

2017 FOIA REQUESTS

<i>DATE of</i>	<i>FILE</i>	<i>REQUESTED</i>	<i>INFORMATION</i>	<i>RESPONSE:</i>
<i>REQUEST</i>	<i>NUMBER</i>	<i>BY:</i>	<i>REQUESTED:</i>	
			<u>#1</u>	
1/30/2017	17-0001	Jami Murphy Cherokee Phoenix	Request for any and all documents showing any and all costs paid for by Cherokee Nation or Cherokee Nation Businesses regarding or at the Presidential Inauguration on January 20, 2017.	In response to the request, a thorough review of Cherokee Nation Businesses records was performed and the information provided in Exhibits A-D answers and fulfills the request. The redactions to the documents in Exhibits A-C are made pursuant to Cherokee Nation Legislative Act 16-14 §105 (A)(2), which states in part: "[i]nformation of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy...name, address, social security number, date of birth...email or other electronic identifiers and telephone number." The information and costs in Exhibit D are unrelated to the FOIA request and are therefore redacted. A thorough review of Cherokee Nation records was performed and the information contained in Exhibit E answers and fulfills the request. The response was sent via email.
			<u>#2</u>	
3/13/2017	17-0002	Shirquita Sharrock SmartProcure	Request for the following information: 1) Purchase order number. If purchase orders are not used a comparable substitute is acceptable, i.e. Invoice, encumbrance, or check number; 2) purchase date; 3) line item details (detailed description of the purchase); 4) line item quantity; 5) line item price; 6) vendor ID number, name, address, contact person and their email address; and 7) what is the beginning of your fiscal year?	In response to the request, it has come to our attention that you are not a Cherokee Nation citizen, therefore, we are unable to respond to your FOIA request pursuant to Cherokee Nation Legislative Act 16-14 §104(A), which states: "Any Cherokee Nation citizen has a right to inspect or copy any public record of a public body..." The response was sent via email.
			<u>#3</u>	

5/3/2017	17-0003	Josh Hutchins Cherokee Citizen	Request for the following information: 1) Any and all emails sent and received by Kalyn Free while with the Cherokee Nation; 2) List of duties Kalyn Free engages in while paid by the Cherokee Nation; 3) Copies of all expenses Kalyn Free has incurred while with the Cherokee Nation; 4) Copy of the contract that was used to hire Kalyn Free; and 5) Copies of expenditures Kalyn Free authorized while with the Cherokee Nation.	In response to the five (5) categories of the request, a thorough review of Cherokee Nation records was performed and the following information answers and fulfills the request: In response to number 1), the information requested is exempt from disclosure pursuant to Cherokee Nation legislative Act 16-14§105(A)(7), which states: "[c]orrespondence or work products of legal counsel for a public body and any other material that would violate attorney-client relationships"; and §105(A)(8), which states in part: "[m]emoranda, correspondence, and working papers in the possession of individual members of the Executive and Legislative Departments or Branches or their immediate staffs;..."; In response to number(s) 2 and 4, the information requested is contained in the attached contract, Exhibit A; In response to number 3, the information requested is contained in attached Exhibit B; and In response to number 5, Ms. Free cannot authorize expenditures and therefore there are no documents available in response to this request. The response was sent via email.
			<u>#4</u>	
5/23/2017	17-0004	Stacie Guthrie Cherokee Phoenix	Request for end of the fiscal year reports for the Tribal Council's Community Assistance Fund for fiscal years 2007 to 2016 as well as the most recent monthly Community Assistance Fund report for FY 2017.	In response to the request, a thorough review of Cherokee Nation records was performed and a spreadsheet listing the information answered and fulfilled the request. The response was sent via email.
			<u>#5</u>	

