

Little Traverse Bay Bands of Odawa Indians
Tribal Court

7500 Odawa Circle
Harbor Springs, Michigan 49740

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231-242-1461 • FAX 231-242-1470

The People of the
Little Traverse Bay Bands of Odawa Indians

V

John Douglas Schlappi
1333 West Levering
Levering, MI 49755

H-040-0506

ORDER

A hearing was held in this matter on November 9 and 13, 2006 at which time John Douglas Schlappi was ordered to reimburse the Tribe for any costs incurred to hire a third party to remove the nets that he had put in the water and that his Captain's license be revoked for one year.

A subsequent hearing was held in this matter on November 14, 2007 at which time Mr. Schlappi appeared but a representative of the Tribe's Natural Resources Department failed to appear.

Mr. Schlappi told that Court that he has not received a bill for the cost to remove the nets.

Therefore, it is ORDERED that because it has been one year since Mr. Schlappi's Captain's license has been revoked, he may have his license reinstated upon payment of the \$50.00 reinstatement fee to the Natural Resources Department.

Nov. 14, 2007
November 14, 2007

Jenny Lee Kronk
Honorable Jenny Lee Kronk, Associate Judge

File No: H-040-0506

Certification of Service

I certify that a copy of the Order dated 11-14-07 was served upon the following parties:

-By First Class Mail:
Respondent

John Douglas Schlappi
1333 W. Levering
Levering MI 49755

-By LTBB Internal Mail:
LTBB NRD

M. McCreery, NR Officer

On 11/14/2007 4:42:01 PM.



Linda C. Harper, Court Clerk

Little Traverse Bay Bands of Odawa Indians
Tribal Court

7500 Odawa Circle
Harbor Springs, Michigan 49740

231-242-1461 • FAX 231-242-1470

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The People of the
Little Traverse Bay Bands of Odawa Indians

V

John Douglas Schlappi
1333 West Levering
Levering, MI 49755

H-040-0506

ORDER

A show cause hearing was held in this matter on November 9 and 13, 2006, before the Honorable Jenny Lee Kronk, Little Traverse Bay Bands (LTBB) of Odawa Indians Associate Judge. Present at the hearing were William Gregory, LTBB Prosecuting Attorney, Michael McCreery and Kevin Willis, LTBB Conservation Officers, Respondent John Douglas Schlappi, and Dr. Terry Samuels.

Procedural History

A hearing was held previously in this matter on June 2, 2006, where the Respondent pled guilty to four counts of abandoning nets in violation of Section IX(1) of Title IV of the Natural Resource Protection Statute. The Court imposed fines and ordered the Respondent to remove the trap nets by June 30, 2006. On June 29, 2006, the Respondent paid the fine and the Court granted the Respondent's request that he be allowed until July 10, 2006 to remove the trap nets. On July 10, 2006, the Respondent requested an additional ten days to remove the trap nets because of a steering cylinder breakdown on the boat. An extension to remove the trap nets by July 20, 2006, was granted. Following a hearing held on August 17, 2006, Officer McCreery agreed to give Mr. Schlappi until September 30, 2006 to remove the nets.

Findings of Fact

As of this date, the nets are still in the water, therefore, Mr. Schlappi was ordered to show cause of why he should not be held in contempt of court and his captain's license should not be revoked. At today's hearing, Mr. Schlappi indicated that one of the four nets is out of the water, but three still remain. The Court also received into evidence a November 9, 2006 letter from Albert Colby, Jr., Tribal Administrator

Conclusions of Law

The Court finds that Mr. Schlappi has failed to remove the trap nets by the reasonable deadlines imposed by the Court.

Wherefore, IT IS ORDERED that:

- John Douglas Schlappi's Captain's license shall be revoked for one year.
- John Douglas Schlappi must reimburse the Tribe for any costs incurred to hire a third party to remove the nets.

