



CODE OF ETHICS

BY: RANDALL CROWE

CROWE LAW, P.L.L.C.

ABOUT ME.

- Born and raised on the Rez in Cherokee, North Carolina.
- Enrolled member of the Eastern Band of Cherokee Indians.



ABOUT ME CONTINUED...



- I joined the Navy at 18.
- I served as an aviation ordnanceman on the USS Enterprise
- Deployed to Persian Gulf in 2007.



ABOUT ME CONTINUED...

- Father of Maroc (2) and Waylon (5)



ABOUT ME CONTINUED...

- Hardcore hunter & fishing fanatic.



ABOUT ME FINALLY OVER!

- I passed the NC Bar in 2017.
- That same year I founded Crowe Law, PLLC.
- Focus on TERO.
- Taking new TERO clients.



SO WHAT IS A CODE OF ETHICS???????

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BASIC CODE OF ETHICS

- It is a policy that sets high moral and ethical standards for elected officials, appointed officials, and executive staff employees are necessary in order to eliminate conflicts of interest in Tribal offices, improve standards of Tribal service, preserve the sacred public trust, and promote and strengthen the faith and confidence of citizens in their tribal government. A Code of Ethics provides a mechanism whereby tribes may hold such officials accountable for their conduct in performing the duties and responsibilities of their tribal offices.

SO WHAT IS IN A CODE OF ETHICS?

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LETS TAKE A LOOK AT THE EBCI'S CODE OF ETHICS

- No Tribal official of the Eastern Band of Cherokee Indians shall participate in the selection or in the award or administration of a contract or grant award, if a conflict of interest, real or apparent, shall be involved.

WHAT IS A CONFLICT OF INTEREST?????

- A conflict of interest shall be deemed to arise when the elected or appointed official, or executive staff employee or any member of their immediate family, or an organization or firm which employs such official, executive staff employee or family member has a financial or other interest in the firm or person selected for the contract or grant award.

IMMEDIATE FAMILY DEFINITION

- *Immediate family* shall be defined as spouse, parent, child or brother or sister.
- Problems with the definition?
- Inconsistency with other ordinances.
- To vague.
- TERO ordinance definition of immediate family:
- *Immediate family* means mother, father, husband, wife, brother, sister, son, daughter, and family relationships such as between wife/husband, parent/child, sibling, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparent/grandchild, step-parent/step-child, foster parent/foster child, and aunt, uncle/niece/nephew.

EBCI CODE OF ETHICS CONTINUED...

- No Tribal official or any member of their immediate family shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors or subcontractors who are contracting to perform services or sell goods or property to the Tribe or a Tribal program.

EBCI CODE OF ETHICS CONTINUED...

- No Tribal official shall enter into any contract for services or goods with any Tribal entity, enterprise, or program for the purpose of either receiving or providing services or goods. This provision shall not apply to such persons qualifying for housing benefits from the Qualla Housing Authority or for medical benefits from the Indian Health Service or other programs available to all Tribal members.

EBCI CODE OF ETHICS CONTINUED...

- 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.

EBCI CODE OF ETHICS CONTINUED...

- Tribal officials of the EBCI shall not allow financial interests to conflict with the conscientious performance of obligations inherent in fulfilling the duties and responsibilities associated with their respective offices.

EBCI CODE OF ETHICS CONTINUED...

- 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.

EBCI CODE OF ETHICS CONTINUED...

- Tribal officials of the EBCI shall provide every enrolled member a time to be heard on a Tribal issue that falls under the scope of the Tribal official's duties. This paragraph shall not supersede C.C. [Section 117-16](#).

EBCI CODE OF ETHICS CONTINUED...

- Tribal officials of the EBCI shall not use prestige of the office to advance personal interests of others or themselves.

EBCI CODE OF ETHICS CONTINUED...

- Tribal officials of the EBCI shall disclose instances when they believe there has been fraud, waste, abuse, corruption, or violations of this chapter to the Office of Internal Audit and Ethics.

EBCI CODE OF ETHICS CONTINUED...

- Tribal officials of the EBCI shall respect and honor the customs and traditions of the EBCI.

EBCI CODE OF ETHICS CONTINUED...

- Tribal officials of the EBCI shall abide by the laws of any sovereign jurisdiction in which they are present. Tribal officials of the EBCI shall disclose any misdemeanor or felony charges and/or convictions that occur in any jurisdiction while in office to the Office of Internal Audit.

EBCI CODE OF ETHICS CONTINUED...

- Any gift, donation, or contribution received or provided by a Tribal official, must be reported by the official who received or provided the gift, donation, or contribution to the Office of Internal Audit and Ethics in accordance with that office's rules of procedure.

EBCI CODE OF ETHICS CONTINUED...

- 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.

EBCI CODE OF ETHICS CONTINUED...

- Tribal officials of the EBCI shall not offer, solicit or accept, directly or indirectly, anything of value if the gift could reasonably be expected to influence the vote, official actions, or judgment of, or for, the official or could reasonably be considered a reward for any official action or inaction.

EBCI CODE OF ETHICS CONTINUED...

- Tribal officials of the EBCI shall not withhold materials or information from the public pertaining to those items discussed in closed session unless such materials or information disclosed in closed session are deemed private in accordance with [Chapter 132](#) of the Cherokee Code.

EBCI CODE OF ETHICS CONTINUED...

- 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.

EBCI CODE OF ETHICS CONTINUED...

- 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

EBCI CODE OF ETHICS CONTINUED...

- Tribal officials shall maintain or enhance the honesty and integrity of their respective offices; and safeguard the reputation of the EBCI as a whole.

EBCI CODE OF ETHICS CONTINUED...

- Tribal officials shall protect and enhance the environmental and cultural resources, whether natural or man-made, of the EBCI to ensure the security and prosperity of future generations.

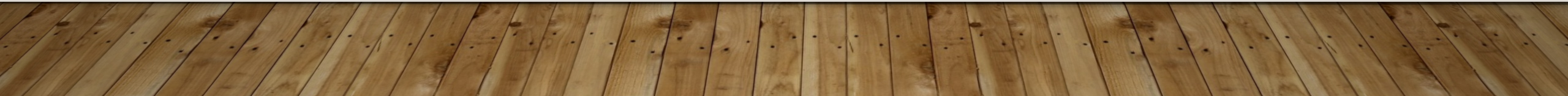
EBCI CODE OF ETHICS CONTINUED...

- Failure to meet the minimum requirements described in this section may constitute a violation of this Code of Ethics as determined by the Office of Internal Audit as outlined below, until such time as the Office of Government Ethics is established.
- Any Tribal official who violates Cherokee Code, [Chapter 117](#), Article IV, [Section 117-45](#), Standards of Ethical Conduct, shall be guilty of a misdemeanor and may be punished by the Cherokee Court or any successor court, by a fine of no more than \$5,000.00 or 12 months' confinement, or both.

ISSUES

- Conflicts of interest
- Behavior
- Fraternization
- Breaking tribal law
- No accountability
- Self dealing
- To harsh a penalty for violations

QUESTIONS????????????



- **The END!!!**