

ETHICS REVIEW COMMITTEE MEETING AGENDA

Hybrid: Microsoft Teams Virtual Meeting/In-Person
October 8, 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,
☐ Angelina Jumper, ☐ 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 July 22, 2024, quarterly meeting minutes
- V. Old Business**
 - i. Standards of Ethical Conduct
- VI. New Business**
 - i. Introduction of Snowbird/Cherokee County Ethics Advocate
 - ii. Recusal guidelines
 - iii. Cooling off period
 - iv. Ethics quarterly report
 - v. Topics and dates for next meeting
- VII. Open Discussion**
- VIII. Closed Session**
 - i. Complaint 2024-8-154
- IX. Adjournment**

Ethics Review Committee Meeting

Meeting Minutes

July 22, 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 July 22, 2024, in-person and virtually through Microsoft Teams.

II. Attendance

Monique Taylor attended virtually. Marisa Cabe, Shirley Brady, Reva Ballew, Doris Johnson, Karen French Browning and Tasheena Parker attended in-person.

III. Review of Agenda

The Chairwoman reviewed the meeting agenda, and she called for suggested changes. The agenda was approved as presented.

IV. Approval of minutes

The April 9, 2024 quarterly meeting minutes were presented by the Chairwoman, for review and approval. The minutes were approved as presented.

The May 17, 2024 special-called meeting minutes were presented by the Chairwoman, for review and approval. The minutes were approved as presented.

The May 31, 2024 special-called meeting minutes were presented by the Chairwoman, for review and approval. The minutes were approved as presented.

The June 17, 2024 special-called meeting minutes were presented by the Chairwoman, for review and approval. The minutes were approved as presented.

V. Old Business

- i. Standards of Ethical Conduct-**The Chairwoman provided an update on the Standards of Ethical Conduct, reviewing the suggested revisions by Frank Queen.
- ii. Complaints-**The Chairwoman provided an update on all complaints since the last quarterly meeting.

VI. New Business

- i. **Audit Observations**-The Chairwoman presented a high-level overview of the Audit Report on the Tribal-wide Ethics Audit conducted by REDW.
- ii. **Ethics Quarterly Report**-The Chairwoman presented her written quarterly report.
- iii. **Topics and Dates for next meeting**- The next Ethics Review Committee meeting is scheduled for 1:00 pm October 8, 2024. The cooling- off period will be added to the agenda. The meetings dates for FY25 are January 14, April 8, and July 8 at 1:00 pm.

VII. Open Discussion

Marisa inquired about the vacant position on the committee for Snowbird/Cherokee County. The Chairwoman explained she had reached out to Tribal Council members to request assistance in finding a representative and she would be reaching out to the Community Club Chairs for Snowbird and Cherokee County as well, and if we did not receive any applications, it would be advertised.

VIII. Closed Session

No closed session.

IX. Adjournment

The meeting was adjourned at 1:46 pm.

Minutes Approval

The above summarized minutes were presented to the Ethics Review Committee for approval on October 8, 2024.

The Committee took the following action:

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

Jasheena Parker
Chairperson

October 8, 2024
Date

1 **Sec. 117-45. Standards of ethical conduct.**

2 **Sec. 117-45.1. Definitions.**

3 (a) For purposes of this section, the following terms have the meanings defined below:

4 (1) *Tribal officials.* Any person who is:

- 5 a. A Tribal officer as defined in Section 1 of the Charter and Governing Document;
- 6 b. A member of the Cherokee School Board as defined in C.C. Section 115-8;
- 7 c. Serving as a member of an authority, board, committee, or commission, appointed by Tribal Council,
8 the Executive Committee or Principal Chief, and who is subject to removal by the appointing authority;
9 or
- 10 d. Appointed by Tribal Council or the Executive Committee or Principal Chief, and who is subject to
11 removal by the appointing authority, to carry out actions, provide guidance, or assistance to the Tribal
12 Council, the Executive Committee or to a member of the Executive Committee.

13 (2) *Tribal resources.* Refers to instruments belonging to, held by, or received by the EBCI utilized for the
14 economic, social, and political development of the EBCI as a community; and the Tribal offices and programs
15 of the EBCI. Such instruments may include but are not limited to the following:

- 16 a. Land, physical property, and services owned, provided, distributed, administered or allocated by Tribal
17 officials that have been paid for, subsidized, or otherwise acquired by the offices and agencies of the
18 EBCI;
- 19 b. Funds and other financial assets of the EBCI; and
- 20 c. Other Tribal materials made available to Tribal officials while acting in an official capacity, which
21 includes documentation, communications, and other records made available to a Tribal official.

