

**Kiowa Tribe October 2025 Legislative Inquiry Hearings Final Report
and Supporting Materials Citations**

February 14, 2026

LEGISLATURE OF THE KIOWA TRIBE

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TABLE OF CONTENTS

PRELIMINARIES	3
FINDINGS I	7
FINDINGS II	14
RECOMMENDATIONS	19
NOTES	20
APPENDIX	28

PRELIMINARIES

On Tuesday, October 28, 2025, the Kiowa Legislature initiated a sequence of inquiry hearings focused on the fiscal welfare of the Tribe following the service of subpoenas for document production and testimony to four Executive Branch officials three months prior in July. Richard McMahon, currently the Chairman of the Kiowa Casino Operations Authority Board of Directors, appeared before the Legislature on the first day of proceedings. Lawrence SpottedBird, Kiowa Tribe Chairman, testified on Wednesday, October 29. Finally, Marland Toyekoyah, Executive Director of Tribal Operations, and William Weaver, Tribe Treasurer/Chief Financial Officer, fielded interrogatories from the Legislature throughout the third and last day of the hearings on October 30. All subpoenaees answered questions under penalty of perjury.

Convened by a unanimous vote of all seven legislators, these interviews encompassed a varied but intersecting array of topics pertaining to the stewardship of Kiowa Tribe finances under Chairman SpottedBird's administration. All testimony was livestreamed via Zoom in the interests of comprehensive public awareness. Legislative chambers at Red Wolf Hall were open to any Member of the Tribe who wished to attend in person. Records cited in discourse were made publicly available on the legislative website¹ and remain accessible through the same platform.

In the immediate aftermath of the hearings, emotionally charged and misleading hyperbole from some of those subpoenaed percolated on social media, and on November 1, the Chairman took to Facebook Live to characterize a legislative process conducted pursuant to the Constitution and Tribe law as an expression of spiritual evil, declaring, "Satan is terrible. He always fights us when we're trying to do good." In the same address, the Chairman also sought to inflect his narrative of a cosmic religious battle with the argument that queries concerning his management of collective Tribe dollars automatically constitute impertinence: "It's no good ... the core value of Cauigu is 'respect our elders,' and I'm all their elders."

The Legislature rejects the idea that any elected officeholder of the Tribe is inherently above reproach. In accordance with foundational cornerstones of the Tribe's democratic model of government, officials are beholden and obligated to serve the Cauigu people. As such, the October hearings and related undertakings of the Legislature – including the data points distilled herein – are fundamentally about three simple questions:

- 1, Is it reasonable to expect the Chairman, as chief executive of the Tribe, to answer questions regarding his use – and/or misuse – of Tribe monies?
2. Is it reasonable to expect the Chairman, invested by the Constitution with the responsibility to implement the laws of the Tribe, to follow those laws himself?

3. If financial improprieties and/or violations of the law by the Chairman are uncovered, what is the appropriate remedy?

In April 2017, qualified voters ratified the present Constitution as “the supreme law of the land.”² Chief among the duties assigned by this central organizing document to the Legislature is the mandate “to monitor the actions of the government.” In a discrete enumeration of legislative powers, the Constitution foregrounds the oversight of budget development. The repeated frustration for the better part of a year by Chairman SpottedBird of the exercise of these legislative authorities defines the preamble to the October proceedings. No member of the Legislature discharged their duties in this capacity without judicious consideration. However, the unequivocal and alarming pattern of evasion and combativeness by Chairman SpottedBird vis-à-vis the management of Tribe monies that preceded the hearings continues to typify his posture in the present day.

By way of example and without limitation, the standard of obfuscation and stonewalling that has been adopted by the Executive Branch is illustrated most readily by two instructive cases in point:

- In January 2025, Mr. McMahon published to Facebook comments that actively misrepresented the status of an ongoing federal investigation being conducted by the National Indian Gaming Commission into overpayments received between 2017 and 2020 by himself and four former KCOA Board Trustees. Specifically, Mr. McMahon falsely stated that same investigation had concluded and found both him and the former Trustees “innocent of any wrongdoing.” In May 2025, the Legislature sent digital correspondence to Mr. McMahon asking for clarification concerning his remarks. After perplexingly describing words that he himself had written in a public forum as “hearsay” to which he was unable to respond, Mr. McMahon solicited intervention from Chairman SpottedBird. In turn, on May 23, 2025, the Chairman asserted via digital correspondence that any future legislative requests for information would be refused and that he was directing both McMahon and Kiowa Gaming Commission Chairman David Lomavaya to terminate all interaction with the Legislature: “I am instructing Mr. McMahon and Mr. Lomavaya that they are not obliged to respond to or provide written information to you regarding the matters contained in your letter ... We will no longer produce any documents or share any investigative material with you ...” The Chairman’s implementation of this communications policy underlines the stark contrast between the Chairman’s hollow rhetorical nods to transparency and his approach in practice to the same value.
- During the spring 2025, after the Chairman’s late submission of his Annual Budget proposal outside the parameters of the constitutionally mandated

February 1st deadline, legislative analysis of his draft identified a glaring omission: line-itemized funding allocations for Kiowa, Inc. This exclusion was confounding; any casual listener tuning into the Kiowa Talk radio program on which the Chairman delivers weekly radio addresses is familiar with the frequent references to what the Executive Branch touts as the marquee economic development venture of the Tribe. The obvious mystery: how can the Tribe stand up Kiowa, Inc., without any monetary support for its operations delineated in the Annual Budget? In a private conference with the Legislature on April 4, 2025, the Chairman asserted that an indeterminate volume of ARPA monies had been earmarked for the enterprise. The Executive Branch's position had shifted diametrically by May 20, when Tribe Chief Financial Officer William Weaver stated that no formal budgets nor banks accounts for Kiowa, Inc., existed at that time. Upon a follow-up request from the Legislature for confirmation of those data points in writing, Mr. Weaver declined on the premise that "involvement" from Chairman SpottedBird in the transmission of such verification would ensure "accurate oversight and the most authoritative response." Finally, in an ensuing discussion with the Legislature on May 28, 2025, senior Finance staff including Mr. Weaver conveyed that, in fact, \$200,000 from the federal Local and Tribal Consistency Fund program had already been seeded in Kiowa Farms, Inc., and Kiowa Ranch, Inc., and that the prospective intent of the Executive Branch was to leverage an additional \$1.5 million from the LATCF pool to springboard holistic Kiowa, Inc., growth in the forthcoming 2025 – 2026 Fiscal Year. The Legislature asked for a line-itemized deconstruction of how that \$1.5 million would be applied. To date, after advancing three different narratives about the source funding for Kiowa, Inc., in as many months, the Executive Branch has supplied no such line itemization.

