



## **FROG LAKE FIRST NATION ELECTION APPEALS COMMITTEE**

### **NOTICE OF APPEAL - May 19th, 2023**

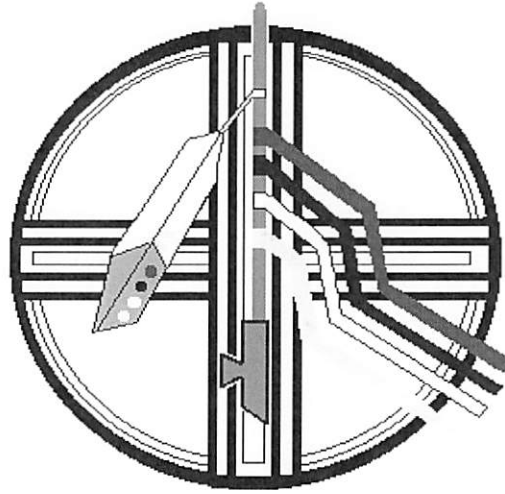
Please be advised that a fourth appeal has been filed in relation to the election for Chief and Council held on April 26th, 2023. This appeal has been filed in accordance with the Frog Lake Election Code and will be heard by the Election Appeals Committee. A copy of the appeal is attached to this notice. This will be heard in-person June 3rd at 3pm, at the Frog Lake First Nation Field House. It will be heard together with Hans Mcharthy's appeal, as it pertains to similar matters.

In accordance with section 9.6, this notice will be posted within the Band Office and digitally on:  
1) Frog Lake First Nation's website; (2) Frog Lake First Nation's app; and (3) Frog Lake First Nation's facebook page.

Further notices in relation to this appeal will be posted in the same manner.

Chair of the Election Appeal Committee,

**Tanner Stanley**



# Frog Lake First Nations Election Appeal Application Form

This form must be submitted to the  
**Clerk of the Election Appeals Committee.**

Glenna Walker

Office: (780) 943-3737 | Cell: (780) 210-4446

Submit digitally to: [glennawalker@froglake.ca](mailto:glennawalker@froglake.ca)

Or

Mail / In Person: General Delivery, Frog Lake, Alberta T0A 1M0

Frog Lake First Nations Band Administration    Attn: Glenna Walker

# Frog Lake First Nations Election Appeal Application

Grounds for Appeal - Please check at least one of the following

Vote or Candidate Eligibility and Omission	Applicable?
Electoral officer improperly included on or left off a persons name on the Voter List (9.2.a.i)	
A nominee meets requirements, but left off Candidate list by the Electoral Officer (9.2.a.iii)	
A nominee did not meet all requirements but was declared a Candidate by the Electoral Officer (9.2.a.ii)	
An ineligible person nominated or seconded the nomination of a nominee (9.2.a.iv)	
Post-Election and Other Appeals	
A candidate violated the Candidate code of conduct (9.3.a.i.b)	
An error was made in the application of the Election Code procedures (9.3.a.i.a)	
Sufficient number of <u>ineligible individuals</u> voted that impacts the outcome of this election (9.3.a.i.c)	
Sufficient number of rejected or spoiled ballots were cast that impacts the outcome of this election (9.3.a.i.d)	

Describe, briefly, the nature of the violation or infraction:

Sec. 5.10 Frog Lake Election Code  
 Violation => Business during election.

The appellant(s) agree to or acknowledges:

Initials

To pay the \$100 appeal filing fee, using a method outlined in supplementary information.

Submit this form only to the current Clerk of the Election Appeals Committee

To: The Appeals Committee, Frog Lake First Nations

Date: May 13, 2023

Re: Hans McCarthy Appeal

I have reviewed the appeal submitted by Hans McCarthy and I would like address it and express my support to his appeal. It is concerning that the membership of Frog Lake had worked diligently for the past nine years to have their own election code and to see that section 5.10 of the code was broken even before the election took place. The period in question is March 21, 2023 to April 26, 2023.

