



Your file - Votre référence

4218-2/174

Our file - Notre référence

June 18, 2014

REGISTERED MAIL

Mr. William Diabo
RR1, Site 10, Comp 8
BRITT, ON P0G1A0

Dear Mr. Diabo:

In accordance with the provisions of Section 12 of the *Indian Band Election Regulations (IBER)*, I am enclosing copies of the notice of appeal for the Magnetawan First Nation general election held on April 25, 2015.

You, or any other candidate, may respond in writing to the allegations set out in the enclosed appeal documentation **within 14 days of receipt** of this letter. Your response, as well as any other supporting documentation, will need to be sworn by affidavit.

An affidavit is a document sworn or affirmed before a commissioner for taking of oaths, notary public or a justice of the peace, the contents of which the signatory **swears or affirms** to be true.

Please note that your response to this appeal may be the only opportunity to reply to the allegations as a conclusion could be reached without an investigation process.

Your response must be sent by **registered mail** to the:

Senior Assistant Deputy Minister
Treaties and Aboriginal Government
Aboriginal Affairs and Northern Development Canada
10 Wellington Street, 16th floor
GATINEAU QC K1A 0H4

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Boivin". The signature is written in a cursive, flowing style.

Marc Boivin
Acting Director
Governance Policy and Implementation

Encl.

c.c.: Holly Pearce, A/Head, Registration, Revenues and Band Governance,
Ontario Region

JUN 08 2015

TAG-GPI

IN THE MATTER OF THE ELECTION OF THE MAGNETAWAN FIRST NATION ON
SATURDAY APRIL 25, 2015

AND IN THE MATTER OF THE INDIAN ACT AND THE INDIAN BAND ELECTION
REGULATIONS

AFFIDAVIT

I Orlin (Joe) Noganosh of Magnetawan First Nation located in the District of Parry
Sound, Ontario make oath and say as follows:

1. I am a member of the Magnetawan First Nation and reside on the First Nation located in the District of Parry Sound.
2. I was nominated as a candidate for the position of Chief of the Magnetawan First Nation in the Election that was held on Saturday April 25, 2015. The election and polling station was held at the Magnetawan First Nation Band Office.
3. Under the Indian Band Election Regulations I submit that there were corrupt and unfair practices committed by the incumbent Chief and Council in connection with this election.

The facts supporting this position are set out as follows:

- I. Subsequent to the election I received information from the Electoral Officer which is summarized as exhibit "A" to my Affidavit. It is indicated that there were 211 eligible voters for the Magnetawan First Nation of which 123 of the eligible voters actually cast votes. Out of the votes cast 76 voters voted physically at the polling station located at the Magnetawan First Nation Band Office and 47 of the eligible voters voted

- V. The position of Indian Registry Administrator was vacant prior to the election. Prior to the Chief William Diabo moving the file cabinets into his private office the Band Manager Lloyd Noganosh requested at a business meeting that the position be posted immediately. The Chief and council did not proceed with that request and the Band Manager informed AANDC in Sudbury regarding the situation on the Magnetawan of not having an Indian Registry Administrator. The failure to fill this position insured that previous Chief and Council had the sole access to names and address of Band members living off the First Nation which information could not be then available or shared with other candidates. This reinforced an unfair advantage with respects to the election and was an obvious abuse of power to influence election results.
- VI. Counsellor Lloyd Mike invited eligible voters to his home prior to the election and provided alcohol to such voters and solicited their votes. I am advised by some of the voters who have attended this house meeting that such was the situation and the serving of alcohol during an election campaign I would submit could constitute evidence of bribing voters contrary to the ethics under the Indian Band Election Regulations.
- VII. The previous Chief and Council refused access to the web site which was bought and paid for with Band funds from the Magnetawan First Nation and exclusively allowed themselves the right to post their platform in support of the election. No other candidate was granted any access to this web site to post the positions that they were putting forward in the election

Statement of the Votes

174

Magnetawan First Nation

April 25, 2015

To be completed by the Electoral Officer after the counting of the votes. The numbers on the Statement of the Votes submitted by Deputy Electoral Officers from other polling stations must be included in the numbers provided on this report. **Ensure that the form is signed and witnessed.**

A copy of this statement must be sent to the Regional Office of Indian and Northern Affairs no later than four days following the election.

| Name of Candidate for Chief | Total Votes Received |
|---------------------------------|----------------------|
| William Diabo | 58 |
| Shawn Marie Hanna | 8 |
| Clinton Keith Michael McQuabbie | 5 |
| Orlin (Joe) Noganosh | 52 |

