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The recorded meeting of ANTHONY PATRONE

REPORTER'S PAGE

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I, [REDACTED], Certified Court Reporter, in and for the State of Louisiana, the officer as defined in Rule 28 of the Federal Rules of Civil Procedure and/or Article 1434(B) of the Louisiana Code of Civil Procedure, before whom this proceeding was taken, do hereby state on the record:

That due to the interaction in the spontaneous discourse of this proceeding, dashes (--) have been used to indicate pauses, changes in thought, and/or talkovers; that same is the proper method for a Court Reporter's transcription of proceeding, and that the dashes (--) do not indicate that words or phrases have been left out of this transcript;

That any words and/or names which could not be verified through reference material have been denoted with the phrase "(spelled phonetically)."

1 TAPED STATEMENT OF ANTHONY PATRONE:

2 BY MR. WASHINGTON:

3 Q Okay. Today's date is February 8, 2016, time,
4 1:48 p.m. My name is Trooper Mike Washington,
5 Louisiana State Police. And we will be
6 interviewing General Manager Anthony Patrone.
7 We also have Sergeant Preston Savoy who's a
8 supervisor here at Cypress Bayou Casino. He
9 will also be participating with the interview.

10 Mr. Patrone, like we stated earlier. We
11 received a complaint, just so you'll know, from
12 the gaming commission. And that's typically how
13 we get complaints whether -- especially
14 regarding what they feel to be allegations of
15 criminal conduct or whatever you want to call
16 it.

17 But we received a complaint that -- it
18 centers around O'Neil Darden, Chairman O'Neil
19 Darden receiving bonus moneys when he, first of
20 all, was no longer employed here. So that's
21 pretty much the nature of the complaint and you
22 said you're familiar with it.

23 And we just want to you know your
24 involvement because we interviewed a lot of
25 people and so we looked at a lot of email

1 correspondence. So we kind of know how you fit
2 into the equation. But we want to give you an
3 opportunity to give your side of what
4 transpired.

5 Because I don't know if you know it, I mean,
6 as a tribal council member you can't have any --
7 you can't work for a casino. And that's why
8 O'Neil and his wife -- your spouse can't work.
9 That's why they -- I mean, that's one of the
10 reasons why she couldn't work. You can't
11 receive any revenue or anything from the --

12 A Uh-huh (affirmative response).

13 Q --from a gaming establishment. Being a tribal
14 council chairman or a member.

15 A I understand.

16 Q And that's -- that's kind of where we are with
17 it. So whenever you want to start.

18 MR. SAVOY:

19 You want to do the Miranda first?

20 BY MR. WASHINGTON:

21 Q Yeah. Before we get going, I'm going to go
22 ahead and read you your Miranda rights. Before
23 we ask you any questions, you must understand
24 your rights. You have the right to remain
25 silent. Anything you say may be used against

1 you in court or other proceedings.

2 You have the right to talk to a lawyer for
3 advice before questioning. And you have the
4 right to have a lawyer present during
5 questioning. You have the right to a lawyer's
6 advice and the presence of a lawyer even if you
7 cannot afford to hire one. In such a case, a
8 lawyer can be appointed to represent you.

9 If you decide to answer questions without a
10 lawyer present, you still have the right to stop
11 answering questions at any time.

12 Do you understand your rights?

13 A Yes, sir.

14 Q Are you willing to answer questions at this
15 time?

16 A Yes, sir.

17 Q Have any threats or promises been made to you or
18 any pressure of any kind been used to get you to
19 answer questions or to give up any of your
20 rights?

21 A No, sir.

22 Q All right. If at any point you feel
23 uncomfortable, Mr. Patrone, you can always --

24 A No. I understand.

25 Q -- exercise your rights on this. We just need

1 you to print your name here and sign. And then
2 I'll sign.

3 A Do you want me to tell you the story? Or do you
4 want -- you're going to ask me questions and
5 have me --

6 Q Well, no, you can -- I'm going to let you start.
7 And if we have any questions along the way,
8 we'll just -- we'll ask it.

9 A Sure.

10 Q But let you --

11 A Sure.

12 Q We'll wait til we finish. Preston has to also
13 witness. You can go ahead.

14 A You got a bottle of water in there, Mike, --

15 Q Yeah. I think they got some outside. Because --
16 -- it's room temperature. So I don't --

17 A That's okay. No. That's fine.

18 Q But you can go ahead, Mr. Patrone. If you want
19 to go ahead and start. Because Preston is just
20 -- he's signing the --

21 A Okay. Here is -- here's -- here's what
22 happened. At some point, and I'm thinking about
23 this. I'm trying to pin down the dates as close
24 as I can. But some of them, you know, I don't
25 have the exact dates. Some of -- some of them I

1 do.

2 At some point definitely after the close of
3 a fiscal year and during the renovation, but
4 before bonuses were agreed to and paid. I was
5 in the casino with the chairman. And we were
6 noticing some of the work that had been done.
7 In particular we were noticing the chalk work.
8 You know the nice chalk work the lady did.

9 So chairman commented to me, you know, we
10 really have to take care of her, she's doing
11 such great work. And she really did some
12 extraordinary stuff. So I agreed.

