members are to act with honesty, impartiality, fairness and openness in the interests of the Mohawks of Kanesatake. We also accept that each incident as described in detail in the Respondent's written submission demonstrates a willingness to put their own political disagreements and personal frustrations ahead of the interests of the people of Kanesatake contrary to the Code and fiduciary duty to the band.

Conclusion and Order

53. We find the position of Grand Chief held by Victor Bonspille and position of Chief held by Valerie Bonspille have become vacant because they have missed more than three (3) meetings of the Mohawk Council without valid reasons pursuant to s. 9.1.5.

54. We further find that both the Appellant Victor Bonspille and the Appellant Valerie Bonspille have, during the current 4-year Council term, engaged in multiple incidents of wrongful conduct as have been described in the Respondent's submission, any and all of which are found to affect, interrupt and interfere with the performance of their duties pursuant to s. 9.1.6.

55. The Code does not expressly provide for "disciplinary measures" following a determination of vacancy. The Appellants exercised their right to appeal to the Ethics Commission, and while they now dispute the authority of the Commission to act, we do not believe exercising due process means they should return their renumeration paid to date. Effective April 1, 2025, however, no further renumeration is owed in respect of the two vacant positions and all MCK property that may be in the possession of the Appellants must immediately be returned.

Kathleen N. Lickers, Chair	Daniela T. Corapi	Arlene H. Heny, KC

[27] MCK Submission, para. 31-32; Judgement on the Application for a Provisional Injunction, November 2, 2023, Quebec Superior Court (Document #8). The application for a permanent injunction by the Quebec Superior Court has not yet been heard.

Mohawk Council of Kanesatake

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CHRONOLOGICAL NO. NUMERO CHRONOLOGIQUE
FILE REFERENCE. NUMERO DE DOSSIER **0038.2324.00069**

THE MOHAWK COUNCIL OF KANESATAKE CONSEIL MOHAWK DE KANESATAKE			
PROVINCE OF	**QUEBEC**		
PLACE ENDROIT	**KANESATAKE MOHAWK TERRITORY**		
DATE	**27** DAY-JOUR	**FEBRUARY** MONTH-MOIS	**2024** YEAR-ANNEE

DO HEREBY RESOLVE:
DECIDE, PAR LES PRESENTES:

Disciplinary Measures

WHEREAS: The Mohawk Council of Kanesatake (MCK) is the legal governing body of the Mohawks of Kanesatake and their Territory; and,

WHEREAS: On 10 November 2015 the MCK did adopt BCR #040.1516.00069 – GOVERNANCE-ACCEPTANCE OF RESULTS OF RATIFICATION VOTE MOHAWKS OF KANESATAKE CUSTOM ELECTORAL CODE; and,

WHEREAS: The Custom Electoral Code of the Mohawks of Kanesatake states in section 9.1 that "**the position of Grand Chief or Chief becomes vacant when a person that holds that position**:"; and,

WHEREAS: In section 9.1.5 "**Misses a total of three (3) Mohawk Council and/or Public meetings without valid reasons during the mandate**;"; and,

WHEREAS: Since August 1st, 2021, Grand Chief Victor Bonspille and Chief Valerie Bonspille have refused to attend over 50 duly convened weekly council meetings without cause; and,

WHEREAS: The Mohawk Council of Kanesatake has determined that it is necessary and beholden upon them as the legal governing body of the Mohawks of Kanesatake to enact disciplinary measures.

Quorum for Council Pour ce Conseil le quorum est consists of fixé à **4** Council Members Membres du Conseil

Grand Chief Victor Bonspille

Chief Amy Beauvais

Chief John Canatonquin

Chief Denise David

Chief Brant Etienne

Chief Serge Simon

Chief Valerie Bonspille

Mohawk Council of Kanesatake

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CHRONOLOGICAL NO. NUMERO CHRONOLOGIQUE
FILE REFERENCE. NUMERO DE DOSSIER **0038.2324.00069**

THE MOHAWK COUNCIL OF KANESATAKE CONSEIL MOHAWK DE KANESATAKE			
PROVINCE OF	**QUEBEC**		
PLACE ENDROIT	**KANESATAKE MOHAWK TERRITORY**		
DATE	**27** DAY-JOUR	**FEBRUARY** MONTH-MOIS	**2024** YEAR-ANNEE