These are not isolated examples. Amid intensifying resistance by Chairman SpottedBird and his team to divulging even baseline details germane to the financial state of the Tribe, the Legislature availed itself of recourse via the most rational avenue: Tribe law. Kiowa citizens can chart the historical contexts comprising the prologue to the inquiry hearings by referring to public statements released by the Legislature on April 1, May 25, July 13, July 17, and October 10. These updates chart the disengagement of the Executive Branch from meaningful dialogue about Tribe financial affairs; the consequent service of the July subpoenas; and the calendaring, formatting, and regulatory architecture developed for the testimonies.

At the hearings, questioning of witnesses was led in rotation by Speaker Michael Q. Primus II, District 7 Legislator Warren Queton, District 5 Legislator Tiya Tanequodle Rosario, and District 4 Legislator Cole Kickingbird DeLaune. Roughly thirteen (13) hours of footage reflecting the totality of the October proceedings can be viewed on the

YouTube channel of the Kiowa Legislature.³ All of the aforementioned statements published by the Legislature prior to the hearings as well as post-hearing updates disseminated in November can be viewed through the Kiowa Tribe Legislature Facebook page.⁴ A webinar produced by Legislator Queton featuring synoptical commentary by himself and Legislator DeLaune is watchable through his Kiowa Tribe District 7 YouTube platform.⁵

Public access to information about Tribe government is one of the most critical components of a health democracy. The Cauigu people cannot realize full enjoyment of their rights enshrined in our Constitution without an exhaustive and unfiltered accounting of the actions undertaken by the leaders they have elected to represent their interests. The Legislature has endeavored to furnish the most expansive inventory of facts possible for the consideration of the Cauigu populace, and this digest is no different. This report summarizes key findings from the October hearings within the scope of two taxonomies – legal misconduct in office by Chairman SpottedBird and gross misconduct – and lays out recommendations for a road to resolution and redress.

No official of the Tribe is above its laws. In fact, that is not only the lodestar ideal upon which Kiowa government is predicated but the government of the United States as well. In an era roiled both internally and nationally by tumult, legacies of corruption, and eroding trust in public institutions, the healthiest safeguards that Cauigu can adopt are proactive measures that hold leaders accountable for malfeasance. To that end, the Legislature hereby submits the enumerated findings as the first step in healing a broken governmental status quo.

FINDINGS I
LEGAL MISCONDUCT:
VIOLATIONS OF THE KIOWA CONSTITUTION AND TRIBE LAW

1.1 The Indian City Screen Printing Catastrophe: Economic Negligence and Wanton Disregard for Tribe Assets

No honest evaluation of the financial well-being of the Tribe is possible sans thorough consideration of the undertaking that hemorrhaged \$448,294.19 of Kiowa monies across the span of approximately eighteen months: Indian City Screen Printing (ICSP). To contextualize this volume of money, Cauigu may wish to keep in mind that the earmark for Emergency Assistance resources to serve Members of the Tribe at large in the Budget Modification created by Chairman SpottedBird during Fiscal Year 2023 – 2024 totaled \$438,000.

In his testimony on October 29, the Chairman did not dispute the accuracy of accounting maintained by Tribe Deputy CFO Summer Palmer reflecting that ICSP generated a mere \$10,699.00 in total revenue between July 1, 2022, and December 15, 2023, and only sold a total of seven orders in an isolated two-and-a-half month period from August 10, 2023, to October 31 of the same year. The PDF file containing the preceding numerical data also includes a handwritten notation that reads, “Budget was only \$300,000 But spent \$458,993.19”. Those harrowing numbers notwithstanding, the Chairman testified that he would have poured even more Tribe funds into the languishing “business” had he not been stopped by the Legislature.

Beyond those troubling topline logged in a record entitled “Posted General Ledger Transactions – Summer’s GL Transaction Report,” the Chairman’s responses to clarifying interrogatories from the Legislature are cause for even greater disquietude. He stated that he had hired Hollis Asenap, a former brother-in-law, to helm operations of the company but, despite routine check-ins with Mr. Asenap, no business plan was ever completed by the Chairman’s own account. In the absence of that critical budgetary mechanism, Mr. Asenap was rewarded with take-home pay at a rate in excess of \$75,000.00 per annum and was allowed to park his personal RV at the physical site of the ICSP headquarters as well as use utilities pirated from same location.

More bizarrely still, Chairman SpottedBird could not explain why approximately \$60,000 to \$70,000 of T-shirts remained unused upon ICSP’s closure or exactly where that stock can currently be found. In the testimony he provided to the Legislature, the Chairman acknowledged no inventory on the leftover T-shirts has ever been conducted and suggested that indeterminate quantities may have been stolen.⁶ No meaningful oversight, operational controls, or responsible custodianship of Tribe property and money were ever implemented by the Chairman in conjunction with ICSP.

Review of Resolution No. KL-CY-2022-019, cited via short title as the Kiowa Tribe First Budget Modification for Fiscal Year 2022-2023,” illuminates infractions of Tribe law on the part of the Chairman in his reckless abuse of Tribe assets and

mismanagement of this ostensible business. Ratified by the Legislature in accordance with the mandates of the Kiowa Constitution on November 8, 2022, the Modification houses the first line itemization in a Kiowa budget for the screen-printing enterprise. However, Mr. Asenap was already drawing a salary by October 13, 2022, with other expenditures commencing three months prior in July per the General Ledger. No specific budgetary authorization existed for ICSP at those junctures in question. Perhaps even more problematically, while the Budget Modification adhered to constitutional protocols in its passage by the Legislature, the Chairman never signed the bill into law. While it can be argued that enactment occurred after ten (10) days in the absence of his signature consistent with the provisions of the Constitution, copies of the resolution reflect that Jacob Tsotigh, then the Vice-Chairman of the Tribe, approved the Modification. Nothing in Tribe code entitles the Vice-Chairman to assume the power to sign legislative enactments that is explicitly reserved for the Chairman by Article VII, Section 4(f) of the Constitution.