5/31/2017	17-0005	Stacie Guthrie Cherokee Phoenix	Request the following 3 items from the Cherokee Nation Gaming Commission: 1) Tribal Internal Control Standards (TICS) documents; 2)the System of Internal Controls (SICS) documents; and 3) Minimum Internal Control Standards (MICS) documents.	In response to the three (3) categories of the request, a thorough review of Cherokee Nation Gaming Commission records was performed and in response to #1, an exhibit containing the Tribal Internal Control Standards documents was given to the requestor; In response to number 2, a thorough review of Cherokee Nation Businesses, LLC records was performed, and the System of Internal Controls (SICS) documents are considered trade secrets and are therefore exempt from disclosure pursuant to Cherokee Nation legislative Act 16-14 §105 (A)(1), which states in part: "...for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers , competitive information, or evaluation." In response to number 3, the Minimum Internal Control Standards (MICS) are set forth in Title 25 of the United States Code of Federal Regulations, Part(s) 542 and 543 (Class II Gaming), published by the National Indian Gaming Commission and are not records within the control or possession of the Cherokee Nation Gaming Commission. These regulations can be accessed at the national Indian Gaming Commission's website at: https://www.nigc.gov/compliance/interal-audit-mics-compliance https://www.ecfr.gov/cgi-bin/text-idx?SID=29cb30e616812eca0418468d1232fde7&mc=true&node=pt25.2.542&rgn=div5 https://www.ecfr.gov/cgi-bin/text-idx?SID=29cb30e616812eca0418468d1232fde7&mc=true&node=pt25.2.547&rgn=div5 https://www.ecfr.gov/cgi-bin/text-idx?SID=29cb30e616812eca0418468d1232fde7&mc=true&node=pt25.2.543&rgn=div5 . The response was sent via email.
			<u>#6</u>	
6/2/2017	17-0006	Brittney Bennett Cherokee Phoenix	Request for a revised report of the National Indian Gaming's (NIGC) audit of the CN Gaming Commission (CNGC). The new report was generated after additional meetings between NIGC and CNGC.	In response to the request, a thorough review of Cherokee Nation Gaming Commission records was performed and there are no records in response to the request. The response was sent via email.
			<u>#7</u>	

6/26/2017	17-0007	Stacie Guthrie Cherokee Phoenix	Request for End of the Fiscal Year reports for the Tribal Council's Community Assistance Funds for fiscal years 2007 to 2016 as well as the most recent monthly community Assistance fund report for FY2017 for each individual Councilor who served during those years.	In response, a thorough review of Cherokee Nation records was performed and the information you are requesting is considered a public record pursuant to Cherokee Nation Legislative Act 16-14 §106 (A)(6), which states in part: "...the following categories of information are specifically made public information subject to the restrictions and limitations of sections of this chapter: (6) information in or taken from any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by public bodies." However, this information is exempt from disclosure under the FOIA because pursuant to §105(A)(14) , these records are "otherwise publically available." You can access the information pertaining to the amounts donated by individual Tribal Councilors and the recipients of the donation in the monthly E&F reports from previous years, along with this year, on the cherokee.org Legistar website. The response was sent via email.
			<u>#8</u>	
6/28/2017	17-0008	Brittney Bennett Cherokee Phoenix	Request for any and all NIGC reviews and/or audits regarding the Hard Rock Hotel and Casino and/or CNB.	requested is exempt from disclosure pursuant to §105 (A)(1), which states in part: "...[t]rade secrets include, for those public bodies who market services or products in competition with others, feasibility, planning and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information, or evaluation." (A)(5)(c), which states in part: "confidential proprietary information provided to a public body for economic development or contract negotiations purposes..." and (A)(9), which states: "[m]emoranda, correspondence, documents, and working papers relative to efforts or activities of a public body to attract business or industry to invest within the Cherokee Nation." The response was sent via email.
			<u>#9</u>	
6/28/2017	17-0009	Travis Snell Cherokee Phoenix	Request all CNB (and its entities) purchases of land during the calendar year 2016. Please include locations and prices.	In response, the following information answered and fulfilled the request. A thorough review of Cherokee Nation Businesses records was performed and neither CNB nor any of its subsidiaries purchased land during the period of January 12,2016 through December 31, 2016. The response was sent via email.
			<u>#10</u>	

