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The recorded meeting of O'NEIL DARDEN

REPORTER'S PAGE

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2
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1 TAPED STATEMENT OF O'NEIL DARDEN:

2 BY MR. WASHINGTON:

3 Q Okay. Today's date is February 5th, 2016.
4 Time, I have about 2 p.m. My name is Trooper
5 Mike Washington with Louisiana State Police.
6 And we will be interviewing Chairman O'Neil
7 Darden. And we also have Sergeant Preston Savoy
8 who will be participating with the interview.
9 And it's in reference to a criminal
10 investigation that we received a few weeks back.
11 Mr. Chairman, first thing, can you just tell us,
12 just state your name and your position for the
13 record.

14 A Okay. I'm O'Neil Joseph Darden Junior and I'm
15 the chairman of the Chitimacha Tribe.

16 Q Okay. And how long have you been the chairman?

17 A Seven, six months.

18 Q Okay. Okay. Just to give you a little
19 background, O'Neil, this is a criminal
20 investigation. I mean, you worked at the casino
21 and I'm in a peculiar situation because I knew
22 you prior to becoming chairman. And we've
23 worked together on a number of cases and stuff,
24 so it doesn't give me any pleasure to have to
25 sit you in here and interview you about this

1 complaint that we received. And --

2 A Well that's mutual.

3 Q But, however, we have a job to do and so we
4 looked at all the evidence and interviewed
5 countless number of people. Some people
6 exaggerated the number, they said we interviewed
7 forty, fifty people but we didn't interview that
8 many people. But we did talk to a lot of
9 people. We looked at a lot of documents and
10 email transactions so we pretty much know what
11 went on.

12 A Uh-huh (affirmative response).

13 Q We know what transpired. And so we just ask
14 that you be honest and truthful about your
15 involvement in this thing, and, from start to
16 finish, you know. And if there's some other
17 people who assisted you, which I'm sure, because
18 you're no longer employed here --

19 A Uh-huh (affirmative response).

20 Q -- so I'm sure you didn't go into human
21 resources or go into accounting and pay
22 yourself. I'm sure there are some other parties
23 who helped facilitate you receiving bonus moneys
24 or payments or what have you. So anything you
25 want to add in on that?

1 MR. SAVOY:

2 No. That's it. I'm good.

3 BY MR. WASHINGTON:

4 Q Yeah. Okay. This is -- so that's what I'm
5 gonna tell, I mean, just be honest and just tell
6 us everything from start to finish.

7 A Okay.

8 Q Okay.

9 MR. SAVOY:

10 You advised his rights?

11 BY MR. WASHINGTON:

12 Q Yeah. Let me do that. Because before we start
13 it is a criminal investigation so I have to
14 advise you of your rights. Before we ask you
15 any questions you must understand your rights.
16 You have the right to remain silent. Anything
17 you say can be used against you in court or
18 other proceedings.

19 You have the right to talk to a lawyer for
20 advice before questioning and you have the right
21 to have a lawyer present during questioning.
22 You have the right to a lawyer's advice and the
23 presence of a lawyer even if you cannot afford
24 to hire one.

25 In such a case a lawyer can be appointed

1 directly to represent you. If you decide to
2 answer questions without a lawyer present, you
3 still have the right to stop answering questions
4 at any time. Do you understand your rights?

5 A I sure do.

6 Q Are you willing to answer questions at this
7 time?

8 A Yeah, I am.

9 Q Have any threats or promises been made to you or
10 has any pressure of any kind been used against
11 you to answer questions or to give up any of
12 your rights?

13 A No.

14 Q All right. And you're gonna need to sign this
15 before we -- glad you reminded me. I'm gonna
16 get you to print your name on here and sign it.

17 A I think I did it wrong.

18 Q It don't matter, it's good. No problem, it's
19 just a formality. All right. Let me sign. You
20 have a driver's license on you?

21 A Yeah.

22 Q I can write that number down. Fill out the
23 heading here. Do you have any time constraints
24 or --

25 A I'm good until probably 4:00, I guess.

1 Q Okay.

2 MR. SAVOY:

3 Y'all got parades here on the
4 reservation?

5 A Yeah. Been on there for twenty-five years now.

6 MR. SAVOY:

7 That's going to be pretty neat.

8 A Yeah. It's a nice parade. I think we might
9 have skipped one or two years that we hadn't
10 done it, but people love it. Well one year we
11 did a little, we did some kind of Mardi Gras
12 festival here or something in the pavilion, like
13 last year, well year before. People didn't like
14 that a whole bunch so we went back to doing the
15 parade. But, yeah, it's nice. We -- it's a
16 school function so it's school kids, like, each
17 grade and council.

18 BY MR. WASHINGTON:

19 Q You're 33, O'Neil?

20 A No.

21 Q 43, I mean?

22 A I'm 43, yeah.

23 Q Okay. That's what I need. What's your highest
24 grade completed?

25 A College.

1 Q Okay. So --

2 A Yeah, we got the ball tonight so I gotta go do
3 that, host that thing and it's a nice, you know.
4 They had that thing at -- this morning, the kids
5 made little shoe box floats. So they -- the
6 little babies, so we went do that.

7 MR. SAVOY:

8 They probably remember that more than
9 traditional parades?

10 A It was fun, man, that was cool. And they got to
11 decorate their own and all that. That was
12 really -- that was neat.

13 MR. SAVOY:

14 They had a lot of people?

15 A Uh-huh (affirmative response). So it's a nice
16 little event we do.

17 BY MR. WASHINGTON:

18 Q Here you go, Mr. Darden. Okay. Let's start.
19 You can go ahead and start wherever point, at
20 whatever point you want to start with.

21 A Okay. We want me to start from the beginning.

22 Q Sure.

23 A We met, I don't know what the date, November
24 something, November 19th, I guess. And to
25 discuss the bonus plan. And so that was my

1 first time being a part of that. So we talking
2 about it and there's just a page full of numbers
3 and stuff.

4 And Anthony, you know, goes through and is
5 talking how he got it set up, each director and
6 that he got to kind of make some cases for
7 different individuals to give more, different
8 individuals to get less based on their what
9 their duties are or what their performance is.

10 And told us that he was gonna talk to each
11 of those individuals about, you know, why their
12 bonus wasn't structured as far as what the
13 percentage is outlined for each of those areas.

14 And then he gets to -- he even mentioned, he
15 said, yeah, I got, when we was talking about the
16 directors, he said, yeah, he says, I got a
17 little something in here for O'Neil, you know,
18 being as he worked here, he earned that, you
19 know, portion for a time. It's up to you guys
20 if you want to approve that or not.

21 And, you know, he hadn't technically left
22 the company, the tribe, you know, how things
23 kind of merge back together somewhat so just
24 prorated the, you know, bonus for him. And I'll
25 put that out there for you guys to think about.

1 And then we talked about his, how he had
2 earned his level at seventy-five percent,
3 according to the budget that we had come at. I
4 said, okay. So the council talked about it and
5 they said, okay, that sounds fine to me. So
6 then we approved it and so then --

7 Q This is a formal council meeting?

8 A No, this was an informal council meeting.

9 MR. SAVOY:

10 Who all was present?

11 A The council and Anthony, all five members I
12 believe. I don't know if April was there.
13 She's -- I don't know if she was there or not
14 but I do know -- I think, I think everybody was
15 there.

16 MR. SAVOY:

17 Can you name them if you don't mind,
18 because --

19 A Oh, that was April Wyatt. I think April was
20 there. She was -- she had been out that time a
21 little bit so I don't know if she was there or
22 not, but I know it was Jacob, Toby, Jackie,
23 myself and Anthony.

24 MR. SAVOY:

25 All right. Then is at the tribal

1 council office?

2 A I think it was at the tribal council office.

3 MR. SAVOY:

4 Okay. And that was back in November,
5 you're saying?

6 A That was back in November, right. So then all
7 the bonuses got paid to those individuals based
8 off of that approval. And then I came over here
9 to the casino and helped with all the meetings
10 and everybody's checks and all of that stuff as
11 we were handing those out.

12 And that was it for a while. That was
13 probably the week before Christmas, I believe,
14 or the week of, something like that. The week
15 before Christmas.

16 And then I'm on December 18th, I was calling
17 bingo over at River Cane thing and then I get a
18 text message from Jacob that says, hey do you
19 think you ought to take that bonus from the
20 casino? So I looked at it, I put it aside, did
21 my thing.

22 That afternoon I called him back and said,
23 what's going on man? He says, I don't know, I
24 was just thinking about that and wondering if
25 you should, you know, receive that bonus. It's

1 not right the chairman, how does that look to
2 people. That's you. I said, I don't know, I
3 said I hadn't even thought about it much more.
4 We been working on planning to go to Disney and
5 all that stuff like that before the holidays get
6 done. I said, look, I'm going -- we're going to
7 Disney, let's talk about it when I get back. He
8 said, okay.

9 So I get back in town, I call him up, he
10 said, yeah, man, I don't know. He said, I
11 really don't know if you should do that or not.
12 He says, you know, it's up to you if you want
13 to. I said, okay. I said, well I don't know.
14 It seems like everybody else is okay with it. I
15 said, if, you know, if it's prorated when I was
16 there, you know, if it's done right, I don't
17 have, you know, I don't see an issue with it,
18 you know.