13 And I said, you know, it's bonus time. So
14 we have a plan to take care of some people that
15 have been doing some extra work. And I said to
16 him that there's -- there's extra money in the
17 bonus pool, because there was. Because we were
18 missing three directors who would have gotten
19 substantial bonuses by the end of the year.

20 That money is in the pool. It was still in
21 the pool even though those positions were
22 vacant. That was director of surveillance,
23 director of marketing, and director of catering,
24 his position.

25 So all three of those director positions

1 were vacant which gave us a little bit more
2 money in the pool, we could, you know, give
3 people a little bit extra money to thank them
4 for whatever extraordinary effort they did.

5 The chairman asked me at that point, oh, is
6 that how it works? I don't get mine. And I
7 said, you know, I don't know. And I assumed so,
8 since I described it that way. And he said,
9 well, is there a rule about it. And I said, I
10 don't know. I said that sounds like a unique
11 situation. I didn't know if there was rule or
12 not.

13 I said, but that's, you know, I would assume
14 that that would be up to the tribal council. He
15 was, like, hmm, well, you know, I worked three
16 quarters of the years, you know, it's, you know,
17 maybe I should get three quarters.

18 I said O'Neil, that's between -- that's up
19 to you and the council. I assumed at that time
20 it was up to him and the council. Maybe it
21 turned out not to be, I don't know. But it's up
22 to you and council. And he said, well, can you
23 just -- you do one thing. I said, so asked
24 them. I said, you know, you guys tell me what
25 to do.

1 He said, well, you do one thing. You bring
2 it up to the council so that I don't have to
3 bring it up to them. That would be weird. You
4 know, it's money for me. So I said, sure, I'll
5 bring it up to them. But that's between --
6 that's between you guys.

7 So the next council meeting, wasn't long
8 after that. We had the first bonus list. His
9 name was not on it. So I still assumed, you
10 know, I wasn't working under that assumption
11 that he would get it. And I described the bonus
12 situation to them.

13 I told them what our intentions were about
14 giving other people bonuses. And some people
15 are getting a little more. Some people are
16 getting less for whatever reason.

17 I said, there's a question out there about
18 O'Neil's bonus. He worked three quarters of the
19 year. I don't know, I don't know what that rule
20 is.

21 I did know what our rule was. I went back
22 and looked, not for that specific reason but for
23 other reasons. Our policy said that if you
24 weren't employed at the time that you -- the
25 bonus distribution, that exceptions had to be

1 made by the tribal council.

2 So that's as much as I, you know, I knew
3 about that. So I told them -- I put it out
4 there at our regular council meeting. And said
5 there was this question. It's between -- it's
6 up to you guys. I didn't --

7 Q Was it your idea is what you're saying? Or was
8 it O'Neil's idea? Because I'm trying to figure
9 out who initiated the bonus for O'Neil.

10 A Yeah. It certainly wasn't my idea. You know, I
11 think it came about just the way I described it,
12 Mike. I said to him I had extra money in the
13 bonus pool. Cause I had directors. And he said
14 -- he asked the question, is that how it works.
15 And I said, I don't know. We'll ask the -- I
16 don't know if there's a specific rule. I'll go
17 ask the question.

18 I'm not sure that, you know. The one thing
19 he asked me to do for him was bring it up to the
20 tribal council. He said, hey, you bring it up.

21 Q Okay.

22 A This way I don't have to bring it up. I said,
23 okay. I'll do that. So, I mean, you know, I
24 didn't say, hey, I have an idea. Let give him
25 his. You know, obviously -- a zero chance.

1 Q Was it a formal meeting?

2 A Yes.

3 Q That was a tribal meeting? Or was it a an
4 informal? I know -- you don't --

5 A Which?

6 Q You said you brought it -- O'Neil wanted you to
7 bring it to the --

8 A The council.

9 Q -- council. And you brought it. Was that --

10 A That was a formal.

11 Q -- a formal meeting.

12 A Which by the way --

13 Q Do you remember the time frame? Or --

14 A The time frame would have been end of October,
15 beginning of November, maybe. I assume that was
16 -- that's not a public meetings. But those
17 meetings have minutes. They're recorded.

18 Q Okay.

19 A I don't know if they'd share that with you. But
20 I hope they do. Exactly as I described it.

21 And I said there's a question out there
22 about the chairman's bonus. He had -- he worked
23 three quarters of the year. There's an
24 exception for somebody not working in policy.
25 That exception is up to you guys to make. And I

1 left it at that. There was very little --

2 MR. SAVOY:

3 Okay. Let me ask you a question, what
4 kind of feedback did you get from the
5 council?

6 A Very little. It didn't hang out there. We
7 didn't have a lot of discussions. There may
8 have been a question or two. I try to remember
9 that. I don't remember specifically if there
10 was. There was a discussion. There may have
11 been a question or two. They certainly didn't
12 object at that time.

13 Nobody said, whoa, whoa, whoa. Nobody
14 raised an issue. Nobody -- there was no
15 objection raised at that time. Actually, I got
16 the impression that they were okay with it. But
17 they didn't approve it.

18 And I knew that this was the kind of thing
19 that would take further discussion with them.
20 There's a lot of things like that. I leave it
21 with them. You guys talk about it. You let me
22 know what to do.

