



KIOWA TRIBE

P.O. Box 369 • Carnegie, Oklahoma • 73015
Phone: (580) 654-6338 • Fax: (580) 654-1788
OFFICE OF THE LEGISLATURE

July 13, 2025

UPDATE ON THE ISSUANCE OF SUBPOENAS TO TRIBE OFFICIALS

On July 9, 2025, in accordance with legislative authority codified into the Law-Making and Production of Documents and Testimony Act of 2017 as well as the Audit, Authorization, Acceptance, and Responsibility Act of 2024, the Legislature voted unanimously to issue subpoenas to the following individuals pursuant to ongoing fact-finding efforts outlined in prior updates published by the Legislature on March 31 and May 25 of this year: Tribe Chairman Lawrence Spottedbird, Tribe Treasurer/Chief Financial Officer William Weaver, Tribe Executive Director Marland Toyekoyah, and Kiowa Casino Operations Authority (KCOA) Chairman Richard McMahon.

As documented in its public statements released this past spring, the Legislature has sought information from the Executive Branch related to a variety of matters that can reasonably be expected to impact the overall fiscal welfare of the Tribe. Outreach regarding topics under this umbrella first commenced in 2024. During the ensuing months, a troubling pattern of evasion and stonewalling has come to define the posture of the Executive Branch toward legislative queries, and details pertaining to an array of subjects salient to the financial state of the Tribe remain unclear. In fact, rather than facilitating a resolution to existing questions, the actions of the Executive Branch have introduced yet more points of concern. Three examples that typify the stance adopted by the Chairman and his staff over the course of recent weeks include the following:

1. In May 2025, the Legislature asked KCOA Chairman McMahon to clarify false claims he had authored on Facebook in January 2025 that an inquiry by the National Indian Gaming Commission (NIGC) initiated in November 2023 had concluded and “found all KCOA listed ... innocent of any wrongdoing ...” In reality, the NIGC has characterized its investigation into overpayments (cumulatively totaling over \$324,000 per the Tribe’s own calculations) issued to McMahon and four former KCOA Trustees as “ongoing” as well as warned that the Tribe’s “misuse of net gaming revenues ... may result in the Compliance Division recommending the NIGC Chairman issue a notice of violation” and the implementation of a civil fine. In response to the Legislature’s request for more information about his demonstrably untrue statements on social media, Mr. McMahon bizarrely mischaracterized his own written assertions as “hearsay.” Several days later, Chairman Spottedbird issued a letter dated May 23, 2025, to the Legislature stating, “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 ...”

2. On May 29, 2025, the Legislature met via Zoom with Abraham Pedro, Interim Director for Grants and Planning, and members of the Finance staff as part of an ongoing sequence of discussions with Department leaders at the Tribe oriented around development of the Annual Budget. Following requests during same dialogue for a synopsis of grant awards received by the Tribe as well as strategic recommendations regarding how budgetary allocations might optimize Grants and Planning output, Mr. Pedro issued an email on June 6, 2025, disclosing that Tribe Executive Director Marland Toyekoyah had directed him to refrain from sharing “Award information.” Mr. Toyekoyah thereafter instructed Mr. Pedro “to end this email discussion with the legislative branch now” and declined to reply to a clarifying follow-up message from the Legislature. Several days later, after sending a formal complaint about the issuance of a restrictive gag order, a hostile work environment, and fears of retaliation to Chairman Spottedbird, Tribe Vice-Chairman David Sullivan, Tribe Attorney General Randy Homburg, and Tribe HR, Mr. Pedro additionally filed a whistleblower report with the Bureau of Indian Affairs and the Department of Interior Office of Inspector General. In quick succession, he was dismissed from his position.
3. On or around May 27, 2025, the Chairman initiated the formal process to obtain legislative approval to purchase a building – formerly the site of the failed Indian City Screen Printing start-up – 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 address that he intended to relocate the site of a clinic and pharmacy originally slated to be developed in Carnegie to same property. The Executive Branch provided no detailed budget for the prospective business nor other key elements mandated by Tribe law through the Economic Due Diligence Act of 2018 but instead forwarded two sales presentation PowerPoints developed by Aambé Health. Amid further discussion, 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 disbursement of same funds. Perhaps even more alarmingly, the check in question reflected sourcing from federal funds while bearing the signature of former Tribe Vice-Chairman Jacob Tsofigh, who had been discharged from office by Chairman Spottedbird approximately ten months prior. When asked how many transactions had included Tsofigh’s facsimile signature since his departure from the current administration (given that Tribe statutes explicitly authorize signatories in their official capacities), the Chairman replied, “a lot.” In light of the Chairman’s nakedly improper and potentially fraudulent application of signatures to Tribe checks; his demonstrable disregard for the provisions of Tribe law; and the documented financial

catastrophe yielded by the Chairman's Indian City Screen Printing venture, the Legislature could not in good conscience green light this real estate buy.