Nov. 13, 2006
Date

Jenny Lee Kronk
Honorable Jenny Lee Kronk, Associate Judge

File No: H-040-0506

Certification of Service

I certify that a copy of the H-040-0506 was served upon the following parties:

-By First Class Mail:	
Respondent	Terry Samuels
	4850 W. Levering Rd
	Harbor Springs, MI 49740
Respondent	John Douglas Schlappi
	1333 W. Levering
	Levering MI 49755
-By LTBB Internal Mail:	
Prosecutor	William Gregory
LTBB NRD	Doug Craven, NR Director
LTBB NRD	K. Willis, NR Officer
LTBB NRD	M. McCreery, NR Officer

On 11/14/2006 9:34:22 AM.

Linda C. Harper, Court Clerk

THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
IN THE CONSERVATION DIVISION OF TRIBAL COURT

In the Matter of:
JOHN SCHLAPPI,
Respondent.

Case No. H-040-0506

_____ /

SUBPOENA FOR PRODUCTION OF DOCUMENTS

To: LTBB NRD Fishing Tech Andrea Kral

You are hereby ordered to produce the 2005 catch reports for C 0066 and C 0069

When prepared please hold for pick up by Officer Michael McCreery.

Failure to comply the commands of this subpoena may subject you to a penalty for
Contempt of Court.

This subpoena was requested by the LTBB Prosecutor, 242-1466.

Date: Nov. 9, 2006

Jenny Lee Kronk
Hon. Jenny Kronk, Associate Judge

**Little Traverse Bay Bands of Odawa Indians
Tribal Court**

7500 Odawa Circle
Harbor Springs, Michigan 49740

231-242-1461 • FAX 231-242-1470

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The People of the
Little Traverse Bay Bands of Odawa Indians

V

John Douglas Schlappi
1333 West Levering
Levering, MI 49755

H-040-0506

ORDER

A show cause hearing was held in this matter on August 17, 2006, before the Honorable Jenny Lee Kronk, Little Traverse Bay Bands (LTBB) of Odawa Indians Associate Judge. Present at the hearing were Michael McCreery, LTBB Conservation Officer, and Respondent John Douglas Schlappi.

Procedural History

A hearing was held previously in this matter on June 2, 2006, where the Respondent pled guilty to four counts of abandoning nets in violation of Section IX(1) of Title IV of the Natural Resource Protection Statute. The Court imposed fines and ordered the Respondent to remove the trap nets by June 30, 2006. On June 29, 2006, the Respondent paid the fine and the Court granted the Respondent's request that he be allowed until July 10, 2006 to remove the trap nets. On July 10, 2006, the Respondent requested an additional ten days to remove the trap nets because of a steering cylinder breakdown on the boat. An extension to remove the trap nets by July 20, 2006, was granted.

Findings of Fact

As of this date, the nets are still in the water, therefore, Mr. Schlappi was ordered to show cause of why he should not be held in contempt of court. At today's hearing, Mr. Schlappi indicated that one of the four nets is out of the water, but three still remain. He said he has not been able to retrieve the other nets because of mechanical breakdowns on the boat and windy weather conditions. Mr. Schlappi assured the Court that he would be able to get the remaining nets out of the water within three days with the proper weather conditions. Officer McCreery agreed that Mr. Schlappi should have until September 30, 1996 to remove the trap nets.

Conclusions of Law

The Court finds that Mr. Schlappi made a good faith attempt to remove the trap nets by the deadline imposed by the Court, but mechanical breakdowns and adverse weather conditions prohibited him from doing so. However, the nets must be removed from the water before the onset of this winter season. Mr. Schlappi has assured the Court that he is up to the task; therefore, he will be given one last chance to do so before an outside party is hired to remove the nets for him.

Wherefore, IT IS ORDERED that:

- John Douglas Schlappi shall remove the trap nets by September 30, 2006.
- Mr. Schlappi must inform the tribe's Department of Natural Resources of when he will be attempting to remove the nets so that the Department may monitor the removal.
- If the nets are not removed by September 30, 2006, the Tribe may hire a third party to remove the nets and Mr. Schlappi will be asked to cover these costs.