19 So he says, okay, that's you. Okay. So
20 then he said, well April was talking too and she
21 wasn't quite sure either. I said, all right,
22 so, well I hadn't talked to April since I've
23 been gone. So I said, okay. So I went talk to
24 April.

25 She's like, look, she said, yeah, I don't

1 have a problem with you getting it. I just
2 don't have a problem -- Montie had called over
3 here and wanted to pass it through the tribe's
4 payroll. She says, I have a problem with that.
5 And I'm like, okay, well I don't agree with that
6 either. I don't see why we should do it, you
7 know, do it like that.

8 I said, we can't pay it through the casino
9 then I don't want it. And she says, okay. So I
10 had, I think I talked to Anthony, I was free one
11 day.

12 I said, look, I said, heard they were trying
13 to pass my bonus through the tribe's payroll and
14 I said, April doesn't like that idea. And I
15 said, so I don't know, whatever, you know, if we
16 pay it or not, not pay it.

17 And he said, well let me talk to Montie and
18 I'll see what Montie says, you know. I said,
19 okay. So the next day or something maybe he
20 says, hey, Montie talked to Patty and said it
21 would be okay to pass through our payroll.
22 Okay.

23 So I trust in Patty's abilities. I've been
24 working with her now for seven months and knows
25 that if she says something, you know, she a

1 colleague, okay, you know.

2 So then -- so that was probably the week I
3 got back. That was the week between December
4 and New Year's. And so then the week after New
5 Year's, the week after New Year's day, after the
6 first week, we had talked about it and so, we
7 had talked it about on the Tuesday night I
8 believe, I think. We had a meeting. We had two
9 informal meetings that week.

10 We had Wednesday -- Tuesday, Wednesday and
11 then we had a formal council meeting on
12 Thursday. So we kind of briefly talked about it
13 and they all like, man, I don't know if we
14 should, we shouldn't, I mean, you know, they
15 were kind of back and forth.

16 So I said, all right. I thought about it.
17 I talked to Montie that morning. I said, man,
18 look just don't even process the bonus, I don't
19 want it and whatever, you know, it's okay. He
20 said, well we already processed it and it should
21 be hitting your checking account in the next
22 couple days.

23 Damn, so I said if the council doesn't
24 approve it can I return it? And he kind of
25 looks at me, he says, yeah. I said, okay. So

1 we went, we talked on it. We kind of finalized
2 -- we, the Wednesday, we had another meeting.
3 And that night Jacob brings it up. All right I
4 want to talk about the bonus, let's settle this
5 out.

6 So Toby and Jacob were like, yeah, it's
7 fine, it's okay, it's what you earned, you know,
8 it's what it is, fine. Jacob's like, I vote no.
9 And April's still on the fence. I don't know, I
10 don't want to take something away that you
11 didn't earn but, yeah, I don't know if it's
12 right, if we can do it.

13 So she was kind of on the fence. So when we
14 left that night, I thought about, I said, you
15 know, I should be uniting the council, not
16 dividing them. So that's when I decided that,
17 you know, I'm gonna refuse it, I'll pay it back.
18 And so I talked to Jill that morning because I
19 knew she had seen when that resolution had come
20 out on the list.

21 I -- I didn't know she had knew about it
22 before. And I said, I'm sure you seen my on the
23 bonus list. I'm refusing it, I gotta return the
24 money. I said, so I'm gonna have that list
25 revised without my name on it.

1 So about 4:00 that afternoon when I got back
2 here, right before the council meeting, I
3 scrambled to get that done. So I emailed
4 Montie. I said, please remove my name. I'm
5 refusing the bonus and that way I can have that
6 for the council meeting that night.

7 So we went in and we, you know, the council
8 approved the resolution, minus my name. And I
9 wrote a check and paid the money back.

10 Q What is the casino policy in terms of non-
11 employees receiving prorated bonuses or --

12 A Oh, I don't know. I mean, I think this was
13 probably the first time we had dealt with this.
14 I think that would be the question is, you know,
15 first time dealing with that. I don't know if
16 anybody, you know, anybody really knew if it
17 whether it was right or wrong.

18 I mean, we were still arguing about it up
19 until the night before, you know. So I think
20 that really people didn't know what to do, you
21 know, whether to do or not do it.

22 Q So, okay. So the council ordinances and by-laws
23 support council members receiving bonuses?

24 A That --

25 Q And working at the -- having -- are there any

1 prohibitions and restrictions in terms of being
2 a tribal council member?

3 A That I don't know. I hadn't been in there long,
4 I mean, I don't know. I really don't know.
5 That's why I trusted the people that knew, you
6 know, to know.

7 Q So you didn't, you never read any of the by-laws
8 or ordinances?

9 A No. Not --

10 Q Because that seems to be common practice. I
11 mean, we interviewed almost all the other tribal
12 council members. I guess they been in office a
13 little bit longer than you but they, from my
14 understanding, that was common knowledge.

15 A Well, I mean, I didn't -- I never read any of
16 those documents. I got in and just started
17 doing my thing, but no, I haven't read any of
18 those ordinances or documents. I've not read
19 the compact or anything.

20 Q Okay. Well you know ignorance of the law is no
21 excuse.

22 A I understand that, yeah.

23 Q And --

24 MR. SAVOY:

25 Did anybody else receive a prorated

1 bonus at the end of the year?

2 A Nobody's ever worked here and left that way
3 before.

4 MR. SAVOY:

5 Period, that left?

6 A Nobody's ever left here, worked here before and
7 went to the council.

8 MR. SAVOY:

9 All right. So if they quit and went to
10 Halliburton or go to any other entity, are
11 they still -- they can still come back and
12 ask for a prorated bonus?

13 A Honestly, I mean, I wasn't expecting it from the
14 start. I mean, I wasn't -- I knew that, you
15 know, that happens that people that leave and go
16 to other companies doesn't get it, you know.
17 Anthony had presented it like, you know, the
18 tribe technically, which vacation time, sick
19 leave, all your insurance stuff all translates
20 back and forth now between the tribe and casino
21 if you're going back and forth.

22 MR. SAVOY:

23 Did Anthony have that discussion with
24 you privately whether you can --

25 A No, I --

1 MR. SAVOY:

2 -- he was gonna offer you a bonus or --

3 A No, he brought that up before -- at that
4 meeting.

5 MR. SAVOY:

6 At the council meeting?

7 A Uh-huh (affirmative response). That night.

8 BY MR. WASHINGTON:

9 Q And do you -- you don't remember the date or
10 approximate date of that meeting or time frame?

11 A That was November 19th, I believe.

12 Q Okay. November the 19th. Okay. And I'm trying
13 to understand you. And you did say the council
14 approved it on November 19th or you're not sure?

15 A I mean, it seemed to me they had did.

16 Q But you're not for certain?

17 A Well, I mean, I took it as they did. You know I
18 left there feeling like they had approved it and
19 they were okay with it. Nobody said they that
20 it wasn't.

21 MR. SAVOY:

22 They passed a resolution or they just
23 verbally --

24 A Verbally.

25 MR. SAVOY:

1 -- discussed that?

2 A Verbally discussed that. And all of the other
3 bonus checks for a thousand other people were
4 all paid on that verbal approval that night.

5 MR. SAVOY:

6 And then later, January 7th, through
7 official resolution it was formally approved

8 --

9 A It was formally --

10 MR. SAVOY:

11 -- so then everybody on that list was -

12 -

13 BY MR. WASHINGTON:

14 Q Were you on that initial list? Because I know
15 the list --

16 A No. There was nobody on that original list.

17 Q I'm talking about the list that went to, that
18 went before the council approved the resolution
19 to issue out the bonus, I think it was prior to
20 Christmas.

21 A That 18th?

22 Q Yeah.

23 A Yeah. I was on that list, yeah. But I didn't
24 know that until I got back from Disney World.

25 Q You didn't know you were on the list?

1 A No. I didn't look at any email until I got
2 back.

3 Q I mean, because I know they CC'd you on most of
4 all the emails --

5 A Yeah.

6 Q -- around that bonus?

7 A Yeah. But I didn't check, I mean, I didn't
8 check them until I got back. So that's when
9 Jacob texted me and it kind of surprised me. I
10 was like where the hell is that is coming from.
11 Because I was --

12 Q At one point did you find out you were on the
13 list to receive a bonus?

14 A When I had called him back on -- when I got back
15 in town the week between Christmas and New
16 Year's.

17 Q You remember what date? Was it before
18 Christmas, after Christmas?

19 A Oh, it was after Christmas. It was between
20 Christmas and New Year's.

21 Q And when did you go out of town?

22 A I left the 19th through twenty-something, the
23 29th.

24 Q 19th of December?

25 A Yeah. I left the 19th and I didn't get back, I

1 don't think I got back to my office until the
2 28th.

