

# **Cherokee National Historical Society, Inc.**

**December 9, 1994**

## **Presentation of Documentation for the Board of Trustees**

Herein, you will find itemized incidents, documents and relevant comments concerning the former executive director of the Society. Many of you have requested data, supporting your concerns, and in an effort to protect the Society from forthcoming and future embarrassment, including the rapid escalation of debt, human resource matters, and the public image.

These documents have been kept confidential, with the Accounting Manager, Director of Resource Development and Interim Executive Director, R. Lee Fleming the only staff privy to the information. Much was documented in an effort to protect the Society at the time of incident. Others were collected during the interim restructuring in November, 1994.

Each item is documented in a white notebook, for your perusal. This book is the property of the Society, and a copy is being held for safekeeping.

end

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Presentation of Documentation for the Board of Trustees

Cherokee National Historical Society, Inc.

ADMINISTRATIVE CONCERNS REGARDING TROY WAYNE POTEETE

- I **Re: Workers Compensation violations, Notification of lapsed policy, letter of lapse and date, letter advising of check return due to cancelled policy (for non-communication):** Troy required to be present at audit, June 29 in Ok. City (2-weeks without insurance during middle of season), **did not inform board; application to reapply.** Troy threatened the bookkeeper that if she informed the board, she would be fired.
- II **RE: Illegal Alien Hiring and Documentation original paperwork on 2/18/94, W-4, I-9, photocopies of identification. 6/6/94, next paperwork, new W-4, I-9 and identification:** bookkeeper informed by employee that she was to put everything in his real name. Troy informed immediately, and he responded that "since we have the real paperwork on him, don't do anything." Troy was cautioned that this was an illegal response to the situation, and he told her to leave it alone...keep the employee.
- III **RE: Compensatory Time, 1-example only...comp. time was allowed to accrue on the books, and Troy Poteete did not permit bookkeeping to pay time and one-half for overtime.**
- IV **RE: Jess Dunn Correctional Facility work crew (contractual violations and non-judicious use of organizations funds): DRIVING MOTOR VEHICLES:** Prisoners were allowed to drive CNHS vehicles and, in fact, one was totalled by a prisoner, "Pink," in 1993 and injured his head (see below, too). **LEAVING THE JOB SITE:** they left the job site on many occasions, to Hulbert, all over Tahlequah, Oklahoma City at PetroCorp building (witnessed by David Campbell, Trustee, and Carol Hinkley [at the Tahlequah end]), all the time. **RECEIVING PERSONAL VISITS AND PHONE CALLS:** Prisoners used phones, when Troy was informed, he told Linda King O'seland, "don't cause trouble." **INTOXICATING SUBSTANCES:** liquid cough medications and cold remedies purchased for the prisoners, in large quantities...the receipts have disappeared from the Historical Society accounting office, taken by Troy Poteete (but can be reconstructed). **ENTERING BUSINESS ESTABLISHMENTS:** Receipt showing petty cash spent by an employee taking the prisoners to the local steak house...Troy told bookkeeper, "it's none of your business." Employees at Food for Less and Walmart have asked the bookkeeping department if the prisoners were supposed to be in their business establishments. **GIVING AND RECEIVING GIFTS, LOANS, FAVORS:** prisoners were allowed to cash money orders in the gift shop at CNHS, approved by Troy Wayne Poteete (!); a prisoner made pottery, Troy approved its purchase, making the check out to