Number of valid ballots cast for Chief: 123

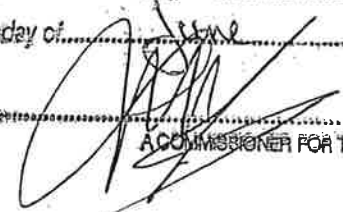
Number of rejected ballots for Chief: 1

| Name of Candidate for Councillor | Total Votes Received |
|----------------------------------|----------------------|
| Kim Charles | 31 |
| Joanne Dominic | 30 |
| Toni Jones | 24 |
| Lloyd Myke | 58 |
| Lana Noganosh | 37 |
| William (Lloyd) Noganosh | 31 |
| Jerry S Smith | 27 |

Number of valid ballots cast for Councillor: 123

Number of rejected ballots for Councillor: 1

This is Exhibit referred to in the
 affidavit of Orlin (Joe) Noganosh
 sworn before me, this
 day of June 2015



 COMMISSIONER FOR TAKING AFFIDAVITS



Indian Registration System

Potential Voter's List - For Posting

Runtime : 02/05/2015 @ 9:47

Registered Indians 18 years of Age as of 2015/04/25

174 - Magnetawan

ONTAR

| Surname | Given Name | Alias | Present |
|------------|--|-------|---------|
| ARNOLD | IAN MICHAEL | | |
| ARNOLD | MICHAEL IAN | | |
| BARRON | COURTNEY VIOLA | | |
| BARRON | MAIGHAN LAURA | | |
| BARRON | ROBIN LAURA | | ✓ |
| BARRON | TRACI-ANN J'AIME | | |
| BINKLEY | FRANK CHARLES | | |
| BISSONETTE | JOHN JAMES | | ✓ |
| BLACKSKY | <i>no package back</i> DANIEL MICHAEL ANTHONY | | ✓ |
| BLACKSKY | <i>no package back</i> RODNEY ALAN MARTIN | | ✓ |
| BOYER | DONALD JOSEPH | | |
| BOYER | NANCY JOLINNE | | |
| BOYER | TROY DOUGLAS | | |
| BOYER | TYLER CHRISTOPHER | | |
| BOYLE | IRENE ELIZABETH | | |
| BRABANT | ROSANNE ANTOINETTE | DONNA | |
| CARDINAL | APRIL ANN | | |
| CARDINAL | MARY FRANCES VIOLA | | |
| CARDINAL | MARY ROSE ANGEL MAY | | |
| CARTER | DAVID JERRY | | |
| CARTER | STEVEN MICHEAL WAYNE | | |
| CHARLES | KIMBERLEY ANN | | ✓ |
| COOPER | ANGELA DAWN ALICIA | | |
| COOPER | DEAN ALEXANDER | | |
| COOPER | FERNE PETER | | |
| COOPER | GEORGINA | | |
| COOPER | MELODY MARIE ONA | | |
| COOPER | MICHAEL ROBERT | | |
| COOPER | ROBIN GEORGE | | |
| COOPER | SALLY JEAN | | |
| COTE | GERALD | | |
| CRACK | COREY MICHAEL | | |
| CRACK | DAVID PHILLIPE | | |
| CRACK | GEORGE | | |
| CRACK | JASON CHRISTOPHER | | |
| CRACK | LISA LORRAINE | | |
| CRACK | LORI ANN | | |
| CRACK | MARY LORRAINE | | |