1.2 Illegal Transmission of Tribe Funds to Lone Tribe Member Theodore “Ted” Nuncio

Upon evaluating documents obtained via the July 2025 subpoenas, the Legislature discovered correspondence bearing the signature of Chairman SpottedBird dated June 30, 2023, that reflected the dissemination of \$50,000 to a single Member of the Tribe named Theodore “Ted” Nuncio. Cross-reference to the General Ledger Transactions file from Indian City Screen Printing confirmed payments were issued to Mr. Nuncio from the same funding pool as the failed business in the general structure delineated by SpottedBird in the June 2023 letter (though the prospective five-month timeline was ultimately accelerated): “equal monthly installments of \$10,000 over a five month initial period.” During testimony, the Chairman verbally affirmed that these disbursements had occurred. However, despite his attempts to characterize these expenditures as a loan or investment, there was never a commitment by Mr. Nuncio to give anything of value to the Tribe in return. With neither an ownership stake nor terms of repayment/interest memorialized via written or oral contract, this outlay can only be reasonably construed as a de facto gift. No observable economic development can be cited from what amounts to a no-strings-attached handout to Mr. Nuncio, and the Chairman testified that Native Brands, LLC – the toilet company owned by Nuncio that these Kiowa dollars were supposed to fuel – is still not operational two-and-a-half years later.⁷ When asked if any tracking was performed to ensure that the Tribe’s resources were being spent in alignment with standard business purposes, the Chairman admitted no internal controls or reporting requirements existed.⁸⁹ He granted that this arrangement was “not standard.” And while fielding follow-up interrogatories about what exactly Kiowa Tribe monies have been subsidizing given the organization’s multi-year failure to launch, he suggested that Mr. Nuncio had been “living off” the funds.¹⁰ The Chairman maintained that effectively bankrolling such expenses for a single Member of the Tribe was a matter subject to his individual judgment and discretion.

In ensuing testimony, Tribe Treasurer/Chief Financial Officer Weaver offered bracing counterpoints to the Chairman’s implausible portrayal of the \$50,000 unrestricted patronage of Mr. Nuncio as standard business practice. With approximately three decades of expertise under his professional belt, Mr. Weaver conceded that the payments to Nuncio – which were transmitted between five to two months prior to Weaver’s onboarding into the CFO spot – would not be consistent with Tribe policies in place today. Furthermore, Mr. Weaver clarified that he would not have processed the payments in the absence of any meaningful “expectations” outlined per the June 2023 letter from Chairman SpottedBird to Nuncio but instead would have implored the parties to modify the written parameters with explicit terms before any expenditure from the Tribe was rendered. Specifically, Mr. Weaver indicated that a memorandum of understanding that identifies key performance indicators and scope of work is typical when an entity makes an outlay of the size and nature issued by Chairman SpottedBird to Mr. Nuncio. The Chairman, Mr. Weaver testified, is the person who bears ultimate culpability for these deviations from conventionally accepted procedure.¹¹

Notwithstanding Chairman SpottedBird’s contention that he is unilaterally empowered to cherry pick Kiowa citizens on whom to shower Tribe dollars, the Constitution is unequivocal in the following prohibition: “No expenditure shall be made unless included in an approved budget.” The Finance Department Reform and Accountability Act of 2017 (Sponsor: Renee M. Plata, former Speaker of the Legislature) further stipulates: “Any expenditure of the Tribe’s funds without proper authorization and appropriation shall constitute a civil violation ...” Similarly, the Fiscal Procedures Act of 2017 (also sponsored by former Speaker Plata) provides, “No expenditure shall be made unless included in the effective Budget.”

Kiowa code is unambiguous that all Tribe monies must be appropriated by law and spent in accordance with the intent and purpose of same appropriation. Money housed in the accounts of the Tribe is the people’s money and tribal officials have the highest fiduciary duty to safeguard those funds for all Kiowas, not create monetary windfalls for a select few Members of the Tribe.

While the respective Modified and Annuals Budgets in effect at the time of the disbursements to Mr. Nuncio contained items to spur economic growth for the Tribe, nowhere in same budgets were monetary giveaways to favored Tribe citizens authorized. There is no question that Chairman SpottedBird violated both the Constitution and Tribe law.

1.3 Misappropriation of Tribe Monies for Nominal Sponsorships in Abrogation of Tribe Law

In its July 2025 subpoena to Chairman SpottedBird, the Legislature requested production of, “All documents and communications between You and any KCOA Board Members/Directors, Kiowa Casino CEO Robert Dimmick, Kiowa Casino COO Darius McGee, or Kiowa Casino CFO Steve Abangan regarding any expenditure issued by the Casino on behalf of the Tribe or You to any community organizations, non-profits,

churches, or cultural societies.” Same subpoena also specified, “Unless specifically stated otherwise, all requests should be answered for the time period of 2017 up to and including the day of your testimony.”

In response to the subpoena prompt, the Chairman supplied a list of twenty-five (25) expenditures rendered from Kiowa Casino Red River between July 1, 2023, and June 30, 2025. Among these disbursements were, by way of example and without limitation, the following items recorded as charitable contributions:

- \$75,000 on August 1, 2023, for *IRRPM AUG 23 Price Moneys for Indian Relay Race Anadarko*.
- \$2,500 on August 31, 2024, for *IRONMAN COMPETITION SPONSORSHIP (DAVID ANDERSON)*.

Throughout the same list, the ensuing entries were billed as sponsorships:

- \$5,000 to Oklahoma City Pow Wow Club on July 31, 2024, for the 74th Annual Indian Hills Powwow.
- \$25,000 on September 30, 2024, for the *2ND ANNUAL TRIBAL CHAIRMAN’S GOLF TOURNAMENT PRESENTING SPONSOR*.
- \$100,000 to the Rainy Mountain Church rebuild on March 19, 2025.
- \$5,000 to the Kiowa Gourd Clan on June 11, 2025.
- Upon the “Directive from Tribal Chairman” on October, 4, 2024, \$10,000 to the American Indian Expo.

Beyond offering insight into the standard operating procedures of a Chairman and casino leadership that demonstrably expended significant sums of money for a select curation of beneficiaries, the preceding enumeration maps increasingly overt incursions into violations of Tribe law.

