

**OFFICE OF INTERNAL AUDIT AND ETHICS**  
**Ethics Investigations Report**  
**April 3, 2024**

**Complaint Number:** 2024 2-131

**Date Filed:** February 9, 2024

**Complainant:** Confidential

**Respondent:** Adam Wachacha

**I. ALLEGATION**

The above-named respondent, Adam Wachacha a Tribal Council Representative for Snowbird and Cherokee County, violated Cherokee Code Section 117-45 Standards of Ethical Conduct when he made derogatory comments towards members of the Cherokee High School boys' basketball team and engaged in an altercation with a student from Cherokee High School.

**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.”

“(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.”

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

“(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 February 9, 2024. The complainant provided a statement of the events that occurred at the Murphy High School gymnasium on January 23, 2024.

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 Adam Wachacha on February 12, 2024. A response was received from Mr. Wachacha on February 26, 2024.

The Ethics Review Committee reviewed the complaint and response in a special-called meeting, on March 5, 2024. The Committee approved for ethics staff to proceed with an investigation. (See Resolution ERC 24-03)

The Ethics office conducted interviews with the complainant and the respondent on March 12, 2024. Subsequent individual interviews were held with witnesses 1, 2 and 3 on March 14, and with witnesses 4 and 5 on March 18 and 19, respectively. These interviews were conducted to obtain more information in understanding the allegations as stated in the complaint.

Both the complainant and the respondent provided partial video recordings which were reviewed. The Ethics Office made a formal request to Murphy High School for additional video recording; however, efforts to obtain the recording were unsuccessful.

### **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 serves as the Tribal Council representative for Snowbird and Cherokee County.
5. The respondent was present at the Murphy High School gymnasium on January 23, 2024 during the Cherokee and Murphy basketball games.

**V. ANALYSIS**

The complaint alleges the respondent violated 4 sections of Cherokee Code Section 117-45.3(d). 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. There is not sufficient evidence to support this allegation. The investigation revealed no indication of Mr. Wachacha's failure to adhere to proper governance or any personal benefit derived from his actions.

***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. Mr. Wachacha admitted making the comment, "Hey, didn't Murphy beat you all twice last year," in response to a comment directed at him. While the comment may be considered inappropriate, it does not constitute a threat or act of intimidation. Mr. Wachacha acknowledged the comment and expressed regret for making it during his interview.

While it is evident a physical altercation occurred, our investigation found no evidence to suggest Mr. Wachacha assaulted anyone.

***It is alleged that the respondent participated in a private, public and/or charitable activities activity that detracted from the dignity of the office or interfered with the performance of official duties. (Section 117-45.3(d)(14))***

Dismissed. There is not sufficient evidence to support this allegation. While Mr. Wachacha admits to making the comment, "Hey, didn't Murphy beat you all twice last year," this comment does not detract from the dignity of his office or interfere with the performance of his official duties.

Interviews conducted during the investigation indicated that comments were exchanged during the game between the Wachacha family and players/students; however, the specific comments made by Mr. Wachacha could not be definitively determined.

***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 ethics code 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

04/03/2024  
Date

**VII. REVIEW BY ETHICS REVIEW 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**

Jasheena Parker  
Ethics Review Committee Chair

04/10/2024  
Date