22 (3) *Personal interest.* Means any interest in which there exists a likelihood for direct or indirect gain of any kind,
23 including, but not limited to, employment contracts, benefits, salaries, funding, or ownership or investment
24 held by a Tribal official, ~~employee,~~ or immediate family member of Tribal officials.

25 (4) *Conflict of interest.* A conflict of interest shall be deemed to arise when ~~the elected or appointed a Tribal~~
26 ~~official, or executive staff employee~~ or any member of their immediate family, or an organization or firm
27 which employs such ~~Tribal official, executive staff employee~~ or family member, has a financial or
28 ~~other personal~~ interest ~~in the firm or person selected for the contract or grant award that interferes with, or~~
29 ~~appears to interfere with, fair and impartial decisions or actions by a Tribal official.~~

30 (5) ~~Immediate family shall be defined as spouse, parent, child or brother or sister.~~ Recuse. Recuse or recusal is
31 the act of a Tribal official to avoid a conflict of interest by excusing themselves from meetings, discussions,
32 events and/or votes.

33 (6) ~~EBCI refers to the Eastern Band of Cherokee Indians and Tribe.~~ Immediate family. Shall be defined as spouse,
34 parent, child or brother or sister.

35 (7) EBCI. Refers to the Eastern Band of Cherokee Indians and Tribe.

36 **Sec. 117-45.2. Purpose and applicability.**

37 (a) It is the policy of the Eastern Band of Cherokee Indians that high moral and ethical standards among the
38 ~~elected Tribal officials, appointed officials, and executive staff employees~~ are necessary in order to eliminate
39 conflicts of interest in Tribal offices, improve standards of Tribal service, preserve the sacred public trust, and
40 promote and strengthen the faith and confidence of the members of the EBCI in their government. This Code
41 of Ethics is to provide a mechanism whereby the Tribe may hold such officials accountable for their conduct
42 in performing the duties and responsibilities of their Tribal office.

43 **Sec. 117-45.3. Code of Ethics.**

44 (a) ~~No~~ Tribal officials ~~of the Eastern Band of Cherokee Indians~~ shall not take any official action or participate in
45 the selection, ~~or in the award,~~ or administration of a contract or grant award, if a conflict of interest, real or
46 apparent, shall be involved.

47 (b) ~~No~~ Tribal officials ~~or any member of their immediate family~~ shall not directly or indirectly solicit, ~~or accept, or~~
48 provide gratuities, favors, or anything of monetary value from contractors, potential contractors or
49 subcontractors who are contracting to perform services or sell goods or property to the Tribe or a Tribal
50 program.

51 (c) ~~No~~ Tribal officials, directly or through a business entity in which the Tribal official has a personal interest,
52 shall not enter into any contract for services or goods with any Tribal entity, enterprise, or program for the
53 purpose of either receiving or providing services or goods. This provision shall not apply to such persons
54 qualifying for ~~housing benefits from the Qualla Housing Authority or for medical benefits from the Indian~~
55 ~~Health Service or other~~ programs available to all Tribal members.

56 ~~(d) The following represents the very minimum standards of conduct on the part of Tribal officials important to~~
57 ~~ensure ethical behavior and maintenance of public trust:~~

58 ~~(1d)~~ Tribal officials ~~of the EBCI~~ shall treat service to the EBCI as a sacred public trust with fiduciary responsibility ~~to~~
59 ~~the EBCI~~, which requires upholding and acting in accordance with ~~the laws of the EBCI~~ and engaging in the
60 proper governance of the EBCI in a manner, which is placed above personal and private gain.

61 ~~(2) Tribal officials of the EBCI shall not allow financial interests to conflict with the conscientious performance of~~
62 ~~obligations inherent in fulfilling the duties and responsibilities associated with their respective offices.~~

63 ~~(3e)~~ Tribal officials ~~of the EBCI~~ shall protect and conserve Tribal resources and ensure the appropriate use of
64 Tribal resources falling under the scope of the office of the Tribal official.

65 ~~(4f)~~ Tribal officials ~~of the EBCI~~ shall provide every enrolled member a time to be heard on a Tribal issue that falls
66 under the scope of the Tribal official's duties. This paragraph shall not supersede C.C. Section 117-16.

67 ~~(5g)~~ Tribal officials ~~of the EBCI~~ shall not use ~~prestige of the office, their authority, title, or influence~~ to improperly
68 advance personal or financial interests ~~of others or themselves.~~

69 ~~(6h)~~ Tribal officials ~~of the EBCI~~ shall disclose instances when they believe there has been fraud, waste, abuse,
70 corruption, or violations of this chapter to the Office of Internal Audit and Ethics.

71 ~~(7i)~~ Tribal officials ~~of the EBCI~~ shall respect and honor the customs and traditions of the EBCI.