7/28/2017	17-0010	Brittney Bennett Cherokee Phoenix	Request for the July 21, 2017 Cherokee Nation Gaming Commission recorded executive session, as it is now public record.	The following response answers and fulfills your request. The only portion of executive session that is recorded are the hearings for gaming license applicants who have either had a gaming license denied or revoked. That record is exempt from disclosure pursuant to §105 (A)(2), which states in part: “[i]nformation of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy. Information of a personal nature shall include, but not be limited to, information as to gross receipts contained in applications for business licenses and information relating to public records which include the name, address, social security number, date of birth, Cherokee citizenship number, email or other electronic identifiers, and telephone number...”; (A)(4), which states: “[m]atters specifically exempted from disclosure by statute or law.”; (A)(11), which states: “[r]ecords exempt: Council, Committees, Commission and Board meetings in executive session; disclosure of deliberation; exemptions.” And §108 (A)(1), which states in part: “[a] public body may hold a meeting closed to the public for one or more of the following reasons: (1) [d]iscussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body...” The response was sent via email.
			<u>#11</u>	
9/1/2017	17-0011	KenLea Henson Cherokee Phoenix	Request for all contracts Kalyn Free has had through Cherokee Nation Businesses since August 2011, including compensation.	In response to the request, a thorough review of Cherokee Nation Businesses records was performed and the information, including contracts and compensation paid, provided in attached Exhibit's A and B answers and fulfills the request. However, please note, no payments were made to Kalyn Free from CNB prior to November 2011. The response was sent via email.
			<u>#12</u>	
9/6/2017	17-0012	Sean Nordwall Cherokee Citizen	Request for a copy of the following documents, information, or documents containing the following information: 1)Formula used by CN Health Services for service area, including number of Indians and their Tribal affiliation from 2015-16; 2) number of patients seen through CN HS including their tribal affiliation from 2015-16; and 3) number of patients seen through Contract Health Services including their tribal affiliation from 2015-16.	In response to the request, a thorough review of Cherokee Nation Health Services records was performed and there are no documents that exist in response to the request. The response was sent via email.
			<u>#13</u>	

9/6/2017	17-0013	Sean Nordwall Cherokee Citizen	Request for a copy of the following documents, information, or documents containing the following information: 1) formula used by CN Transit Services for service area, including number of Indians and their Tribal affiliation from 2015-16; 2) number of clients seen through CN Transit services including their tribal affiliation from 2015-16; and 3) CN Transit plan from 2015-16.	In response to the request, a thorough review of Cherokee Nation records was performed and the following information and attached Exhibit A answers and fulfills the request. In response to number 1; the Cherokee Nation does not use a formula as a threshold to provide clients with transit services within the Nation's jurisdictional boundary. The Cherokee Nation provides commuter route and/or demand responsive transit services to the general public and all Native Americans regardless of tribal affiliation in all areas of Cherokee Nation's jurisdiction. In response to number 2; the Cherokee Nation provided 93,011 rides to clients from 2015 to 2016, but does not track tribal affiliation because all Native Americans are eligible for Cherokee Nation's transit program. and, in response to number 3, please see the latest version of the Cherokee Nation long Range Transit Plan from June 2014, provided in attached Exhibit A. The responsive letter and documents were sent via email.
			<u>#14</u>	
9/6/2017	17-0014	Sean Nordwall Cherokee Citizen	Request for a copy of the following documents, information, or documents containing the following information: 1) formula used by CN Education Services for service area, including number of Indians and their Tribal affiliation from 2015-16; 2) number of clients seen through CN Education services including their Tribal affiliation from 2015-16; 3) number of scholarships given through CN education services and tribal affiliation from 2015-16; and 4) number of clients seen and awards granted through CN Johnson O'Malley program and their Tribal affiliation from 2015-16.	In response to the request, a thorough review of Cherokee Nation records was performed and in response to number 1, no such records exist. In response to numbers 2 through 4, the attached information contained in Exhibit A answers and fulfills the request. The responsive letter and documents were sent via email.
			<u>#15</u>	
9/6/2017	17-0015	Sean Nordwall Cherokee Citizen	Request for a copy of the following documents, information, or documents containing the following information: 1) Kalyn Free contract(s) with CNB and any and all Cherokee Nation entities; 2) total payments to Kalyn Free from Cherokee Nation and/or its entities from October 2011 until the present; August 6, 2017; and 3) any remaining contracts still open between Cherokee Nation and its entities and Kalyn Free.	In response to number(s) 1 and 2, a thorough review of Cherokee Nation and Cherokee Nation Business records was performed and the information contained in attached Exhibits A-D answers and fulfills your request. In addition, please note, in response to number 2, no payments were made to Kalyn Free from Cherokee Nation in 2011, and no payments were made to Kalyn Free from CNB prior to November 2011. The redactions to the document in Exhibit C are made pursuant to Cherokee Nation Legislative Act 16-14 §105 (A)(2), which states in part: "[i]nformation of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy...name, social security number, date of birth...email or other electronic identifiers and telephone number." In response to number 3, any and all contracts between Kalyn Free, Cherokee Nation and Cherokee Nation Businesses have been terminated and there are no documents responsive to this request. The responsive letter and documents were sent via email.
			<u>#16</u>	