DO HEREBY RESOLVE:
DECIDE, PAR LES PRESENTES:

THEREFORE, BE IT RESOLVED THAT: The Mohawk Council of Kanesatake has determined that Grand Chief Victor Bonspille and Chief Valerie Bonspille are removed from all portfolio's; and,

BE IT FURTHER RESOLVED THAT: Grand Chief Victor Bonspille and Chief Valerie Bonspille are removed as direct reporting supervisors of any employee, manager, partners, or contractors of the MCK; and,

BE IT FURTHER RESOLVED THAT: Grand Chief Victor Bonspille and Chief Valerie Bonspille are removed as spokesperson, liaison or point of contact on all negotiations, projects or other matters pertaining to affairs of the MCK; and,

BE IT FURTHER RESOLVED THAT: Grand Chief Victor Bonspille and Chief Valerie Bonspille are removed from all negotiations or participation in the Rights and Recognition of Indigenous Rights and Self-Determination discussion tables (RIRSD); and,

BE IT FURTHER RESOLVED THAT: Grand Chief Victor Bonspille and Chief Valerie Bonspille shall return all documents, materials, and property of the MCK in their possession, including, but not limited to all Band Council Resolution binders, all Minutes of Council Binders, all research and historical documents and all computers, laptops, or other devices; and,

BE IT FINALLY RESOLVED: The Mohawk Council of Kanesatake has decided to suspend without pay Grand Chief Victor Bonspille and Chief Valerie Bonspille.

Quorum for Council Pour ce Conseil le quorum est consists of fixé à **4** Council Members Membres du Conseil

Grand Chief Victor Bonspille

Chief Amy Beauvais | Chief John Canatonquin | Chief Denise David

Chief Brant Etienne | Chief Serge Simon | Chief Valerie Bonspille

FIRST PROCEDURAL DIRECTION

OF THE ETHICS COMMISSION ("Commission")

OF THE MOHAWK COUNCIL OF KANESATAKE ("MCK")

In the matter of *Bonspille et al* (January 9, 2025)

***Whereas*:**

A. The decision to establish the Commission was discussed by MCK in the spring of 2024 and draft Terms of Reference prepared by July 16, 2024. The Commission is comprised of three members and was fully constituted by October 7, 2024 when each member appointed by MCK had signed their respective Engagement Letter. The official version of the *Ethics Commission Terms of Reference* (ToR) were formally signed November 29, 2024 (attached).

B. The members of the Commission are Kathleen Lickers (Chairperson), Daniela T. Corapi, Arlene H. Henry, KC.

C. The Commission has been verbally advised by the Consulting Communications Officer, MCK that the Commission is being called upon to hear an appeal as contemplated by section 9.6 of the *MCK Custom Election Code*.

Accordingly, the Commission invites the parties to participate as follows:

Appellants' Submission

1. The Appellants, Victor Bonspille and Valerie Bonspille, shall provide written submissions which are a maximum of 8 pages in length and which will:
   (i) identify which of section 9.1.1, 9.1.5, or 9.1.6 of the *MCK Election Code*, they intend to rely upon;
   (ii) set out the Appellants' position on the issues in dispute; and
   (iii) include any documentary evidence the Appellants consider relevant or wish to rely on (maximum 10 documents, totalling 70 pages). Note: An excerpt from a document is acceptable and preferred but is considered one document.

2. The Appellants shall deliver their written submission to the Ethics Commission and the other parties by 5pm (ET) Monday, January 20th, 2025.

Respondents' Response

3. The Respondents shall provide their written response to both the Ethics Commission and to the Appellants which will:
   (i) be a maximum of 8 pages in length;
   (ii) set out the Respondents' position on the issues in dispute; and
   (iii) include any documentary evidence the Respondents consider relevant or wish to rely on (maximum 10 documents, totalling 70 pages). Note: An excerpt from a document is acceptable and preferred but is considered one document.

4. The Respondents shall deliver their written response to the Ethics Commission and to the Appellants by 5pm (ET) Monday, January 27th, 2025.