August 17, 2006
Date

Jenny Lee Kronk
Honorable Jenny Lee Kronk, Associate Judge

File No: H-040-0506

Certification of Service

I certify that a copy of the Order was served upon the following parties:

-By First Class Mail:
Respondent

John Douglas Schlappi
1333 W. Levering
Levering MI 49755

-By LTBB Internal Mail:
Prosecutor

William Gregory

LTBB NRD

Doug Craven, NR Director

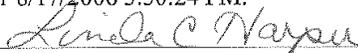
LTBB NRD

K. Willis, NR Officer

LTBB NRD

M. McCreery, NR Officer

On 8/17/2006 3:30:24 PM.



Linda C. Harper, Court Clerk

LITTLE TRAVERSE BAY
BANDS OF ODAWA INDIANS
TRIBAL COURT

**NOTICE AND ORDER OF
SHOW CAUSE HEARING**

FILE NO.
H-040-0506

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

Phone (231) 242-1462

The People of

Little Traverse Bay Bands of Odawa Indians

v.

Respondent's Name and Address:

John Douglas Schlappi
1333 W. Levering
Levering, MI 49755

Copy forward to other:

Bill Gregory, LTBB Prosecutor
Michael McCreery, Conservation Officer
Kevin Willis, Chief Conservation Officer
Doug Craven, NR Director

TAKE NOTICE: A Hearing will be held on Thursday, August 17, 2006 at 1:30 p.m., at 7500 Odawa Circle, Harbor Springs, MI 49740 before a Judge of Little Traverse Bay Bands of Odawa Indians Tribal Court.

FOR THE FOLLOWING PURPOSE:

- Status Conference
- Preliminary Hearing
- Pretrial
- Trial
- Other: Show Cause Hearing on Respondent Did Not Recover Nets

This Hearing may not be adjourned except by the authority of the Court. If you require special accommodation to use the Court because of disabilities, please contact the Court immediately to make arrangements.

IT IS SO ORDERED.

August 4, 2006
Date


Honorable Jenny Lee Kronk, Associate Judge

Note: Respondent attached is a copy of the Natural Resources Supplement Report 5-1-06-2.

File No: H-040-0506

Certification of Service

I certify that a copy of the Notice and Order of Show Cause Hearing on 8/17/2006 was served upon the following parties:

-By First Class Mail:
Respondent

John Douglas Schlappi
1333 W. Levering
Levering MI 49755

-By LTBB Internal Mail:
LTBB NRD

M. McCreery, NR Officer

Prosecutor

William Gregory

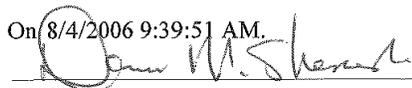
LTBB NRD

Doug Craven, NR Director

LTBB NRD

K. Willis, NR Officer

On 8/4/2006 9:39:51 AM



Dawn M. Shenoskey, Court Administrator

**Little Traverse Bay Bands of Odawa Indians
Tribal Court**

7500 Odawa Circle
Harbor Springs, Michigan 49740

231-242-1461 • FAX 231-242-1470

The People of the
Little Traverse Bay Bands of Odawa Indians

v

John Douglas Schlappi
1333 West Levering
Levering, MI 49755

H-040-0506

ORDER

A hearing was held in this matter on June 2, 2006, where the Respondent pled guilty to four counts of abandoning nets in violation of Section IX(1) of Title IV of the Natural Resource Protection Statute. The Court imposed fines and ordered the Respondent to remove the trap nets by June 30, 2006.

On June 29, 2006, the Respondent paid the fine and the Court granted the Respondent's request that he be allowed until July 10, 2006 to remove the trap nets.

On July 10, 2006, the Respondent requested an additional ten days to remove the trap nets because of a steering cylinder breakdown on the boat.