3 Q The 28th?

4 A Uh-huh (affirmative response).

5 Q Okay. And you, at that point, I would assume,
6 you had a discussion with Anthony?

7 A No.

8 Q Somewhere around the 29th?

9 A No. Uh-huh (affirmative response). I had
10 talked to, like I said, I called Jacob back when
11 I got back in.

12 Q Uh-huh (affirmative response).

13 A And so we talked about the bonus that I
14 shouldn't, you know, shouldn't take it or, you
15 know, that I should, it's up to you if you want
16 to. And that April had some problems with it.
17 So I went to April's office and I said, listen,
18 I said, hey, you want to talk about the bonus.
19 She said, yeah, well Montie called here and
20 asked to pass it -- called and talked to Nikina
21 and asked her to pass it through our payroll.
22 She said I don't like that idea. I don't
23 mind you getting it but I just don't want to
24 pass it through our payroll. I said, okay. And
25 so that's when I had talked to Anthony. I said,

1 look, I said, they got an issue, you know, April
2 has an issue with passing it through our
3 payroll.

4 And so she says, so she said, well let me
5 talk to Montie and see what we, you know, we can
6 do. So I think it might of been the next day or
7 something she says, well Montie talked to Patty.
8 And Patty said it was okay to pass it through
9 ours.

10 MR. SAVOY:

11 How were they going to facilitate that,
12 passing it through the, through the casino -

13 -

14 A I don't know.

15 MR. SAVOY:

16 And you're not an active employee?

17 A I don't know. I left that up to them.

18 BY MR. WASHINGTON:

19 Q You were aware that they were going to
20 facilitate that process on the casino side?

21 A Yeah. They told me that. They said, we will
22 activate you in the system, process it and then

23 --

24 Q Who told you that?

25 A Anthony had told me that.

1 Q Oh, okay.

2 MR. SAVOY:

3 This is just through conversation or
4 emails or texts or --

5 A It was just through conversation.

6 MR. SAVOY:

7 Because I know Tessa worked here for
8 during the same period.

9 A Uh-huh (affirmative response).

10 MR. SAVOY:

11 Did they discuss giving her a prorated
12 --

13 A No, because she don't work for the tribe
14 anymore. Or she doesn't, you know, work for the
15 tribe.

16 BY MR. WASHINGTON:

17 Q Is the tribe and casino, I think that was two
18 different budgets, huh?

19 A Yeah. I think it is.

20 Q Yeah. I mean, two different.

21 A Like I said, you know, to me the council
22 approves all the bonuses so they approved it, to
23 me it was okay. And I told them that, I said,
24 it's totally up to y'all. I'm not making that
25 decision. You guys do that, you know, I don't

1 need the money. It's up to you if you, you
2 know.

3 It would nice, I earned it while I was here.
4 I worked hard for the casino while I was here.
5 And, you know, you present that out there, it's,
6 you know, it's totally up to you guys --

7 Q Okay.

8 A -- one way or the other.

9 Q Okay. In terms of your process, I mean, because
10 you're saying verbal but really, I mean, if it's
11 something is verbal, I don't know if we'd say
12 it's technically, I mean, legal or -- because
13 actually you're saying one thing but the council
14 people are saying something different.

15 Because they told us they did not approve
16 your bonus and they, I think, they did an
17 official email poll, like on the 18th of
18 December, are you familiar with that?

19 A Yes, I am.

20 Q And I think maybe one, I think Jackie, responded
21 approved.

22 A I think there was two. It was Toby and Jackie.

23 Q Yeah, I didn't see Toby but I heard it was Toby.
24 The only one I saw was Jackie's. So if I would
25 say two approved it and --

1 A And that's when I went talk to April and she
2 said that I'm fine with it as long as we don't
3 pass it through ours so I thought that was the
4 third. Which it only takes three.

5 Q But I know, did they, didn't they table it or --
6 because from my understanding they tabled it.
7 It was the holidays, it was getting close to the
8 holidays and I think, I don't know, they didn't
9 -- did they approve it or -- because what does
10 it take to approve it? Because I know you break
11 the tie, though; right?

12 A If there was a tie, yeah. Which I wouldn't have
13 broke the tie in this case.

14 Q Because it would probably be a conflict of --

15 A Yeah.

16 Q Right, so.

17 A Like I said, my first time going through this
18 process and being as all those other people with
19 a verbal approval that night, to me it was no
20 different than this one being verbal until we
21 got to the final process to finalize it.

22 Q But we don't have anything on record is what I'm
23 saying. I mean, you don't have any, like I
24 said, no email correspondence, no nothing that
25 we can -- because they're saying something

1 opposite. I mean, I can go back and ask them
2 again.

3 A Well they probably, I mean, I think the problem
4 is is, y'all thinking like a cop and not
5 thinking like a politician. That now that this
6 thing has grown that nobody wants to be tied to
7 this anymore.

8 And, I mean, Toby was, until the last night,
9 that Wednesday night, was like, man, I'm fine
10 with it. I'm okay with it. Jackie was too
11 until April started talking about, you know, not
12 being sure this and that. And Jackie flipped
13 and she was like, ah, you know, you shouldn't
14 take it. It's not right and five minutes ago
15 she was saying the same thing I just told about
16 it was prorated, what you earned. And Jacob
17 voted no to start, I vote no and --

18 MR. SAVOY:

19 That's why you make it official.

20 That's why it has to be official.

21 BY MR. WASHINGTON:

22 Q That's why it's gotta be --

23 MR. SAVOY:

24 Verbal doesn't stick.

25 BY MR. WASHINGTON:

1 Q Right.

2 A But we paid, we paid everybody's bonus off of a
3 verbal approval.

4 Q Well yeah. I know, which was in violation I
5 believe of your own by-laws and that's part of
6 the problem.

7 A Yeah.

8 Q I mean, from what we've seen. Yeah, you are
9 correct --

10 MR. SAVOY:

11 Everybody else on that list were active
12 employees at that time.

13 A I get that, I get that. And I understand, I
14 mean, I understand that from the very start, you
15 know. I wasn't expecting, I wasn't expecting
16 all this. I wasn't expecting my bonus. Like I
17 said, it was brought to me. Those guys at first
18 were okay with it.

19 BY MR. WASHINGTON:

20 Q Why would Anthony bring it to you? I mean,
21 that's --

22 A I don't know.

23 Q I mean, but I mean, we did some research and I
24 do understand you kind of helped facilitate a
25 pay raise for Anthony. Am I right?

1 A What you mean a pay raise for Anthony?

2 Q Well as far as his bonus increase from seventy-
3 five percent. Didn't you guys give him a
4 hundred percent payout?

5 A I told him no.

6 Q You told him no?

7 A Uh-huh (affirmative response).

8 Q You have any evidence of that because I was told
9 you were the one who facilitated it.

10 A No. I didn't facilitate that. I told him no.

11 Q You told him no? Did you tell the council no?
12 Did you -- because all you guys voted on it.

13 A We actually didn't have much discussion about
14 it. He made his case after that. I don't
15 remember what date that was. He made his case
16 about why he should get the hundred percent. I
17 said, we'll talk about it.

18 And really we didn't. The only one that
19 talked about it was Toby and I had talked about
20 it one night at some school function we had.
21 And I said, I don't know, man. I said, he only
22 earned seventy-five percent of his pay. Let's
23 pay him seventy-five percent. So the following
24 meeting we had, he asked us, so, okay, what
25 about my bonus. I said, well I think it's no.

1 I said, you earned seventy-five percent. So
2 then he made his case again. And then --

3 MR. SAVOY:

4 When you say making his case, he came
5 to a formal council meeting and that was on
6 the agenda?

7 A We meet every other Monday, informally. So
8 that's when that was done, over here in his
9 conference room that day.

10 MR. SAVOY:

11 So the council met here at the casino?

12 A At here at the casino.

13 MR. SAVOY:

14 And he made his presentation?

15 A He made his -- I told him no. But honestly we
16 hadn't all agreed to that or not agreed to that
17 at that point. Well actually I told him yes.
18 What about my bonus? I said, yes, sticking to
19 seventy-five percent. I said, yeah, at the
20 seventy-five percent. And he goes, oh, well
21 what about the thing I made? I said, no. I
22 said, you only earned seventy-five percent.

23 So he made his case again, told us the
24 points of why we should consider that. And then
25 I -- the council said, well look we'll talk

1 about it and we'll get back with you.

2 So we talked about it after he left because
3 we had another, we had Kim Walton had to come
4 from cultural. She met with us on something
5 completely different. And then after she left
6 we talked about it and said okay he makes a good
7 case, let's approve it. And the council told
8 me, says won't you call him tonight and let him
9 know that we approved the hundred percent of his
10 bonus. Which I did.

11 MR. SAVOY:

12 What was his argument? What was his
13 argument to justify the increase?

14 A Was healthcare cost, expenses rising,
15 uncontrollable, which that's uncontrollable.
16 And also there was some things that he could
17 have held off doing, not purchasing, not doing
18 these things to make his number, I think only
19 two-hundred and sixty-something thousand dollars
20 away from making the number he needed to
21 actually earn the hundred percent of his bonus.

22 MR. SAVOY:

23 So he didn't, based on inhibitor, he
24 was only had the criteria of seventy-five
25 percent?

1 A Between his contract and EBITDA, he met, he had
2 seventy-five; he had earned seventy-five
3 percent.

4 MR. SAVOY:

5 But he just verbalized his reasoning
6 for the additional money?

7 A For the additional money, which the council
8 thought was okay and approved that. Which I
9 don't get a vote on that anyway.