Per the provisions of the Kiowa Constitution established by Article VI, Section 6(b)(iii), “The annual budget shall include all revenue and funds controlled by the Tribe **including** government funding, grants, business revenue, **gaming revenue**, and **all revenue and funds received by the Tribe from any and all sources**.” No green light exists in the legal bedrock of the Tribe for its gaming enterprise to retain revenue outside the scope of the Annual Budget and to treat those monies as a functional slush fund from which to draw down tens of thousands of dollars for unvetted initiatives. Certainly, no authorization can be construed in the Constitution for the Tribe and its casino chiefs to foot the bill for a single Tribe Member’s participation in a private recreational sporting endeavor with no connection to Kiowa culture or traditional practices.¹²

With the Kiowa Tribe Sponsorship Acts of 2023 and 2024 authored by Legislator Warren Queton, the Legislature developed statutory infrastructure to limit these unregulated and unconstitutional expenditures. The Chairman’s own documentation indicates that he elected to ignore same laws.

Signed into effect by Chairman SpottedBird himself on August 14 of its titular year, the Kiowa Tribe Sponsorship Act of 2024 stipulates:

Kiowa Casino sponsorships shall have an approved budget and be processed through the Executive Branch and approved by the Chairman. The Chairman shall submit to the Legislature a quarterly report of all approved Kiowa Casino Sponsorships. Anything above the limits of this bill/law shall be ratified by the Kiowa Tribe Legislature, through a Legislative Order.

Monetary limits in the statute cap at \$10,000. However, such prohibition did not deter the Chairman from steering \$25,000 of casino funds to a golf tournament that he testified yielded an approximately \$5,000 net loss on investment. Nor did the protocols mandated by Tribe law dissuade him from ordering the casino to find \$100,000 for Rainy Mountain Kiowa Indian Baptist Church within five days of its destruction from an electrical fire. During the October hearings, Chairman SpottedBird asserted of same transmission, “It was a direct request from me to support Rainy Mountain ... **and I know that’s over and above** but, sometimes, things come up and I make a decision ...” Later, he reiterated, “I stand by that decision.” While the impulse to aid an historical Kiowa church is understandable, the Chairman cannot pick and choose when he fulfills his constitutional obligation to “execute, administer, and enforce” laws. Yet more disquietingly, Chairman SpottedBird confessed that he could not cite the monetary amounts allocated in “an approved budget” for Kiowa Casino sponsorship as required in statute.

The Kiowa Casino Operations Authority Charter Act of 2023 and its First Amendment from 2025 locate the KCOA Board of Directors under the umbrella of the Executive Branch of the Tribe, a hierarchy echoed in the Chairman’s own organizational charts. The Board, in turn, is responsible for appointing a CEO and other officers. There can thus be no doubt that the proverbial buck for legal compliance in the Tribe’s gaming enterprise stops with the Chairman. And there can likewise be no confusion that this is a mandate of his office that Chairman SpottedBird has chosen to overlook.

1.4 Abuse of Tribe Credit Cards for Purchases Made By or Completed on Behalf of Lanie Mae SpottedBird

Over the course of document production and testimony, Chairman SpottedBird established that, on at least two discrete occasions, Tribe funds have been expended for the personal benefit of his spouse, Lanie Mae SpottedBird. Mrs. SpottedBird occupies no formal role within and is not employed by the Tribe. With respect to the first of the aforementioned instances, the Chairman corroborated assertions made by Rosemaria Tijerina Garza, a one-time staffer in the Tribe Finance Department, that Mrs. SpottedBird made purchases of personal items of an indeterminate monetary amount at Costco on a Kiowa Tribe credit card.¹³ In the second instance, both the Chairman (through oral testimony at the October hearing) and his counsel Randal Homburg (through written digital correspondence to the legislative attorney) attested that Tribe funds had been spent

in the amount of \$2,479.00 to book a round-trip airline ticket to South Korea in July 2024 for Mrs. SpottedBird. In his October testimony, Chairman SpottedBird admitted of the choice to expend Tribe funds for the travel of his wife, “it’s not, it’s not standard ... I knew it would probably come up to somebody’s scrutiny ...”¹⁴

Records reflect repayment to the Tribe for the airfare from a corporation managed by a Korean religious leader approximately two weeks after plane reservations were made for Mrs. SpottedBird. The Chairman provided no documentation showing any reimbursement to the Tribe for the Costco expenses. Regardless, no mechanism within the laws or Constitution of the Tribe permits Kiowa monies to be disbursed or advanced for the convenience of the Chairman’s wife, a non-Kiowa with no official station, job title, or recognition under existing personnel policies.

To echo citations already referenced in this report, the Constitution is clear that, “No expenditure shall be made unless included in an approved budget.” The Finance Department Reform and Accountability Act of 2017 additionally emphasizes, “Any expenditure of the Tribe’s funds without proper authorization and appropriation shall constitute a civil violation ...” And the Fiscal Procedures Act of 2017 iterates, “No expenditure shall be made unless included in the effective Budget.” By perverting Tribe coffers as a personal piggy bank from which to source informal and unauthorized monetary advances for personal ease, Chairman SpottedBird once again incontrovertibly broke Tribe law.

1.5 Defiance of a Lawfully Served Subpoena and Tribe Statute

In September 2025, amid negotiations with the Executive Branch encompassing document production ahead of the October inquiry hearings, the Legislature informally issued a request for the following items pursuant to both verbal and written agreements between Executive Branch counsel Homburg and legislative attorney Aamodt: “Statements of all credit card expenditures made since July 2022 until the present day by the Chairman, Vice-Chairman, Executive Branch Executive Assistant, and/or any persons who have been in possession of any Tribe credit cards affiliated with the Executive Branch in same span of time.” No such records were ever produced by the time of the testimonies sworn by Chairman SpottedBird and Treasurer/Chief Financial Officer William Weaver.

On December 5, 2025, after Chairman SpottedBird’s admission in the course of the hearings that personal items had been purchased with Tribe resources for his wife, the Legislature issued a Legislative Order to approve service of subpoenas to him and Weaver alike for the production of “All credit card, charge card, or p-card statements for every credit card, charge card, or p-card issue to Lawrence Spottedbird by the Kiowa Tribe or any instrumentality thereof.”