Nino (illegal worker), for Nino to cash and give the cash to the prisoner. When Ana left, Troy made her take the pottery to the gift shop and charged it against her final check (ALSO A DEPT OF LABOR VIOLATION). **SAFETY RULES MUST BE REPORTED TO JESS DUNN MEDICAL STAFF:** prisoner who wrecked CNTIS vehicle, injured his head (noticeably). **ADMINISTRATIVE FINANCIAL VIOLATIONS:** In 1993, a total of approximately \$15,000 was spent on "contract labor," with \$10,000 spent on the prisoners, for cartons and cartons of cigarettes, cold "remedies (e.g. 11/24/93: \$264.32), clothing, food, shoes, tape players and tapes, sporting equipment (OU football, badminton set, and others), shampoo, soaps (personal items). When accounting questioned Troy about these purchases, paid out of non-profit dollars, he told Ms. King-O'seland it was still cheaper than hiring someone, and "I'll do what I want with the money." Troy lied to the Jess Dunn facility, one evening, April 26, 1994, when he had sent them to Oklahoma City to obtain equipment from David Campbell at Petrocorp building. At the Tahlequah end, Ms. Hinkley witnessed Troy receiving a call from Nino, and a prisoner, regarding the repair of the vehicle, after they left the Petrocorp building. Troy obtained the prisoners numbers (she overheard them giving them to Nino [on Troy's speaker phone]) and telephoned the prison telling them that "the crew" was being kept late erecting the fence," and they would be returned when finished. He told Ms. Hinkley that "they just hate to leave here..." and laughed. Mr. Larry Casteel was obviously concerned about the prisoners absence from the job site, and told Troy that he was going to remain at the Heritage Center until they returned (observed Ms. Hinkley)

- V Computer print-out regarding funds used for purchases for Jess Dunn work crew.
- VI **RE: PAYROLL PROBLEMS/FAVORITISM: Document - 3/22/93:** Reporting to Troy regarding employee not clocking in and out and lack of documentation on time cards. He responded, but did not remedy the problem, and the employee was not penalized, and still paid...Richard Birdtail. **Document: 3/18/94** Employee not clocking out when leaving on personal business. Troy's written response, questioned how bookkeeping knew it was personal business. Answered appropriately, without answer. Problem with same employee hand-writing time on time card, when he was NOT at the workplace...Troy answered, he'd handle it, but did not adjust the paycheck of employee. Instead, Troy put the employee on salary (Memo 4/4/93 {Sunday})!
- VII Also, see 4/12/93 memorandum to Bookkeeping, Reimbursement of Advanced Wages.
- VIII Many payroll advances put in place by Troy, arbitrarily. Birdtail, Sullateskee, Poteete, Casteel, Horsechief (temporary employee, and Troy's step-daughter's boyfriend) who did not pay the advance back and worked inconsistent hours, undocumented).
- IX Ground crew hired in late April, 1993, employment paperwork not done at time of hire (memorandums dated 4/28/93 & 4/29/93), paid for their work ahead of time...Johnny Birdtail, Newton Adair, Anthony Roberts...did not comply with time card regulations, nor

regular hours. They were paid for the full day they worked even though payroll was begun before noon. (See memo dated 5/13/93 and attached photocopies. Other time cards available for perusal.)

- X Employees hired without employment paperwork or notification of rate of pay to bookkeeping, bookkeeping had to ask for the documentation (memo dated 5/20/93).
- XI Memos dated 5/14/93 and 6/17/93 informing payroll to give raise to Gift Shop manager to the amount "she was to receive/promised when she became Gift Shop manager" (they were two different amounts).
- XII Memo dated 8/16/93 there were time cards from the summer employees that were not turned in to bookkeeping until such time as they inquired about payment, after they left employment.
- XIII Troy held employee's check after signature and told bookkeeping that it had been mailed. When the employee inquired about her check, bookkeeping told her it had been mailed. Since she had never received it a stop payment was put on the check and a new one issued. Troy was unavailable to sign the new check, so Tom Mooney signed it so the check could be put in the mail. The next day Troy informed bookkeeping, verbally, that he still had the check and sent a photocopy of it to the bookkeeping office. At that time, a memo was written to Troy from bookkeeping asking for the check so that it could be voided and we could avoid the charge for the stop payment. (memos dated 8/25/93 and 8/26/93)
- XIV Time cards were consistently not turned in (memos 4/12/93, 5/6/93, 6/21/94, 8/17/94 & 8/23/94) so that when employees came to pick up their checks, they had none. (Ancient Village time cards for summer, 1994, were all filled out by hand by Tommy Wildcat, they were not required to use a time clock nor were they responsible for their own time. These cards are also available.)
- XV Anna Lou Rackliff, recently terminated gift shop manager (who's demise is highly questionable itself), never received her final paycheck and still has approximately 40 hours of "Comp" time on the books. Troy was informed and cautioned. See 6/23/94 and 6/24/94 memos - No responses received. (Anna was at the Cherokee Heritage Center on the morning of the Special Benefit Opening to see Troy about getting this matter resolved, he was "too busy" to talk to her on that day regarding her check, but instructed her to take the pottery she had purchased from the Jess Dunn work crew and told her it would be taken out of her check. She came in the following Monday, again to talk to Troy, and waited for an hour and a half for him to finish with the business he was doing on the phone, but left when it became apparent that he was not going to speak with her.)
- XVI Troy was often unavailable for people to talk to, either by phone or in person, and they had to contact him through other employees, which he did not like. (See memos 6/10/94,

