

ETHICS REVIEW COMMITTEE MEETING AGENDA

Hybrid: Microsoft Teams Virtual Meeting/In-Person
April 9, 2024
1:00-2:00

Type of Meeting: Quarterly Meeting of the Ethics Review Committee

Meeting Facilitator: ☐ Chairwoman Tasheena Parker

Ethics Advocates/Audit and Ethics Committee Representative: ☐ Marisa Cabe,
☐ Dale Robinson, ☐ Reva Ballew, ☐ Karen French-Browning, ☐ Shirley Brady, ☐ Doris
Johnson ☐ Monique Taylor

Advisory Members: ☐ Chief Audit and Ethics Executive: Sharon Blankenship,
☐ Independent Legal Counsel, Frank Queen

Office Staff: ☐ Ethics Specialist: Donald Parker

- I. Call to Order**
- II. Attendance**
- III. Review of Agenda**
- IV. Approval of Minutes**
 - i. Approval of January 11, 2024, quarterly meeting minutes
 - ii. Approval of March 5, 2024, special called meeting minutes
- V. Old Business**
 - i. Waiver policy
 - ii. Tiering ethical violations
- VI. New Business**
 - i. Ethics quarterly report
 - ii. Topics and dates for next meeting
- VII. Open Discussion**
- VIII. Closed Session**
 - i. Complaint 2024-2-131
 - ii. Complaint 2024-2-135
- IX. Adjournment**

Ethics Review Committee Meeting

Meeting Minutes

January 11, 2024

Hybrid: Office of Internal Audit and Ethics/Microsoft Teams

I. Call to Order

The Quarterly Ethics Review Committee meeting was called to order by Chairwoman Tasheena Parker at 1:02 pm on January 11, 2024, in-person and through Microsoft Teams.

II. Attendance

Tasheena Parker, Dale Robinson Jr., Karen French-Browning, Shirley Brady, Marisa Cabe (arrived late-1:25 pm) and Donald Parker II attended the meeting in-person. Monique Taylor and Sharon Blankenship attended virtually through Microsoft Teams.

III. Review of Agenda

The meeting agenda was reviewed by Tasheena, and she called for suggested changes. Tasheena informed the committee the date on the agenda would need to be changed to January 11, 2024, to reflect the new meeting date. Sharon requested investigation report for complaint 2023-9-102 be added under closed session. Karen made a motion to accept the agenda as amended with a second from Dale. The agenda was approved as amended.

IV. Approval of minutes

The October 10, 2023, quarterly meeting minutes were presented by Tasheena for review and approval. Monique made a motion to approve the minutes as presented with a second from Shirley. The minutes for October 10, 2023, were approved as presented.

The November 2, 2023, special called meeting minutes were presented by Tasheena for review and approval. Monique made a motion to approve the minutes as presented with a second from Karen. The minutes for November 2, 2023, were approved as presented.

The November 8, 2023, special called meeting minutes were presented by Tasheena for review and approval. Monique made a motion to approve the minutes as presented with a second from Dale. The minutes for November 8, 2023, were approved as presented.

V. Old Business

There were no items for old business.

VI. New Business

i. Waivers

Tasheena reviewed the proposed waiver policy. She informed the committee that this policy would also require a code change if adopted. Dale suggested adding language to clarify how a decision is made and which body approves it. Sharon stated she would like the language changed to reflect that it would be a limited waiver. Dale made a motion to table until the proposed changes could be presented with a second from Shirley. All members present voted to table.

ii. Tiering Ethical Violations

Tasheena provided an overview of discussion amongst our office on this topic. Dale stated he would like to research and present on this topic during the April meeting.

iii. Topics and Dates for next meeting

The next Ethics Review Committee meeting is scheduled for April 9 at 1:00 pm.

iv. Ethics Quarterly Report

Tasheena presented the quarterly report.

VII. Open Discussion

Tasheena caught Marisa up on what she had missed during the beginning of the meeting.

VIII. Closed Session

Karen motioned to enter closed session to discuss the investigation report for complaint 2023-9-102 with a second from Shirley. All members present voted to enter closed session. Closed session began at 1:28 pm.

Marisa motioned to exit closed session with a second from Karen. All members present voted to exit closed session.

The committee resumed regular session at 1:54 pm. Monique made a motion to affirm the ethics violation determination presented in the investigation report for complaint 2023-9-102 with a second from Shirley. All members present voted affirm the ethics violation determination.

Marisa made a motion to issue the investigation report as the final report with a second from Shirley. All members present voted to issue the investigation report as the final report.

