

OFFICE OF INTERNAL AUDIT AND ETHICS
Ethics Investigations Report
February 3, 2023

Case Number: 2022-10-49
Date Filed: October 21, 2022
Complainant: Ashley Sessions
Respondent: Michael McConnell

I. ALLEGATION

The above-named respondent, Mr. Michael McConnell the attorney general for the EBCI, violated Cherokee Code Section 117-45 Standards of Ethical Conduct when he confronted the complainant in a hostile and intimidating manner during an interaction at the Tribal Council House on September 29, 2022.

II. RELEVANT CHEROKEE CODE SECTIONS

Section 117-45.1(a) Definitions

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

- d. Appointed by Tribal Council or the Executive Committee or Principal Chief, and who is subject to removal by the appointing authority, to carry out actions, provided guidance, or assistance to the Tribal Council, the Executive Committee or to a member of the Executive Committee.”

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 initial complaint was received on October 21, 2022. The complainant provided a statement of the events that occurred at the Tribal Council House on September 29, 2022.

The complaint was determined to be complete and within the jurisdiction of the Office of Internal Audit and Ethics. A copy of the complaint was sent to the respondent Mr. McConnell on October 26, 2022. A response was received from Mr. McConnell on November 18, 2022.

The Ethics Review Committee reviewed the complaint and response in a special-called meeting, on December 6, 2022. The Committee approved for the ethics staff to proceed with an investigation into the allegation regarding section 117-45.3(d)(10). (See Resolution ERC 22-07)

Interviews were conducted January 9 through January 27, 2023, with two Tribal Council Members and others who witnessed this incident. Complainant Ashley Sessions was interviewed on January 17, 2023, and Respondent Michael McConnell was interviewed on January 18, 2023. These interviews were conducted to obtain more information in understanding the events as stated in the complaint.

IV. FINDINGS OF FACT

1. The respondent is a Tribal Official as defined in Cherokee Code Section 117-45.1(d).
2. The complainant is an enrolled member of the EBCI.
3. The respondent serves as the Attorney General of the EBCI.
4. The respondent was present at the Council House on September 29, 2022.
5. The complainant was present at the Council House on September 29, 2022.
6. The respondent interacted with the complainant at the Council House on September 29, 2022.

V. ANALYSIS

The complainant alleges the respondent violated Cherokee Code Section 117-45.3(d)(10). 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))

Dismissed. There is not sufficient evidence to support this allegation.

VI. CONCLUSION AND RECOMMENDATION

There is no probable cause of an Ethics Code Violation, for the reasons set forth in the report, and the complaint should be dismissed in its entirety.

Report prepared and submitted by:

Jasheena Parker
Case Manager/Lead Investigator

1/30/23
Date

VII. REVIEW BY ETHICS REVIEW COMMITTEE

- Affirm probable cause determination
 - Issue this report to complainant and respondent as final decision
 - Issue revised report to complainant 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

- Affirm no-probable cause determination
 - Dismiss complaint with issuance of this report to complainant and respondent as the final decision
 - Dismiss complaint, with issuance of revised report to complainant and respondent

- Deny no-probable cause determination
 - Request further investigation prior to further decision by the committee
 - Request hearing prior to further decision by the committee

VIII. RECOMMENDED VIOLATION CONSEQUENCES BY THE ETHICS REVIEW COMMITTEE

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

Jasheena Parker
Ethics Review Committee Chair

2/3/23
Date