



THE PAIUTE INDIAN TRIBE OF UTAH

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PAIUTE INDIAN TRIBE OF UTAH TRIBAL COUNCIL'S WRITTEN DETERMINATION RE MAY 11, 2026 REMOVAL HEARING OF PHILIP BUSHHEAD

BACKGROUND

The Tribal Council of the Paiute Indian Tribe of Utah (“Tribal Council”) received documentation from the Shivwits Band Council (“Band”) and other sources regarding allegations and proposed evidence that Councilmember Philip Bushhead conducted willful misconduct and should be removed from his position on the Tribal Council via Article XII of the Tribal Constitution. Subsequently, the Tribal Council passed Resolution 2026-11 on May 7, 2026, and issued its notice of hearing and charges to Councilmember Philip Bushhead (“Respondent”). The Tribal Council held the Removal Hearing on May 11, 2026. Present at the Removal Hearing were Tribal Councilmembers: Chairwoman Laurel Yellowhorse, Vice-Chairperson Heather John, Councilmember Betty Cuch, Councilmember Gari Lafferty, Councilmember Tamra Borchardt-Slayton, Respondent Councilmember Philip Bushhead and his attorney John Gaylord, and Hearing Officer Angilee Dakic.

LAW

The Constitution of the Paiute Indian Tribe of Utah (“Tribal Constitution”) is established as the overarching governing document of the Tribe, “which shall govern the Paiute Indian Tribe of Utah and its constituent bands from its effective date.”¹ Notably, the Preamble to the Tribal Constitution recognizes that the Kanosh Band of Paiute Indians and the Shivwits Band of Paiute Indians maintained their own governing Constitution and Bylaws prior to the Tribal Constitution, but that each of those documents “are hereby *superseded* by this constitution” (emphasis added).

The Tribe’s Constitution is the supreme law of the Tribe. All Tribal ordinances, resolutions, laws, motions, and actions must be in conformity with the Tribe’s Constitution. Further, all Band resolutions, bylaws, motions, and actions must be in conformity with the Tribe’s Constitution. The Bands are expressly prohibited from taking any action which is inconsistent with the Tribe’s Constitution, the Tribe’s ordinances, or the Tribe’s Resolutions. See Article VIII Section 3 of the Paiute Indian Tribe of Utah’s Constitution (“Tribal Constitution”).

¹ Preamble to the Constitution of the Paiute Indian Tribe of Utah.

The Tribal Council recognizes that the Shivwits Band initiated their own hearing procedures in April 2026, leading to their decision to remove Councilmember Bushhead from his position as Band Chairperson pursuant to the Band Council's written determination issued on April 30, 2026. The Tribal Council recognizes that the Shivwits Band maintains its own Bylaws and level of authority; however, the Tribal Constitution provides very specific procedures to initiate and perform the removal of a Tribal Councilmember in Article XII of the Tribal Constitution. It is against the plain reading of the Tribe's Constitution to find that the Band has separate authority to remove a Tribal Council member from his or her position on the Tribal Council under different procedures when the Tribe's Constitution already provides such removal procedures. Again, such interpretation would violate Article VIII, Section 3 of the Tribal Constitution.

Accordingly, the Tribal Council must take their own independent action to remove a Tribal Councilmember through the procedures of Article XII, Section 2 of the Tribal Constitution. The Tribal Council therefore held the May 11, 2026 Removal Hearing, and issues this written determination, pursuant to that Constitutional authority.

FINDINGS

The Tribal Council received or prepared over sixty (60) exhibits pertaining to the allegations made against Councilmember Bushhead. These exhibits included, but were not limited to, videos or recordings of Councilmember Bushhead's interactions at a convenience store owned by the Shivwits Band Corporation, videos or records of Councilmember Bushhead's interactions with the Band Council, emails to and from Councilmember Bushhead, witness statements, and various resolutions, notices, and announcements.

The evidence provided to the Tribal Council, and testimony from Councilmember Bushhead himself during the May 11, 2026 Removal Hearing, demonstrates very concerning behavior performed by Councilmember Bushhead. Particularly, Councilmember Bushhead's actions to personally visit and disrupt operations at the convenience store owned and operated by the Shivwits Band Corporation, and to personally seek out the whereabouts of a Band employee and visit that employee's home when that employee was absent from work, are not in line with the Tribal Council's standards of leadership and decorum. The Tribal Council also notes that Councilmember Bushhead has demonstrated a lack of clear acknowledgement of the authority and procedures of the Shivwits Band Council, as evidenced by his statements and actions during the removal hearing conducted by the Band Council in late April.

