



**NAFSA** NATIVE AMERICAN FINANCIAL SERVICES ASSOCIATION

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August 21, 2013

**VIA EMAIL and U.S. MAIL**

Maame Ewusi-Mensah Frimpong  
Deputy Assistant Attorney General  
Consumer Protection Branch  
Department of Justice  
Civil Division  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

**RE: Follow up on meeting with tribal leadership regarding tribal government short-term lending on August 21, 2013**

Dear Deputy Assistant Attorney General Frimpong:

I am writing to memorialize the meeting between our tribal membership and you and your colleagues today. We appreciate your willingness to accept our invitation for a meeting to begin a productive dialogue with tribal leadership and to strengthen the government-to-government relationship between tribal governments and the Department of Justice. In recent history, there is a proud tradition of consultation between our governments that was memorialized by Executive Order during the Clinton Administration. Both the George W. Bush and Obama Administrations have continued this legacy of cooperation and respect for the sovereign rights of American Indian tribal governments. President Obama confirmed this commitment on November 5, 2009 by reaffirming Executive Order 13175, requiring all heads of departments and executive agencies to consult with American Indian tribal governments before taking any action which may affect the sovereign rights of an Indian Tribe. The recent Executive Order, dated June 26, 2013, establishing the White House Council on Native American Affairs, specifically acknowledges, "that self-determination--the ability of tribal governments to determine how to build and sustain their own communities-- is necessary for successful and prospering communities."

As we shared with you in today's meeting, our tribal government short-term lending businesses have been severely harmed, and in some cases closed, by recent actions by the Department of Justice's Financial Fraud Task Force. For many of our tribes, these businesses are the primary source of governmental revenues to provide critical services to our communities, such as housing, education, and health care.

We were pleased to hear from you today that your actions are not directed at our tribal government short-term lending businesses. In particular, it was a relief to hear Deputy Assistant Attorney General Frimpong make the statement that, "It didn't occur to me that we should consult with tribes in advance because we are going after fraud. Never have we focused on tribal payday or payday. We go after financial fraud, so we are not going after you." Furthermore, and most importantly, you confirmed to us that, "banks may be mis-construing what they are hearing, that there is perceived risk to them, but that is not true." We were also encouraged to hear that the media reports have been incorrect with regard to DOJ efforts when Joel Sweet assured us that, "the context was us telling the reporter that we were not focusing on tribal or online lending."

We look forward to continuing our dialogue and appreciate the offer to include us in the new Consumer Protection Working Group since tribal governments share your dedication to protecting consumers by offering responsible financial services products and services.

Thank you for again your clear reassurance on these important issues.

If you have any questions, please feel free to contact me directly at [JShotton@omdevelopment.org](mailto:JShotton@omdevelopment.org) or by phone at (405) 880-5940.

Sincerely on behalf of all the tribes in attendance,



John Shotton  
Chairman, Otoe-Missouria Tribe  
Chairman, NAFSA



Sherry Treppa  
Chairperson, Habematolel Pomo of Upper Lake  
Vice Chairwoman, NAFSA



Sandra Knight, Vice Chairwoman  
Mechoopda Indian Tribe of Chico Rancheria



Jonathan Windyboy  
State Senator, SD 16, Montana Senate



James Williams, Jr.  
Tribal Council Chairman, Lac Vieux Desert Band of Chippewa Indians



Sally Peterson  
Vice Chairwoman, Middletown Rancheria of Pomo Indians



Reggie Lewis,  
Chairman,  
Picayune Rancheria of Chukchansi Indians of California



Chance Alberta,  
Tribal Council & Chairman of Chukchansi, Inc.