Wherefore, IT IS ORDERED that:

- John Douglas Schlappi shall remove the trap nets by July 20, 2006.
- Mr. Schlappi must inform the tribe's Department of Natural Resources of when he will be attempting to remove the nets so that the Department may monitor the removal.
- If the nets are not removed with ten (10) days, the Tribe may hire a third party to remove the nets and Mr. Schlappi will be asked to cover these costs.

July 10, 2006
Date

Jenny Lee Kronk
Honorable Jenny Lee Kronk, Associate Judge

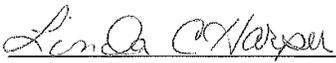
Certificate of Service

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

John Douglas Schlappi
1333 W. Levering
Levering, Michigan 49755

- LTBB internal mail -
Michael McCreery, Conservation Officer
Kevin Willis, Chief Conservation Officer
Doug Craven, Natural Resources Director

On this day July 10, 2006


Linda C Harper, Court Clerk

Little Traverse Bay Bands of Odawa Indians
Tribal Court

7500 Odawa Circle
Harbor Springs, Michigan 49740

231-242-1461 • FAX 231-242-1470

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The People of the
Little Traverse Bay Bands of Odawa Indians

v

John Douglas Schlappi
1333 W. Levering
Levering, MI 49755

H-040-0506

ORDER

A hearing was held in this matter on June 2, 2006, where the Respondent pled guilty to four counts of abandoning nets in violation of Section IX(1) of Title IV of the Natural Resource Protection Statute. The Court imposed fines and ordered the respondent to remove the trap nets by June 30, 2006.

On June 29, 2006, the Respondent paid the fine and requested an extension of ten (10) more days to retrieve the nets because the boat broke down and because of poor weather conditions.

WHEREFORE, IT IS SO ORDERED that Mr. John Douglas Schlappi shall remove the trap nets by July 10, 2006.

June 29, 2006
Date

Jenny Lee Kronk
Honorable Jenny Lee Kronk, Associate Judge

Certificate of Service

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

John Douglas Schlappi
1333 W. Levering
Levering, Michigan 49755

- LTBB internal mail -
Michael McCreery, Conservation Officer
Kevin Willis, Chief Conservation Officer
Doug Craven, Natural Resources Director

On this day June 30, 2006


Linda C. Harper, Court Clerk

LITTLE TRAVERSE BAY BANDS
OF ODAWA INDIANS
TRIBAL COURT

ORDER AFTER HEARING

FILE NO.

H-040-0506
(Citation # 5091 & 5092)

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

(231)242-1461

THE PEOPLE OF THE
LITTLE TRAVERSE BAY BANDS OF
ODAWA INDIANS

V

Respondent's name, address, and telephone no.

John Douglas Schlappi
1333 W. Levering
Levering, Michigan 49755

A hearing was held on this matter on June 2, 2006, before Jenny Lee Kronk, Associate Judge. The Respondent admitted to four counts of abandoning nets in the Fall 2005 by failing to remove four trap nets prior to the onset of winter, in violation of Section IX (I) of Title IV of the Natural Resource Protection Statute.

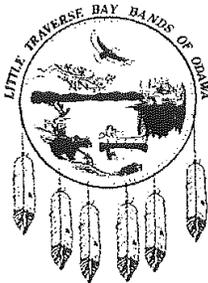
The Court imposed a fine of Two Hundred and Fifty Dollars (\$250.00) and ordered the Respondent to remove the trap nets by June 30, 2006.

Respondent has twenty-eight (28) days to pay the fine and remove the nets.

WHEREFORE, IT IS SO ORDERED that Mr. John Douglas Schlappi pay the above-cited fine of \$250.00 and remove the four trap nets on or by June 30, 2006.

June 2, 2006
Date

Jenny Lee Kronk
Honorable Jenny Lee Kronk, Associate Judge



Certificate of Service

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

6/2/06
Date

Linda C Harper
Linda C Harper, Court Clerk