23 BY MR. WASHINGTON:

24 Q But they didn't take a vote and said, yes?

25 A No, no.

1 Q -- they just --

2 A No, no, no, no.

3 Q They didn't object. But they didn't --

4 A I did not take it --

5 Q I gotcha.

6 A I did not take from that meeting that they
7 approved -- that they approved it. You know, I
8 guess I come to know that there was some
9 objections to it. I wished someone had raised
10 them right there and, you know, openly said,
11 hang on a second. You know, is that allowed?
12 Is that okay? Nobody said anything. I think
13 one or two of them may have been even okay with
14 it. But it wasn't -- I didn't leave it that
15 way. And I quickly went on to the next thing.

16 Because all I told them was I put it out
17 there. I made it clear that it was up to them.
18 And we moved on to the next thing. The meeting
19 was probably three hours long. It was two
20 minutes.

21 As I say, that was the end of October, the
22 beginning of November, I'm guessing. Something
23 like that. All right. I didn't hear another
24 word about it until bonus day.

25 Bonus day came in the middle of December.

1 December 10th, 11th, something like that, when
2 we actually distributed the bonuses in Rox to
3 the whole company.

4 Q Let me back track a minute.

5 A Sure.

6 Q I'm trying to make sure I'm clear. So during
7 that first bonus list you said O'Neil's name was
8 not on it?

9 A It was not.

10 Q Okay. And that was -- that was by design or on
11 purpose? Or, I mean --

12 A I didn't have, you know, it was our original
13 bonus list did not have his name on it. It
14 didn't occur to put his name on it until this
15 question came up. Is that how it works. So my
16 -- my thought there was, it was up to the
17 council.

18 So I wasn't going to add his name to the
19 list before I had -- before I discussed it with
20 the council. It was -- the list I took to them
21 did not include his name. But I said to them,
22 here's the list. There is this question about
23 his bonus. You guys want to add him to the
24 list, you let me know. Absolutely a hundred
25 percent. Okay.

1 Q Yeah. You can go ahead and continue where you
2 left off.

3 A You with me?

4 Q Yeah. I'm with you.

5 A Okay, okay. So the next thing that happens is
6 it's bonus day. Bonus day comes, December 10th
7 or 11th. I think it was the 10th. We had a
8 big, giant meeting in Rox. There were three or
9 four hundred people there. Really very well,
10 because everybody was able to get a little bit
11 of money. Which was nice.

12 It's only -- last year and this year was
13 only the second time in the history of the
14 casino that everybody was eligible for a bonus.
15 Really nice. We handed out some money. We had
16 a town hall style meeting. I gave some
17 information, showed them some pictures of the
18 renovation, and then we did bonus distribution.
19 Really nice.

20 Directors gave out checks to their
21 individual people. So you know, Debbie had the
22 food and beverage pile. And Jack had the
23 engineering pile and they gave them out.

24 So I had some -- I had ones that weren't
25 represented. Like the marketing people didn't

1 have a marketing director there. So I gave the
2 marketing people theirs.

3 I had the envelope. As a matter of fact, it
4 was the same woman who did the chalk and worked
5 O'Neil. I handed the check to O'Neil thinking
6 that it would be nice if he gave it to her since
7 she worked for him during most of the year.

8 When I handed him that check, he said, oh,
9 thank you. It was obvious that he thought it
10 was his. I said, oh, no, no, this isn't yours.
11 This is Anna's. I don't have a check for you.
12 And he said, oh, yeah, yeah, council approved
13 it.

14 And I said, I never heard back from you
15 guys. I didn't -- there was no check for you.
16 If the council approved it, we'll add your name
17 to the list and we'll get you a check. But I
18 never heard back from you guys. And he said,
19 oh, no, no, no.

20 And then there was conversation at that
21 meeting. We had a conversation --

22 Q Do you know how much the check was for that you
23 handed to O'Neil? Or that was intended for
24 Anna?

25 A I want to say two thousand bucks, maybe, twenty-

1 five hundred bucks, something like that. You
2 know she would have gotten seven fifty, or a
3 thousand. But we gave her -- we gave her much
4 more because, you know, that chalk work wasn't
5 in her job description and that would have cost
6 us a fortune if we had done that on our own. So
7 we took care of her. I thought it was the right
8 thing to do.

9 So, but it was clear that he thought it was
10 his. He said, oh, thank you. And I was -- you
11 know, for a minute there, I was, like, you know,
12 whoops, this guy things I have a check for him.
13 I don't have a check for him. He said, no, no
14 council approved it.

15 There was some talk there. You know, there
16 was a group of us and somebody teased O'Neil
17 about not getting the bonus. And he said, no,
18 no, no, I'm getting it, council approved it. He
19 wasn't secretive about it. He put it out there.
20 And it was, you know, a small group of us were
21 standing there and he said, no, no, no, I get
22 mine. I worked the three quarters. I deserve
23 it. I'm getting it. Or whatever. I'm not, you
24 know, quoting verbatim, obviously.

25 So I took that, went back, I don't know

1 when. Probably not the same day, maybe the next
2 day, maybe the next week. After bonus day, we
3 made a number of adjustments to the bonus. Some
4 people -- we made some mistakes. We left some
5 people off, we felt some people may have been
6 slighted.

7 You know, it's -- we wrote five hundred
8 checks. So, you know, we decided the casino
9 hosts were going to get a little bit more. We
10 had sorted them. It was a mistake. But they
11 didn't have a marketing director advocating for
12 them.