6/13/94, 6/14/94, 6/15/94, 6/29/94, 7/1/94, and 8/1/94 for one example.)

- XVII Security issues were addressed in memos dated 8/2/93, 6/6/94, 7/18/94, and 8/25/94. A response was never received and these issues were never addressed in any staff meeting.
- XVIII It was very difficult to get answers to particular questions or problems from Troy (See memos dated 4/29/93, 6/7/93, 6/17/93, 7/2/93, 7/9/93, 8/11/93, 10/6/93, 11/10/93, 12/14/93, 3/8/94, 3/22/94, 5/9/94, and 8/25/94.)
- XIX Troy often could not remember incidents and conversations, and had a tendency to place blame on other parties (see memo dated 7/6/94).
- XX There are a number of our outstanding invoices that are missing. Troy took them from the bookkeeping department to take to the Housing Authority to see if they could pay some of them for us in March 1994. Bookkeeping has made numerous attempts to have these invoices returned to the Cherokee National Historical Society through Troy (see memos dated 5/4/94, 5/24/94, 7/6/94, 7/21/94, 10/12/94) with the only response ever received being the response on the 5/24/94 memo.
- XXI Troy often took checks from the General Operating Account check book without registering any information on the stub, and it often took days to obtain the information. Examples are check stubs from 4/5/93 (blank), memos 1/24/94, 1/25/94 and 5/3/94, Cash Position Statement from 6/25/93, with memorandum on the bottom, asking who took the check, followed by evidencing that it was HIM.
- XXII None (documentation out of order in programmed numbering on Word Perfect)

### DEVELOPMENT DEPARTMENT CONCERNS

- XXIII FAX 7/22/94 To Ms. Hinkley from Chairman, Ross O. Swimmer. Development Department's need for an organizational budget, to initiate Case Statement Notebook, laying the foundation for a development plan. Later, Mr. Swimmer faxed Troy, advising him to design a budget like the one presented by Ms. Hinkley (line item). That was never accomplished.
- XXIV ANA Grant Application - written by Reva Reyes: Cherokee Nation (with Administrative Fee - memos to substantiate are in grant file).
- XXV 7/25/94 Memo from Troy Wayne Potete regarding the ANA Grant application concerns of Ms. Hinkley in relation to her request for disclosure, eligibility of the CNHS to apply, design of the grant copy (accuracy, inconsistencies, wordiness, etc.).
- XXVI Letter from Dominic J. Mastrapasque, Acting Commissioner, Administration for Native Americans, dated 7/20/94, notifying " that the Cherokee Historical Society is not eligible to apply for an ANA grant award under Program Announcement 93612-941." Confirmed 12/8/94. (Development has subsequent, pertinent info.)