72 ~~(8j)~~ Tribal officials ~~of the EBCI~~ shall abide by the laws of any sovereign jurisdiction in which they are present.
73 Tribal officials ~~of the EBCI~~ shall disclose any misdemeanor or felony charges and/or convictions that occur in
74 any jurisdiction while in office to the Office of Internal Audit and Ethics.

75 ~~(9k)~~ Tribal officials shall report to the Office of Internal Audit and Ethics, in accordance with that office's rules of
76 procedure. Any gift, donation, or contribution received or provided by a Tribal official, must be
77 reported by the official who received or provided the gift, donation, or contribution to the Office of Internal
78 Audit and Ethics in accordance with that office's rules of procedure.

79 ~~(10l)~~ Tribal officials ~~of the EBCI~~ shall not act individually, jointly, or through another, threaten, intimidate, or
80 discipline any person as reprisal for any legitimate action taken by the person.

81 ~~(11m)~~ Tribal officials ~~of the EBCI~~ shall not offer, solicit or accept, directly or indirectly, anything of value if the gift
82 could reasonably be expected to influence the vote, official actions, or judgment of, or for, the official or
83 could reasonably be considered a reward for any official action or inaction.

84 ~~(12n)~~ Tribal officials ~~of the EBCI~~ shall not withhold materials or information from the public pertaining to those
85 items discussed in closed session unless such materials or information ~~disclosed in closed session~~ are deemed
86 private exempt from disclosure in accordance with Chapter 132 of the Cherokee Code.

87 ~~(13o)~~ No Tribal officials ~~of the EBCI~~ shall not take any official action or participate in a decision with respect to a
88 matter if it will have a direct and predictable effect on the financial interest, personal interest, or present a
89 conflict of interest for the official or employee or his or her immediate family member. Any official in such
90 situation shall recuse himself or herself from participating in a discussion and/or vote on the matter giving
91 rise to such conflict.

92 ~~(14p)~~ Tribal officials ~~of the EBCI~~ may participate in private, public, civic, and/or charitable activities provided such
93 activities do not ~~detract from the dignity of the office~~ compromise the integrity or reputation of the EBCI or
94 interfere with the performance of official duties.

95 ~~(15g)~~ Tribal officials shall maintain or enhance the honesty and integrity of their respective offices; and safeguard
96 the reputation of the EBCI as a whole.

97 ~~(16r)~~ Tribal officials shall protect and enhance the environmental and cultural resources, whether natural or man-
98 made, of the EBCI to ensure the security and prosperity of future generations.

99 **Sec. 117-45.4. Violation consequences.**

100 (a) Failure to meet the minimum requirements described in this section may constitute a violation of this Code
101 of Ethics as determined by the Office of Internal Audit and Ethics as outlined below, until such time as the
102 Office of Government Ethics is established.

103 (b) A violation of Section 117-45.3 as determined at the discretion of the Office of Internal Audit and Ethics is
104 subject to an administrative fine not to exceed \$5,000.00.

105 (c) If the Tribal official fails to remedy the administrative fee within thirty (30) business days of the ethical
106 violation determination, then the debt will be submitted for collection through the appropriate avenue.

107

108 **Sec. 117-45.5. Limited waivers.**

109 (a) In extenuating circumstances, a Tribal official may request a limited waiver from any provision of 117-45.3 by
110 submitting a written request to the Office of Internal Audit and Ethics in accordance with that office's rules of
111 procedure. Limited waivers will not be considered after the fact.

GUIDELINES FOR RECUSAL

PURPOSE

The purpose of these guidelines is to maintain the integrity and impartiality of the Ethics Review Committee (ERC) by clearly defining the circumstances under which members must recuse themselves from discussions or voting on complaints.

GROUNDINGS FOR RECUSAL

1. *Personal Interest*

- **Direct Involvement:** A member must recuse themselves if they are directly involved in the complaint as the complainant or a witness.
- **Personal Relationship:** A member must recuse themselves if they have a close personal relationship with anyone directly involved in the complaint.
- **Financial Interest:** A member must recuse themselves if they stand to gain financially from the outcome of the complaint.
- **Prejudice or Bias:** A member must recuse themselves if they have a pre-existing prejudice or bias towards the complainant, respondent, or the subject matter of the complaint.

2. *Professional Interest*

- **Current or Past Relationships:** A member must recuse themselves if they have a current or past professional relationship with the complainant, respondent, or any individual directly involved in the complaint (e.g., colleagues, collaborators, or supervisors).

3. *Other Relevant Factors*

- **Appearance of Conflict:** A member should recuse themselves if their participation could create the appearance of bias or unfairness, even in the absence of an actual conflict.
- **Personal Discomfort:** A member should recuse themselves if they feel personally uncomfortable or conflicted about participating due to relationships or strong opinions regarding the subject matter.