13 It was an I.T. guy who was -- thought he
14 should have gotten more. And I thought he was
15 right too. So the final bonus list really
16 hadn't -- would come after that after we made
17 those adjustments.

18 We went back to Montie, C.F.O. and said,
19 Montie, the council approved on y'all's bonus,
20 add it to the list. And how do we pay him?

21 Q And you were working under what assumption?

22 A I was working under the assumption that the
23 council approved it. Because that's what he
24 told me.

25 Q Based on what O'Neil told you?

1 A Yes.

2 Q Okay. But you didn't hear it directly?

3 A I did not.

4 Q From the council?

5 A I didn't.

6 Q Well, he -- because I know he's the tribal
7 chairman. So I --

8 A Well, you know, well, I think back at that, you
9 know -- that's the way it works. I mean, you
10 know, that's always the way it works. I
11 wouldn't have gone back and said to the council,
12 hey, O'Neil said you approved it, is that true.
13 That would have been weird.

14 And it didn't matter, because we were adding
15 his name to the final list. And it's the final
16 list that would have gotten voted on. That I
17 knew for sure. So I didn't -- I didn't -- this
18 didn't -- like it wasn't even a question in my
19 mind. Because I knew the council knew. And he
20 told me they approved it.

21 I came back to Montie, I said, hey, Montie,
22 you know, how would we do that? And Tara was
23 there actually also. And he said, you know, the
24 easiest thing to do was to just them paperwork.
25 Just pay -- he's not on the payroll.

1 I said okay. We'll call Patty Perry and,
2 you know, tell him what's going on and have her
3 -- have them pay it. Done. Again, it's not
4 something that we're like wringing out hands
5 over. It was, you know, a fairly simple thing.
6 Add him to the list. Which he did. And, you
7 know, again, that was it.

8 I don't know if it was the next day, two
9 days later, whatever, Montie comes to me and
10 says, Patty says that she doesn't want to pay
11 it. For us to pay it down here.

12 And I was thinking, well, that's weird.
13 Because it's certainly easier to pay -- just to
14 pay it from up there, he's not in the payroll
15 system here.

16 I asked him specifically. I asked Montie
17 specifically, does she have any objection. And
18 he said, no. She just said pay it down here. I
19 said, okay. Got Montie and Tara again, she was
20 there. We didn't convene a meeting or anything.
21 No wait, backup one second.

22 He told me that the same day the chairman
23 also was in the casino and said, hey did you
24 hear, they don't want to pay the bonus from the
25 tribe.

1 And I said, yeah, I know. Montie told me
2 that. What's that --

3 Q The chairman told you that?

4 A Yes. He did. And I had known that because
5 Montie had -- I believe Montie told me first,
6 okay. They don't want to pay it from up there.
7 And he said -- so I -- he told me, if they don't
8 want to pay it up there, can we pay it from
9 here.

10 I said, yeah, I heard that, what's up with
11 that. He says, you know the way they are up at
12 the tribal offices. People are jealous about
13 the bonuses down here. We just don't want a lot
14 of people to see it. So we'll just pay it from
15 down here if you can. And I was, like, well,
16 let me ask. I'll go look into it. I don't even
17 know how that works.

18 I went back to Tara and Monty again and
19 said, if they don't want to pay it up there, how
20 do we pay him? And the three of us talked about
21 it for one minute. You know we didn't have a
22 big conversation about it. And I said, well,
23 how do we pay him. It's not in the payroll
24 system.

25 Montie said, well, you can just write him a

1 check. You can just write him an accounts
2 payable check. And Tara objected strongly and
3 said, absolutely not. You cannot do that. If
4 you're going to pay him -- she's working a
5 hundred percent on the assumption that it's been
6 approved by the council obviously.

7 She said if your going to pay him --

8 Q This is Tara Trahan?

9 A Yeah.

10 Q Okay.

11 A She says, if you're going to pay him, it has to
12 be by payroll check. Deductions need to be
13 taken out. And it needs to be labeled bonus
14 payment. You know, I believe she said that in
15 the interest of transparency. You know, pay
16 him. It's a payroll check. You pay him as
17 payroll.

18 And I said, well, okay, is there any reason
19 not to do that. She cited, you can't have a,
20 you know, you can't have a council member on the
21 payroll. You can't be on the payroll.

22 But, you know, the three of us said, well,
23 we're not hiring him. We're not making him an
24 employee. We're just using this form to pay him
25 a check as we thought we were instructed to by

1 the tribal C.F.O.

2 Hey, just, you know, you guys pay him there.
3 The only way to pay him there would have been to
4 write him a check out of the accounts payable
5 system, which seemed wrong. Or to open him up
6 as a -- as a -- you know, open up that form that
7 adds him to the payroll system, pay the money,
8 close him in the payroll system. That didn't
9 seem to be making him an employee.

10 Yeah. And you know, working under a lot of
11 assumptions here that there's a -- there's a --
12 there's a reasonable argument to be made that he
13 worked the three quarters. That he earned it.
14 That it was money previously earned. You're not
15 paying him as chairman. This is money that was
16 earned. Everybody else got theirs.

