

OFFICE OF INTERNAL AUDIT AND ETHICS
Ethics Investigations Report
May 31, 2024

Complaint Number: 2024-2-135

Date Filed: February 23, 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 by leveraging his position of authority and misusing Tribal resources in an attempt to alter a decision made by the Cherokee School Board.

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

“(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.”

“(5) Tribal officials of the EBCI shall not use the prestige of the office to advance personal interests of others or themselves.”

“(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 February 23, 2024. The complainant provided a statement of the events leading up to and during a meeting held in the council chambers on February 9, 2024.

The complaint was determined to be complete and within the Office of Internal Audit and Ethics jurisdiction. A copy of the complaint was sent to the respondent Adam Wachacha on February 28, 2024. A response was received from Mr. Wachacha on March 19, 2024.

The Ethics Review Committee reviewed the complaint and response during a quarterly meeting held on April 9, 2024. The Committee approved an investigation into the allegations regarding sections 117-45.3(d)(3), 117-45.3(d)(5), and 117-45.3(d)(10). (See Resolution ERC 24-04)

An interview with the complainant was conducted on April 29, 2024. Interviews with witnesses 1 and 2 took place on April 30, 2024. Witness 3 and Mr. Wachacha were interviewed on May 3, 2024, followed by Witness 4 on May 14, 2024. These interviews were conducted to obtain more information about the events stated in the complaint.

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 during the meeting held in the council chambers on February 9, 2024.

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 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 support this allegation.

There was no evidence indicating that any Tribal resources used were at Mr. Wachacha's request. Mr. Wachacha did contact the Attorney General's office with questions. However, it remains unclear whether Mr. Wachacha contacted the Attorney General as a Tribal Council representative or as an enrolled member.

It is alleged that the respondent used the prestige of the office to advance personal interests of others or themselves. (Section 117-45.3(d)(5))

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

There was no evidence to suggest that Mr. Wachacha organized the meeting that took place in the council chambers or compelled anyone to attend. We determined the request for the meeting originated from other members of Tribal Council and the Executive office.

Furthermore, Section 117-45.3(d)(4) of the Standards of Ethical Conduct requires Tribal Officials to provide enrolled members with an opportunity to be heard. It appears that Mr. Wachacha was exercising this function as an enrolled member during the meeting.

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.

There was no evidence to suggest that Mr. Wachacha acted individually, jointly or through another to intimidate anyone. We determined the request for the meeting originated from other members of Tribal Council and the Executive office.

VI. CONCLUSION AND RECOMMENDATION

The committee finds no ethics code violations for the reasons outlined in the report, and the complaint is dismissed in its entirety.

Report prepared and submitted by:

Jasheena Parker
Case Manager/Lead Investigator

05/31/2024
Date

VII. REVIEW BY ETHICS REVIEW COMMITTEE

- Affirm no ethics violation determination
 - Dismiss the complaint with the issuance of this report to the complainant and respondent as the final decision

- Deny no ethics violation determination
 - Request further investigation prior to further decision by the committee
 - Request a 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 a majority of voting members of the Ethics Review Committee.

Jasheena Parker
Ethics Review Committee Chair

05/31/2024
Date