# AMENDED PASSED

#### **CHEROKEE COUNCIL HOUSE**

CHEROKEE, QUALLA BOUNDRY, NC

Date: SEP 0 5 2024

## RESOLUTION NO. 299 (2024)

A resolution to exclude Timothy "Tim" Richardson and Mary "Penny" Richardson from the lands of the Eastern Band of Cherokee Indians.

WHEREAS,	the Eastern Band of Cherokee Indians ("EBCTI" or "Tribe") has the sovereign authority to exclude persons from lands of the Eastern Band to protect the integrity, law and order of the lands, and the welfare of Tribal members; and
WHEREAS,	the Tribal Council has codified its authority to exclude persons from the lands of the Eastern Band at Chapter 2 of the Cherokee Code; and
WHEREAS,	the power to exclude is an inherent and essential part of Tribal sovereignty that is indispensable to the Tribe's autonomy and self-governance; and
WHEREAS,	Timothy and Mary Richardson are not members of the Eastern Band of Cherokee Indians, but reside on the property of Noah Cucumber Heirs Parcel No. 305, located within the Wolftown Community, and
WHEREAS,	on April 29, 2024, Tim and Mary Richardson were terminated from their employment as campground managers of C & C Enterprises, Inc. D.B.A. Happy Holiday Campground by the Board of Directors.
WHEREAS,	on April 18, 2012, Tim and Mary Richardson signed a supplemental agreement for employees living onsite where they agreed vacate the premises within 48 hours of (voluntary or involuntary) termination of employment (Exhibit 1, sec. 3.), and
WHEREAS,	on May 24, 2024, after allowing the Richardsons 35 days longer then agreed upon to vacate the property, current campground manager Amy Riesco informed the Richardsons that their final date in the company provided housing expires May 29, 2024, providing an additional five days to vacate, at which time the Richardsons made it clear that they had no intention of leaving the property and claimed to have a life estate on the property, and
WHEREAS,	on March 26, 2019, the former President of C & C Enterprises, Inc., unilaterally and without Board approval or knowledge, signed an agreement with the Richardsons giving them indefinite use of the mobile home and utilities located on the property of the Noah Cumber Heirs until they were no longer living in residence by their choice, and
WHEREAS,	since their termination, the Richardsons have been spreading rumors and causing issues

with campground guests and the new managers that is disrupting business operations in

the misplaced belief that they will be reinstated in their positions as campground

managers, and

WHEREAS, on May 24, 2024, C & C Enterprises, Inc filed a complaint for eviction in Cherokee Tribal Small Claims Court, and

WHEREAS, on July 8, 2024, while awaiting trial, the Board and the Richardsons reached a verbal agreement, to be later put in writing, that the Richardsons could stay in the residence until September 31, and in exchange the Richardsons would pay \$650 a month for rent and refrain from making disparaging comments to staff and customers,

WHEREAS, on the same day as the oral agreement was made between the parties, Tim Richardson immediately breached that agreement by going to customers and staff bragging that he won and that it is his campground, and

WHEREAS, after the breach of the oral agreement the Board decided to restart the eviction process, and ask the Tribal Council to banish the Richardsons from Tribal lands, and

WHEREAS, shareholders, employees, and customers have reported discriminatory comments against Native Americans and are sowing discord among campers and staff, and

WHEREAS, shareholders and the Board have voted and unanimously decided that the Richardsons must go and banishment is the best option due to the Richardsons' knowledge of eviction laws and their willingness to take advantage of the Board's generosity to stay rent and bill free at the expense of tribal members, of which many are Tribal elders who struggle to pay their own bills, and

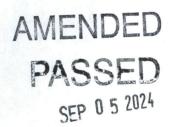
NOW THEREFORE, BE IT RESOLVED by the Tribal Council, in Council assembled with a quorum present, and with the number of votes required by Tribal law, Timothy "Tim" Richardson and Mary "Penny" Richardson, is hereby INDEFINATELY EXCLUDED from all Tribal lands and is hereby notified and ordered to vacate all tribal lands.

BE IT FURTHER RESOLVED that this permanent exclusion prohibits Timothy "Tim" Richardson and Mary "Penny" Richardson from entering or being present on Tribal lands for any purpose except as required by Tribal Council or Tribal Court.

BE IT FURTHER RESOLVED that if Timothy "Tim" Richardson and Mary "Penny" Richardson is found improperly on Tribal lands at any time after the effective date of this resolution, he shall be treated as a trespasser and appropriate legal action shall be taken against him.