PROCEDURE FOR RECUSAL

1. **Disclosure:** Members must disclose any potential conflicts of interest to the ERC Chair as soon as they become aware of them.

- 2. Review and Decision:** Upon disclosure, the ERC Chair or designee will ask the member to step out of the room. The Committee will then discuss the disclosure and determine whether recusal is necessary.

ADDITIONAL CONSIDERATIONS

- 1. Bias or Prejudice:** Members should recuse themselves if they have known biases or prejudices that may affect their objectivity in evaluating the complaint.
- 2. Conflict of Interest:** Members should recuse themselves if they have:
 - Direct or indirect financial interests.
 - Close personal relationships.
 - Professional relationships with direct reports or supervisors.
 - Other circumstances that could be perceived as a conflict of interest.
- 3. Prior Knowledge or Involvement:** Members should recuse themselves if they have prior knowledge or involvement in the case that could influence their judgment, including:
 - Access to information that could affect their objectivity.
- 4. Perception of Fairness:** Even without direct conflicts or biases, members should consider recusal if their participation could reasonably be perceived as undermining the fairness or impartiality of the review process.

Ethics Review Committee Meeting

Meeting Minutes

January 10, 2023

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 3:38 pm in-person and via Microsoft Teams.

II. Attendance

Tasheena Parker, Shirley Brady, Sharon Blankenship, and Donald Parker attended the meeting in-person. Marisa Cabe, Monique Taylor, Reva Ballew, and Dale Robinson attended virtually via Microsoft Teams.

III. Review of Agenda

Tasheena presented the agenda for the meeting and called for additions, deletions, or changes. Marisa asked about adding an update for 117-45 to old business. Tasheena informed the committee changes to 117-45 had been passed in October 2022. Reva motioned to approve the agenda as presented. Monique seconded the motion. All members present voted to approve the agenda presented.

IV. Approval of Minutes

Tasheena presented the minutes for the quarterly meeting held on October 13, 2022. Marisa pointed out a typo with the spelling of her name. Monique motioned to accept the minutes as amended; Reva seconded the motion. All members present voted to approve the minutes as amended.

Tasheena presented the minutes for the December 6, 2022, special called meeting for approval. Shirley motioned to accept the minutes as presented; Marisa seconded the motion. All members present voted to approve the minutes as presented.

VI. Old Business

i. Cooling off period for Tribal Officials

Marisa spoke about a conversation she had with Tribal Council Representative Bo Crowe at a Wolfetown Community Club meeting. Bo believed the cooling off period might pass if it only applied to elected officials. After discussion, it was recommended ethics staff research how other jurisdictions handle cooling off periods and send out this information to the committee prior to the next quarterly meeting.

VII. New Business

i. Lavish Gifts

Tasheena brought up Lavish Gifts for discussion. She provided an example of a gift recently reported by Atlanta Braves Cultural Committee members. Committee members received World Series replica rings; these rings were valued at \$11,500. She informed the committee the policy only states gifts needed to be reported, but there were no stipulations on accepting gifts from organizations with whom the Tribe has sponsorships with.

Tasheena asked what the committee's thoughts were and if they believed a policy or guidance should be developed and a dollar amount set moving forward. The committee agreed this gift was excessive. There was discussion on if a dollar amount should be set, but no consensus was reached.

Tasheena asked if action should be taken regarding the rings that were reported. The committee felt that since they were reported and there was nothing in policy, no action could be taken, but moving forward this is something that would need to be put into policy. Tasheena let the committee know she would develop a policy regarding Lavish Gifts and bring it back for discussion at the next quarterly meeting.

ii. Anonymous Reporting

Tasheena brought the topic of anonymous reporting to the floor for discussion. She explained there are circumstances where our office believes complaints should be investigated; such as those filed through the hotline and those where situations occur that are public knowledge where enough information can be obtained to investigate. She explained our current policy reads that all complaints must be signed and in writing.

Tasheena proposed bringing those types of complaints to the Ethics Review Committee for review. The committee agreed those types of complaints should be looked into. Tasheena let the committee know she would develop a policy and bring it back to the committee for discussion.

iii. Ethics Quarterly Report

Tasheena presented the Ethics Quarterly Report.

iv. Topics and dates for next meeting

Marisa asked about the investigation training. Tasheena informed the committee that the training has been developed and that moving forward, new Ethics Advocates would receive this training during orientation. The committee requested a poll be sent out to determine a date for the training. Tasheena informed the committee she would send out a poll regarding possible dates for the training.