We do not find that Mr. Bushhead's actions regarding these matters are within the boundaries of how a member of the Tribal Council should regularly conduct him or herself. However, the Tribal Council recognizes that the bar for removal due to "willful misconduct" is a high one. Black's Law Dictionary's definition of "willful" notes, "A voluntary act becomes willful, in law, only when it involves conscious wrong or evil purpose on the part of that actor, or at least inexcusable carelessness, whether the act is right or wrong. The term *willful* is stronger than *voluntary* or *intentional*; it is traditionally the equivalent of *malicious*, *evil*, or *corrupt*." As noted

above, the Tribal Council does not condone Councilmember Bushhead's actions, but the Tribal Council also does not find that Councilmember Bushhead's actions were done with "evil" purpose. Councilmember Bushhead's actions are recognized as poor decisions on his part which do not reflect the type of leadership which the Tribal Council will require moving forward. These decisions must be rectified; but there are measures to rectify Councilmember Bushhead's actions without the need to take drastic action such as removing Councilmember Bushhead from office, so soon after he was elected by the Band's members via the election process.

To that point, each Tribal Councilmember of the Paiute Indian Tribe of Utah is voted into their position through the direct consideration and vote of the members of that Councilmember's Band. The Tribal Council weighs the voice of the Tribal members and Band members very heavily in all matters, especially when electing their own leadership. The Tribal Council is elected by its membership and serves as a voice for Tribal members on many matters and must try to defer to the members when possible. Accordingly, removal of a Tribal Council member without a vote of the Tribe's own members is a measure that should only be taken when such Councilmember's actions irrefutably meet the high bar of "willful misconduct."

The Tribal Council does not find that the Councilmember Bushhead's actions meet that high bar of "willful misconduct" here. Councilmember Bushhead was voted into his position by the members of the Shivwits Band, *less than two months ago*, on March 26, 2026. The Tribal Council notes that the Shivwits Band Council provided its initial notice to Mr. Bushhead on April 17, 2026, that the Band Council had scheduled a removal hearing later that month to decide whether Councilmember Bushhead should be removed. This necessarily means that the Shivwits Band Council contemplated the removal of Mr. Bushhead *within three (3) weeks* of his election, and *less than one (1) week* after Mr. Bushhead was officially sworn into his position as Band Chairperson by the Band's Council.

The Tribal Constitution clearly contemplates that the displacement of a Tribal Council member should have a "grace period" following the election of that leader. Article XII, Section 1(a) of the Tribal Constitution states, "At any time after an official election *and after holding office for three (3) months*, any elected representative to the tribal council may be recalled from office for neglect of duty or willful misconduct in office by the eligible voters of the tribe, consistent with the provisions hereof." (emphasis added). Article XII, Section 1 of the Tribal Constitution, then provides a clear and direct method for the recall of a Tribal Councilmember by the members of that leader's Band after those three (3) months have expired.

The Tribal Council recognizes that this three (3) month "grace period" does not apply to a removal action conducted under Article XII, Section 2(a) by the Tribal Council. Nevertheless, as noted above, the Tribal Council should and does defer here to the voices of the Tribe and Band's members who elected Mr. Bushhead when the election was conducted such a short time ago. Councilmember Bushhead, as the Band's elected representative, should be provided with a full and fair opportunity to perform the duties and requirements of his elected position. The Tribal

Council may be empowered by Article XII, Section 2 to remove Mr. Bushhead now, but the Tribal Council is wary of taking such action before that opportunity is fully realized unless truly dire circumstances require otherwise, which is not the case here.

ORDER

The Tribal Council of the Paiute Indian Tribe of Utah hereby finds and **ORDERS** that the allegations and findings made against Councilmember Bushhead do not require the removal of Councilmember Bushhead through Article XII, Section 2(a) of the Tribal Constitution. Accordingly, at this time, Councilmember Bushhead is not removed by the Tribal Council from his position as a Tribal Councilmember.

It is hereby **ORDERED** by unanimous vote on this day May 15, 2026



[Heather John \(May 14, 2026 12:56:14 MDT\)](#)

Heather John
Tribal Council Vice-Chairwoman (Koosharem Band)



Tamra Borchardt-Slayton,
Tribal Councilmember (Indian Peaks Band)



[Betty Cuch \(May 14, 2026 17:08:50 MDT\)](#)

Betty Cuch
Tribal Councilmember (Cedar Band)



Gari Lafferty
Tribal Council Member (Kanosh Band)

Attest:



[Laurel Yellowhorse \(May 15, 2026 08:31:31 MDT\)](#)

Laurel Yellowhorse
Tribal Council Chairwoman