



NAVAJO NATION DEPARTMENT OF JUSTICE

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FOR IMMEDIATE RELEASE

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FORMER NAVAJO NATION CONTROLLER CHARGED WITH ABUSE OF OFFICE AND FALSIFICATION

WINDOW ROCK, NAVAJO NATION—The Navajo Nation Department of Justice through its Office of the Prosecutor announce that the Window Rock District Court has unsealed two criminal complaints the Navajo Nation has filed against former Controller Pearline Kirk.

According to the charging documents, the Navajo Nation alleges that Ms. Kirk committed the offenses of Unsworn Falsification and Abuse of Office in violation of Title 17 of the Navajo Nation Code. The Navajo Nation alleges that Ms. Kirk falsified and misrepresented relevant facts about a COVID-19 testing company to gain approval to hire them. Based on her material falsifications and misrepresentations, an unaccredited and inexperienced company was paid approximately \$3 million of Navajo Nation funds. In order for the contract to be processed using a sole source procurement, without a public notice through a request for proposal otherwise required by law, Ms. Kirk claimed the company was the only company that could provide testing services for her office. This was despite the fact that the Nation already had legitimate and approved testing available through its Department of Health.

Ms. Kirk avoided having the company reviewed by any Navajo Health officials, as required by Navajo law, and avoided health officials after they raised concerns about the testing practices. Ms. Kirk's actions allowed an 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 wasting approximately \$3 million in the process. The Chief Executive of the company used the Nation's payments to fund an extravagant and luxurious lifestyle.

The criminal complaints were originally filed under seal on May 14, 2021 to avoid compromising ongoing investigations. The Navajo Nation Council voted to remove Ms. Kirk as Controller on May 20, 2021.

A complaint is only an allegation and Ms. Kirk has entered a plea of not guilty. A criminal complaint is simply a method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The Navajo Nation is 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. They are both enrolled members of the Navajo Nation.

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