VII. Open Discussion

Tasheena asked the committee if they believed witness statements should be submitted along with Ethics Complaints. Dale felt that it might be difficult if a witness had a difficult relationship with a complainant that listed them as a witness. The committee agreed and there was no further discussion.

Tasheena updated the committee on the status of the two open complaints. She explained we have a few interviews left for one complaint and the other Investigation Report would be presented to the Audit and Ethics Committee on January 17, 2023.

Marisa then asked the following questions she had received at community club: The first was “are there any ethics violations that would be impeachable?” Tasheena clarified that our office could not impeach someone, but that the committee could recommend removal from office.

The second question asked was “could complaints be redacted before presenting to the committee”? The committee felt this could be done, however, there were circumstances where one might be able to ascertain who the complainant and respondent were since we live in a small town. There was also discussion that redacting a complaint might create issues regarding conflicts of interest and recusal.

The last question Marisa asked was “when the current term is up for the current ethics advocates and if they need to submit new applications if they want to serve again”. Tasheena informed the committee that their term would expire after the April 2023 meeting and that they would need to reapply.

VIII. Closed Session

There was no need to go into closed session.

VIII. Adjournment

The meeting adjourned at 4:39 pm.

Minutes Approval

The above summarized minutes were presented to the Ethics Review Committee for approval on April 4, 2023.

The Committee took the following action:

- Tabled.

✓ These minutes were APPROVED by the Ethics Review Committee.

Jacquena Parker
Chairperson

04/04/2023
Date

Federal

Not allowed to participate in matters that involve a person or entity with whom the employee is seeking employment with while in a position as an official.

Prevent former officials from lobbying for an entity for a set period of time(six months to 2 years)

[18 U.S. Code § 207 - Restrictions on former officers, employees, and elected officials of the executive and legislative branches | U.S. Code | US Law | LII / Legal Information Institute \(cornell.edu\)](#)

House Committee on Ethics

For one year after leaving office, those individuals may not seek official action on behalf of anyone else by either communicating with or appearing before specified current officials with the intent to influence them.

These restrictions bar certain types of contacts with certain categories of officials, basically former colleagues and those most likely to be influenced on the basis of the former position.

[Post-Employment Restrictions | House Committee on Ethics](#)

North Carolina

No public servant or former public servant as defined in G.S. 138A-3(70)a. may register as a lobbyist under this Chapter while in office or within six months after leaving office.

No individual registered as a lobbyist under this Article shall serve as a treasurer as defined in G.S. 163-278.6(95) or an assistant campaign treasurer for a political committee for the election of a member of the General Assembly or a Constitutional officer of the State.

[Chapter 120C \(ncleg.gov\)](#)

Kentucky

Former public officials or servants shall not within 6 months of employment, knowingly by himself/herself or through any business in which he/she owns or controls , undertake, execute, hold, bid on, negotiate, or enjoy, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the agency by which he/she was employed.

A former officer or public servant shall not, within six (6) months following termination of his/her office or employment, accept employment, compensation, or other economic benefit from any person or business that contracts or does business with, or is regulated by, the state in matters in which he was directly involved during the last thirty-six (36) months of his tenure.

[Section 11A.040 - Acts prohibited for public servant or officer - Exceptions, Ky. Rev. Stat. § 11A.040 | Casetext Search + Citator](#)

1 TABLED
2 AMENDED
3
4 PASSED
5 OCT 17 2022

Date: AUG 04 2022

6 ORDINANCE No. 368 (2022)

7
8 *An ordinance to amend C.C. § 117-45 governing*
9 *Standards of Ethical Conduct for Tribal Officials*

10
11 WHEREAS, the Eastern Band of Cherokee Indians adopted the Standards of Ethical Conduct
12 for Tribal Officials as codified in Cherokee Code § 117-45; and

13
14 WHEREAS, the Office of Internal Audit and Ethics and the Audit and Ethics Committee have
15 the authority and responsibility for the enforcement and compliance of the
16 Standards of Ethical conduct; and

17
18 WHEREAS, the Ethics Review Committee, a subcommittee of the Audit and Ethics
19 Committee, has reviewed and proposed revisions to the Standards of Ethical
20 Conduct; and

21
22 WHEREAS, the Audit and Ethics Committee recommends amending C.C. § 117-45 to allow
23 for more effective enforcement and compliance of the Standards of Ethical
24 Conduct.