BE IT FINALLY RESOLVED that all resolutions inconsistent with this resolution are rescinded, and that this resolution shall become effective when ratified by the Principal Chief.

Submitted by Wolftown Councilmembers Bo Crowe and Mike Parker



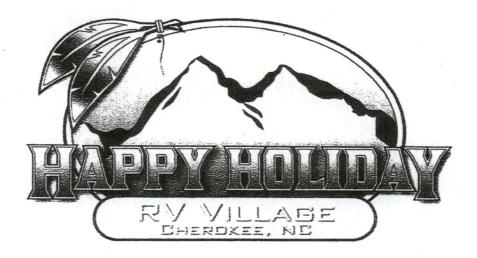
CHEROKEE COUNCIL HOUSE

CHEROKEE, NC SEP 0 5 2024

### **AMENDMENT TO RESOLUTION NO. 299 (2024)**

In the 8th, "WHEREAS," correct the spelling from "Cumber" to "Cucumber"

EXHIBIT 1

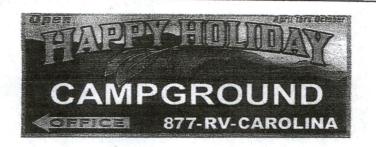


#### SUPPLEMENTAL AGREEMENT: EMPLOYEES LIVING ONSITE

You have been given use of a site at Happy Holiday RV Village as partial or full consideration for your employment. Please read the following regulations, as this represents an agreement between parties.

- You are bound by park rules and regulations and must adhere to them. Failure to do so may result in the termination of your employment and your being required to leave the property on 48 hours written notice from Happy Holiday RV Village management.
- 2. Employee acknowledges that rules and regulations apply to all guests residing within the employee's unit, and is responsible for behavior of any guests visiting employee's site.
- Upon (voluntary or involuntary) termination of employment with Happy Holiday RV Village, you
  will be required to leave the property within 48 hours written notice from Happy Holiday RV Village
  management.
- 4. Exceptions to the above may be granted if requested in writing, in conjunction with an application for your site. It will be the sole discretion of management to determine whether the request and application are accepted. If not accepted, you will be required to leave the property within 48 hours written notice as outlined above.
- 5. If Happy Holiday RV Village management's preference is for you to vacate the property and you do not, an eviction proceeding will be brought against you and you may be held liable for utility and rental costs associated, as well as legal fees incurred by Happy Holiday RV Village.
- By signing below, employee acknowledges these rules and agrees t the conditions therein, and acknowledges further that signatures are affixed without coercion or duress.

$\sim 11/11$			
Employee: Tim Ruy Lunky	Date: 4//3//2		
Employee Benny Richardson	Date: 4/18/12		
Resort Manager:	Date:		



March 20 2019

This agreement is between Frank Cucumber, President of C&C Enterprises Inc. and Timothy and Mary {Penny} Richardson regarding the mobile home located on sites A & B at Happy Holiday RV Village 1553 Wolfetown Rd in Cherokee, NC 28719.

In exchange for their many years of management, past and future years to come, and not taking a raise or year-end bonus, at any time we agree to the following terms.

The Richardson's' will have use of the mobile home including lot rent and utilities for an unlimited amount of time. Once they are no longer living in it, by their choice, it will revert to C&C Enterprises. The Richardson's will hold the title on said mobile home and any pay property taxes due.

Frank Cucumber, date

Timothy Richardson

date 3-26-

Mary Richardson

date

State of NC County of Jackson
Signed before me on the 72th day
of March With Dr. Trush Circumber, Tunothy Richardson, Many Richardson
Notary Public James Mangarette
Commission expires Pragus 47070

JAMIE HAMPTON
NOTARY PUBLIC
Swain County, NC
My Commission Expires OSOUTEE

## HAPPY HOLIDAY RV VILLAGE

1553 Wolfetown Rd., Cherokee NC 28719



May 24th, 2024

Re:

Timothy Richardson Mary Richardson

Eviction Reminder/Notification

To Whom It May Concern,

I contacted Ms. Mary (Penny) Richardson via telephone and had a conversation with her reminding her that her final date in the company provided housing expires on May 29<sup>th</sup>, 2024. I also informed her that the company attorney has begun the eviction process. She explained that she has an attorney, and they have a home being built off site with no current date on when the new residence will be complete. My understanding is that neither she nor Tim Richardson have any intention of leaving the residence anytime soon.