- XXVII Copy of ANA Grant Application: Business Plan (note Chairman's company as "C & I Industries", violates Mission statement, Charter, non-profit status: NOTE first line, the Cherokee Historical Society (incorrect name, again) "has changed its operational methodology from a philanthropic operational mode to the concept of the services of the organization as profit making ventures," without a change in Charter, or notifying the appropriate taxing authorities, or the donors! Note: errors, and composition. NOTE: ERROR IN MATH. NOTE: PGS. 6-8. NOTE: See Application Section, p. 16, numbers inconsistent with Business Plan.
- XXVIII Annual Meeting, 1994: Troy's accusation that Development Director's job description was arbitrarily "designed" by her, and Development Report was not approved (Mr. Flint, Chairman of that committee signed the policy which was adopted at that meeting).
- XXIX National Historic Publications and Records Commission (NHPRC) grant activity:
- A. 8/94 Troy notified by Dev. Director of irregularity in budget (Tom Mooney's salary cited at 25% = \$9,000 incorrect [that would mean Tom earned \$36,000/annum] + benefit line of 20%.
- Bookkeeping informed Development there was no record of this grant. No reimbursement for expenses of project had been set up. Development requested this be initiated between CNHS and the Cherokee Nation.
1. Notified Mr. Flint and Mr. Townsend after Troy refused to discuss it with Hinkley.
  2. Notified Mr. Swimmer when Troy announced that he had "moved" Tom to the "Grounds Supervisor," therefore, not functioning as "Archivist," leaving no consistent supervisor over the grant assistant, Jeffrey Blaylock (who had no basic library experience or archives).
  3. FAX from Mr. Swimmer 8/15/94, instructing that Carol Hinkley monitor the archives grant.
  4. FAX from Mr. Swimmer 8/15/94 suggesting Carol Hinkley meet Gloria Sly.
  5. 8/15/94 Memorandum to Troy Potete, Re National Archives Grant (copied to Ross Swimmer, Mr. Flint, Ms. Shapley, Linda O'seland, Gloria Sly) formalizing prior concerns regarding the grant application budget.
  6. 8/16/94: Personal record regarding discrimination and a warning to Ms. Hinkley (see A-3 doc) from Troy to not "poke around" in the Archives grant... "nor go over to meet Gloria Sly, without his arranging it, "the Tribe "will never accept you."
  7. 9/26/94 Mr. Townsend investigating grants. Letter and grant file. from Daniel A. Stokes. Program Officer, NHPRC, including 12/3/93 NHPRC letter questioning

eligibility under Commission guidelines (which later reduced grant funding by approximately 50%).

- B. 9/28/94** Troy issued memo to George Bearpaw re NIIPRC Archives Grant indicating back-dating of letter to set up reimbursement for Society on this grant. Attached were back dated prepared correspondence, with dates of 5/21/94, and 6/8/94 to Gloria Sly. (dishonestly indicating the letter was initiated George Bearpaw, Executive Director, Tribal Operations, and his secretary, typed by B.G. (Barbara Girty).

**N.B.** At Annual Meeting, October 7, 1994, NSU Alumni Center, Mr. Swimmer told Troy to pass all grants and grant activity through Development, to comply with the Development Policy passed at that meeting. This came out in minutes of that meeting (by Chief Boyd) that grants were to be passed through "committees," and not corrected.

**C. Troy's disregard for Board Directives & Policy Leads to Embarrassment before Federal and Oklahoma Historical Records Advisory Boards**

1. **December 8, 1994 Memorandum 10/26/94, to Bill Flinn, Jr. re Payment to Mary Proctor, (Cherokee Nation employee) for Grant Writing, to submit the 1995 National Archives grant application under the name of the Cherokee National Historical Society this time, violating Development Policy, Finance Policy (purchase order requested and check signed by same person (Troy Poteete), and IRS code (arbitrary granting "donation status" to individual for services rendered, and CNHS Code of Ethical Conduct in fund raising granting fee based on successful grant procurement [ethical conduct considered same as fee based on commission]). Employee used her home address, functioning as Independent Contractor (see 10/18/94 Letter), indicating also consulting work for Society on Oklahoma State Library Association review. Memos, Purchase Order copies attached. NB: This grant application and math in the BUDGET FORM was erroneous, with disregard for planning and budgetary considerations, and simple math errors.**
  2. **It evidenced vested interests, and inurement of personal benefit on the part of Jeffrey Blaylock and Troy Poteete (see Jeffrey Blaylock's attached "Resume" and document by same).**
  3. **Troy had this work accomplished at the CNHS over a weekend. The documentation was found on the desk, one Sunday afternoon.**
- D. **Memorandum from C. Hinkley to Board Development Chairman, Secretary of Board and Treasurer-Chair Finance Committee re. Concerns About Use of Archives Grant Assistant, Jeffrey Blaylock - *not working full-time on the project,***