25
26 NOW THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal
27 Council assembled, at which a quorum is present, that C.C. § 117-45 shall be
28 amended to read as follows:
29

30 **Sec. 117-45. Standards of ethical conduct.**

31 **Sec. 117-45.1. Definitions.**

32 (a) For purposes of this section, the following terms have the meanings defined below:

33 (1) *Tribal officials.* Any person who is:

- 34 a. A Tribal officer as defined in Section 1 of the Charter and Governing Document;
- 35 b. A member of the Cherokee School Board as defined in C.C. Section 115-8;
- 36 c. Serving as a member of an authority, board, committee, or commission, appointed by
37 Tribal Council, the Executive Committee or Principal Chief, and who is subject to
38 removal by the appointing authority; or
- 39 d. Appointed by Tribal Council or the Executive Committee or Principal Chief, and who
40 is subject to removal by the appointing authority, to carry out actions, provide
41 guidance, or assistance to the Tribal Council, the Executive Committee or to a member
42 of the Executive Committee.

43 (2) *Tribal resources.* Refers to instruments belonging to, held by, or received by the EBCI
44 utilized for the economic, social, and political development of the EBCI as a

1 community; and the Tribal offices and programs of the EBCI. Such instruments may
2 include but are not limited to the following:

- 3
- 4 a. Land, physical property, and services owned, provided, distributed, administered
5 or allocated by Tribal officials that have been paid for, subsidized, or otherwise
6 acquired by the offices and agencies of the EBCI;
 - 7 b. Funds and other financial assets of the EBCI; and
 - 8 c. Other Tribal materials made available to Tribal officials while acting in an official
9 capacity, which includes documentation, communications, and other records made
10 available to a Tribal official.

11 (3) *Personal interest.* Means any interest in which there exists a likelihood for direct or
12 indirect gain of any kind, including, but not limited to, employment contracts, benefits,
13 salaries, funding, or ownership or investment held by a Tribal official, employee, or
14 immediate family member of Tribal officials.

15 (4) *Conflict of interest.* A conflict of interest shall be deemed to arise when the elected or
16 appointed official, or executive staff employee or any member of their immediate
17 family, or an organization or firm which employs such official, executive staff
18 employee or family member has a financial or other interest in the firm or person
19 selected for the contract or grant award.

20 (5) *Immediate family* shall be defined as spouse, parent, child or brother or sister.

21 (6) *EBCI* refers to the Eastern Band of Cherokee Indians and Tribe.

22

23 **Sec. 117-45.2. Purpose and applicability.**

24 (a) It is the policy of the Eastern Band of Cherokee Indians that high moral and ethical
25 standards among the elected officials, appointed officials, and executive staff employees are
26 necessary in order to eliminate conflicts of interest in Tribal offices, improve standards of
27 Tribal service, preserve the sacred public trust, and promote and strengthen the faith and
28 confidence of the members of the EBCI in their government. This Code of Ethics is to
29 provide a mechanism whereby the Tribe may hold such officials accountable for their
30 conduct in performing the duties and responsibilities of their Tribal office.

31 **Sec. 117-45.3. Code of Ethics.**

32 (a) No Tribal official of the Eastern Band of Cherokee Indians shall participate in the selection
33 or in the award or administration of a contract or grant award, if a conflict of interest, real or
34 apparent, shall be involved.

35 (b) No Tribal official or any member of their immediate family shall solicit or accept gratuities,
36 favors or anything of monetary value from contractors, potential contractors or
37 subcontractors who are contracting to perform services or sell goods or property to the Tribe
38 or a Tribal program.

39 (c) No Tribal official, directly or through a business entity in which the Tribal official has a
40 personal interest, shall enter into any contract for services or goods with any Tribal entity,
41 enterprise, or program for the purpose of either receiving or providing services or goods.
42 This provision shall not apply to such persons qualifying for housing benefits from the
43 Qualla Housing Authority or for medical benefits from the Indian Health Service or other
44 programs available to all Tribal members.

1 (d) The following represents the very minimum standards of conduct on the part of Tribal
2 officials important to ensure ethical behavior and maintenance of public trust:

- 3 (1) Tribal officials of the EBCI shall treat service to the EBCI as a sacred public trust with
4 fiduciary responsibility to the EBCI, which requires upholding and acting in
5 accordance with the laws of the EBCI and engaging in the proper governance of the
6 EBCI in a manner, which is placed above personal and private gain.
- 7 (2) Tribal officials of the EBCI shall not allow financial interests to conflict with the
8 conscientious performance of obligations inherent in fulfilling the duties and
9 responsibilities associated with their respective offices.
- 10 (3) Tribal officials of the EBCI shall protect and conserve Tribal resources and ensure the
11 appropriate use of Tribal resources falling under the scope of the office of the Tribal
12 official.
- 13 (4) Tribal officials of the EBCI shall provide every enrolled member a time to be heard on
14 a Tribal issue that falls under the scope of the Tribal official's duties. This paragraph
15 shall not supersede C.C. Section 117-16.
- 16 (5) Tribal officials of the EBCI shall not use prestige of the office to advance personal
17 interests of others or themselves.
- 18 (6) Tribal officials of the EBCI shall disclose instances when they believe there has been
19 fraud, waste, abuse, corruption, or violations of this chapter to the Office of Internal
20 Audit and Ethics.
- 21 (7) Tribal officials of the EBCI shall respect and honor the customs and traditions of the
22 EBCI.
- 23 (8) Tribal officials of the EBCI shall abide by the laws of any sovereign jurisdiction in
24 which they are present. Tribal officials of the EBCI shall disclose any misdemeanor or
25 felony charges and/or convictions that occur in any jurisdiction while in office to the
26 Office of Internal Audit.
- 27 (9) Any gift, donation, or contribution received or provided by a Tribal official, must be
28 reported by the official who received or provided the gift, donation, or contribution to
29 the Office of Internal Audit and Ethics in accordance with that office's rules of
30 procedure.
- 31 (10) Tribal officials of the EBCI shall not, act individually, jointly or through another,
32 threaten, intimidate, or discipline any person as reprisal for any legitimate action taken
33 by the person.
- 34 (11) Tribal officials of the EBCI shall not offer, solicit, or accept, directly or indirectly,
35 anything of value if the gift could reasonably be expected to influence the vote, official
36 actions, or judgment of, or for, the official or could reasonably be considered a reward
37 for any official action or inaction.
- 38 (12) Tribal officials of the EBCI shall not withhold materials or information from the public
39 pertaining to those items discussed in closed session unless such materials or
40 information disclosed in closed session are deemed private in accordance with Chapter
41 132 of the Cherokee Code.
- 42 (13) No Tribal official of the EBCI shall take any official action or participate in a decision
43 with respect to a matter if it will have a direct and predictable effect on the financial
44 interest, personal interest, or present a conflict of interest for the official or employee
45 or his or her immediate family member. Any official in such situation shall recuse

1 himself or herself from participating in a discussion and/or vote on the matter giving
2 rise to such conflict.

3 (14) Tribal officials of the EBCI may participate in private, public, civic, and/or charitable
4 activities provided such activities do not detract from the dignity of the office or
5 interfere with the performance of official duties.

6 (15) Tribal officials shall maintain or enhance the honesty and integrity of their respective
7 offices; and safeguard the reputation of the EBCI as a whole.

8 (16) Tribal officials shall protect and enhance the environmental and cultural resources,
9 whether natural or man-made, of the EBCI to ensure the security and prosperity of
10 future generations.

11 ~~(e) Failure to meet the minimum requirements described in this section may constitute a~~
12 ~~violation of this Code of Ethics as determined by the Office of Internal Audit as outlined~~
13 ~~below, until such time as the Office of Government Ethics is established.~~

14 ~~(f) Any Tribal official who violates Cherokee Code, Chapter 117, Article IV, Section 117-45,~~
15 ~~Standards of Ethical Conduct, shall be guilty of a misdemeanor and may be punished by the~~
16 ~~Cherokee Court or any successor court, by a fine of no more than \$5,000.00 or 12 months'~~
17 ~~confinement, or both.~~

18
19 **Sec. 117-45.4. Violation Consequences.**

20 ~~(a) Failure to meet the minimum requirements described in this section may constitute a~~
21 ~~violation of this Code of Ethics as determined by the Office of Internal Audit and Ethics as~~
22 ~~outlined below, until such time as the Office of Government Ethics is established.~~

23 ~~(b) A violation of Sec. 117-45.3 as determined at the discretion of the Office of Internal Audit~~
24 ~~and Ethics is subject to an administrative fine not to exceed \$5,000.~~

25
26 **Sec. 117-45.5. Cooling Off Period.**

27 ~~(a) Tribal officials shall be ineligible for a paid appointment of the Executive Office, the~~
28 ~~Tribal Council or a committee, authority, board, or commission for a period of one~~
29 ~~year after leaving their tribal position.~~

30 ~~(b) Tribal officials shall be ineligible to contract with the Tribe for the provision of goods~~
31 ~~or services for a period of one year after leaving their tribal position. This prohibition~~
32 ~~does not apply to employment by the Tribe or its entities for positions obtained~~
33 ~~through the ordinary processes of hiring.~~

34
35 BE IT FINALLY ORDAINED that all ordinances that are inconsistent with this ordinance are
36 rescinded, and that this ordinance shall become effective when ratified by the
37 Principal Chief.

38
39
40 *Submitted by Sharon Blankenship, Office of Internal Audit and Ethics, on behalf of the Audit and*
41 *Ethics Committee.*

AMENDED
PASSED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

~~OCT 17 2022~~ _____
DATE

AMENDMENT TO ORDINANCE NO. 368 (2022)

- Strike lines 26-34 on page 4.