10 BY MR. WASHINGTON:

11 Q Well I know you didn't because you just break
12 the tie but --

13 A That's right.

14 Q -- you know I think it was four for.

15 A I think that's right.

16 Q From what I saw.

17 A It was four for, yeah.

18 MR. SAVOY:

19 So then they had to go back and create
20 an addendum to his contract?

21 A To be able to approve that.

22 MR. SAVOY:

23 Who initiated that?

24 A I don't remember.

25 MR. SAVOY:

1 Okay. Do you recall the language or is
2 it -- the language is what his proposal was,
3 his argument?

4 A I don't know, I didn't see that. I think Patty
5 Perry does all that for us, our CFO.

6 BY MR. WASHINGTON:

7 Q Are you familiar, you may not be familiar, but
8 are you familiar with some of the contracts, the
9 amendments to Anthony Patrone's contract?
10 Because if I understand, there was a couple of
11 amendments and from my understanding that even
12 the calculations he only earned fifty percent,
13 according to Montie.

14 And I think they amended the contract, they
15 lowered the threshold where they changed the
16 threshold from whatever the criteria, fifty-
17 percent criteria, or the seventy-five percent
18 criteria was lowered to fifty-percent.

19 A I don't know.

20 Q Are you familiar with that?

21 A Uh-uh (negative response). I never read his
22 contract.

23 Q So it's kind of unclear. I think Patty Perry
24 calculated seventy-five percent but Montie did
25 it twice and he said he came up with fifty-

1 percent so --

2 A That's the first time, that's the first time
3 hearing about that. I never read Anthony's
4 contract. I don't know anything about that.
5 The only thing I know about all this is what I
6 told you. But you can keep asking questions.

7 Q Yeah, that's no problem.

8 A I mean, I'm not trying to be a smartass. I'm
9 just --

10 Q Well, I mean, I mean I -- is there anything else
11 you -- let me make sure. So you're not familiar
12 with any of your ordinances, you're saying? Not
13 section 525?

14 A No.

15 Q And all that stuff that prohibits you guys,
16 tribal council members from working at a gaming?

17 A I mean, I know I worked --

18 Q Your wife had to quit so I'm sure you're
19 familiar with that.

20 A I understand that part, yes, sir.

21 Q Okay. And being employed at operation, no
22 member of the tribal council, nor any person
23 residing in the immediate household of said
24 tribal council member may be employed in the
25 operation of class two, class three gaming.

1 A Right.

2 Q You familiar with that; right?

3 A I'm familiar with that.

4 Q And participate in any gaming activity offered
5 by the tribe in its gaming facilities. So you
6 guys can't gamble either; right?

7 A That's right. I'm familiar with that.

8 Q All right. Solicit or accept -- well you said
9 you were not.

10 A Huh?

11 Q You said you were not initially. So, I mean,
12 according to the ordinances --

13 A Well, I mean, I never, I never read it but I
14 know what those are.

15 Q And I'm sure you also was familiar with the -- I
16 mean, because some stuff you don't -- we all
17 know murder is a crime. I'm sure my kids know
18 it and they never read a law book in their
19 lives, you know, so. And I'm sure you
20 understood that what you did was wrong.

21 A I had no idea this was wrong.

22 Q Taking money that was, bonus moneys, that you
23 were not authorized to take?

24 A I thought as long as the tribal council approved
25 the bonuses, just like they did all the rest of

1 them, that it was okay to do that.

2 Q But you just -- the only problem, we don't have
3 any evidence that they approved it except you
4 said they told you verbally.

5 A I understand that.

6 Q If I called the tribal members back, so you're
7 saying they will tell that they approved it in
8 November?

9 A I'm sure they probably won't. Honestly, I think
10 this has been just a miscommunication between
11 us. It's really what this boils down to.

12 Q Between who?

13 A The council and myself.

14 Q But, I mean, do you understand how -- I mean,
15 we're seeing it from a -- I mean, I understand,
16 it's probably a lot more going on, but, I mean,
17 we're seeing it from a legal, you know, law
18 enforcement type, I guess, mindset and ethical.
19 Because, I mean, you guys also have a code of
20 ethics or you -- I mean, like -- I can't take,
21 as a state trooper, I can't take money, bonus
22 moneys or -- can you understand --

23 A I didn't take any money --

24 Q -- how this can be construed?

25 A -- and I refused it before we finally --

1 Q Okay. Okay.

2 A -- approved it --

3 Q Let's get to that point. So at what point did
4 you find out that it was in your account?

5 A That wasn't until probably the week after.

6 Q You didn't check your balance? Or you didn't --

7 A I didn't. I don't check my balance.

8 Q Your wife don't check it? I mean, you don't --

9 A Well when she comes times to pay bills and
10 that's when she told me, she says hey that money
11 hit. I said, okay, write us a check then; let's
12 pay it back.

13 MR. SAVOY:

14 The week after what?

15 A The week after it hit.

16 BY MR. WASHINGTON:

17 Q When did it hit?

18 A I don't know.

19 Q Okay. And what happened once you checked it?
20 Well did you have interaction -- did someone
21 tell you --

22 A No. I knew I had --

23 Q Because it seems like you would have paid it
24 back immediately.

25 A Well I had -- that was two busy weeks that I

1 had. Between that I had a general meeting I was
2 prepping for. I had a thousand per capita
3 checks to sign. I have a hundred checks a week
4 to sign. That was just a busy time. I'd asked
5 my wife to bring the check here on that Friday.
6 She has been working at courts all day from 7:30
7 to 5:00 and they had basketball going on. So
8 she would leave work at courts and go work at
9 basketball until 8:00, 8:30. So that's why we
10 hadn't paid the check back. Plus I knew I
11 wasn't running off with the money. That I was
12 gonna pay it back.

13 Q Because, I mean, I didn't -- I'm not doubting
14 what you had going on, I mean, you got small
15 kids --

16 A Right.

17 Q -- and stuff but --

18 A We got a busy life and, you know, I work --

19 Q It seems like you would have made a phone call
20 or something.

21 A Well no. I had talked to Montie. He knew -- I
22 had talked to Montie and said look I'm gonna pay
23 the money back. He knew that. He told me, he
24 said, well I know you're not going nowhere. So
25 I know where to find you, you know.

1 Q Did you have any dialog with Montie in terms of
2 facilitating this bonus process? What
3 correspondence did you have with him?

4 A I don't think -- I didn't have any
5 correspondence with Montie. The only
6 correspondence I had with Montie was on the 5th,
7 asking him not to process it.

8 Q And you never spoke to him or received any
9 emails or anything?

10 A No, I don't think so. No.

11 Q You don't think so or you don't know so?

12 A I don't know. I don't remember.

13 Q I have all the -- yeah, because --

14 A I mean, I don't know.

15 Q Because I see you were CC'd. I mean --

16 A Well the ones on the 18th, the ones that went
17 back that increased Anthony's from seventy-five
18 to a hundred, yes, I did get CC'd on those. And
19 when Patty asked him to revise it, I did see on
20 those.

21 Q Okay. I mean, were you trying to get those
22 moneys for your wife?

23 A What you mean, for my wife?

24 Q I mean, she worked here at the same time. So I
25 would assume you, you know, that was -- you were

1 -- I'm trying to understand why would you seek
2 that, to recover -- I understand you said you
3 worked it and you earned it but was it for you
4 or for your wife? Because I know she worked
5 here at the same time, you couldn't reap the
6 benefits of her bonus.

7 A No. There wasn't a penny more or a penny less
8 than what I had earned while I was here for
9 those nine months. That's why I felt that it
10 was okay to do that. And the tribal council had
11 approved it and it was fine. Let me ask you a
12 question, if they had formally approved it,
13 would it have been okay?

14 Q I don't know would it had been. I mean --

15 MR. SAVOY:

16 It's still a violation on the
17 ordinance.

18 BY MR. WASHINGTON:

19 Q Yeah.

20 MR. SAVOY:

21 The ordinance says thou shall not.

22 BY MR. WASHINGTON:

23 Q I mean, they probably be held contempt and --
24 you know what I'm saying. They may be, I mean,
25 they probably could be -- I know they will be in

1 violation of their own laws and ordinances. I
2 mean, because, I mean, because they would be
3 violating some of this that I'm looking at.

4 A Okay.

5 Q Because it prohibits tribal council members from
6 being employed here, which you were employed --

7 A Prior to.

8 Q Well you were employed after leaving. Well at
9 least on that raise.

10 A No, not technically.

11 Q Well they put you in the system. They gave you
12 a PAF.

13 A Well to be an employee, don't you have to have a
14 gaming license?

15 Q Well, I mean, I don't know if you're non-gaming
16 or gaming.

17 A I was a gaming employee.

18 Q I mean, you were gaming before you left.

19 A Before I left, yeah.

20 Q But they re-employed you, I mean, I'm just
21 telling you what transpired.

22 A I understand.

23 Q I'm not trying to debate you on this.

24 A I understand, I understand, I understand.

25 Q Yeah, I mean, that's --

1 A I mean, I honestly don't feel like I did
2 anything wrong and that's why I'm being a little
3 difficult, but --

4 Q Well you have the right, I mean, I'm not, you
5 know, I'm just -- You know you may have -- we
6 determine -- my job is not to say that you are a
7 bad person or you are guilty.

8 A I know.

9 Q That's not what I'm --

10 A I know.

11 Q I'm just saying -- and we got a little bit more
12 investigation to do. So I'm not -- but at this
13 point I want you to understand what you did was
14 illegal.

