

No decision on Chief Evans, Inc. vs Mill Bay Resort owners

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The case between Mill Bay Resort and Chief Evans Inc. finally had a day in court on August 13. Paul Grundel, a resort member, was pleased with the judge's acknowledgment that the issue of jurisdiction is important. "The judge is taking the decision very seriously," said Grundel. "It is an important decision that has far reaching repercussions. There is no case quite like this," Grundel added.

The legal battle over whether the Colville Tribal Court or the State of Washington has jurisdiction over the case between the Mill Bay RV Resort owners and Chief Evans Inc. was not decided in the Tribal court Tuesday, August 13.

Tribal Court Judge Steve Aycock presided over two hours of arguments on jurisdictional issues. At issue is whether or not state consumer protection laws apply in the contract dispute, and whether or not the State of Washington, federal government or tribal court has jurisdiction on non-reservation Indian trust land. "This is trust land, not reservation land," said Grundel. "If it was reservation land this would be a different matter."

Judge Aycock concluded he couldn't make a decision as to the dismissal of the Attorney General's Office or the Mill Bay group's for jurisdiction in this case until he has more information from both parties. Franklin Smith, attorney for Mill Bay Resort owners, plans to file a restraining order until the legal issue can be resolved in court. Chief Evans Inc. wants to move the resort from its current location along the shores of Lake Chelan to an area above the MA-8 nine hole golf course. Contracts signed by members require Chief Evans Inc. to relocate to property that is as good or better than its current location now being leased. "I don't know

if any other land that is as good as this," said Grundel.

According to the *Wenatchee World* (August 14, 2002), Jeff Webb, Chief Evans Inc. CPA, told the court that Chief Evans Inc. is losing more than \$100,000 a year to support the members' lifestyle. Grundel said he has seen no financial report from Webb or anybody else with a CPA's name on it. "They've taken \$1.5 million of our money. I pay \$2,500 each year with a 15 percent increase each year. I don't mind that," said Grundel who added that if Chief Evans had developed the RV park into a 750 campsite that was approved by the Bureau of Indian Affairs, they wouldn't have any financial problems.

"I would never have purchased a site at this resort if I wasn't protected under Washington state law," stated Grundel. Chief Evans Inc. operated the resort as a registered state corporation until 1998, at which time they changed the registration of the corporation to the Colville Confederated Tribes. They did this without notifying the membership. Chief Evans Inc. attorney Richard Price argued that as a Native American corporation, it isn't bound by state law. Smith feels differently and argued that because the resort operated from 1984 to 1998 as a state registered corporation, it should be heard in state court.

"Judge Aycock said he would have a written decision that may dismiss the state by October," said Grundel. If that happens, the resort membership will be able to have the case considered in Chelan County Superior Court with the right to appeal to a federal court. "The outcome of this case has far reaching repercussions," said Grundel.

Listening to the arguments were David Coe, Washington State Attorney General's Office, and Robert Lipson, Washington State Consumer Protection Division.