~~Sec. 117-45.5- Cooling Off Period~~

~~(a) Tribal officials shall be eneligible for a paid appointment of the Executive Office, the Tribal Council or a committee, authority, board, or commission for a period of one year after leaving their tribal position.~~

~~(b) Tribal Officials shall be ineligible to contract with the Tribe for the provision of goods or services for a period of one year after leaving their tribal position. This prohibition does not apply to employment by the Tribe or its entities for positions obtained through the ordinary proecess of hiring.~~

The attached Resolution/Ordinance No. 368 dated AUGUST 4, 2022 was:

PASSED (X)

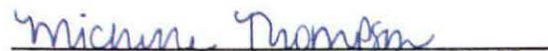
KILLED ()

and ratified in open Council on OCTOBER 17, 2022 by 82 voting for the act and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Richard French	X			
Teresa McCoy	X			
Boyd Owle	X			
Bucky Brown	X			
TW Saunooke	X			
David Wolfe	X			
Adam Wachacha	X			
Bo Crowe	X			
Bill Taylor				X
Albert Rose	X			
Dike Sneed	X			
Tommye Saunooke				X
	82	0	0	18



TRIBAL COUNCIL CHAIRMAN



ENGLISH CLERK



PRINCIPAL CHIEF

APPROVED () VETOED ()

VETO UPHELD () VETO DENIED ()

DATE: 10/29/22

I hereby certify that the foregoing act of the Council was duly:

PASSED ()

KILLED ()

and ratified in open Council after the same has been interpreted by the Official Interpreter and has been fully and freely discussed.

INTERPRETED ()

OMITTED ()



Quarterly Report

October
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	71.6	*Breaking Bad Communication Habits *Compliance & Ethics Essentials Workshop *Effective Report Writing for Fraud Examiners *Creating Virtual Dashboards in Excel *Critical Thinking: A Vital Auditing Competency *35 th Annual ACFE Fraud Conference *Best Practices for Internal Employee Investigations *72 Hours to Get it Right *Applying Machine Learning to Build Actionable Fraud Investigations *Managing Teams Effectively in Hybrid Environments *Accelerated Power BI for Beginners *Navigating Fraud Related Compliance and Ethics Challenges *Fraud Prevention and Detection-How can Analytics Help? *Where Ethics, Integrity, Compliance and Audit Intersect *Crypto Litigation and Enforcement: Lessons from Sam Bankman-Fried *Staying Ahead: The Next Generation of Fraud Analytics *2023 Top Trends in AML and Fraud:Sanctions Screening
D. Parker II	Ethics Specialist	LPEC, THRP, CFE	49.2	*Creating Virtual Dashboards in Excel *Time Management for the Overwhelmed *Critical Thinking and Problem Solving *Mastering the Art of Technical Writing *Managing Multiple Priorities, Projects & Deadlines *Mistake Free Grammer and Proofreading *Organizational Skills for the Overwhelmed *Business Grammar and Proofreading

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

Ethics

Ethics Quarterly Gift Reporting

FY24	Q1 OCT-DEC	Q2 JAN-MAR	Q3 APR-JUN	Q4 JUL-SEP ¹
DUE	113	122	125	139
RECEIVED	113	121	125	15
DIFFERENCE	0	1	0	124
PERCENTAGE REPORTING	100%	99%	100%	10%
Dollar (\$) Reported Received	\$8,319.00	\$630	\$1,775	0
Dollar (\$) Reported Given	\$11,025	\$8,643	\$11,087	0
Highest Total (\$) Amount Received	\$400	\$360	\$350	0
Highest Total (\$) Amount Given	\$1,855	\$2,150	\$2,350	0
Highest Individual Gift (\$) Amount Received	\$100	\$500	\$200	0
Highest Individual Gift (\$) Amount per Given	\$585	\$1,500	\$2,000	0

¹Quarter 4 reports are due on October 15

Ethics Complaints and Other Inquiries

FY24	Received	Open	Closed	Deferred	Total	FY23	FY22
Complaints ¹	1	0	8	1	10	11	17
Inquiries/Advisory Opinions					41	44	42

¹Includes whistleblower complaint

Tribal Official Education Requirement

FY24	Q1	Q2	Q3	Q4	Total
New Tribal Official Training	19	1	11	14	45
Refresher Training	14	5	4	11	34

Other

- Collaborating with our IT department to launch an online portal for document submission.
- Working on a process to ensure Tribal officials are not contracting with the Tribe or any component units without a waiver in place.
- Continuing to work on Internal Procedures for Ethics office.
- Using Power BI to develop a comprehensive dashboard for tracking Tribal official information.
- Complaint Status Update:
 - 2024-2-132-deferred
 - 2024-8-154-received