On December 22, 2025, Mr. Weaver delivered statements for a Visa card affiliated with Community Bank and issued on behalf of the Tribe in Mr. SpottedBird’s name. Same statements reflected dates of June 2024, December 2024, January 2025, and March

through December 2025. No explanation was supplied for the months missing in this sequence. The Chairman himself never provided any documentation at all, thus failing to comply once again with Tribe law as codified in The Law-Making and the Production of Documents and Testimony Act of 2017 as well as its First Amendment.

1.6 Illegal Use of Former Vice-Chairman Tsoitigh's Signature on Tribe Checks

On or around May 27, 2025, the Chairman initiated an effort to purchase a building – formerly the physical plant of the shuttered Indian City Screen Printing start-up where Hollis Asenap, Chairman SpottedBird's former brother-in-law, had squatted in his RV – located at 804 West Petree Road in Anadarko. Subsequently, the Legislature learned not from any direct communication from the Chairman but, rather, from his weekly radio and social media addresses that he planned to house a clinic and pharmacy originally slated to be developed in Carnegie at the Petree Road property. The Executive Branch provided no detailed budget for the prospective business nor other required elements mandated by Tribe law through the Economic Due Diligence Act of 2018 (Sponsor: Modina Waters, former District 7 Legislator) but instead forwarded two PowerPoint presentations authored by a company called Aambé Health. Amid further research, it came to the attention of the Legislature that the Chairman had already contractually obligated and submitted a check for \$14,500 in “earnest money” to Caddo County Abstract Co, Inc., without any legislative ratification for the expenditure. More disconcertingly, the check in question reflected sourcing from federal funds while emblazoned with the signature of former Vice-Chairman Jacob Tsoitigh, who had been discharged from office by Chairman SpottedBird approximately ten months prior. When asked how many transactions had included Tsoitigh's facsimile signature since his departure from the SpottedBird administration, the Chairman replied, “a lot.” Given this nakedly improper and arguably fraudulent use of the Tsoitigh signature, the Legislature requested in its July 2025 subpoenas copies of the checks from accounts owned by the Tribe or its related entities issued since November 2024 that included the former Vice-Chair as a signatory. An unsigned memorandum delivered by the Executive Branch during document production indicated that “over 13,000 Checks” had been printed with Tsoitigh's signature between the November 2024 affirmation of his removal from office by the Kiowa Trial Court and July 2025. Tribe law authorizes signatory authority for the Chairman and Vice-Chairman only in their formal capacity as occupants of elected office. In December 2024 and January 2025, the Legislature amended three banking resolutions to remove Tsoitigh as a signatory and reassign the power to endorse checks (in varying capacities and in conjunction with Chairman SpottedBird) to Treasurer/Chief Financial Officer William Weaver, Deputy Chief Financial Officer Summer Palmer, and General Ledger Accountant Violet Kay Langley. The Executive Branch steadfastly ignored these amendments in Tribe law for no less than an ensuing five months.

FINDINGS II
GROSS MISCONDUCT:
MIREPRESENTATIONS TO A FEDERAL AGENCY,
ENDANGERMENT OF TRIBE GAMING ENTERPRISE, AND
FAILURE TO REDRESS HATE SPEECH

2.1 Defiance of Corrective Action Plan (CAP) Directives from National Indian Gaming Commission, Refusal to Recoup More than \$320,000 in Overpayments to Former KCOA Board Trustees, and False Statements to Investigators

On November 2, 2023, the National Indian Gaming Commission (NIGC) Compliance Division issued a Letter of Concern (LOC) to the Kiowa Tribe that opened:

In the NIGC Compliance Division’s view, the Kiowa Tribe of Oklahoma (Tribe’s) misuse of net gaming revenues violates the Indian Gaming Regulatory Act (IGRA), National Indian Gaming Commission (NIGC) regulations, and the Tribe’s gaming ordinance. This may result in the Compliance Division recommending the NIGC Chairman issue a notice of violation and a civil fine.

Same LOC further identified payments received between 2017 and 2020 by former Kiowa Casino Operations Authority Trustees Richard McMahan, Joe Poe, James Kennedy, Susan Dunlap, and Luke Yeahquo as an aggregate “probable violation” and “potential misuse of gaming revenue.” In synopsising these matters, the NIGC Compliance Division conveyed:

Based on the documents reviewed, it appears that the amount of each issued stipend, and the number of KCOA Board meetings held were in excessive (sic) of the stipend amount and the number of annual meetings authorized by the KCOA Charters. Payments made in excess of what the Tribe and the KCOA Charters authorized is a misuse of gaming revenue.

Tom Cunningham, NIGC Chief Compliance Officer, directed Chairman SpottedBird to develop a Corrective Action Plan ensuring, among other elements, that “Non-compliant stipend amounts paid to KCOA Board Members identified above are recovered”. Over two years later, Mr. McMahan (the Chair of a revamped KCOA Board of Directors since 2022) and Chairman SpottedBird continue to doggedly dodge the accountability explicitly mandated by the NIGC in the LOC.

Pertinent background may be summarized as follows: The Fifth Amended KCOA Charter, in effect from April 2011 through January 2018, limited stipend payments to a flat rate of \$300.00 for each KCOA Board of Trustees meeting. During this period, evidence uncovered by the NIGC showed that KCOA Trustees Poe and Dunlap received between \$500.00 and \$1,000.00 stipends for their attendance at meetings. On October 27,

2017, Matthew Komalty, then the Kiowa Tribe Chairman, authored a memorandum to the sitting KCOA Board containing directives to:

- reduce any stipend of \$1,000.00 to no more than \$500.00 per meeting
- reduce teleconference payments to \$250.00 per meeting
- limit KCOA Board meetings to a maximum of two per month.

At the time of Chairman Komalty’s efforts to rein in unfettered payments that the KCOA Board had been transmitting to themselves, the Fifth Amended Charter was still in effect. Same Charter unambiguously capped KCOA Board meeting stipends to \$300.00 in Tribe law. As such, Chairman Komalty’s instructions themselves ironically violated the Fifth Amended Charter. However, the NIGC probe demonstrated that, after Komalty’s attempt to implement some semblance of control on the KCOA payments, Board Trustees continued *to authorize payments to themselves* in the amounts of \$500.00 and \$1,000.00 per meeting in contravention of Tribe law.