17 So she said, okay. She didn't like it. Not
18 that she didn't like it, she thought something
19 was wrong with it, she thought he was being a
20 pig, I think. So, you know, she kind of -- she
21 wasn't happy about it. But the three of us
22 agreed, okay. Open a P.A.F.

23 Which, by the way, also we know, because of
24 the gaming commission. So the P.A.F. goes to
25 the gaming commission. But we thought that

1 somebody would have all this going on about
2 that. It didn't occur to anybody. Actually to
3 me, it's comforting that it went to the gaming
4 commission. Because, the more people know about
5 this, the better for me. I'm not -- at this
6 point now the entire council --

7 Q I didn't realize it went to the gaming
8 commission.

9 A P.A.F.'s go --

10 Q They went to the --

11 A Sure. Yeah.

12 Q Okay. All right. You know I got it from, I
13 think human resources. But I didn't realize
14 that you had sent it to the --

15 A Yeah. You know, all of them do. Because if we
16 hire somebody or promote them, they need to know
17 that the licensing matches up with the position.
18 So if we hire, you know, you and we put --
19 they got -- as a deal where they have to make
20 sure that you have the right license. It's just
21 a check.

22 Q Yeah. Well, I know there ones -- but I didn't
23 realize the one in particular for O'Neil went
24 there is what my --

25 A Oh, I don't know it either. I mean, I assume it

1 did. Because I think they all did, I mean.

2 MR. SAVOY:

3 So you're under the assumption that it
4 went to the gaming commission?

5 A Again, I didn't -- you know, I didn't think that
6 through. I wasn't thinking, you know, fill that
7 out because it's going to the gaming commission.
8 But we knew -- we knew that the P.A.F.s went to
9 the gaming commission. If it didn't go to the
10 gaming commission, that would be weird.

11 MR. SAVOY:

12 That was a normal procedure for a
13 normal hire?

14 A Did it not go to the gaming commission?

15 MR. SAVOY:

16 That's --

17 BY MR. WASHINGTON:

18 Q I don't know. That's why I say. I'll have to
19 find out.

20 A I assume it -- if it didn't, there is no --
21 there was no request on anybody's behalf that I
22 know about for that to be handled in any other
23 way. There's absolutely zero.

24 Q I mean, it could -- it's possible it did. That
25 maybe what generated, where the complaint

1 generated from or originated from.

2 A Yeah, yeah. As a matter of fact, I assumed
3 that. Now I assume that. At the time, I
4 thought, good, let them know. If they have any
5 question, this is a tribal council matter. I
6 didn't want to be involved in it. It's up to
7 them. But as many people at that point, like,
8 you know, the H.R. manager knew, the C.F.O.
9 knew, the -- my compliance director knew. The
10 entire tribal council knew. And the tribal
11 C.F.O. knew.

12 I mean, you know, a lot of people knew. It
13 wasn't, you know, from my perspective, the more
14 people who knew the better. I was happy. They
15 wanted to do it, fine.

16 I thought it was a little classless of him
17 to ask for it. But, you know, I can get myself
18 to, okay, he worked his three quarters of a
19 year. If they want to give it to him, that's
20 their business. I wasn't going to take a
21 position for it or against it. And I didn't.
22 Never at any point.

23 So we added him to the list for the
24 resolution which was December 17th. Again, I
25 have the email. I went back and looked at it

1 only because I knew this was all going on. But
2 I remembered very specifically Montie sending
3 the email saying, here's the list for the
4 resolution. In the body of the email says, you
5 know, it was to Patty, copied me, and O'Neil,
6 and the tribal secretary who does resolutions.
7 And it says, included on this -- included on
8 this new list is O'Neil's name as we discussed
9 on the phone or whatever. Something like that.

10 So, you know, there was no question, I mean,
11 it was -- and I remember opening it up. I did
12 open it up. I mean, I wasn't looking for that
13 the first time I saw that email. Because I
14 wasn't thinking this. But I did open it up. I
15 opened it up because I was looking for some
16 other things too. I was looking for my own
17 bonus because there had been some changes there.

18 I was looking to make sure just to give it
19 one check before we sent it to the -- to the --
20 and I saw his name there. It said, O'Neil
21 Darden five thousand-something dollars not yet
22 paid, or something like that.

23 Q Yeah.

24 A And I saw it there, closed it, great, Bonnie,
25 send it, go. That was December 17th. There was

1 a council meeting December 17th, I believe.
2 That was a Thursday. There was a meeting that
3 day. The answer to the resolution, we sent it
4 to them sometime during that day.

5 Now there would have been no reason for me
6 to think anything other than the resolution got
7 passed that night. They passed my bonus
8 resolution that night. We -- I've never had a
9 resolution get denied here since I've been here
10 for two and a half years, never, not one time.
11 I mean, you know, because we don't leave
12 resolutions up for unknowns. We agree on it
13 first. Then we put it on the resolution.

14 We don't want the open tribal council
15 meeting to be an argument over whether or not
16 we're going to pass this. So we usually agree.
17 This has never happened.

18 So there's a meeting that night, the 17th.
19 Maybe we should be tighter about this, but
20 nobody sends me back a note the next day saying
21 the resolution passed or the resolution didn't
22 pass. That's never happened. It doesn't work
23 that way. It's never worked that way since I've
24 been here. I don't know. Nobody's -- no one's
25 ever had to say that it did pass. It always

1 has. And nobody said that they didn't.