Amy Riesco Management

Happy Holiday RV Village



This agreement is between C & C Enterprises, Frank Cucumber President, Timothy Richardson and Mary (Penny) Richardson, the new managers voted on by the board on July 2013, concerning their employment at Happy Holiday Campground in Cherokee, North Carolina.

Managers will be salaried at \$1,000.00 per pay period each. This also includes their site, all utilities, laundry and propane at no cost. Any raises or bonuses or other compensations will be given at the discretion of Frank Cucumber President of C & C Enterprises.

For the above compensation the managers will run the campground 24 hours a day 7 days a week which includes maintaining the office, overseeing maintenance and general day to day operations.

Their position will begin on October 1, 2013 and continues for an unlimited amount of time and as long as Happy Holiday Campground and C & C Enterprises prospers under their management.

Frank Cucumber, President of C & C Enterprises

Lank Cycumber date Bat 5-2013

Mary (Penny) Richardson M. Gerry Ruchardson date 12/5/13

Timothy Richardson Liver Ruchardson date 0 e T - G - 2012

HAPPY HOLIDAY RV VILLAGE

1553 Wolfetown Rd., Cherokee NC 28719 828.497.9204 Email: Info@HappyHolidayRV.com

\_\_\_\_II------UalidayPV com

# C &C Enterprises, Inc.

1553 Wolfetown Road Cherokee, NC 28719

April 29, 2024

Mary "Penny" Richardson

Tim Richardson

#### RE: OFFICIAL NOTICE OF EMPLOYMENT TERMINATION

Mary and Tim Richardson,

We are to inform you that your employment with C & C Enterprises, Inc. has been terminated effective immediately, as of April 29, 2024. Please be advised that you must surrender all company property including credit/company cards, keys, passwords, and any other property belonging to the Company.

Any items that were purchased with Company money are the sole property of C & C Enterprises, Inc.

Such items shall NOT be removed from Company property.

Failure to comply with this order will result in criminal charges.

As of this date, April 29, 2024, you have until \_\_\_\_\_\_ p.m. to vacate Company property.

The Board of Directors of C & C Enterprises, Inc.

Rebecca Lossie

C D

Serita Pascual

4.29.24 DATE

DATE

DATE

4.29-24

#### **Fwd: Statement**

### Amy Streiff <astreiff79@gmail.com>

To:Serita - Happy Holiday RV <serita@happyholidayrv.com>

----- Forwarded message -----

From: angel riesco < lost21409@hotmail.com>

Date: Sun, Jul 7, 2024, 9:28 PM

Subject: Statement

To: Astreiff79@gmail.com < Astreiff79@gmail.com >

To whom it may concern,

I have heard from multiple people that racist comments have been made towards Native Americans in general, about stealing and that management is making a mistake allowing Natives into a Native owned campground.

As well as calling the manager a, "God Damn Liar" to his face, not wanting to believe the fact that Happy Holiday was doing well

Sent via the Samsung Galaxy S21 5G, an AT&T 5G smartphone Get <u>Outlook for Android</u>

## Tim Richardson Statement Regarding Happy Holiday Campground

## Amy Streiff <astreiff79@gmail.com>

To:Serita - Happy Holiday RV <serita@happyholidayrv.com>

In my opinion, Tim and Penny Richardson maintaining residence within Happy Holiday Campground has and will continue to create an uncomfortable environment for campers, staff, seasonals and the board. Due to their bitterness toward current board of directors and management for recent termination, there is consistent animosity and disruption in the conducting of peaceful and profitable business. It is time for both parties to move forward. I wish them all the best in their future endeavors.



# The Eastern Band of Cherokee Indians Tribal Enrollment Office

Principal Chief Michell A. Hicks Vice Chief Alan B. Ensley

Mike Parker Chairman Wolftown Township May 17, 2024

David Wolfe Vice-Chairman Yellowhill Township Serita Pascual - Board President **C&C Enterprises** Cherokee, NC 28719

#### **Tribal Council Members**

Subject: Tribal Enrollment Verification

Perry Shell Big Cove Township

Richard French Big Cove Township

Michael Stamper Painttown Township

Dike Sneed Painttown Township

**Bucky Brown** Snowbird & Cherokee Co. Township

Adam Wachacha Snowbird & Cherokee Co. Township

Bo Crowe Wolftown Township

Boyd Owle Birdtown Township

Jim Owle Birdtown Township

Tom Wahnetah Yellowhill Township

To Whom It May Concern,

The Enrollment records of the Eastern Band of Cherokee Indians have been searched for the following individual(s):

NAME	DOB	STATUS	
Timothy Richardson	7/4/1950	Not Enrolled/ No Descendant Record	
Mary Richardson	8/28/1946	Not Enrolled/ No Descendant Record	

Timothy & Mary Richardson are not, nor have ever been enrolled members of the EBCI. No documentation was found in our records to support any claim that these individuals descend from the Eastern Band of Cherokee Indians.