The Sixth Amended KCOA Charter, enacted in January 2018, provided a “fixed stipend as compensation per meeting as set in an approved Annual Budget or Budget Modification. The per meeting stipends shall be for regular and special meetings of the Board.” The Kiowa Tribe’s annual budget for Fiscal Year 2018-2019 limited each stipend to \$300.00 per KCOA meeting. However, during part of Fiscal Year 2018-2019 and prior to the adoption of the Fiscal Year 018-2019 budget, KCOA Board members continued *to compensate themselves* stipends in the amount of \$1,000.00 and \$500.00 for what they internally categorized as regular, special, and non-quorum meetings.

According to the NIGC, payments received by the five one-time KCOA Trustees who comprise the nucleus of its investigation focus amount to the following totals for the time period under scrutiny:

	<u>Dunlap</u>	<u>Poe</u>	<u>McMahon</u>	<u>Kennedye</u>	<u>Yeahquo</u>
<u>2017</u>	<u>\$16,500</u>	<u>\$13,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>2018</u>	<u>\$59,500</u>	<u>\$58,350</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>2019</u>	<u>\$34,500</u>	<u>\$50,500</u>	<u>\$28,000</u>	<u>\$8,500</u>	<u>\$10,000</u>
<u>2020</u>	<u>\$0</u>	<u>\$0</u>	<u>\$12,500</u>	<u>\$8,000</u>	<u>\$13,000</u>
<u>Total</u>	<u>\$110,500</u>	<u>\$110,150</u>	<u>\$40,500</u>	<u>\$17,000</u>	<u>\$23,000</u>

The NIGC maintained in its LOC that any stipend payments rendered over \$300.00 for attending a KCOA board meeting – and any stipend payments for a meeting that was not a regular or special meeting as defined by Tribe law – constitute violations of the Sixth Amended Charter and misuse of gaming revenue.

In his October 2025 testimony, Chairman SpottedBird confirmed that the specter of civil penalty – a substantial monetary fine, or subsection to a closure order – continues to loom over the Tribe as a possibility. Despite this, the Chairman has not only

floundered at sustaining a coherent response to the NIGC but actively misled them about his posture toward their inquiry.

After receipt of the November 2023 LOC, Chairman SpottedBird careened through a befuddling sequence of effectuating lip service to the NIGC and then performing 180-degree reversals. On February 1, 2024, he executed a letter setting out a Corrective Action Plan (CAP) to achieve compliance with federal requirements and acknowledging that “much higher compensation rates” to KCOA Trustees occurred throughout Fiscal Year 2019 and Fiscal Year 2020 “in violation of the KCOA Charter, as amended.” On February 2, 2024, Mr. McMahon transmitted correspondence to Chairman SpottedBird openly declaring he would return no overpayments. Later that month, the Kiowa Gaming Commission suspended Mr. McMahon’s license before rescinding the suspension on March 1 following intervention by Chairman SpottedBird. Subsequently in March and April 2024, *the Chairman himself* specified the exact dollar amounts of overpayments pocketed by each of the parties under investigation *based upon his own extensive statutory and mathematical evaluation*: **\$98,050 by Mr. Poe; \$76,700 by Ms. Dunlap, \$35,100 by Mr. McMahon, \$14,100 by Dr. Kennedye, and \$100,100 by Mr. Yeahquo.** He additionally spelled out an explicit timeline for responses in order to commence discussions about recoupment of those monies.

However, just a little over two months later, Chairman SpottedBird changed course dramatically, conveying to the NIGC that he had met with the five persons in receipt of overpayments and had unilaterally determined the subject to warrant no further investigation. Of course, Chairman SpottedBird cannot dictate when a federal probe concludes, and on March 11, 2025, the NIGC replied that same probe remained active and ongoing. The March correspondence read in part:

The Tribe’s third follow-up response letter incorrectly states the timing and sources of the information provided to the NIGC. The information regarding these stipends was received from multiple sources from 2019 through 2021. Further, the letter fails to provide an accounting of the additional amount paid and justification for that additional amount paid outside the stipend policy and procedures.

The NIGC reiterated its demand for clawback of payments issued and received by Mr. McMahon and his cohort in violation of Tribe law. The entity then articulated a request for document production under fifteen (15) different umbrellas.

On April 10, 2025, Randal Homburg, the “Attorney General” for the Kiowa Tribe responded via letter to the NIGC with the documents requested and the assertion that he “has the authority to speak on behalf of the Chairman.” He did not attempt to justify the overpayments, and he stated that he had no issue with the NIGC’s statement of the facts of the matter. Importantly, Mr. Homburg represented, on behalf of the Chairman, that he would “resume the course of action agreed to” and “immediately resume” efforts to recover the funds overpaid to the KCOA Board Members above as well as to implement

the other six parts of the Corrective Action Plan that Chairman SpottedBird stated that he would implement in early 2024.

At the inquiry hearing on October 29, 2025, Chairman SpottedBird shifted his position yet again, testifying that he believes the overpayments to the former KCOA Trustees are justified and that, in his view, no overpaid monies should be collected. This marks a stark departure from the concurrence that he conveyed to the NIGC through his lawyer Randal Homburg with the premise that monies disseminated outside the scope of Tribe law should be recouped without delay.

At the legislative hearing which convened on October 28, 2025, Richard McMahan testified in a similar vein, indicating that he would not repay the money the NIGC stated he wrongfully received unless he was ordered to do so by a court.¹⁵ Mr. McMahan further asserted that, contrary to the representation to the NIGC by Chairman SpottedBird and Mr. Homburg that earnest efforts had been initiated six months earlier in April 2025 to recoup the overpayments previously identified by the Chairman, no official from the Executive Branch had communicated that such recovery efforts had resumed.¹⁶

The Kiowa Tribal Chairman is constitutionally imbued with the authority to speak for the Tribe. Implicit in that authority is the expectation that he speak the truth. As Kiowas – and as legislators – we not only expect, but we demand, that our Chairman and all the persons who work on his behalf communicate with veracity.