Section 5.10(a) states: "During an Election Period Council shall not directly or indirectly: (i) Enter into any contracts or agreements that are not in the ordinary course of the FLFN's business."

As per Hans McCarthy's submission to the Appeals committee, the following points are:

1. Chief and Council met with the Band Lawyer, Witten LLP on March 23, 2023 and gave permission to proceed with a new contract/lawsuit; a major lawsuit of \$750,000.00 against Nobles Construction as evidenced by the court documents submitted by Mr. McCarthy. The nomination date was March 21, 2023; a direct violation of the above Section.  
Chief and Council met with Witten LLP. Witten LLP lawyer contacted the company and demanded payment immediately.
2. Furthermore, the Witten LLP were adamant in filing the lawsuit; their billing would show their billable hours invoiced during the election period. Witten LLP is paid by Frog Lake First Nation, thus contravening the above section as well. Chief and Council gave authority to Witten LLP to enter into a new contract. A lawsuit is not ordinary course of business.
3. In addition, Chief and Council directed Wakanaman Askiy Director to move three cement trucks to <sup>19</sup> DuFab to be inspected. The work was completed and paid in full by Frog Lake First Nation's band funds; attached are the invoices.
4. Sequence of events with Witten LLP, Frog Lake First Nation Legal Counsel.  
\*April 6, 2023-Witten contacted Nobles' lawyer to discuss the next meeting.  
\*April 21, 2023-Witten contacted Nobles' lawyer again. Nobles' lawyer reminded Witten LLP that Frog Lake First Nation was in the middle of an election period and wished to respect the Nations' election process by not discussing any business during this time period. The response from Witten LLP lawyer was: "I don't give a fuck about Frog Lake First Nation's election and furthermore, I don't care who is running the elections, one feather, two feather or three feather. Who gives a shit, I have a job to do."

As a final note to you, the Committee:

We have a tool to use, **Frog Lake First Nation Election Code**, it replaced Indian Act Election Regulation. The Indian Act is a colonial piece of legislation that is open to corrupt practices. Our new Election code gave hope to our membership that we finally had a process where our governance structures would be recognized and respected. It is disturbing to see how the Code was violated almost from get go, we cannot continue to demonstrate this nonsense to our Youth as they watch the events unfold. We said, "Change" and now we have it. I encourage you, the Board to demonstrate your authority in respect of our Governance process and overturn the election. I trust you will examine the evidence, consider the severity and make the right decision.

Sincerely,

George Stanley



# Sworn Affidavit

George Stanley, of Frog Lake, Alberta  
(Name of Appellant) (Place of Residence) (Province)

Appellants Phone Number

Appellants Email

## SWEAR / AFFIRM AND SAY THAT:

1. I have personal knowledge of the grounds of Appeal, the description of the violation or infraction, and the evidence attached to this affidavit, except where stated to be based on information and belief.
2. To the best of my knowledge, all the information and evidence included in this Appeal is true and all of the evidence attached is presentable at an appeal hearing.

**SWORN / AFFIRMED BY:** GEORGE STANLEY

(Name of Appellant)

**SWORN / AFFIRMED ON:** MAY 14, 2023

(Date Sworn/Affirmed)

## SWORN / AFFIRMED BEFORE ME

at Elk Point, Alberta

on May 14, 2023

S D Harms

Commissioner of Oaths in and for Alberta,

Justice of the Peace or Notary Public

Shirley D. Harms

#0719121

My Commission Expires

Sept. 26, 2025

George Stanley

(Signature of Person Swearing/Affirming)