Appellants' Reply

5. The Appellants shall provide any written reply, not to exceed 3 pages, to the Ethics Commission and the Respondent by 5pm (ET) Thursday, January 30, 2025.

Pre-Hearing and Hearing Schedule

6. The Commission invites legal counsel to the parties to attend a virtual pre-hearing procedural conference on February 18th, 2025 from 10 am (ET) until noon, as such time is required. For clarity, the purpose of this pre-hearing conference is to establish the procedural elements of the virtual Hearing.

7. The Commission proposes that a one-day virtual Hearing be held on either February 24th or 25th, 2025 between 10 am (ET) and 4:30 pm (ET).

Interpreters

8. The Commission will conduct the Hearing in English. If either party requires the assistance of an interpreter, please advise the Commission as soon as possible.

Communication with the Ethics Commission

9. All communication directed to the Ethics Commission shall be made only through the MCK Consulting Communications Officer.

SECOND PROCEDURAL DIRECTION

OF THE ETHICS COMMISSION ("Commission")

OF THE MOHAWK COUNCIL OF KANESATAKE ("MCK")

In the matter of *Bonspille et al* (January 21, 2025)

***Whereas*:**

A. The FIRST PROCEDURAL DIRECTION of the Commission was sent to the Parties on January 13, 2025 setting out a schedule for the Parties to exchange written submissions directed toward proceeding to a Hearing.

B. On January 14, 2025 the Appellants acknowledged receipt of the FIRST PROCEDURAL DIRECTION and communicated their request to the Commission for an extension to mid-February 2025 to permit them time to prepare with legal counsel who is out of the country during the schedule given by the Commission. However, an unforeseen computer server issue that was unknown to the MCK Consulting Communications Officer resulted in the Commission not learning of this request until January 21, 2025.

C. The Commission has considered the request on an urgent basis.

Accordingly, the Commission grants the Appellants' request for an extension and amends the schedule for Submissions as follows:

Appellants' Submission

1. The Appellants, Victor Bonspille and Valerie Bonspille, shall provide written submissions which are a maximum of 8 pages in length and which will:
   (i) identify which of section 9.1.1, 9.1.5, or 9.1.6 of the *MCK Election Code*, they intend to rely upon;
   (ii) set out the Appellants' position on the issues in dispute; and
   (iii) include any documentary evidence the Appellants consider relevant or wish to rely on (maximum 10 documents, totalling 70 pages). Note: An excerpt from a document is acceptable and preferred but is considered one document.

2. The Appellants shall deliver their written submission to the Ethics Commission and the other parties by 5pm (ET) Friday, **February 14, 2025**.

Respondents' Response

3. The Respondents shall provide their written response to both the Ethics Commission and to the Appellants which will:
   (i) be a maximum of 8 pages in length;
   (ii) set out the Respondents' position on the issues in dispute; and

(iii) include any documentary evidence the Respondents consider relevant or wish to rely on (maximum 10 documents, totalling 70 pages). Note: An excerpt from a document is acceptable and preferred but is considered one document.

4. The Respondents shall deliver their written response to the Ethics Commission and to the Appellants by 5pm (ET) **Friday, February 28, 2025**

Appellants' Reply

5. The Appellants shall provide any written reply, not to exceed 3 pages, to the Ethics Commission and the Respondent by 5pm (ET) **Friday, March 7, 2025.**

Pre-Hearing and Hearing Schedule

6. The Commission invites legal counsel to the parties to attend a virtual pre-hearing procedural conference on **Wednesday, March 12th**, 2025 from 10 am (ET) until noon, as such time is required. For clarity, the purpose of this pre-hearing conference is to establish the procedural elements of the virtual Hearing.

7. The Commission proposes that a one-day virtual Hearing be held on **either March 17 or 18th**, 2025 between 10 am (ET) and 4:30 pm (ET).

Interpreters

8. The Commission will conduct the Hearing in English. If either party requires the assistance of an interpreter, please advise the Commission as soon as possible.

Communication with the Ethics Commission

9. All communication directed to the Ethics Commission shall be made only through the MCK Consulting Communications Officer.