15 A Okay.

16 Q And it was unethical. You violated your own
17 policy. That's the same standard we use for
18 somebody who commits a crime at the casino,
19 whether it's a cashier or a table games person
20 who steals something. We determine if there
21 were policies broken or laws or ordinances that
22 exists in this case. You know, we determine
23 whether or not any laws were broken, you know,
24 or I mean, so --

25 A So --

1 Q So we use the same standard.

2 A So even, even saying, hey, don't want it, please
3 don't process it, it's already too late and
4 done. That leaves me hanging?

5 Q Say it again, I didn't --

6 A I said even saying, hey, please don't process
7 it, I don't want it.

8 Q Well you --

9 A -- day before and that leaves me hanging?

10 Q Well you, I mean, you had it and you didn't
11 object back in probably December the 17th, 16th,
12 because I know you were aware of it because I'm
13 reading an email that you were aware, back in
14 November, that you were going to receive a
15 bonus.

16 A Right. Right.

17 Q You didn't object at that point. You thought it
18 was --

19 A I thought it was --

20 Q -- you were just in receiving it.

21 A Right. Right.

22 Q So, I mean, why object once you encounter
23 problems at the council level? And I think it
24 was right before that meeting is when you, that
25 council meeting, am I right? The July 7th

1 meeting? I think it was like the 6th when you,
2 or the 7th, when you sent Montie that email.
3 But I think that's because you realized the
4 council wasn't going to approve it. Am I right?

5 A Well I didn't want to tear them up. They were,
6 like I said, the night before it was two and
7 two, and -- Jackie, Toby. Jacob voted was no
8 and then April was kind of on the fence. So
9 woke up the next morning, like I said, my job is
10 to unite the council, not to tear them apart, so
11 --

12 MR. SAVOY:

13 So Anthony got his hundred percent
14 around December 22nd? His hundred percent
15 was deposited into his account, he left for
16 the Christmas holidays. He comes back and
17 activates you in the system in order for you
18 to receive your bonus.

19 A Well I didn't know what dates his passed -- but
20 we had already approved that. The council had
21 already approved that.

22 MR. SAVOY:

23 And then after his -- he receives his
24 hundred percent, that he presented to the
25 council for justification for his approval -

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A Uh-huh (affirmative response).

MR. SAVOY:

-- for to get that passed, his got his
hundred percent --

A I didn't present that.

MR. SAVOY:

You didn't present it to the council?

A You talking about that council meeting?

MR. SAVOY:

Right.

A Yeah, yeah, they brought that before the council
meeting, yes.

MR. SAVOY:

See, you made the presentation to the
council for him to receive --

A No, no, no. That's because that's what I have
to do as a chairman, is present that to the
council. But I didn't do that for this bonus.

MR. SAVOY:

No, for Anthony's hundred percent.
That's what I'm saying, he got his in --
December 22nd.

A Yeah. Yeah.

MR. SAVOY:

1 He goes on vacation, comes back and
2 say, Anthony, excuse me, O'Neil I got my
3 bonus, I got my hundred percent. I'm gonna
4 pay you back; I'mma give you your fifty-
5 seven -- I'm gonna give you a prorated
6 bonus. Then we gonna activate you in the
7 system so you can get your bonus.

8 A I'm not even -- how do you say that if my name
9 was on the list at December 17th or 18th?
10 Already on the list with his?

11 MR. SAVOY:

12 But it hadn't been approved yet, from
13 the council.

14 A Yeah, the council had approved it, verbally.

15 BY MR. WASHINGTON:

16 Q Yeah, that's --

17 MR. SAVOY:

18 It's not approval, that's verbal. But
19 the minutes that went through on January
20 7th, the official meeting, January 7th, the
21 resolution that was passed, your name wasn't
22 on the list.

23 A Yeah, I know. But we'd verbally at that council
24 meeting, we said it was okay. And I don't know
25 if we followed up with anything after that as

1 well. But --

2 MR. SAVOY:

3 The facts that we're looking at right
4 now is that the funds were deposited into
5 your account.

6 A So the council's telling you that too? That I
7 did that as well? Or they didn't approve that
8 as well? The hundred percent, verbally?

9 MR. SAVOY:

10 Yeah, they approved that. That was
11 approved by resolution.

12 A Yeah, the resolution. Not verbally, you didn't
13 ask them if they approved that verbally?

14 MR. SAVOY:

15 Yeah, they said they did it verbally,
16 they said they did yours verbally. But when
17 it comes down to what evidence is presented,
18 they have resolutions, official resolution,
19 council resolution passed --

20 A Right.

21 MR. SAVOY:

22 -- for the payment of the bonuses,
23 which your name is not on there but
24 everybody on that list is active employees.

25 BY MR. WASHINGTON:

1 Q If I'm not mistaken --

2 A So the verbal testimony is not good either?

3 Q Well what they did was, they approved verbally
4 the proposed budget but they didn't have the
5 list, if I'm not mistaken, at that time.

6 A Right.

7 Q I think it was just, like, the records get this,
8 leads or supervisor, managers --

9 A Right.

10 Q And I don't know if your name was on that list.

11 A There was nobody's name on that list.

12 Q Right. It was just -- right. I don't think it
13 was anybody's --

14 MR. SAVOY:

15 To release the funds --

16 BY MR. WASHINGTON:

17 Q To release the funds --

18 MR. SAVOY:

19 That were prorated -- that was accrued.

20 BY MR. WASHINGTON:

21 Q So that -- but that was deposited -- those
22 checks were deposited right before Christmas.
23 Was it the 22nd, 20th? I'm trying to remember.

24 A No, those checks --

25 Q The 20th --

1 A No, those checks were handed out before the
2 22nd.

3 Q Handed out, right. It was handed out like 20th?

4 MR. SAVOY:

5 They were before -- the 18th.

6 BY MR. WASHINGTON:

7 Q The 18th or something, I don't know.

8 A No, that was prior to the 18th.

9 Q Prior -- that was the 10th. Let me see, I got
10 it here.

11 A Yeah, they were all handed out the 10th.

12 Q I think it was like the 10th. You're right, the
13 10th. And the directors got them on the 14th.

14 A Directors --

15 Q Now if they meant -- if that -- you were not a
16 part of that equation from my understanding.
17 Because if that's the case you would have had
18 yours direct deposited at that time. Your check
19 was not deposited. Am I right?

20 A No.

21 Q And you did not receive a check.

22 A Right.

23 Q Because those checks were printed.

24 A Right.

25 Q And your check was direct deposited, so --

1 A Right.

2 Q So that -- I have to surmise that, I mean, you
3 were not a part of that equation --

4 A Yes.

5 Q -- in terms of --

6 A Because he brought down, like Kevin, you know,
7 he mentioned Kevin Ryan. I'm not going to give
8 Kevin Ryan his ten percent because I think he
9 needs to do these things and these things. And
10 he says I got a little something in here for
11 O'Neil, this is why, the reasoning.

12 And we approved that on the 17th, that thing
13 got approved. So to me, I even thanked them,
14 hey thank y'all, I appreciate that, at that
15 meeting.

16 So then that's when Jacob texted me on the
17 18th and says hey do you think you ought to get
18 the bonus from CBCH. I didn't even know what he
19 was talking about at that time because I hadn't
20 looked at the emails to see if my name was
21 listed on it or not.

22 So after he -- I had called him up later and
23 said hey, what's going on? And so he, you know,
24 we talked about it. I told him, I said, look,
25 man, I hadn't really thought about this. Let's

1 talk about it when I get back.

2 He said, okay. So whenever -- I was gone
3 whenever they tried to pass it through my --
4 pass it through the tribe's account. Because I
5 didn't know anything about that until I talked
6 to April about it when I got back.

7 And she and Ms. Pat -- Montie called Nikina
8 trying to pass it through our payroll and she
9 said I don't like that idea. I'm not signing
10 off on the PAF or the PAR for that. I don't
11 want anything to do with that, you know.

12 Said, okay. I said -- so tell Anthony don't
13 worry about it. So I talked to Anthony and
14 Anthony told me he says, let me talk to Montie
15 and see. Said, okay. So the next day, I guess
16 the next day or so, he says, I had talked to
17 Montie and Montie talked to Patty Perry and said
18 it's okay to pass it through the casino's
19 payroll.

20 Talked to April, she says, I'm fine with
21 that as long as it's not through ours I'm okay.
22 I said, okay, that's fine. So then I had forgot
23 about it after that point. And that's when we
24 had met on the 5th and talked about it.

25 And I came back and told Montie, I said,

1 look, I said, it seems like that was way more
2 than -- the thing the council's still debating
3 it. I said, just don't process it and be done
4 with it. He said, well I already processed it
5 and it should be hitting your checking account
6 next couple days.

7 So that's when I talked to the council, we
8 had that council meeting that night. And still
9 debating it. Like I said, I had two people
10 still saying yes. And Jacob was saying no;
11 April said she don't know, was confused. She
12 said I don't want to take something away that
13 you earned and deserved but I'm not sure that,
14 you know, we should be doing this or not. So
15 that's when I said okay. I'm gonna refuse it,
16 let's pay it back. And that's what I did.