2 That's December 17th. Again, it doesn't
3 come into my mind again. It's just not -- a
4 non-issue. Christmas comes. Christmas goes.
5 January 1st -- the first week of January, I
6 think it was the 7th, I see an email from
7 O'Neil. It was sent to Montie, but I was copied
8 on it. It said, hey, please take my name off
9 the list. I'm -- I'm refusing to accept the
10 bonus or however he put it.

11 And at that point, I was, like, oh, well,
12 that's weird. You know, I'm wonder -- I wonder
13 what that's all about. I saw Montie that day.
14 I said, hey, did you see that email from O'Neil.
15 He said, yeah, I'll take it off. He says the
16 payroll got processed. He says, but I think I
17 can stop it. So I'll just void the transaction.
18 I said, okay. I wondered to myself, I wonder
19 what that's all about.

20 But at no time between the 17th and the 7th
21 did anybody -- did it come up. It came up with
22 him. I'd seen him. And we had a conversation
23 it was specifically -- well, this might have
24 been the same conversation when he told me that
25 they weren't going to pay up there. I said -- I

1 said, you know, this is -- the council's okay
2 with this, us paying it from here. A different
3 question. Council's okay with us paying it from
4 here. He said, yes.

5 I had a separate conversation with the vice-
6 chair, April Wyatt. I -- said that to me
7 specifically. I remember that specifically.
8 And we talked about it, you know, if she was
9 okay with me getting it. And how she felt about
10 it and how, you know, it shouldn't be paid from
11 up there and it should be paid down here. And
12 she was okay with it. Absolutely she was okay
13 with it. Nobody ever raised any red flag that
14 anybody was concerned with it.

15 I now know that a few people were concerned
16 about it. Nobody ever picked up the phone and
17 say, hey, wait a minute, think about this, ever
18 at any time.

19 I think you guys know the rest. January 7th
20 comes. I get that email. Montie tells me the
21 thing was in process. On Montie's report of
22 January -- the end of that week he sends me a --
23 as the C.F.O. he sends me a weekly report of
24 stuff that happened during the week. He has an
25 item in his weekly report to me that says

1 instructed payroll and H.R. to void the
2 transaction for O'Neil's bonus. And that's it.

3 I mean, it was still -- there was no
4 resolution to it then. I saw that, fine. I
5 never knew until the night you guys talked to
6 Montie that he had gotten it. I never knew he
7 got it until that night you guys were up in the
8 office.

9 Montie said to me, you know, I said, hey,
10 what's that all about. And he was, like, I, I,
11 I, I can't talk about it. And I was, like,
12 okay. I said did we do anything wrong? He was,
13 I, I, I, don't think so. He was very nervous.

14 Came back to me that same night and said,
15 did you know that O'Neil didn't pay his bonus
16 back yet? And I said, Montie, I didn't know
17 O'Neil got a bonus. I thought that we voided
18 the transaction. And he said, no. I tried to
19 void the transaction. But I wasn't able to. I
20 asked him to reimburse us. But he didn't
21 reimburse yet.

22 I said, you never told me that. He said,
23 no, I didn't see any reason to tell you that.
24 He just said he was going to give us the money
25 back. So I sent him an email and asked for the

1 money back. I said, okay, well, what are you
2 going to -- he said, I want to send him another
3 email and remind him that he has to pay us. I
4 said, okay. If there's -- let me know when you
5 get the check back. And that's pretty much it.

6 You know, I don't want to -- I can
7 characterize some things. I don't want to do a
8 whole lot of editorializing or speculating.
9 But, you know, looking back at it, you know,
10 there's a few things that I'm, you know, all
11 tweaked over.

12 I had conversations with the chairman
13 between December 17th and January 7th about his
14 bonus. I now believe that on December 17th when
15 they saw his name on it, somebody raised some
16 objection. I'm speculating about that. I
17 believe that's true.

18 He never shared with me the fact that
19 somebody raised an objection from December 17th
20 to this day. January 7th when I got this thing
21 from him saying, take my name off the list. I
22 was, like, I wonder what that's all about. And
23 that was it. I wasn't going to ask. I wasn't
24 going to ask -- say, hey, what. You know, he
25 just said, that's better off. The backlash --

1 isn't worth the backlash, something like that.

2 Okay.

3 He knew on December 17th that somebody
4 raised an objection. And he never -- I talked
5 to him about his bonus in the intervening time.
6 Because there was a question about not paying it
7 there, paying it here. He had the conversation
8 with April. He never said, you know, we were
9 going to vote on it and then we tabled it. Or
10 it never got voted on. Never -- he never said
11 that.

12 Patty Perry, who I find to be very careful
13 and cautious about these kind of things,
14 normally is very cautious. She knew about it.
15 She didn't raise any red flag. The vice-chair
16 didn't call me and say, hey, listen his name is
17 on the list. I don't think you should pay him.
18 Or wait, there's some question. Never. The
19 other councilors, nobody told me. My C.F.O.
20 knew. My compliance officer knew. You know --

21 Q What compliance officer?

22 A Tara, sorry.

23 Q Oh, okay.

24 A Yeah, yeah, yeah, yeah. So you know, to me, you
25 know, I was -- when I started to -- when I

1 started to, you know, hear about this thing and
2 I've spoken about it with, you know, primarily
3 with a couple of councilors really, who are very
4 upset. You know, they're just very upset that
5 the whole thing, you know, got to where it is.
6 You know, I -- I -- I started to put it all
7 together in my head. I was, like, oh, my God.