Thank you for taking the time to verify this claim. If you have any questions, our contact information is listed below. We will respond as soon as possible.

Enrollment Office Phone: (828) 359-6465 Fax: (828) 359-7104

If you have any questions or concerns, feel free to contact me. My information is listed below.

Sincerely,

Jeremy Sequoyah **Enrollment Specialist** (828) 359-6469

ieresequ@ebci-usn.gov

**EBCI Tribal Enrollment Office** 





775 Bigwitch Rd. • Cherokee, NC 28719 • (828) 788-6170

June 27, 2024

Dear Mr. & Mrs. Richardson,

On June 26, 2024, the C&C Enterprises, Inc. Board of Directors held a meeting at which they voted unanimously to ban you from all company property (including but not limited to the arcade, campsites, and store) and company events (including but not limited to the 4<sup>th</sup> of July celebration). You are only permitted to use Company property for the purposes of entering and exiting your current residence, any loitering and/or harassment of customers, Company staff, Board of Directors, or Shareholders will be considered trespassing by the Owners and will be handled accordingly with Tribal Law Enforcement. Additionally, any disparaging and defamatory comments made on social media or directly to customers, Company staff, Board of Directors, or Shareholders will be considered libel and/or slander and will be addressed in Tribal Court.

Best regards,

Randall Crowe, Esq.

Attorney for C&C Enterprises, Inc.

## **Tim and Penny Richardson Statement**

## Amy Streiff <astreiff79@gmail.com>

To:Serita - Happy Holiday RV <serita@happyholidayrv.com>

Tim and Penny Richardson maintaining residence within Happy Holiday Campground has and will continue to create an uncomfortable environment for campers, staff, seasonals and the board.

It has been made apparent that previous staff was treated poorly and is clearly present in the revolving door of staff that has come through the campground over the years. Seasonals have also voiced their concerns of "walking on eggshells".

For the last fourteen years, Tim and Penny have had free reign with finances as well as any and all decisions made on behalf of the campground. This was because the shareholders were bullied in board meetings and they decided not to hold them any longer. Similar to a divide and conquer situation.

There have been numerous complaints over the years from campers on their treatment from them both and I do not believe that Penny participated much at all in daily operations as she is a recluse.

Since they were fired, they have not paid anything to the campground for the last 3 and a half months stay.

They hold bitterness toward current board of directors and management for recent termination, there is consistent animosity and disruption in the conducting of peaceful and profitable business.

It is time for both parties to move forward. I wish them all the best in their future endeavors.

Angel and Amy Riesco

Due had witnessed or experienced several things with Dim and Fenny Richard Son while they were managers of the Hapy Holiday Campground. I. While Ich having a board meeting. Morethup a Subject of Management deciding on Spending the Company money! without board approval. In the years in which we Were watching theits and only spending money Top Priority. Mr. Richardson turns and Curses me a board member which I thought was insubordination. The Richardsons have been known to tell people that this Business belong to them, when we remined them from Management on april 29th of this year. they have remained on the Property Whey had signed a paper in which they where to Vacate the Premises within 24 thrs. Which they havent clone. They have lived there since April 29th Not Paying for Rent, lights, & Juel, They have living off of all share holders dime. getting or recieving a lease Payment nom Penny Richardson was was a NO NO it felt like for our shareholders that we Were taking from the richardsons Personal account & Not the Campgiound acct. Which belongs to all shareholders Jim Richardson has made racist remarks belitting our Cherokee, People. Same for Penny Richardson

#### Danielle Murray

#### Statement of Negative Encounter with Tim

On October 29<sup>th</sup>, 2023, my mom, Lisa Youngdeer (shareholder) requested that I go pick up a letter for her from the office at Happy Holiday Campground. I called the campground to let the staff know that I would be there later to pick up the letter and was told that the office would be open until 5 pm. The employee who answered said that she would leave the letter on the desk at the office so it could be found by anyone who happened to be there when I got there.