17 MR. SAVOY:

18 Yeah, but Patty doesn't work for the
19 casino. She can't authorize the CFO at the
20 casino to cut a check.

21 BY MR. WASHINGTON:

22 Q Right. That's what I was about to tell you. I
23 see where you're going. Your name was included
24 on the 7th, December 7th. Montie sent a email
25 to Patty Perry with a proposed bonus, 2015

1 bonus, payout sheet.

2 A Uh-huh (affirmative response).

3 Q But it was just that, a proposal. And it was
4 not -- you were not paid yet. I think they had
5 it stipulated that --

6 A Yeah, I hadn't been paid yet. You're right.

7 Q And it was sent to Patty. But Patty has to
8 prepare it and send it, prepare it for
9 resolution so the tribe can vote on it; right?

10 A That's right.

11 Q Patty doesn't have the power to say yes or no,
12 in terms of --

13 A Well I took it from her that she was in her
14 thing, I know how Patty is. She's very, very
15 thorough. She doesn't do anything without
16 knowing first. So to me if she said it was okay
17 to pass it through the payroll, then to me it
18 was fine. Because I didn't know whether or not
19 it was right or wrong.

20 Q Well she didn't say it though, right?

21 A What you mean?

22 Q You're saying Patty told you yes?

23 A Patty told -- I didn't talk to Patty.

24 Q Because I don't see anything. Patty said this
25 is what guys over here at the casino wants done,

1 but -- and she says, okay, well I'll prepare it
2 and send it to council for vote, is what Patty
3 did. And so Patty doesn't determine or does not
4 single, unilaterally approve or deny
5 resolutions. Am I right?

6 A No.

7 Q And that's --

8 A Anthony told me, he said Montie talked to Patty
9 and Patty said it's okay to pass it through our
10 payroll. To me that was good.

11 Q Okay. Well that's what -- you're saying Montie
12 told you that?

13 A Anthony did.

14 Q Okay. Well that's what Anthony told you? Okay.

15 A The only conversations I had with Montie was on
16 the 5th, asking him don't process it and he told
17 me that it had already been processed. That was
18 the only conversation I had with Montie.

19 Q Because I think you're -- I mean, you may be
20 privy to certain information but I think, you
21 know, being that you were the chairman and you
22 didn't really facilitate this, you probably
23 don't really know what transpired on this side,
24 you know, at every point.

25 A No, I don't.

1 Q And so I -- so that leaves me to believe
2 somebody was working and acting with the -- in
3 the interest of trying to, I mean, you had a
4 conversation, I would think, with Anthony or
5 with Montie that said we gonna get you that
6 bonus. And we'll do it on this end. And, and
7 just chill out. I know the council's not gonna
8 pass, so you didn't have that dialog or anything
9 like that?

10 A No, no, no.

11 Q Because that's the only thing that makes sense.

12 A No, not at all. I mean, not at all.

13 Q Because it seems like they were --

14 A One might -- let me tell you. I've worked for
15 this tribe for twenty-six years. I didn't get
16 from where I was to where I'm at today by doing
17 the wrong things.

18 And I have been the most prudent person in
19 this tribe, in the gaming facility for the last
20 twenty-six years. And I'm not gonna start six
21 months into this thing doing shit that I
22 shouldn't be doing.

23 Q Well, I mean, you didn't something. First of
24 all you should have read your ordinances and
25 your laws and, you know, about the

1 responsibility of being a tribal council, a
2 council or a chairman.

3 A Right. Listen, I understand that.

4 Q I mean, --

5 A But there's other people that's around me that
6 knew about this the whole time that didn't say
7 whether -- anything either.

8 Q Well once --

9 A We all, we all were looking for it from a
10 political standpoint, that hey, how does this
11 look politically for you as the chairman taking
12 this money. We all looked at it, everybody
13 looked at it at a political standpoint. Nobody
14 said hey, this is breaking the law.

15 Q Well a part of the casino policy, it's illegal.
16 Because you can't do it. You have to be an
17 active employee to receive a bonus. You're not
18 an active --

19 A Right.

20 Q -- casino employee.

21 A I understand.

22 Q So you're wrong there. You're wrong on the
23 tribal side because you have to -- as a tribal
24 council person you cannot receive bonuses or
25 moneys or payouts, whatever you want to call it.

1 We call it bonus but you weren't entitled to it.
2 When you accepted this position, I mean, you
3 were void of any of that, you know, you forfeit
4 bonuses or any type of incentives or anything.
5 I mean, because you no longer were an employee
6 here.

7 A I understand that.

8 Q And you're saying you were not aware of it and I
9 can't say if you're right or wrong. But I think
10 you were aware of it because you've been around,
11 you've been here seventeen, eighteen, nineteen,
12 years so I know you were, I mean, you know. I'm
13 not judging you. But I'm just telling you from
14 my angle we feel you broke the law, I mean. Do
15 you agree or disagree?

16 A Well, I mean, if you say I did, then evidently I
17 did. But I honestly don't think that, you know.
18 I didn't have the intentions of breaking the
19 law.

20 Q Well we'll probably call the --

21 A I mean, am I the only one that broke the law in
22 this whole situation?

23 MR. SAVOY:

24 What's your perception? You think
25 anybody else had involvement in this?

1 A I don't know, I mean, I don't think I
2 intentionally did anything wrong that I was, you
3 know, sneakily doing stuff. I mean, shit,
4 everybody knew about it. So to me, you know,
5 there was something that, like I said, as long
6 as I thought the council had approved it, it was
7 gonna be it was okay. -- those individuals
8 should have known, you know.

9 MR. SAVOY:

10 This is hypothetical but if you were
11 not -- if you left and you were not chairman
12 do you think Anthony Patrone would recommend
13 a prorated bonus for you because you did a
14 good job?

15 A If I went work for the tribe probably in some
16 form or capacity.

17 MR. SAVOY:

18 Like the school board or anywhere else?

19 A Maybe so. I mean, I don't know what his reasons
20 were for bringing it. He never told me that.

21 MR. SAVOY:

22 You didn't find that odd that you're
23 the chairman, you have a lot of influence
24 over the council and what goes on at the
25 casino?

1 A Actually, you see that's the thing. I don't
2 think I, I personally don't feel like I have any
3 influence over the council because we work as a
4 team together. I never try to influence their
5 decisions or anything. And that's the
6 difference between me and the last guy that was
7 there. We want to work as a group and not split
8 everything, you know, not me directing what they
9 are. I hadn't been there long enough to think
10 that I can pressure anybody anyway. So I let
11 them make their own decisions and that's what
12 they enjoy about me being there as chairman now.

13 BY MR. WASHINGTON:

14 Q Let me go over my notes to make sure we covered
15 the --

16 A I told them that numerous times. That's your
17 decision. I'll live with whatever you decide.
18 If you say yes, fine. If no, then oh well.

19 Q I think there's more to it, but O'Neil I been
20 around here a long time too. And I've
21 interacted with the tribal people, employees,
22 non-tribal, GMs and attorneys. So I kind of
23 know the game around here too.

24 And I really think there's more to it. And
25 I don't expect you to tell me, but we do -- it's

1 just my gut instincts is telling me that, I
2 mean, for you guys to just literally approve a
3 three hundred and fifty thousand bonus for the
4 GM, which most of the people around here
5 probably -- they thought sixty thousand was
6 astronomical and you just expect me to believe
7 that this man don't feel obligated to do
8 something for you?

9 A Let me tell you. I think his bonus is out of
10 align as well. Because I didn't make that
11 contract and approve it. And I honestly I
12 thought his bonus was sixty grand as well until
13 I seen those numbers. And his bonus and my
14 bonus payment was absolutely nothing to do with
15 each other.

16 I don't particularly like things Anthony
17 does, some things. He has been good for us,
18 making numbers and stuff like that. But his
19 bonus, his program in his contract was done way
20 before I got in, since he's been here.

21 So now his contract, which is at the end of
22 this year, is expiring in November. So I had
23 nothing to do with his contract and his bonus
24 set up. So his getting paid three hundred and
25 fifty thousand dollars was done before I got in.

1 And to me he had earned seventy-five percent
2 from what I was told, according to calculations.
3 I have no idea whether those calculations were
4 right or wrong. And that there's no way I'm
5 gonna jeopardize my future and my kids' future
6 for thirty-nine hundred dollars at the end of
7 taxes so I can give him a three hundred and
8 fifty thousand dollar bonus.

9 Q Yeah, that's the question I had.

10 MR. SAVOY:

11 Well how was his -- what was his
12 demeanor? What was his response when they
13 told him that you were denied? He was
14 approved, he met the criteria for seventy-
15 five percent --

16 A Seventy-five percent.

17 MR. SAVOY:

18 -- and he wanted another additional
19 twenty-five because he felt based on
20 whatever numbers that he presented was
21 justifiable?

22 A Justifiable.

23 MR. SAVOY:

24 Which you told him no. And he just
25 gave you a prorated bonus --

1 A No. We had --

2 MR. SAVOY:

3 -- and he said I'm gonna take my
4 prorated bonus back.

5 A No, we had talked about the bonus before that.
6 That discussion never came up together in the
7 same, once. When we had the first discussion
8 about the bonus on the 17th, on November 19th or
9 18th, he knew he had earned seventy-five
10 percent. And we didn't make that discussion
11 about my bonus any time other than after that in
12 any meetings that we talked about his bonus
13 raise.