8 And it's really unfortunate. Because I've
9 been here two and a half years. I've dealt with
10 it. Other chairmen and, you know, a lot of the
11 way we deal with the council is built on -- on
12 trust. I mean, you tell me the council agreed,
13 you know, that has to be -- it has to mean
14 something in the way we operate here.

15 I can't go back and say, okay, well, hang on
16 let me go call the other four to make sure
17 you're telling me the truth. I mean, I didn't
18 expect it in a million years.

19 He's new. He hasn't been in government
20 before. He doesn't have any experience. He's
21 made a couple of other sloppy mistakes like this
22 that I felt were very uncomfortable for me.

23 There were a couple of other things that he
24 did that I was, like, whoa, dude, slow down,
25 man. Calm down, take it easy. You can't -- you

1 can't do that. You have to understand what your
2 -- you know, what your authority is and what
3 your authority isn't.

4 Q What do you mean by sloppy? Examples?

5 A Yeah, well, I give -- I give you one example.
6 You know, there's -- I'll give you two. H.R.
7 manager comes to me and says, so-and-so tribal
8 member doesn't qualify for her vacation pay, but
9 we're going to give it to her anyway.

10 I said, whoa, now why are we doing that?
11 Because you need to be careful about making
12 exceptions for tribal members. He said, well,
13 O'Neil called me and told me to pay her.

14 I go, Linda, listen. Nothing against
15 O'Neil. O'Neil can't call you and tell you to
16 pay her vacation pay. He can't do that. You
17 don't report to him. And we don't work that
18 way.

19 If the old chair wanted me to make an
20 exception for a tribal member, he would say,
21 hey, listen, do you mind do this -- a tribal
22 member. If it wasn't ridiculous we can build
23 consensus and we can say, yeah, sure, I can take
24 care of that personally. As long as it's
25 nothing crazy. That's normal. That's the way

1 you do it.

2 But, you know, and I say to him, O'Neil,
3 listen, you can't pick up the phone and call
4 people and tell them what to do. You don't
5 have, you know, you don't have that authority.
6 You're not in charge of the casino.

7 The other one was, you know, I don't know --
8 I'm reluctant to put this out there because --
9 because it's -- it's, you know, it settled
10 itself. And I don't want to widen, you know,
11 you guys and get going crazy.

12 But shortly after he was elected he had come
13 to me and he says, listen, you guys are going to
14 buy an S.U.V. You know about the S.U.V.?

15 Q No. I don't.

16 A I was hoping you knew about it. Not -- only
17 because I don't want to be the one -- I don't
18 mean to be tattling, and it worked out. But I
19 go, what S.U.V.'s. He says, I bought an S.U.V.
20 at the tribe. And I bought another S.U.V. I
21 bought two of them.

22 I said, what do you mean you bought two
23 S.U.V.'s? He said -- he said, well, I went to
24 two different dealers and I committed to two
25 different cars.

1 I said, well, tell one of them you changed
2 your mind. You know, you don't have to buy two
3 S.U.V.'s. Just tell one you changed your mind.
4 Oh, don't you need one anyway? O'Neil, yes, we
5 need one. I'd love to have a new S.U.V. But,
6 you know, it wasn't in the plan.

7 He goes, you have the money approved. I
8 said, I do have the money approved. But you
9 can't do that. You got to go ask the council.
10 You have to go ask the council if they're okay
11 with us getting a new S.U.V. And he did. He
12 did go ask the council. And I talked to the
13 council about it.

14 But this guy went and bought a \$55,000 car
15 without, you know, made a commitment to buy a
16 \$55,000 car without telling me or the council.
17 And I was, like, dude, slow down, you know, take
18 it easy, take it easy.

19 It wasn't a big deal. It worked its way out
20 and it's kind of a rookie mistake, you know. He
21 got ahead of himself. He didn't know what he
22 can do, what he couldn't do. I don't mean to
23 talk out of school.

24 But that's, you know, in the environment
25 that I live in, this is my third tribe. The

1 politics, they're excruciatingly difficult to
2 navigate. They're petty. They're
3 inexperienced. They're not sophisticated
4 people.

5 You know, the number of issues are a
6 million. And, you know, I got tribal members,
7 tribal issues, tribal council, eight hundred
8 employees, business, gaming commission. Yeah.
9 It's a lot of stuff.

10 And these guys are like bulls -- you know,
11 this guy, he gets all this authority -- he was
12 the director of catering five minutes ago. You
13 know, he's given all of this authority in one
14 day when he's elected. It's almost unreasonable
15 to think that he'd be -- he would know what to
16 do and how to conduct himself and, you know,
17 with any -- with any level of --

18 Q He knows how to read, huh? Because I mean,
19 that's, you know, if you're going to run for
20 office -- if I plan on running for school board
21 or something, I mean, the first thing you want
22 to do is try to read the rules and the laws
23 governing responsibilities of that position.