*funded by NIIPRC, and in fact, hardly ever in the office on time, nor staying a full day.*

1. **9/8/94: Jeffrey Blaylock held a meeting at the Unitarian Universalist Church, Tahlequah, prompting a telephone call from one of their members, questioning the giving of memberships (knowing that the membership drive was part of the Annual Fund Campaign), she took the following notes (#2 below).**
2. **Present: Joe Scrivner, Brenda Tate, Todd Smith, Patty Brandner (at the 2nd. meeting: introduced to two young men + above and Julie Kiddie (who corrected Jeffrey that she was not the head of Economic Development for the Cherokee Nation) and noted it would be great for tourism**

3. **Troy Poteete was present. Jeffrey covered the following topics with the group:**

**They would become a subsidiary of CNHS; Troy Poteete: Jeffrey is wonderful, great idea, part of a grand effort.**

**Mapping the 775 sq. miles of Cherokee County**

**Take photos for a 200-page travel guide- business directory, Sunday drive tours, thumbnail history, maps, cemeteries will list people buried, famous people's bios, photos of pictures living in this area...they "would buy the books for their relatives, because they were in them."**

**Map directories, number of cemeteries, stores, farms, etc.**

**Geographical Section**

**Vital statistics - demographics**

**Trivia**

**Crosswords**

**200-pages**

**Gist: This would be a coffee-table picture book of collages of people who would want to buy them because they were in them...few words. This has never been done before. Discussed topographical maps (laid them out).**

**Mapping would be done by this group, on every road, Indian Cherokee County, every store, vet, ranch, farm, etc. (these people will buy these books).**

- XXVIII... E. Memorandum from Carol Hinkley to Troy Poteete, C: Trustee William Flint, Jr. (Chair Development Committee) re "Obstacles to the Annual Fund Drive & Development"**
- XXVIX. State Arts Council of Oklahoma (SACO) Grant Violations & Cancellation  
Three SACO grants cancelled in October, 1994**

**Troy repeatedly and purposefully kept Development out of any fund raising activities he was attempting to carry out, with Trustees and granting organizations, leading to such problems as the NHPRC, ANA AND SACO, herein described. This took Trustees time, reputations and efforts to straighten out. It is not finished...**

- 1. Accounting and Development was not informed of these grants, nor access to these grants, until Development Director secured assistance of Development Chair to initiate cooperation of Executive Director.**
- 2. Troy ordered Development Director to write the Interim Report for the Rural Arts Initiative grant. She refused on grounds that the program had not been initiated, and there appeared to be an Administrative Fee (undisclosed) in the budget. Troy reported some board members that she was uncooperative and he had no authority over her "behavior." She was still not given access to the full SACO files.**
- 3. Ms. Hinkley, Development Director, became informed of the SACO Troy Anderson Signage and the Retrospective grants (\$1,600 each) when SACO faxed a notice that the contracts had not been returned to Oklahoma City. She initiated the signature and faxed the documents.**
- 4. Mr. Rucker gave \$1,500 for signs at the time of the SBO. Ms. Hinkley attempted to talk to Troy about informing the donor that the SACO grant had been received, and his contribution would provide the matching funds, if he agreed to permit the Society to utilize his contribution for the Signage. A letter was sent to the donor, with no response to the Development Director. Troy, upon inquiry, said that Mr. Rucker agreed. The signage was NOT done, in spite of the grants.**
- 5. Interim and Final Reports were not made to the State Arts Council of Oklahoma. The Interim for the Rural Arts Initiative, was to continue a 3-year grant for the theater, involving the education of Indian youth in the arts. This was to be a newly selected group.**
- 6. Development contacted Patrick Whelan at SACO, and arranged a meeting after he returned from vacation, in mid November. Ms. Hinkley and David Campbell met with him in Oklahoma City, and she laid out plans for the re-grant applications. The verbal proposal was accepted. The grants were re-structured, reinstated, and the Rural Arts Initiative grant designed. This was completed in December, 1994, with the 1995 application to go in next week, and the Final Report for the First Year of the RAI mailed today.**