**COURT OF APPEAL OF ALBERTA**

**Form 49  
[Rule 13.19]**

**COURT OF APPEAL FILE NUMBER:**

**Registrar's Stamp**

**TRIAL COURT FILE NUMBER:**

**REGISTRY OFFICE:**

**PLAINTIFF/APPLICANT:** Hans McCarthy

**STATUS ON APPEAL:**

**DEFENDANT/RESPONDENT:** Greg Desjarlais, Stoney Dion,  
Preston Faithful, Colin  
Quinney, Jason Quinney.

**STATUS ON APPEAL:**

**DOCUMENT:** AFFIDAVIT

**ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS DOCUMENT:** PO Box 101 Mameo Beach Alberta, T0C 1X0

**AFFIDAVIT OF Hans McCarthy**

**Sworn (or Affirmed) on May 9th, 2023**


**I, Hans Preston McCarthy, of Mameo Beach, Alberta, SWEAR/AFFIRM AND SAY  
THAT:**

- 1. Exhibit A is three Documents as attached show that Frog Lake Chief and Council and Waskanaman Askiy were conducting business during the election period March 21, 2023 to April 26, 2023. The two documents are pictures of the trucks and the one picture is of the receipt which is proof of business.**
- 2. Three Cement Trucks (mixers) were delivered to DewFab, Cheque was issued by two candidates that were vying for council positions in Frog Lake First Nation Elections.**



3. As per finance policy, Wasanamin Askiy needs approval from Chef and Council for any expenditures over \$2000. Inspections were completed on April 18-21, 2023
4. Exhibit B is a screenshot of Greg Desjarlais Status claiming that he is in power during the appeals section which seems like a tactic to influence the outcome and has no regard for the election code or the process.
5. Greg Desjarlais states that they are still in power during the Appeal. But not necessarily. FLFNS Election Code states that—s. 4.2(c)(i)(ii)—a Chief or Councillor must take "oath of office" before assuming the roles & responsibilities of their elected office. And the oath of office cannot take place until the deadline for filing an Election appeal—which is May 28th & until all election appeals have been decided by the Appeal Committee. Greg is not in power like he says in the status I provided in apart of this package. Chie and Council are not in power yet. Right now, they are just like regular employees of the Band because they haven't taken the "oath of office" yet. So technically they do not have the power & roles & responsibilities of C&C yet.

SWORN (OR AFFIRMED) BEFORE ME at )  
 Wetaskitin, Alberta, this 9<sup>th</sup> day of May, )  
 2023. )

  
 \_\_\_\_\_ )  
 (Commissioner for Oaths in and for the )  
 Province of Alberta) )  
 Laurel Ann Wheler )  
 A Commissioner for Oaths )  
 in and for Alberta )  
 My Commission Expires Aug. 28, 2024 )

\_\_\_\_\_ )  
 (Signature) )  
 Hans McCarthy )  
 \_\_\_\_\_ )  
 (Print Name)

\_\_\_\_\_  
 PRINT NAME AND EXPIRY OR  
 LAWYER/STUDENT-AT-LAW





This is Exhibit "A" referred to in  
the affidavit of Hans McCarthy  
Sworn before me this 9<sup>th</sup> day  
of May, A.D. 2023

Laurel Ann Wheeler  
A Commissioner for Oaths  
in and for Alberta  
My Commission Expires Aug. 28, 2024

Box 198, Dewberry, AB T0B 1G0  
Phone: (780)847-0000  
Fax: (780)665-6129  
E-mail: sales@dewfab.com

WASKONAMAN ASKIH CONSTRUCTION  
brought '95 Western Star in for CVIP,  
and paid in full, Apr 18/23.  
Truck VIN# 2WLKCCME5SK940140

'92 Western Star  
frame cracks repaired  
and paid in full, Apr 21/23  
Truck VIN#2WLKCCME8NK929654

This is Exhibit "B" referred to in  
the affidavit of Hens McCarthy  
Sworn before me this 9th day  
of May, A.D. 2023



Laurel Ann Wheler  
A Commissioner for Oaths  
in and for Alberta  
My Commission Expires Aug. 28, 2024