Marisa made a motion to reenter closed session to discuss penalties with a second from Karen. All members present voted to reenter closed session. Closed session began at 1:57pm.

Dale motioned to exit closed session with a second from Karen. All members present voted to exit closed session.

The committee resumed regular session at 2:03 pm. Shirley made a motion to assess a fine of \$750 and recommend that Solomon Saunooke not be allowed to serve on a board, committee, or commission for a period of five years with a second from Marisa. All members present voted to approve the fine and recommendation.

IX. Adjournment

The meeting was adjourned at 2:05pm.

Minutes Approval

The above summarized minutes were presented to the Ethics Review Committee for approval on April 9, 2024.

The Committee took the following action:

- Tabled
- These minutes were APPROVED by the Ethics Review Committee

Jasheena Parker
Chairperson

04/09/2024
Date

Ethics Review Committee Special Called Meeting Minutes

Meeting Minutes

March 5, 2024

Hybrid: Office of Internal Audit and Ethics/Microsoft Teams

I. Call to Order

The special-called meeting was called to order by Chairwoman Tasheena Parker at 1:02 pm on March 5, 2023, in person and through Microsoft Teams.

II. Attendance

Attending the meeting in person was Shirley Brady, Dale Robinson, Karen French-Browning, Doris Johnson, Marisa Cabe, Tasheena Parker, and Donald Parker. Monique Taylor, Reva Ballew (joined during closed session by phone), and Sharon Blankenship attended the meeting virtually.

III. Closed Session

Tasheena asked for a motion to enter closed session to discuss complaints 2024-1-124 and 2024-2-131. Shirley motioned to enter closed session with a second from Monique. All members voted to enter closed session. Closed session began at 1:05 pm.

Shiley made a motion to exit closed session with a second from Dale. All members voted to exit closed session.

Regular session resumed at 2:01 pm. Tasheena read resolution ERC 24-02 into the record. Marisa made a motion to pass resolution ERC 24-02 to dismiss complaint 2024-1-124 with the condition that the complainant be notified that issues outlined in the complaint should be handled through the processes established by Human Resources first, and once those processes had been exhausted, they could file a new ethics complaint. Doris seconded Marisa's motion. 7 members voted to approve resolution ERC 24-02. Reva did not respond.

Tasheena read resolution ERC 24-03 into the record. Doris made a motion to approve ERC 24-03 to investigate complaint 2024-2-131 with a second from Karen. 7 members voted to approve resolution ERC 24-03. Dale opposed, stating he did not feel a violation of 117-45.d.15 was demonstrated in the substance of the complaint.

IV. Open Discussion

Tasheena informed the committee Marisa was next in the rotation to assist with an investigation. Marisa stated she would be unavailable for the next two weeks. Shirley volunteered to assist with the investigation.

Dale stated that he felt the committee should not go looking for violations. That complaints should be specific in their accusations.

Tasheena provided the committee with an update on three other complaints received:

- one complaint was returned to the complainant because it did not meet the criteria for completeness and jurisdiction.
- one complaint was deferred until legal proceedings have concluded.
- one complaint has been sent out for response.

Dale wanted to ensure that the discussion of the elements of violations was on the agenda for the April meeting.

Marisa wanted to know if we could provide an update of past complaints that the committee made recommendations on; were fines paid or penalties enforced? Sharon explained that fines were sent to finance and invoiced, but we could provide the committee with an update during the next meeting of whose fines had been paid.

V. Adjournment

The meeting adjourned at 2:19 pm.

Minutes Approval

The above summarized minutes were presented to the Ethics Review Committee for approval on April 9, 2024.

The Committee took the following action:

- Tabled
- These minutes were APPROVED by the Ethics Review Committee

Tasheena Parker
Chairperson

04/09/2024
Date

E5 WAIVER REQUESTS

A Tribal Official~~s~~ may request a limited waiver from any provision of the Standards of Ethical Conduct if extenuating circumstances exist.

E5.1 Written Request

The Tribal official~~s~~ must submit a signed written request for a waiver. This request must include the following:

- Name and appointed position
- Specific section to be waived
- Reason and justification for the waiver
- Disclosure of financial or personal benefit
- Any potential conflicts of interests
- Any additional supporting documentation

E5.2 Review Process

~~The Office of Internal Audit and Ethics shall review the request within 5 business days. If additional information is needed, the Tribal official will be contacted to provide the requested information. Waivers will only be granted when a Tribal official clearly demonstrates sufficient justification that is in the best interest of the Tribe.~~

1. All requests for a limited waiver will be time and date stamped, numbered, and logged by the Ethics Staff.
2. The Ethics Officer or designee will make an initial determination of completeness within 5 business days. If the request is not complete; ethics staff will contact the tribal official and request additional information. The additional information must be provided within 5 business days, or the request will not be processed.
3. Once the request is deemed complete, the Ethics Officer or designee will present the information to the Audit and Ethics Committee or designated subcommittee for review and a final determination.
4. Limited waivers will only be granted when a Tribal official clearly demonstrates sufficient justification that is in the best interest of the Tribe.