14 Nobody can buy me. My morals and my fiber
15 is, I'm an honest person. And there's no way I
16 would jeopardize anything or this tribe or
17 anything else for money. I hadn't done it
18 before and I'm sure in the hell not gonna start
19 now.

20 Q You remember that resolution for Anthony?

21 A Which one?

22 Q You approved from that seventy-five to a
23 hundred?

24 A Yes.

25 Q You remember that resolution number?

1 A No, I don't.

2 Q Yeah, that was done on your watch.

3 A What you mean?

4 Q I mean, you guys voted to give him a hundred
5 percent on, you said it was approved before you
6 got there, but that was on you guys' watch.

7 A Yeah, but I'm talking about his contract. the
8 way his contract was set up, and the way his
9 bonus does. That was before me.

10 Q Yeah, but that, I mean, this is something you
11 guys had to vote, the tribal council had to vote
12 on this. On this three -- to give him a hundred
13 percent.

14 A Right. I understand.

15 Q Right. And that's what I'm -- yeah, you're
16 right, some amendments and changes were made, I
17 think, under John Paul's administration.

18 A Yeah, yeah.

19 Q I think the lord had evil to deal, but --

20 A Right.

21 Q But prior to John Paul leaving, but this three
22 hundred and fifty thousand dollars, and I think
23 it was entitled to -- let's say seventy-five
24 percent, that was two hundred sixty-two
25 thousand, somewhere. But to give him --

1 A Let me -- to me, when he said that, I would have
2 been happy with the two hundred and sixty-eight
3 thousand dollars. I wouldn't have needed to
4 posture for the other one hundred --

5 Q Well that's why I'm trying to figure out. Why
6 would the council not object to that? Why
7 wouldn't you, I mean, you said you objected to
8 it.

9 A Yes, I did.

10 Q Which is questionable because I was told you
11 presented it to the council.

12 A What you mean, I presented it?

13 Q Presented the proposal, the resolution to --

14 A Well that's my job.

15 Q -- for council.

16 A Yes, I present every resolution to the council
17 not matter what it is.

18 Q Okay.

19 A That's my job. I present all the resolutions to
20 the council. I chair the meeting.

21 MR. SAVOY:

22 You have any executive powers, you can
23 sign off on any ordinance or resolution
24 solely?

25 A No. It all has to be approved by the council.

1 MR. SAVOY:

2 In case of emergency?

3 A All has to go through the council.

4 MR. SAVOY:

5 All has to go through council.

6 A Yeah. Every resolution that we pass has to be
7 voted on by the council.

8 BY MR. WASHINGTON:

9 Q It's just ironic that, I mean, Anthony's bonus
10 was approved -- if you need some water or
11 something we can -- yeah, because I was a little
12 warm in here. We'll wait until Preston comes
13 back. I know you're on a time -- 3:00.

14 A I sure thank you for that.

15 Q Yeah, it's just ironic that, you know, we have
16 Anthony's bonus of three hundred fifty percent -
17 - a hundred percent salary and his bonus was
18 paid to him prior to Christmas, like the 22nd,
19 23rd and he leaves, goes out of town. He comes
20 back -- you remember when he came back, what
21 date?

22 A I don't remember.

23 Q But whenever he gets back, I would assume it was
24 maybe sometime after Christmas, but we know on
25 the 29th he started to facilitate giving you a

1 bonus.

2 A Going back to the beginning of December where I
3 thought the council had verbally approved me
4 getting the bonus.

5 Q Well you said you thought, but you're not sure.

6 A Well you had two people who on that thing said
7 yes. On that email poll said yes, with my name
8 on the list. And then you had -- then it
9 stopped because Jacob and April had some
10 concerns.

11 When I get back the following week, which
12 was after Anthony's bonus got paid, if you're
13 saying it was the 22nd I have no idea when it
14 got paid. When I got back the week of the 28th
15 or 29th, I went talk to April and she told me
16 that while I was gone they tried to pass my
17 bonus through the tribe's payroll.

18 And I guess that was the week of Christmas
19 while I was out. I had no idea that transpired
20 until I talked to her when I got back that
21 weekend between Christmas and New Year's. So
22 then, like I said, she says that hey, if we pass
23 it through the casino's payroll I'm fine with
24 that. I just don't want to pass it through the
25 tribe's. I said okay. I told that to Anthony.

1 Anthony called Patty Perry, she said yeah,
2 that's fine, it's okay to do that. And then it
3 gets processed. No tie between Anthony's
4 hundred percent and my bonus whatsoever.

5 Q The pending council resolution, council
6 approval.

7 A Then once we did, we formally approved all of
8 the bonuses for everybody on the 7th.

9 Q Well, I mean, if you were approved in this
10 informal meeting that you alleged, is what I'm
11 saying, you should have received a check or
12 direct deposit during that on the 20th when
13 everybody else got it.

14 A Well they didn't want to pass it through here.
15 They were pass it through the tribe's payroll so
16 I would have received a check from the tribe.
17 And from what I was told they wanted to
18 reimburse the tribe that money.

19 Q So the tribe sent the checks over there from the
20 tribe?

21 A No. That's what they -- they didn't -- that's
22 the way they originally wanted to do it was hey,
23 let the tribe pay O'Neil and the casino will
24 just reimburse the tribe for that money.

25 Q And you have the documentation?

1 A No. That's what I was told.

2 Q By Patty or by Anthony?

3 A I was told that by April.

4 Q I mean, I understand what you're saying but I
5 have to go by what's in front of me. And what's
6 in front of me is that the council did not
7 approve it. And what they -- they told us that
8 verbally during an interview. I don't remember.
9 Did any of them say that they approved O'Neil?
10 I saw Jackie's email. She did approve and some
11 say she didn't even read it.

12 A So let me ask you a question. This text message
13 from Jacob --

14 Q Now I can tell you what April told me. April
15 did tell me that she had concerns. They had
16 concerns. They received the proposal to give
17 you a raise, it was not yet paid, so they, I
18 think she said one or two voted. And then she
19 said they tabled it. Because then they had
20 concerns about well two and two and if they
21 break the -- O'Neil is a tie breaker, that's not
22 ethical. Then she started to do more research
23 and found out that it was --

24 A Well that's because if it was on our side Montie
25 and those guys wouldn't have known that we had

1 tabled it.

2 Q Uh-huh (affirmative response).

3 A See what I'm saying? They have no idea about
4 what we do on our end. So that had already been
5 motioned by that time to get paid.

6 Q Not -- well I understand. No, there's email
7 correspondence all the time between Montie and
8 Jill and well, even you. I seen -- but Patty
9 Perry.

10 A Uh-huh (affirmative response).

11 Q And some of those people. I see constant email
12 correspondence, you know, with budgets and all
13 this stuff. But Patty Perry is not the final
14 approval, from my understanding. Is that what
15 you're telling me? Patty Perry --

16 A No, she's not.

17 Q Okay. I know she prepares --

18 A Right.

19 Q -- resolutions.

20 A Friday, December 18th, 11:53 a.m. from Jacob
21 Darden. Question, do you think you should get
22 the bonus from CBCH?

23 Q And when is that Friday what?

24 A The 18th at 11:53 a.m.

25 Q Okay. Uh-huh (affirmative response).

1 A And if I believe you're right, you probably got
2 the time that that email with my name on it
3 comes out an hour prior to that. So that was
4 the first time he had discussed that or anybody
5 had heard about that. And do you think that
6 would be the question from him? Do you think
7 you should get the bonus from CBCH?

8 Q I mean, I --

9 A If he didn't know about it before I think the
10 question would be what the hell is your name
11 doing on that list for?

12 Q No, I'm not saying they didn't know about it.
13 They -- well I think the initial request was
14 sent by Montie, with your name on it. Let's
15 see, I don't know if it was the 7th, I believe.
16 It was sent to Patty Perry as a proposal, yeah,
17 with December 7th is when.

18 A Right.

19 Q And I don't know at what point, I would assume
20 Patty had to compile this stuff and get it to
21 the council for approval. But you write the
22 verbal, and I don't know if it was the 18th or
23 whatever, whenever they voted for the employees
24 to receive it.

25 A Right.

1 Q But your --

2 A Well they're saying that we didn't -- why would
3 he think I was getting it on the 18th?

4 Q Well you weren't part of it. I mean, you're
5 name --

6 A Nobody's name was a part of it, Mike. There
7 wasn't anybody's name on the list.

8 Q Yeah, well I'm gonna have to check the list but
9 I know for a fact --

10 A There wasn't anybody -- there was all numbers.
11 It was just so many executives, so many
12 directors, so many this, so many that.

13 Q That's what -- well then somebody manufactured a
14 list once it got approved, once the budget was
15 approved to issue out the funds.

16 A I never seen that list.

17 Q Yeah, there was a list sent to --

18 A The first list I seen --

19 Q -- human resource.

20 A The first list I seen came out on December 17th.

21 Q December 17th?

22 A Or 18th, 18th, well 17th, 17th or 18th.

23 Q On December 8th Montie sent Linda Neezy the
24 final vote -- bonus list of eligible and
25 ineligible employees.

1 A Uh-huh (affirmative response).

2 Q This list did not have your name on it.

3 A I don't know about that list.

4 Q Yeah. Well I'm just telling you that's the --
5 now the --

6 A Then the 18th my -- 17th my name came out on the
7 list.

8 Q And Montie send Cindy Blanchard, because the
9 list is not official until it gets upstairs to
10 accounting. Am I right?