Cauigu citizens may draw their own conclusions regarding why Chairman SpottedBird has bent so acrobatically to accommodate Mr. McMahan and countenanced open defiance from him. Similarly, each of us may interpret the Chairman's head-spinning reversals and left turns as well as his years-long repudiation of attempts by the NIGC – an agency that can literally determine the future of Kiowa gaming – to remedy the misappropriation of more than \$300,000.00 in Tribe assets by the current KCOA Chairman and four former KCOA Trustees.

But there can be no dispute that Chairman SpottedBird has dishonestly engaged with both the Legislature and the NIGC – and failed, as in so many other respects – to speak the truth with same parties in this matter.

2.2 Failure to Act Concerning Use of Epithets by Executive Branch Counsel

On the afternoon of July 9, 2025, after the service of the subpoena for document production and testimony to Chairman SpottedBird (and the obstruction of lawful attempts to serve Executive Director Toyekoyah and Chief Financial Officer/Treasurer William Weaver), Executive Branch attorney Randal Homburg authored digital correspondence to legislative counsel Jason Aamodt in which he asserted that he would

“be advising my executive members to not comply with your subpoena requests ...” Advancing a number of misguided and ultimately retracted legal arguments to support his stated plan to encourage the Chairman to flout Tribe law, Mr. Homburg concluded his email with the concession that, “I was furious during our discussion. While I was speaking to you, I did not intend to direct commentary toward you as an individual or a professional, but I will not apologize for any words I spoke against your client.” Per information, belief, and subsequent confirmation by Mr. Homburg himself, those “words” included the use of a sexually oriented slur against at least one member of the Legislature. Per information and belief, Mr. Homburg additionally deployed at least one demeaning and structurally racist metaphor to refer to all elected officials of same body. When questioned on October 29, 2025, about his subordinate’s outburst, Chairman SpottedBird repeatedly replied, “I stand by my Attorney General.”¹⁷ After the conclusion of the Chairman’s inquiry hearing, Mr. Homburg corroborated his use of the sexually oriented epithet, stating, “I probably am [a homophobe]. A lot of us Southern Baptists are.” In declining to address the expression of open bigotry by direct reports under his purview, the Chairman has consciously chosen the profoundly disturbing path of platforming hate speech by a non-Kiowa against elected officials of the Tribe.

RECOMMENDATIONS

“I do hereby solemnly affirm that I will support and defend the Constitution of the Kiowa Tribe against all enemies and will carry out faithfully and impartially the duties of my office to the best of my ability and will promote and protect the best interests of the Kiowa Tribe in accordance with the Constitution.”

Elected and appointed officials alike take this sacred oath. A tribal nation in which the Chairman, the chief constitutional officer, discounts this promise at will is, in truth, no earnestly functioning nation at all. Heavy is the weight of constitutional fidelity upon the shoulders of the Tribe’s leaders, and the collision between personal desires or objectives and the responsibility of honoring Tribe law is inevitable. Our chiefs must be strong enough to shoulder such burdens and adequately possessed of the ethical fortitude to navigate the tension between legal duty and individual aims.

Quite simply, Chairman SpottedBird has failed to live up to standards of his office. For far too long, the Kiowa government has found itself tested by executives who have strayed from the moral and statutory dictates of their role. In the past, such leaders have encountered little to no authentic accountability. That pattern cannot be permitted to continue. Rogue leaders beget rogue administrations, which in turn systemically corrupt our model of democracy for, by, and in service to all Cauigu. The Legislature makes clarion its call: Chairman SpottedBird must resign for the stability and sanctity of the Tribe and its institutions.

And, if he won’t – if he refuses to acknowledge his obligations under Tribe law as he has so persistently refused over the past year – then we must remember that all power inherently belongs to the people, and the Legislature most effectively recognizes that truth by proceeding to impeachment.

NOTES

1. <https://www.kiowatribe.org/legislative>
2. <https://www.kiowatribe.org/sites/default/files/inline-files/Kiowa%20Tribe%20Constitution%20April%2017%202017.pdf>
3. <https://www.youtube.com/@KiowaLegislature>
4. <https://www.facebook.com/profile.php?id=61574812443903>
5. https://www.youtube.com/watch?app=desktop&v=TzIM9x_8nC4&fbclid=IwY2xjawPyT95leHRuA2FlbQIxMQBzcnRjBmFwcF9pZBAyMjIwMzcxNzg4MjAwODkyAAEeYe933uoh4q0wSizEedMdib92v50T6coq_aExGRga9agtPObx6e-VqFeR0rQ_aem_GthMrwaSf54wM_8B_KgEvA
6. Legislative Inquiry Hearing II YouTube: 1:34:39 – 1:35:47

Legislator DeLaune:

Do you how much dead stock in T-shirts - like, how many - like, in terms, we kind of went through that there was \$78,000 applied to T-shirt stock and then there was only a \$10,000 net profit, or gross profit, actually, for the endeavor. So, does that mean that there's, in terms of the volume of T-shirt stock, um, that's kind of in storage, is it worth tens of thousands of dollars, or what's the –

Chairman SpottedBird:

I couldn't, I couldn't tell you.

Legislator DeLaune:

Okay.

Chairman SpottedBird:

You know, sitting there, different people had access to that building and so forth and it was T-shirt stock sitting around, you know, might not necessarily stated it. So, I don't know. We haven't been able to get the final inventory of what's left, so I can't answer that.

Legislator DeLaune:

Okay. Do you know when there will be a final inventory?

Chairman SpottedBird:

Again, I was deferring to our business enterprise looking at all of that and determining what we want to move forward on or not, and that has yet to be established.

7. Legislative Inquiry Hearing II YouTube: 1:54:22

Chairman SpottedBird:

It hasn't started up yet.

8. Legislative Inquiry Hearing II YouTube: 1:54:28 – 1:54:38

Legislator DeLaune:

Are there any internal controls or tracking on the money? Like, does he have to provide an update to you?

Chairman SpottedBird:

On the fifty thousand?

Legislator DeLaune:

Yeah.

Chairman SpottedBird:

Well, no.

9. Legislative Inquiry Hearing II YouTube: 1:58:45 – 1:59:20

Legislator DeLaune:

So you're mentioning not thinking about a criteria but what sort of went into *this* decision making where *this* one Kiowa receives that \$50,000 conditions-free and also ... he's had the \$50,000 for a couple of years and we have no tracking of it, is that correct? Like, do you know if it's in a bank account or has he provided that information to you at all?