E5.3 Decision and Notification

Tribal officials will be notified in writing regarding the decision. If a waiver is granted, any conditions, limitations, or safeguards will be outlined.

E65 COMPLAINTS

E65.1 Subject Matter of a Complaint

The Audit and Ethics Committee or designated subcommittee may only consider complaints concerning Cherokee Code Chapter 117, Article IV Section 117-45 Standards of Ethical Conduct. The Audit and Ethics Committee or designated subcommittee will not consider complaints regarding:

1. Allegations involving an ordinance outside of its jurisdiction.
2. Alleged violations that occurred and became known more than 3 years ago.
3. Alleged violations that are frivolous or groundless.
4. Alleged violations that purport potential criminal or other unlawful activity outside of its jurisdiction. These complaints will be referred to the appropriate authoritative agency.
5. Alleged violations that are subject to administrative or personnel proceedings or criminal investigation. These complaints will be deferred until the conclusion of such proceedings or investigations.

E65.2 Receipt of Complaints

Complaints must be in writing. A form is available on the Office of Internal Audit and Ethics website at <https://oia.ebci-nsn.gov> or by visiting the office. The form does not have to be used but all elements contained in the form must be provided in the complaint. The name of the complainant will be kept confidential to every extent possible.

Each complaint received shall be time and date stamped, numbered and logged. A file will be established with the complaint and all supporting documents. The Chief Audit



Quarterly Report

April
2024

Ethics Review Committee



OFFICE OF
INTERNAL AUDIT AND ETHICS
EASTERN BAND OF CHEROKEE INDIANS

Administrative

Continuing Professional Development

Staff	Title	Certifications	CPES FYTD	Training Attended
T. Parker	Ethics Officer	LPEC, THRP,CFE	29.1	*Breaking Bad Communication Habits *Compliance & Ethics Essentials Workshop *Effective Report Writing for Fraud Examiners *Creating Virtual Dashboards in Excel
D. Parker II	Ethics Specialist	LPEC, THRP,CFE	6.0	*Creating Virtual Dashboards in Excel *Mastering the Art of Technical Writing *Managing Multiple Priorities, Projects & Deadlines

*Virtual (webinars, eSeminars, etc.) **self-study

Ethics

Ethics Quarterly Gift Reporting

FY24	Q1 OCT-DEC	Q2 JAN-MAR ¹	Q3 APR-JUN	Q4 JUL-SEP
DUE	113			
RECEIVED	113			
DIFFERENCE	0			
PERCENTAGE REPORTING	100%			
Dollar (\$) Reported Received	\$2,235.00			
Dollar (\$) Reported Given	\$6,838.03			
Highest Total (\$) Amount Received	\$400			
Highest Total (\$) Amount Given	\$1,855			
Highest Individual Gift (\$) Amount Received	\$100			
Highest Individual Gift (\$) Amount per Given	\$585			

¹Quarter 2 reports are due on April 15

Ethics Complaints and Other Inquiries

FY24	Received	Open	Closed	Deferred	Total	FY23	FY22
Complaints		2	2	1	5	11	17
Inquiries/Advisory Opinions					18	44	42

Tribal Official Education Requirement

FY24	Q1	Q2	Q3	Q4	Total
New Tribal Official Training	19	1			20
Refresher Training	14	5			19

Other

- Wrapped up Ethics Awareness Month
 - Week 1: Quarterly Newsletter
 - Highlighted Navigating an Ethical Path
 - Week 2: Case study & questions on work culture
 - Week 3: Quarterly Training on Moral Awareness
 - Week 4: When in Doubt, Point it out flyer with information on reporting unethical behavior, our hotline and Ethics Resources (articles, podcasts, TedTalks etc.)
- REDW is conducting a Tribal wide ethics audit that encompasses our office and Human Resources.
- Information from our quarterly meetings is now available on our website at oia.ebcinsn.gov/audit-ethics-committee/#committee.
- Complaint Status Update:
 - 2024-1-124 closed, referred to internal department
 - 2024-2-131 open
 - 2024-2-132 deferred, pending litigation
 - 2024-2-133-closed
 - 2024-2-135-open