I arrived at the campground around 4:40 pm and the office was dark inside and the door was locked. I tried calling a couple of times to see if I could reach someone and no answer. While I was standing outside the office, two older ladies (housekeepers) in a golf cart came up to me and informed me that the office was closed. I explained the situation and what I was told by the person I had spoke to on the phone earlier that day, and they said they would try to find someone that could help. They said they would go to see Tim and ask him if he could get the letter for me because they knew he had a key. One lady made the remark that they were happy to help me as much as they could, but they were afraid to make Tim mad and get in trouble.

The ladies returned to the office a few minutes later and said that Tim refused to come to the office and told them to tell me that the office was closed for the day. Given the situation, and the fact that the office was not supposed to be closed for another 15 minutes or so, I told them the importance of the letter I was there to pick up. They then agreed to show me where Tim was so I could talk to him myself. Before driving off, one of the ladies again mentioned that they hoped they wouldn't get in trouble for showing me where Tim was.

I went to the trailer and knocked on the door. For a few minutes, nobody came to the door even though you could clearly see Tim and Penny sitting in the living room through the screen door. Finally, Tim came out. I tried explaining what I was there for and before I could finish, he cut me off and said the office was closed for the day. I said that I was told they were open until 5 and it was still about 10 minutes before. He said "We're closed. No point in being open right now, so we sent everyone home". I tried to explain why I needed that letter and that the ladies in the golf cart said he had a key. Again, he refused to go over to the office with the excuse of "I don't want to mess with their stuff". I said "I was told by the person on the phone earlier that they were going to leave it right on the front desk where any of the staff could just go and grab it".

This went on for a few minutes with him making snide, backhanded comments about how grateful our family should be that they do all this "hard" work for our campground. I finally said "well what are we even paying you all for if you're not even going to stay open until you're supposed to and all you've got to do is walk over to the office, open the door, and grab the letter that is clearly marked with my mom's name?". Then he said "Don't even go there!". I said "Look, I need this letter, it's important that I get it for my mom. She would have gotten it herself but she can't get around well enough to get it herself". Eventually Tim agreed to open the door, but it wasn't himself that did it. He called Amy(?), who was all the way across the campground to drive over and unlock the door and get the letter for me.

Amy was nothing but pleasant about it and even apologized for the trouble that I had to go through to get it.



# I got spit at by the Manager Tim, followed around the park by him the whole time I was there,he called me names.(HORRIBL

Review of Happy Holiday Campground

Reviewed Feb 4, 2024

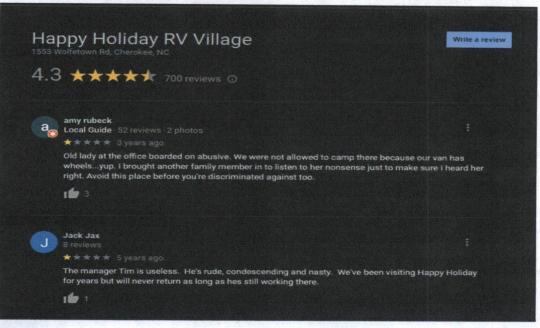
I was treated horrible by the Manager Tim, he got so close to my face I felt his spit, I ask him to back off and he tried to get closer, I was I the Office talking to Jennifer, they wouldn't let me take my cart off my trailer it was gas operated. So the Manager Tim, watched us the whole weekend and I was told by a man across from me that Tim the Manager cut my ratchets hoping I would lose my cart on my way home, good that I was told before pulling out. Jennifer in the office, ask me if I was reserving for next year, I said I wouldn't be back but, Tim the Manager had problems with others and he got on open mic and resigned the same day he spit at me. So I called her the day after we left and reserved, Tim did not resign, and he called me a few days ago to tell me he was revoking my stay for June in 2024, and that I had no reservations there so I need not come. Tim the Manager is a terrible person and if they keep him the park is going to go down hill, no one wants to be treated the way I was, I seriously think he has mental issues!

**Show less** 

Date of stay: June 2023

## HAPPY HOLIDAY REVIEWS UNDER THE RICHARDSON MANAGEMENT











## Brandy S.

Cashiers, NC

△ 82 ★ 56 △ 78



Apr 13, 2019

Staff is great, place is old and runned down. The owner is a gruppy old man that is a little racist as an Indian. His wife was great and ran a tight ship up front. I enjoyed the fishing but the Male owner was a piece of work. Hard to relax when he is trying his best to piss you off. Differently going to miss the othe people there but no way in heck can I deal with that guy another year. It's close to the casino and the fishing is it's only draw.

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VOTE	FOR	AGAINST	ABSTAIN	ABSENT
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erry Shell	X			
oyd Owle	X			
ucky Brown	V			Х
om Wahnetah	X			
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