9/6/2017	17-0016	Sean Nordwall Cherokee Citizen	Request for a copy of the following documents, information, or documents containing the following information: 1) Formula used by CN Housing Services for service area, including number of Indians and their Tribal affiliation from 2015-16; 2) number of clients seen through CN Housing including their tribal affiliation from 2015-16; and 3) number of clients in current CN housing and	In response to the request, the following information answers and fulfills the request. A thorough review of Cherokee Nation Housing Authority records was performed and no such documents exist in response to any category of the request. The response was sent via email.
			<u>#17</u>	
10/2/2017	17-0017	Cara Cowan Watts Cherokee Citizen	Request for any information, documents, financial reports, etc. involving expenditures for or on behalf of January Haynes Hoskin (a.k.a. January Dawn Hoskin, January Dawn Haynes, and/or January sisco) approximate date of birth May 1976 for travel and/or cotracting for work such as photographs from January 1, 2007 to present. This includes any companies or other entities entirely or partially owned by January Dawn (Haynes) Hoskin.	In response to the request, a thorough review of Cherokee Nation records has been performed and the following answers and fulfills your request: No such documents exist in response to your request. Your request for exemption for cost is denied, however, it is readily apparent there were no documents, therefore no cost. The response was sent via email.
			<u>#18</u>	
10/25/2017	17-0018	Dick Lay Tribal Council Member District 12	Request for any and all At-Large events travel costs, including: air fare, motel, car rentals, meals and any other costs associated with the travel to and from any and all At-Large events for Fiscal Year 2017 for: 1. Principal Chief Bill John Baker; and 2. Secretary of State Chuck Hoskin, Jr.	In response to the request, a thorough review of Cherokee Nation records was performed, and the information listing the requested travel costs, answering and fulfilling the request was given to Councilor Lay.
			TOTAL NUMBER OF FOIA REQUESTS: 18	
2017 GRA REQUESTS				
DATE of	FILE	REQUESTED	INFORMATION	RESPONSE:
REQUEST	NUMBER	BY:	REQUESTED:	
			<u>#1</u>	
5/22/2017	17-1001	Shawn Crittenden Tribal Council Member District 8	Request for travel expenses for At-Large meetings from October 1, 2016 to present.	In response to the request, a thorough review of Cherokee Nation records was performed and the information contained in a spreadsheet listing the expenses answers and fulfills the request. The response was sent via email.