### **XXX. General Situation with Troy Potete**

**A. Letter from Institute of Museum Services noting no award for 1994, this was prior to Troy including this amount in his report to the Board as to the 1995 budget revenues.**

**B Memorandum to Troy requesting coordination with Development and problems with PR.**

**C. Initiation of a new management-level staff person - from the time the Development Director arrived, there was absolutely no acknowledgement, reception, introduction or assistance given to presence whatsoever. Staff was told not to assist her...there was no clerical help.**

**D No supplies, desk, chair, etc. were "available."**

**E. Her presence was not formally announced, even though she would be soliciting funding for the organization.**

**F. Troy was absent from the workplace the majority of the time, May through June. When he was in, he kept his door closed, often locked (this he did prior to Ms. Hinkley's hiring, also). He often remained at work in his office during the night, and came out in the morning. When he wasn't on the premises, sometimes Liz Marshall would be seen leaving the premises at 7:50 a.m (he had given her the safe combination). He locked his door when he left his office. He was not open to discussion, planning, assistance, support, or problem-solving.**

**G. Employee Relations: Troy informed Ms. Hinkley that he had problems with staff and needed to document their behavior, requesting her in-put, especially regarding Paul Dameron, Shelbi Doyeto, Andrea (whom Ms. Hinkley didn't know was present until the news of the missing cash went around the office). For example, Paul was unstructured; no job description, he arbitrarily ordered advertising from vendors, made purchase decisions, came and went fairly easily. When reports were issued to Troy regarding his behaviour, Troy gave them to Paul, which prejudiced Ms. Hinkley's relationship with the employee.**

### **II. Discrimination and Harassment**

**Troy repeated told Ms. Hinkley that she "will never be accepted without his approval (by "the Tribe"). He told employees to "watch out" for her, or "that new Development Director." They, in turn, reported such conversations to other employees. He would plan to attend a meeting, or scheduled them on her request, and would not cancel or show up. He would not speak to her most of the time. Ross Swimmer told her to insist he talk, meet, etc. It did no good.**

Employees at the Cherokee Nation (including, "Marsha," Lynn Howard) inquired of Trustees, staff, and others in Tahlequah, "What do you think of Carol Hinkley?" This kept the divisive situation alive, and constantly diminished the new office of Resource Development.

Offering to host an end of season staff cookout, Ms. Hinkley purchased food for the entire summer staff, a memo-invitation with map was circulated. One-half hour prior to the event, she saw Shelbi Doyeto at the Museum gift shop, and Shelbi reminded her, "I'll see you in a few minutes." No one showed up at Ms. Hinkley's home. Mr. Poteete, himself, did not call or tell Ms. Hinkley that he would be unable to attend, leading some to believe that he was directly involved in the rumor the staff was told, "You don't have to go." She personally spent approximately \$80.00 for this party.

### **XXXI. Interim Director's Time: Discoveries regarding Development Practices**

#### **Kachina Dolls Gift:**

1988: Contribution of Kachina Dolls collection and art collection by Robert Rucker. He was sent a letter from director giving him as \$93,000+ contribution, for items to the "collection." Donor, however, gave items to go to general fund

1989: Collection Policy passed by Board

1994. Kachina dolls to be sold and funds placed into general fund, at direction of donor. Development issued request for independent, current appraisal, because another Trustee, Bud Adams was interested in purchasing collection. Tom Mooney gave Development the "appraisal" from 1988, and sent 8x10 photos of dolls to Adams. Appraisal not accompanied by photos, or appraiser's signature; Development Director again cautioned board of trustees to obtain current appraisal.

Dev. Director visited Dr. Swan at Gilchrease Museum re referral to an appraiser for the collection. Received the name of Cindy Hall, Tulsa, at Creek Nation.

She agreed to view collection by using photos, and list of items originally presented.

