

OFFICE OF INTERNAL AUDIT AND ETHICS
Ethics Investigations Report
August 30, 2023

Complaint Number: 2023-7-93

Date Filed: July 27, 2023

Complainant: Confidential

Respondent: Edwin Taylor

I. ALLEGATION

The above-named respondent Edwin Taylor, Secretary of Housing, violated Cherokee Code Section 117-45 Standards of Ethical Conduct when he disclosed confidential information to a member of the general public.

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;”
- b. A member of Cherokee School Board as defined in C.C Section 115-8;”
- c. Serving as a member of an authority, board, committee, or commission, appointed by Tribal Council, the Executive Committee or Principal Chief, and who is subject to removal by the appointing authority;”
- 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, provide 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

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

“(3) Tribal officials of the EBCI shall protect and conserve Tribal resources and ensure the appropriate use of Tribal resources falling under the scope of the office of the Tribal official.”

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

III. INVESTIGATION PROCESS

The initial complaint was received on July 28, 2023. The complainant provided a statement of the events that occurred at the homeowner's residence on July 26, 2023.

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 Edwin Taylor on July 28, 2023. A response was received from Mr. Taylor on August 2, 2023.

The Ethics Review Committee reviewed the complaint and response in a special-called meeting on August 4, 2023. The Committee approved for the ethics staff to proceed with an investigation. (See Resolution ERC 23-03)

Witness 1 did not arrive for a scheduled interview on August 17, 2023. Ethics staff contacted the witness by phone. The witness gave a statement about a conversation with a Qualla Housing Authority employee. An Interview was conducted with the complainant on August 25, 2023. An interview was conducted with Mr. Taylor on August 29, 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 respondent is an enrolled member of the EBCI.
3. The complainant is an enrolled member of the EBCI.
4. The respondent serves as the Secretary of Housing.
5. The complainant had a conversation with Witness 1 on July 26, 2023.

V. ANALYSIS

The complaint alleges the respondent violated three sections of Cherokee Code Section 117-45.3. An analysis is outlined below.

It is alleged that the respondent failed to treat service to the EBCI as a sacred public trust with fiduciary responsibility to the EBCI, which requires upholding and acting in accordance with the laws of the EBCI and engaging in the proper governance of the EBCI in a manner, which is placed above personal and private gain. (Section 117-45.3(d)(1))

Dismissed. While a conversation did occur between the complainant and witness, there is not enough evidence to substantiate an ethical violation.

It is alleged that the respondent failed to protect, conserve, and/or ensure the appropriate use of Tribal Resources. (Section 117-45.3(d)(3))

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

It is alleged that the respondent failed to maintain or enhance the honesty and integrity of his respective office; and safeguard the reputation of the EBCI as a whole. (Section 117-45.3(d)(15))

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

VI. CONCLUSION AND RECOMMENDATION

The committee finds there are no ethical violations for the reasons set forth in the report, and the complaint is dismissed in its entirety.

Report prepared and submitted by:

Jasheena Parker
Case Manager/Lead Investigator

08/30/2023
Date

VII. REVIEW BY ETHICS REVIEW COMMITTEE

- Affirm ethics violation determination
 - Issue this report to complainant and respondent as final decision
 - Issue revised report to complainant and respondent as final decision
- Deny ethics violation determination
 - Request further investigation prior to further decision by the committee
 - Request hearing prior to further decision by the committee
- Affirm no ethics violation 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 ethics violation 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 Parked
Ethics Review Committee Chair

09/05/2023
Date