			<u>#2</u>	
5/25/2017	17-1002	David Walkingstick Tribal Council Member District 3	Request for salaries of each provider at all of our health clinics as of May 25, 2017 (no names, just positions and salaries); and positions and locations our providers were assigned to that have resigned or were terminated since August 2010.	In response to the request, a thorough review of Cherokee Nation records was performed and the documents containing the information requested was provided to Councilor Walkingstick. Due to the extreme confidential and proprietary nature of the information pertaining to the request, the documents have been marked privileged and confidential and cannot be released or made available to the public. The response was sent via email.
			<u>#3</u>	
10/19/2017	17-1003	David Walkingstick Tribal Council Member District 3	Request report of total salary/Fringe/bonuses/etc of employees in every entity of CNB and CNI with the pay range of \$80k-\$100k, next pay range \$100k-\$150k, next pay range \$150k-\$225k, next pay range \$225k+. Out of all these employees pay ranges, please identify the Cherokees.	The information requested is not readily available in the manner request. Upon further review, due to the complexity of the request, we respectfully request that you discuss the GRA request with the Tribal Council attorney. Specifically, how the information should be requested to insure you receive the records you seek. The response was sent via email.
			<u>#4</u>	
10/23/2017	17-1004	Mary Baker Shaw Tribal Council Member At-Large	Request for information in the following three (3) categories: 1. Two (2) family physician/provider contracts – One (1) contract in effect prior to the new compensation plan and one (1) contract related to the new compensation plan to providers and advanced practitioners effective October 1, 2017, 2. Two (2) specialty physician/provider contracts (ex. Cardiologist) – One (1) contract in effect prior to the new compensation plan and one (1) contract related to the new compensation plan to providers and advanced practitioners effective October 1, 2017 and, 3. Two (2) physician assistant/nurse practitioner contracts – One (1) contract in effect prior to the new compensation plan and one (1) contract related to the new compensation plan to providers and advanced practitioners effective October 1, 2017.	In response to the request, a thorough review of Cherokee Nation records was performed and the attached agreement answers and fulfills the request. The documents are the same for each of the categories for which you requested the contracts. Due to the extreme confidential and proprietary nature of the information provided, the documents have been marked confidential and cannot be released or made available to the public. The response was sent via email.
			<u>#5</u>	

10/31/2017	17-1005	Dick Lay Tribal Council Member District 12	Request for the IHS agreement for the new Hastings clinic being built.	In response to the request, a thorough review of Cherokee Nation records was performed and due to the extreme confidential and proprietary nature of the information pertaining to the request, pursuant to LA-15-14 §45 E, which states in part: "In the event that the record submitted to the Council Member(s) is "privileged or confidential" as defined under the federal Freedom of Information Act, 5 U.S.C. Section 552(b)(4) and the federal case law thereunder, is exempt from disclosure under the Cherokee Nation Freedom of Information and Rights of Privacy Act, as amended,d or is confidential under Cherokee Nation law, that record shall, nevertheless, be produced or <i>otherwise made available</i> to the requesting Council Member(s)...", the original documents are available for your review at the office of the Information Officer located in room 132 at the old motel. The response was sent via email.
			<u>#6</u>	
10/31/2017	17-1006	Dick Lay Tribal Council Member District 12	Request for contract from Flintco for the new Hastings clinic.	In response to the request, a thorough review of Cherokee Nation records was performed and due to the extreme confidential and proprietary nature of the information pertaining to the request, pursuant to LA-15-14 §45 E, which states in part: "In the event that the record submitted to the Council Member(s) is "privileged or confidential" as defined under the federal Freedom of Information Act, 5 U.S.C. Section 552(b)(4) and the federal case law thereunder, is exempt from disclosure under the Cherokee Nation Freedom of Information and Rights of Privacy Act, as amended,d or is confidential under Cherokee Nation law, that record shall, nevertheless, be produced or <i>otherwise made available</i> to the requesting Council Member(s)...", the original documents are available for your review at the office of the Information Officer located in room 132 at the old motel. The response was sent via email.
			TOTAL NUMBER OF GRA REQUESTS: 6	GRA Sub-Totals:
			TOTAL NUMBER OF FOIA REQUESTS: 18	FOIA Sub-Totals:
			2017 FOIA/GRA TOTALS (as of 01/10/18): 24	