Appraiser phoned Development Director to report "list" and the photos did not agree. She would have to come to the museum to do the appraisal... Once here, she told Mr. Fleming that some were not Kachina's, some had the wrong artist on them, the wrong dimensions, and Linda Cheever, here also said the "appraisal" originally came from the seller of the collection to the donor... "she is his agent in Oklahoma City; appraiser said they were grossly "overvalued" in the 1988 "valuation."

Executive Board told of this situation, and cautioned to be thorough - at the 12/9/94 meeting at the museum. *Mr. Swimmer and Mr. Viles reported they saw no reason the board could not*

*vote to sell the collection to Mr. Adams without the IRS questioning inermism (deriving personal benefit), when Interim Director and Dev. Director cautioned them, again. Mr. Viles asked to "see the paper from the IRS which said..." board members couldn't benefit from the organizations they serve."*

Ms. Hinkley cautioned that the organization was trying to protect Mr. Adams' reputation, as a buyer, donor and Trustee, by assuring that the current appraisal was in place, and a public offering was made for the collection, so it would not be benefitting him solely. They countered (Swimmer) that a sign had been on the collection in the museum for 5 months and no one purchased them. He was told that they were not described, the selling price was way too high, they were not offered in the usual manner for museums, and a current appraisal had not been performed. The executive committee voted to sell the collection to Bud Adams, if he still wanted them.

### **PITCHER COLLECTION**

Prior to this, in August, the pitcher collection was sold at 1/2 the appraised value to Mr. Swimmer's sister because "she is a dealer." It was not offered publicly for sale.

### **HOUSE TRAILER AT LAKE TENTKILLER**

11/94: Alesha Moring, Norman OK, chair of acquisitions committee informed Development that a Dr. White, retired vp at OU, was donating a house trailer to the Society. It was at Lake Tentkiller in Flimridge Mobile Park. Ms. Hinkley, development director, was told to go get the deed, and sell the trailer. She requested documentation from the donor describing his wishes and intent to contribute the real property. None was forthcoming, nor was there any verbal communication between the donor and the Society development office.

Mr. Fleming was going to view it between 12/15-12/30/94, but did not do so. Ms. Hinkley took him to the property on 12/28/94, received the keys and a signed, unexecuted deed (no date, nor notary, nor buyer was indicated). On 1/6/95, Mr. Swimmer told her to "just sell the trailer...." and renounced her concerns about the donor obtaining an appraisal, signed deed, etc. Ms. Moring telephoned Ms. Hinkley and told her that the donor wanted a receipt dated 1994 for the contribution giving the amount of its value, and that Mr. Swimmer wanted her to obtain the appraisal from his bank, for the trailer. Hinkley reiterated the regulations, and faxed the IRC on donated property to Ms. Moring. She also gave a draft of a letter to Mac Harris, the new executive director, to approve to send to the "donor."

**Trustee Emeritus, James Leake's Contribution:** Mr. Leake made a contribution of display cases, delivered to the Cherokee Nation, not the Society, valued by the Society's former executive director, Troy Potete at \$17,100 and that receipt given to Mr. Leake. There was no accompanying independent valuation and Development had been told that Mr. Leake acquired the cases from "other museums." Ms. Hinkley drafted a letter signed by Development Committee Chair, William Flint, Jr., stating the receipt to be invalid and the independent appraisal must be in the offices of the Society within "45-days," due to the time that had already lapsed since receipt of

the cases. No response from Mr. Leake. To date, the "contributed goods" are still not in the property or on the premises of the Society, and still at the Cherokee Nation's warehouse.

**TOMMY THOMPSON'S CONTRIBUTION OF \$10,000, 1994:**

Mr. Thompson was selling out his gift shop in Tahlequah. He is head of Bingo Outpost for Cherokee Nation. He sold the society display counters for the museum gift shop for \$7500, then made a contribution to the Society for \$10,000. Mr. Poteete explained to Ms. Hinkley that Mr. Thompson had to show a receipt for his sale in order to "close out his business," then he could make the contribution. Ms. Hinkley did not acknowledge the gift, because transaction had taken place prior to her contract for professional services with the organization. The bookkeeper, Linda King O'seland objected to the transaction and mentioned it to Ms. Hinkley on several occasions, trying to obtain a method for approving it as a "donation."