Indian Registration System

Potential Voter's List - For Posting

Runtime : 02/05/2015 @ 9:47

Registered Indians 18 years of Age as of 2015/04/25

174 - Magnetawan

ONTARIO

| Surname | Given Name | Alias | Present |
|-----------------------------|------------------------------|----------|---------|
| JONES | TONI ELIZABETH | | ✓ |
| KARGUS | NATASHIA MARIE | RIDEOUT | |
| KING-NOGANOSH | SKYLER HAWK ESAU | | ✓ |
| LAVALLEY | MARY NORMA | | ✓ |
| LEAMAN | JARRET PAUL | | |
| LEAMAN | JEFFREY PAUL | | |
| LEAMAN | RONALD CALEB | | |
| LEAMAN | TERRY PAUL | | |
| MALEAU | RONALD REJEAN CEDRIC LEONARD | | |
| MALOFY | KENNETH VINCENT | | |
| MARTIN | NORMA JEAN | | |
| MC QUABBIE (No Package) | CLINTON KEITH MICHAEL | | ✓ |
| MCDONALD | GLENDA MARY | | |
| MCQUABBIE | MELINDA IVA JANE | | |
| MISQUADIS | ROSEMARY JOAN | NOGANOSH | |
| MISQUADIS | WILLIAM JIMIESON | | ✓ |
| MYKE | LLOYD LESLIE | | ✓ |
| MYKE | TERRI LYNN | | ✓ |
| MYKE No Post-in Package | WILLIAM CHRISTOPHER | | ✓ |
| NOGANOSH voted at desk. | ALANA MARIE | | ✓ |
| NOGANOSH | ANGELA MARJORIE | | ✓ |
| NOGANOSH | ANNETTE KAYLEINE BERNICE | | |
| NOGANOSH | BRENDA LYNNE | | |
| NOGANOSH | CARLA FAWN | | ✓ |
| NOGANOSH | CHARLES GLEN | | ✓ |
| NOGANOSH | DAVID | | ✓ |
| NOGANOSH | FRANCIS JUNIOR | | ✓ |
| NOGANOSH | GERALD ISADORE | | ✓ |
| NOGANOSH | GERARD DAVID CHARLES | | |
| NOGANOSH | HEATHER ANN LISA | | ✓ |
| NOGANOSH | IRA CIRCLING HAWK | | |
| NOGANOSH | JADE PHILOMENA | | ✓ |
| NOGANOSH | JAYSON WILLIAM MUCKADAYSHIK | | |
| NOGANOSH # didn't bring pkg | JEREMY CRAIG | | ✓ |
| NOGANOSH | JERRY FRANCIS | | |
| NOGANOSH | JOAN KATHLEEN | | ✓ |
| NOGANOSH | JOSEPH ERIC | | |
| NOGANOSH | JULIA | | ✓ |



Indian Registration System Potential Voter's List - For Posting

Runtime : 02/05/2015 @ 9:47

Registered Indians 18 years of Age as of 2015/04/25

174 - Magnetawan

ONTARIO

| Surname | Given Name | Alias | Present |
|------------------------|------------------------|-------|---------|
| PAUL | NOAH WILLIS | | |
| PAUL | WILLIS NELSON | | |
| PAWIS | THERESA MARGARET | | ✓ |
| PITAWANAKWAT | CHRISTINE | | ✓ |
| PITAWANAKWAT | CHRISTOPHER THEODORE | | ✓ |
| PITAWANAKWAT | EDWARD PAUL | | ✓ |
| PITAWANAKWAT | JAMES ISAAC | | ✓ |
| PITAWANAKWAT | RAYMOND JUSTIN | | ✓ |
| PITAWANAKWAT | THEODORE | | ✓ |
| PULKKINEN | ERKKI PEKKA | | |
| PULKKINEN | MATTI HEIKKI | | |
| PULKKINEN | PEGGY ANNE | | |
| RAYMOND | CHRISTOPHER HUGH | | |
| RAYMOND | SARAH ANN | | |
| RICE | FAY MARIE | | ✓ |
| RIDOUT | JOSEPH CHRISTOPHER | | |
| RIVERS | CHERYL JOAN | | |
| RODRIGUEZ | SHALANE ROSE | | |
| RODRIGUEZ | STEPHEN RANDALL | | |
| SALERNO | BRENDA LEE | | ✓ |
| SALT | JESSIE ALVIN IRWIN | | ✓ |
| SALT | NEIL MICHAEL ROGER | | |
| SANGELAIS | JESSICA DAWN | | |
| SANGELAIS | LINDSAY BERNADETTE | | ✓ |
| SAWYER | KRYSTA LEEANN | | |
| SCHMIDT | KEITH DERRICK NOGANOSH | | |
| SCHOUTENS | HEIDI WILHELMINA NANCY | | |
| SCHUMACHER | LISA DIANE | | |
| SCHUMACHER | TYLER WILLIAM JOSEPH | | |
| SHARECK | DEVLYN DIANNE LORRAINE | | |
| SHARECK | THERESA ANN | | |
| SMITH | EDWARD KELLY JOSEPH | | |
| SMITH | JANICE DENISE | | ✓ |
| SMITH | JERRY SEAN | | ✓ |
| SMITH | RAYMOND PETER | | |
| SPRAGUE | LAURIE ANN | | |
| STEVENS | CAROL ANN | | ✓ |
| TAGLIABRACCI * Mail in | JENNIFER ANNE | | ✓ |

2015/02/05 and in person.