11 A I guess, I don't know.

12 Q Yeah. So December 8th at 4:14, Montie sends
13 Cindy Blanchard, the first employee, Cindy works
14 in accounting, payroll, the bonus list. The
15 checks were issued from this list. And your
16 name is not on that list.

17 A I have no idea about that.

18 Q Yeah. And at some point your name is part of
19 supplemental run. I mean with you familiar with
20 that? See, I was gonna say, you may not know it
21 but I'm just telling you that's what transpired
22 from --

23 A Yeah.

24 Q Yeah, you were kind of put in on the -- after
25 that initial waive of people, employees were

1 sent out.

2 A Yeah, I don't know nothing about that. All I
3 know is the list that came out on the 17th my
4 name was on it, or the 18th, to the council.

5 Q Well the issue, where we stand now, I'm gonna go
6 and do a little bit more research to see who
7 approved what back in November. And that's
8 about all we can do. And after that we're going
9 to make a decision.

10 A Okay.

11 Q And -- but, I mean, right now, like I said, it's
12 a lot of hearsay and speculation and I'm not
13 saying you guys -- that's not, you know, you
14 were being deceptive or, you know, trying to
15 make up excuses but you're saying one thing and
16 the factual information, whether the email polls
17 and the resolution was saying something
18 different by the council.

19 A All right.

20 Q And, and that's a -- so I mean at the end of the
21 day --

22 A Uh-huh (affirmative response).

23 Q I mean we got to look at the facts.

24 A Well, I mean, the last night those guys were
25 still debating on whether or not it was okay or

1 not. So --

2 Q And what did they eventually pass?

3 A Was no.

4 Q Okay. Well then --

5 A But then I had already -- I had refused it by
6 that time.

7 Q Well that's the only way we gonna pass it --

8 A What you mean?

9 Q -- from what I gathered. I mean, that's the
10 only way they would pass that resolution is that
11 you had to take your name off because they
12 weren't in support of it.

13 A Exactly, and --

14 Q Is what did -- you got anything Preston? I
15 don't know what else to --

16 A I'm sure they were all aware about it. I mean,
17 does the council think I intentionally --

18 MR. SAVOY:

19 Right. But the appearance is that the
20 -- Patrone's hundred percent increase and
21 your bonus is connected. Are you saying
22 that you and Patrone had no discussion about
23 --

24 A No, sir.

25 MR. SAVOY:

1 -- I'm gonna give you, make sure you
2 get your hundred percent and you give me my
3 bonus?

4 A No, sir. Sir, I would not do that, one hundred
5 percent.

6 MR. SAVOY:

7 All right.

8 A I understand the appearance of it but I know who
9 I am. I can go to bed and sleep on that every
10 night. Knowing there's no way in hell I would
11 do that to myself, this tribe or anybody else.

12 MR. SAVOY:

13 If you're comfortable with it, so am I.

14 BY MR. WASHINGTON:

15 Q I mean, we want to believe that and I would
16 hope, I mean, you and I had dialog prior to. I
17 mean, I would hope you, you know, I know
18 sometime power and you hadn't been in power that
19 long, but sometimes power has a tendency to sway
20 people the other way.

21 A I don't. Mike, you know me better than that,
22 man.

23 Q Yeah, well, but, I mean, you know, I understand.
24 I wouldn't think you'd be caught up in this.

25 A I didn't think I'd be caught up in this either.

1 Q I thought you had more sense not, to know not to
2 take moneys.

3 A Well --

4 Q When you're the active chairman.

5 A Well I didn't take moneys. I didn't take
6 something that I didn't think was mine and I had
7 already earned.

8 Q Well, I mean --

9 A Once it was presented that way.

10 Q And you're paying a healthy salary --

11 A I am. Yes, I am.

12 Q I would imagine. Yeah, I mean, so I'm trying to
13 figure why would you, you know, put yourself in
14 that situation to be scrutinized and criticized?

15 A Well I didn't realize, I guess, being you, how
16 big the target really is on your back, you know.
17 That definitely is a lesson on my part that, you
18 know, when you put yourself in a position --

19 Q Oh, you think they got other people -- what do
20 you mean by target on your back, I mean?

21 A Well, I mean, if somebody found this out and
22 made this complaint then it's a target, not
23 knowing that I had already returned it, had
24 turned it down and returned it.

25 MR. SAVOY:

1 Did you discuss that with the council
2 on January 6th, the night before the
3 official resolution was passed? Did you
4 inform them that the money was already in
5 your account?

6 A I told them that it was already processed and
7 that it should be hitting my account and that I
8 need, you know, if you guys don't approve it, I
9 have to return it.

10 BY MR. WASHINGTON:

11 Q Because to be honest, I was under, from what
12 they told me, they was not aware that you had
13 received it. They thought you, you turned -- you
14 never, what they said, you said no and that was
15 the end of it.

16 A No. I had told them that night that hey, look,
17 it's already been processed. I asked Montie not
18 to process it, told them that it had already
19 been processed and that the money was going to
20 be hitting my checking account and that if you
21 guys don't approve it, that I will have to
22 return the money.

23 Q I was told -- I remember one of the, I don't
24 know if it was Toby or somebody, but it was, you
25 made comments, some comments made about those

1 moneys hitting your account and you being -- I
2 don't want to misquote, but I'll have to go back
3 and look at the research. But I know you made
4 at the casino, prior to -- from my
5 understanding, you made comments at the
6 construction meeting to -- to a couple employees
7 here, directors and -- that you anticipated the
8 bonus and you were excited that the council was
9 going to approve that bonus for you and all of
10 that.

11 A I probably did, that's because I wasn't trying
12 to hide anything from anybody. Somebody asked
13 me, are you getting yours, you getting your
14 bonus? I was like, man, yes. The council,
15 Anthony put it out there, the council approved
16 it, and I was getting mine. I was getting my
17 bonus. So it wasn't like I was trying to hide
18 it from anybody. It wasn't bragging, it was
19 just wasn't anything to hide.

20 Q Make sure --

21 A If I was trying to deceitfully hide it or
22 something, I wouldn't have said a soul, I think,
23 huh?

24 Q Well, I mean, your circle -- you've got a little
25 -- executive directors and the GM, I mean,

1 you've got a pretty small elite circle. I mean,
2 I understand where you're coming from but I
3 wouldn't expect somebody, you to be interacting
4 with, you know, housekeeping personnel. And
5 just regular, you know, employees. I don't
6 think they would have no way of knowing, most of
7 these people around here don't know, they don't
8 know anything about the bonuses that's being
9 issued.

10 They don't know who got what, so it's almost
11 like -- is like a big secret. The bonus
12 situation here. You start asking people what
13 people got, they don't know. Because people
14 don't tell anybody. But --

15 A So you think, oh, that's just bragging, then. I
16 got you.

17 Q I'm not saying you're bragging, just, I don't
18 know. I mean, I don't know. I'm just telling
19 you. And you are confronted by that person. I'm
20 not going to call any name, but they confronted
21 you from my understanding and challenged the
22 validity of you getting, I guess, the bonus.
23 That has nothing to do with it, but the main --

24 A I don't know who --

25 Q We're gonna stay focused. The main thing here

1 is, we've just got to make a determination,
2 that's all. We're going to present this stuff,
3 this information to our superiors and we'll make
4 a decision on how we're going to proceed. But
5 you realize that it was wrong? For you to
6 receive the money regardless of how you received
7 it? I do understand you're saying you're
8 operating under the pretense that the council
9 approved it informally.

10 A Informally, correct.

11 Q And verbally.

12 A Right.

13 Q But you don't have any information confirming
14 it, any texts or --

15 A I think I had some notes in my office but those
16 have disappeared.

17 Q Okay.

18 A That probably would have proved that.

19 Q Okay. Well we'll do a little further inquiry.
20 Preston, I don't know what else, I don't know if
21 -- I think we covered everything we wanted to
22 cover. Anything else you wanted to share before
23 we end?

24 A No, I think this is good. That's it.

25 MR. SAVOY:

1 Investigation is ongoing, so it's not
2 unlikely that we may ask you to come back in
3 for follow-up.

4 A Okay.

5 MR. SAVOY:

6 And it is confidential, this
7 investigation is confidential as well as
8 this interview. Has anybody discussed
9 anything that went on as part of this
10 investigation?

11 A No. When do y'all expect this to really be
12 over?

13 MR. SAVOY:

14 It just depends. It's fluid right now,
15 it just depends. We been working on this
16 nonstop, so --

17 BY MR. WASHINGTON:

18 Q If you think of something --

19 MR. SAVOY:

20 Y'all going out of town?

21 A I'll be in Washington, DC next week.

22 BY MR. WASHINGTON:

23 Q When do you guys return? The weekend or --

24 A I return Thursday night.

25 Q Okay. Well -- okay. Well, if you don't have

1 anything else --

2 A That's it.

3 Q We'll go ahead and officially end it. You good,
4 Preston?

5 MR. SAVOY:

6 Yeah.

7 BY MR. WASHINGTON:

8 Q It's February 5, 2016. Time, 3:15 p.m.

9 (AUDIO CONCLUDED)

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