Chairman SpottedBird:

No there's no counting of that. I'm just supporting him and getting him, again, established ...

10. Legislative Inquiry Hearing II YouTube: 2:16:00 – 2:17:32

Legislator DeLaune:

One final question.

Chairman SpottedBird:

Yeah.

Legislator DeLaune:

So the \$50,000 that he received in 2023, um, do we know where it is? Like, do we know –

Chairman SpottedBird:

I'm assuming he spent it.

Legislator DeLaune:

Okay.

Chairman SpottedBird:

To live off.

Legislator DeLaune:

Oh! He spent it to live off of?

Chairman SpottedBird:

I guess. I don't know. I didn't ask. I just know, again, understand that it would help him relocate here Chicago – uh, Chicago, Colorado – and to start focusing on developing his plan here in Anadarko was out initial discussion.

Legislator DeLaune:

So ... you assume he spent it to live off of –

Chairman SpottedBird:

I don't know. That's a question.

Legislator DeLaune:

But conjecture.

Chairman SpottedBird:

Yeah.

Legislator DeLaune:

That's what you're conjecturing. So, if he spent it to live off of, then how does that sustain or apply to business operations? Because –

Chairman SpottedBird:

Well, because he was lobbying to get a plant located in Anadarko, meeting the city ... meeting in Anadarko, meeting at banks to get a loan. So, there's a lot of leg work to do, to go through ...

Legislator DeLaune:

But the speculation is that he is using it to live off on a personal –

Chairman SpottedBird:

Well, again, I was supporting him in his efforts to set up this enterprise. So, whatever he used it for was up to him.

11. Legislative Inquiry Hearing III YouTube: 42:00:00 – 1:03:00

12. Legislative Inquiry Hearing II YoutTube: 3:06:13 – 3:07:19

Legislator Queton:

The Sponsorship law was wrote for, uh, we talked about cultural societies, traditional societies, churches, and then any Kiowa organizations that might request funding. I'd like to ask you ... about a couple of these expenditures. What is the "Iron Man Competition Sponsorship"?

Chairman SpottedBird:

It's a Kiowa citizen that wanted to participate in Iron Man, and I felt like it's a good, healthy activity for any of our Kiowa citizens, and so I decided to sponsor him.

Legislator Queton:

So, it's not – he's not a – it was not a – it didn't fall into one of those categories?

Chairman SpottedBird:

No, it didn't fall into those categories.

Legislator Queton:

But it was, that was the sponsorship that fund was used to sponsor that individual citizen?

Chairman SpottedBird:

Yeah, I think he was paid out of our sponsorship program.

13. Legislative Inquiry Hearing II YouTube: 5:15: 13 - 5:16:54

Legislator DeLaune:

This will kind of dovetail with some of the queries that Speaker posited earlier, and you mentioned that your spouse had accidentally used the tribal credit card. How does one accidentally use the tribal credit card?

(Extended Pause)

Chairman SpottedBird:

I go use the restroom and it's there in my wallet to pay for the deal and she grabbed the wrong card.

Legislator DeLaune:

Okay. Who is Rose Garza? Did she work for the Tribe at any point?

Chairman SpottedBird:

She did work for the tribe. She was a terminated employee with the tribe ... and at one point, she got fired from Finance.

Legislator DeLaune:

Okay, so, she's saying, "Chairman Spottedbird should step down from his position, misusing tribal funds for him and his wife's personal use, funding her personal airline trips, lodging, and her Costco supplies for her crafts ..." So, is any of that accurate?

Chairman SpottedBird:

No.

Legislator DeLaune:

[Extended preamble] ... So she's specifically utilizing, citing tribal credit cards. Did she have any sort of reconciliation authority over tribal credit cards or any interaction –

Chairman SpottedBird:

Yeah, I think that was her job. Yes.

Legislator DeLaune:

Okay, so that accidental use of the tribal credit card, do you recall if it was at Costco or what the vendor was?

Chairman SpottedBird:

Yes, it was Costco.

14. Legislative Inquiry Hearing II YouTube: 3:00:50 – 3:00:57

15. Legislative Inquiry Hearing I YouTube: 2:59:34 – 3:00:17

Legislator DeLaune:

Okay, so you would not pay back money without court enforcement if Chairman SpottedBird finds that you –

KCOA Chair McMahon:

I'm not going to answer that question!

Legislator DeLaune:

Why can't you answer that question?

KCOA Chair McMahon:

I'm not going to answer that question.

Speaker Primus:

Mark that as a *no answer*.

KCOA Chair McMahon:

No, that was an answer: an answer that I'm not going to answer that question.

Legislator DeLaune:

Would you defy an order by Chairman SpottedBird to pay [it back]?

KCOA Chair McMahon:

I would not defy a court order.

Legislator DeLaune:

Okay, but it would have to be a court order?

KCOA Chair McMahon:

(extended pause)

Yeah.

16. Legislative Inquiry Hearing I YouTube: 2:54:24 – 2:54:52

Legislator DeLaune:

Have you received communication from the Executive Branch that efforts to recoup those ... alleged overpayments have resumed?

KCOA Chair McMahon:

I've received no communication from the Executive Branch regarding alleged overpayments.

Legislator DeLaune:

So, you have not received any communication from the Executive Branch that efforts to claw back those funds have been reinitiated?

KCOA Chair McMahon:

That is correct.

17. Legislative Inquiry Hearing II YouTube: 5:13:15 – 5:13:44

Legislator DeLaune:

Would it be a surprise to you to learn that, I believe, Mr. Homburg here is referring to using insulting terminology to the Legislature. Do you support that kind of, um, you know, verbiage from your Attorney General?

Chairman SpottedBird:

I stand by my Attorney General.

Legislator DeLaune:

Okay. So, if he is using epithets, name calling, to the Legislature, you stand by that?

Chairman SpottedBird:

I stand by my Attorney General.

APPENDIX

WEBSITE OF KIOWA TRIBE LEGISLATURE:



YOUTUBE OF KIOWA TRIBE LEGISLATURE:



FACEBOOK OF KIOWA TRIBE LEGISLATURE:



APPENDIX (CONTINUED)

WEBINAR OF KIOWA TRIBE DISTRICT 7 LEGISLATIVE OFFICE:

