

OFFICE OF INTERNAL AUDIT AND ETHICS
Ethics Investigations Report
October 31, 2023

Complaint Number: 2023-5-80

Date Filed: May 17, 2023

Complainant: Confidential

Respondent: Richard Sneed

I. ALLEGATION

The above-named respondent, Richard Sneed a Principal Chief of The Eastern Band of Cherokee Indians, violated Cherokee Code Section 117-45 Standards of Ethical Conduct when he made disparaging remarks about an enrolled member during the grand opening of the Tribal ABC store.

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

“(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.”

“(13) No Tribal official of the EBCI shall take any official action or participate in a decision with respect to a matter if it will have a direct and predictable effect on the financial interest, personal interest, or present a conflict of interest for the official or employee or his or her immediate family member. Any

official in such situation shall recuse himself or herself from participating in a discussion and/or vote on the matter giving rise to such conflict.”

“(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 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 Richard Sneed on May 23, 2023. A response was received from Mr. Sneed on June 16, 2023.

On June 26, 2023, Ethics staff received a request from the complainant to hold the complaint. This request was granted on June 27, 2023. On September 13, 2023, the complainant requested the complaint be re-opened. This request was granted the same day.

The Ethics Review Committee reviewed the complaint and response in a special-called meeting, on September 22, 2023. The Committee approved for the ethics staff to proceed with an investigation. (See Resolution ERC 23-04)

Interviews were conducted on October 6, 2023, with the complainant and on October 19, 2023, with witness 1. A phone interview was conducted with witness 2 on October 23, 2023. Despite multiple attempts to contact a third witness, they did not respond to the messages left for them. These interviews were conducted to obtain more information in understanding the events as stated in the complaint. Due to the time lapse between the alleged incident and the filing of the complaint, it was not possible for ethics staff to acquire surveillance footage.

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 complainant is an enrolled member of the EBCI.
4. The respondent served as the Principal Chief of the Eastern Band of Cherokee Indians.
5. The respondent and complainant were both present at the Tribal ABC store on March 10, 2022.

V. ANALYSIS

The complaint alleges the respondent violated three sections of Cherokee Code Section 117-45.3(d). An analysis 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.

It is alleged that the respondent participated in a decision that had a direct and predictable effect on the financial interest, personal interest, or presented a conflict of interest for the official or their immediate family. (Section 117-45.3(d)(13))

Dismissed. There is not sufficient evidence to support 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 support 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:

Jadheena Parker
Case Manager/Lead Investigator

10/31/2023
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.

Jacquena Parker
Ethics Review Committee Chair

11/2/2023
Date