"Transparency" is a favored buzzword of the Executive Branch but, sadly, it has been in short supply when it has been needed most: during build-out of a budget that must maximally center and support our Cauigu people amid federal funding cuts and unpredictable national economic conditions. By way of example and without limitation, the Legislature continues to seek details regarding:

1. How same Indian City Screen Printing enterprise championed by Chairman Spottedbird yielded a loss of \$448,294.10 between July 2022 and December 2023, and whether similar "economic development" initiatives spearheaded by the current Executive Branch will likewise cost the Tribe money rather than generate new revenue streams.
2. The specific uses of a \$75,000 Executive Branch travel budget in FY 2024 – 2025.
3. The variables that determined high rates of compensation for select Executive Branch personnel, including a \$206,000 salary for an Attorney General role; \$175,000 in per annum compensation for the dual Treasurer/CFO position; and pay jumps by margins of up to 17% for a curated list of staff proposed in the Chairman's budget draft for Fiscal Year 2025 – 2026.
4. The Chairman's February 2024 intervention in the suspension of KCOA Chairman McMahon's gaming license by the Kiowa Gaming Commission and the contradictory positions he communicated to the NIGC regarding the overpayments issued from Tribe monies between 2017 and 2020 to Mr. McMahon as well as former KCOA Trustees James Kennedy, Susan Ekiss Dunlap, Luke Yeahquo, and Joe Poe, Jr.

None of these concerns are new, nor should they come as a surprise to the Executive Branch. To the contrary, the subpoenas issued this week for document production and testimony at Legislative Hearings are reasonable and organic extensions of the attempts, often frustrated by non-responsiveness on the part of the Chairman and his team, undertaken by the Legislature over the better part of a year to ascertain data in order to best serve the interests of our Cauigu families.

Perhaps no Kiowa will be surprised to learn that the initial reply from the Executive Branch centered around a verbally abusive outburst – specifically, a prolonged tirade involving slurs from Attorney General Randy Homburg. Many Tribe Members will recognize that kind of reaction as all too familiar: after all, it's how a certain stripe of folks responds when Indians don't behave in a manner that's sufficiently compliant or convenient. Nevertheless, what's surprising and sad is that the Chairman has elected to welcome such a presence into the Tribe as the chief legal counselor of the Executive Branch.

The Legislature has since learned that the Chairman propagated a number of misleading premises during his weekly address broadcast on July 12, 2025, to Kiowa Talk radio program listeners and posted to the Kiowa Tribe Facebook page. Specifically, Chairman Spottedbird asserted that the Legislature has hindered the appointments of Citizen Potawatomi Nation Chairman John “Rocky” Barrett to the Kiowa, Inc., Board of Directors and a former Absentee Shawnee Tribe Secretary to the Health and Human Services Executive Directorship for the Kiowa Tribe. In fact, the Legislature calendared an interview with Chairman Barrett on May 9, 2025, for which he failed to appear without notice or any follow-up communication. This would suggest that Chairman Spottedbird misunderstands or misrepresents Chairman Barrett’s willingness to engage with him in said capacity. For the HHS Executive Director role, Chairman Spottedbird bypassed six Kiowa applicants to select a candidate with preexisting ties to Attorney General Homburg. This extends a disquieting trend by the Chairman of stacking the ranks of Executive Branch leadership with non-Kiowas. Additionally, Mr. Homburg has threatened legal action if the candidate in question is ultimately not approved by the Legislature, a clumsy bid at intimidation that raises unnerving questions about whether he or the Chairman is directing the push for the hiring.

“Kiowas Standing Together” is a vision that can only be actualized when all Kiowa leaders stand in truth and transparency. The Legislature believes that all Cauigu are entitled to a full survey of facts and that information is power. If the Chairman finds those values “adversarial” per his weekly address this Saturday, then all of us must ask ourselves why. And we must also ask ourselves exactly by what values his Executive Branch is operating when straightforward efforts to ascertain data are met with dishonest and emotionally charged resistance. The Legislature is committed to continuing the pursuit of empowerment through information for the Kiowa people and looks forward to releasing further updates as new developments arise.

In service to and solidarity with our citizens,



Michael Primus
Speaker of the Legislature
The Kiowa Tribe Legislature