



## NAVAJO NATION DEPARTMENT OF JUSTICE OFFICE OF THE ATTORNEY GENERAL

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### FOR IMMEDIATE RELEASE

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### ADDITIONAL CHARGES FILED AGAINST FORMER NAVAJO NATION CONTROLLER

**WINDOW ROCK, NAVAJO NATION**—The Navajo Nation Department of Justice through its Office of the Prosecutor announces that new criminal complaints have been filed against former Controller Pearline Kirk relating to her actions associated with the hiring of an unaccredited and inexperienced company to do COVID-19 testing for her office.

According to the charging documents, the Navajo Nation alleges that Ms. Kirk committed violations of Title 17 of the Navajo Nation Code including; Section 342 - Obtaining a signature by deception, Section 362 - Paying or receiving Navajo Nation Government funds for services not rendered, and Section 376 – Falsification. The Navajo Nation alleges that Ms. Kirk falsified and misrepresented relevant facts that mislead and deceived Navajo Nation officials into approving a contract for over \$3 million to hire a COVID-19 testing company to serve the approximately 110 employees of her office, approximately \$27,000 per person to be served.

Based on her material falsifications and misrepresentations, an unqualified company that was recommended by Ms. Kirk's longtime mentor and confidant was paid approximately \$3 million of Navajo Nation funds that would have never been spent but for her actions. This contract was entered despite the fact that the Nation already had legitimate and approved testing available through its Department of Health. Ms. Kirk avoided having the testing reviewed by any Navajo Health officials, as required by Navajo law, and again mislead and deceived health officials when they raised concerns about the testing.

Ms. Kirk's actions allowed the unaccredited COVID-19 testing contractor to conduct COVID-19 testing and other related services for the Nation, jeopardizing the health, safety, and privacy of the Navajo people and expending approximately \$3 million in Navajo Nation funds in the process. The Chief Executive of the company used the Nation's payments to fund an extravagant and luxurious lifestyle that included the purchasing of an Aston Martin sports car, rental of a penthouse apartment as well as luxury goods and travel.

These complaints are new and additional criminal complaints brought after the two complaints that were originally filed under seal on May 14, 2021 were voluntarily dismissed by the Navajo Nation. The Navajo Nation Council voted to remove Ms. Kirk as Controller on May 20, 2021.

A complaint is only an allegation and the Defendant will be given an opportunity to enter a plea of guilty or not guilty at a future arraignment. A criminal complaint is simply a method by which a person is charged with criminal activity and raises no inference of guilt. All individuals are presumed innocent until evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The Navajo Nation will be represented in this case by the Office of the Prosecutor with special counsel Charlie Galbraith and Krystalyn Kinsel of Jenner & Block serving as conflict prosecutors, both are enrolled members of the Navajo Nation.

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