

**OFFICE OF INTERNAL AUDIT AND ETHICS**  
**Ethics Investigations Report**  
**May 2, 2022**

**Case Numbers:** 22-02-0003, 22-02-0004, 22-02-0005

**Date Filed:** February 14, 2022

**Complainants:** Confidential

**Respondent:** Robert “Bo” Crowe

**I. ALLEGATION**

The above-named respondent, Mr. Robert “Bo” Crowe a Tribal Council Representative for the Wolftown Community, violated Cherokee Code Section 117-45 Standards of Ethical Conduct when he exhibited unprofessional conduct during a verbal altercation at a Cherokee Central Schools Board of Education (school board), meeting on February 7, 2022. The events that led up to this allegation were:

- The school board conducted their scheduled bi-monthly meeting.
- During the meeting, after discussion about school lunches, Mr. Crowe raised his hand and asked to go into closed session.
- The chairwoman advised Mr. Crowe the school board only went into closed session when their attorney was present and asked if it could wait. Mr. Crowe informed the chairwoman he didn’t think a lawyer needed to be present and he could wait until the end of the meeting.
- After the meeting adjourned and a quick break, the school board members and school personnel returned to hear Mr. Crowe. Mr. Crowe began addressing Dr. Murray in what was described as a hostile manner including a raised voice and cursing.

**II. RELEVANT CHEROKEE CODE SECTIONS**

**Section 117-45.1(a) Definitions**

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

- a. A Tribal officer as defined in Section 1 of the Charter and Governing Document;”

**Section 117-45.3(d) Code of Ethics**

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

**III. INVESTIGATION PROCESS**

The Office of Internal Audit and Ethics received three complaints regarding this incident. The initial complaint was received on February 8, 2022. The complainants each provided a

statement of the events that occurred during the school board meeting at Cherokee Central Schools on the evening of February 7, 2022.

The complaints were determined to be complete and within the jurisdiction of the Office of Internal Audit and Ethics. A copy of the complaints was sent to the respondent Mr. Crowe on February 10, 2022. A response was received from Mr. Crowe on March 4, 2022.

The Ethics Review Committee reviewed the complaints and response in a special called meeting, on March 15, 2022. The Committee approved for ethics staff to proceed with an investigation to include complaints 22-02-0003, 22-02-0004 and 22-02-0005. (See Resolution ERC 22-05)

Interviews were conducted with school board members and Cherokee Central Schools personnel who witnessed this incident March 18 through March 29, 2022. Respondent Wolfstown Representative Bo Crowe was interviewed on March 28, 2022. These interviews were conducted to obtain more information in understanding the events as stated in the complaints. The Office of Internal Audit and Ethics requested video footage of this incident from Cherokee Central Schools; however, Cherokee Central Schools was unable to provide the video due to the file being corrupted. Attempts to fix the file were unsuccessful.

On April 20, 2022, complaint 22-02-0004 was withdrawn by the complainant, leaving two active complaints.

#### IV. FINDINGS OF FACT

1. The respondent is a Tribal Official as defined in Cherokee Code Section 117-45.1(a).
2. The respondent is an enrolled member of the EBCI.
3. The complainants are enrolled members of the EBCI.
4. The respondent serves as Tribal Council's representative on the school board.
5. The complainants and the respondent were present at the school board meeting on the evening of February 7, 2022.
6. The respondent engaged in a verbal altercation with Superintendent Dr. Mike Murray at Cherokee Central Schools on February 7, 2022, after the adjournment of the school board meeting.

#### V. ANALYSIS

The two complaints (consolidated) allege the respondent violated one section of Cherokee Code Section 117-45.3(d). An analysis of that section is outlined below.

***It is alleged that the respondent acted individually, jointly, or through another to threaten, intimidate, or discipline any person as reprisal for any legitimate action taken by the person. (Section 117-45.3(d)(10))***

Violation. There is sufficient evidence to substantiate that Mr. Crowe's actions on February 7, 2022, were threatening and intimidating.

The behavior exhibited by Mr. Crowe was intimidating, unprofessional and inappropriate. Mr. Crowe admitted to making the comment, "if I were on the school board, I would fire your ass" to Dr. Murray. Mr. Crowe also admitted to another incident that had occurred at a ballgame in which he told Dr. Murray he had something on his shirt, put his finger on Dr. Murray's chest and then when he looked down, Mr. Crowe popped Dr. Murray's mask. Mr. Crowe also admitted to smashing Dr. Murray's sandwich (with the wrapper on it). Witnesses confirmed Mr. Crowe had stuck his finger in Dr. Murray's food a couple of times.

Mr. Crowe did not follow the school boards process regarding closed sessions; he waited until after the meeting and the press had left before confronting Dr. Murray. The school board only goes into closed session when an attorney is present. When asked about the temperament of Mr. Crowe, it was described as "out of control" and witnesses confirmed Mr. Crowe raised his voice and cursed at Dr. Murray. Witnesses characterized Mr. Crowe's behavior as aggressive. Multiple witnesses stated they were shocked and taken aback by the events that had transpired. Mr. Crowe admitted he was upset when he confronted Dr. Murray, but believed his actions were justified.

## VI. CONCLUSION AND RECOMMENDATION

There is probable cause of a Code of Ethics violation of Section 117-45.3(d)(10) for the reasons outlined in this report. It is recommended that this report be sent to the Executive Office, Tribal Council, the Attorney General's Office, and the Tribal Prosecutor for the purposes of imposing the appropriate penalty as provided in Cherokee Code Chapter 117, Article IV.

**Report prepared and submitted by:**

Joshena Parker  
Case Manager/Lead Investigator

5/2/22  
Date

## VII. REVIEW BY ETHICS REVIEW COMMITTEE

- Affirm probable cause determination
- Issue this report to complainants and respondent as final decision
  - Issue revised report to complainants and respondent as final decision
- Deny probable cause determination
- Request further investigation prior to further decision by the committee
  - Request hearing prior to further decision by the committee
- Complaint dismissed by a majority vote of the Ethics Review Committee

I hereby certify that the above decision was approved by majority of voting members of the Ethics Review Committee.

Jasheera Qureshi  
Ethic Review Committee Chair

5/17/22  
Date

**VIII. FINAL DECISION BY AUDIT AND ETHICS COMMITTEE**

- Affirm decision of the Ethics Review Committee as final
- Request further investigation prior to decision
- Overturn decision of the Ethics Review Committee in part as described below
- Overturn decision of the Ethics Review Committee and dismiss the complaint in its entirety
- Other as described below

I hereby certify that the above decision was approved by majority of voting members of the Audit and Ethics Committee.

Levi Lambert  
Audit and Ethics Committee Chair

5/17/22  
Date