24 I mean, I'm not -- I mean, I agree with what
25 you're saying, but I mean, we all are adults. I

1 mean, I'm sure before you took the G.M. job
2 here, I'm sure you probably did a little
3 research. I know you had some experience --

4 A Oh, yeah.

5 Q -- in marketing and different -- but, yeah, I
6 mean, you got to --

7 A Yeah.

8 Q If you don't know, you need to find out, you
9 know.

10 A Yeah. No -- you know, I know, but it's, you
11 know, you can't imagine the director of catering
12 is not superly high sophisticated guy. I'm
13 going to go home and study. You know, he's not
14 going to go home and study.

15 And frankly, you know, there's -- there was
16 a high level of alienation between him and the
17 existing legal counsel. You know, he
18 immediately picked a fight with Bob and Guy.
19 Maybe not pick a fight. But his, you know, his,
20 you know, very, very strong agenda was to move
21 on from Bob and Guy to get -- and to get a new
22 gaming commission.

23 Which, again, I know this isn't really -- I
24 don't know if it's right or wrong. I don't mind
25 talking to you about this guy. I mind a little

1 bit that it's recorded. But you know, O'Neil,
2 slow down. You know, those guys are, you know,
3 you can complain about them. I complain about
4 them sometimes too. Sometimes they're a pain in
5 the butt. But, you know, they serve a purpose.

6 They, you know, they're -- they keep you out
7 of trouble. They're good guys to advise you.
8 They have a lot of respect. They know the
9 rules. Just slow, take it easy. Talk to those
10 guys. So don't alienate those guys. Do not
11 alienate them. And, of course, the first thing
12 he did, was alienate them.

13 Q I think a lot -- I think a lot of that stuff was
14 -- wasn't it initiated by the previous tribal --
15 the exit out was supposed to be a process. But
16 I don't know if O'Neil expedited the process.
17 But I think it had already --

18 A It was.

19 Q -- started in motion, if I'm not mistaken.

20 A It was. But the previous chairman was -- did
21 exactly what, you know, as I'm describing, he
22 was much more sensitive about it. He was
23 respectful of their contribution.

24 He said here, it's a three year contract, we
25 really want this to be your last three year

1 contract. And then after that, we can get into
2 some kind of transition. Those guys knew that.
3 And all O'Neil had to do was execute that plan
4 and it -- was initiated by the previous guy,
5 you're right.

6 But I think he wanted to, you know, he
7 wanted to put his stamp on it. I think he ran
8 on that promise. I think that was part of his
9 campaign platform. Hey, I'm gonna get rid of
10 these guys. You try to, you know, win some
11 friends and votes that way, maybe. I don't
12 know. I'm really speculating now. But that's
13 the -- you know, that's what I hear.

14 And so he wasn't going to just, you know,
15 quietly just let it unwind. He wanted to go and
16 say, you know, look, I'm the guy who beat Bob
17 and Guy.

18 Q Now you are -- not to get off the subject. But
19 we also had a issue with the concerns about the
20 bonus. I do understand there was some revisions
21 or amendments to your contract?

22 A Yeah.

23 Q And we kind of want to know what was the --
24 because I think -- how was O'Neil's -- what
25 involvement did O'Neil have in terms of being

1 the tribal council chairman?

2 A Almost none.

3 Q With those revisions?

4 A Almost none.

5 Q You said almost. So that implies he had some
6 involvement?

7 A I mean he was present at one conversation. I've
8 never had a conversation about my bonus with
9 O'Neil separately, privately, not one time, not
10 one. My contract, which you probably have a
11 copy of, you probably know how all this went
12 down.

13 Q Yes.

14 A You know by the number. I'm happy to lay this
15 case out for you guys if you want me to.
16 Because I don't want to be defensive about it.
17 I think it was absolutely the right thing to do.

18 My bonus entitled me to seventy-five percent
19 of my salary as a bonus. Our number was --
20 became excruciatingly close to me getting my
21 maximum bonus which is a hundred thousand. I
22 missed it by about two hundred thousand in the -
23 - with the operating profit which is the metric
24 that we used.

25 I made a case to the full council. Which I

1 thought that was a very, very good case that
2 they should see their way to make the exception
3 for the last two hundred thousand and pay the
4 full amount. I believe they agreed unanimously
5 and without question that that was the right
6 thing to do.

7 There was a number of things that I felt
8 that I made the better long-term decision for
9 the tribe for the short-term detriment of the
10 number. And I felt that that was -- I was doing
11 the right thing. And I didn't think that doing
12 the right thing -- I should regret doing the
13 right thing. Because I saw it coming.

14 There were a number of things. And this is
15 the case I laid out for them. For instance, the
16 gas station, the Trading Post. All right. The
17 Trading Post there is a tribal entity. We don't
18 own the -- we don't own the gas station. We
19 comp gas. We give players free gas at the gas
20 station. If we comp dinner at Mr. Lester's, we
21 don't pay the tribe tax. That's -- we'd be
22 paying tax to ourselves. It would be the casino
23 paying the restaurant tax. If you buy dinner at
24 Mr. Lester's for cash, you pay the tribe tax.

25 Which we already realized that. If you buy

1 dinner at Mr. Lester's it says tax, ten percent,
2 I think people assume it goes to the parish.
3 But it doesn't, it goes to the tribe. Some of
4 it goes to the parish.

5 The gas station is struggling. It's not
6 making any money. They're having a hard time
7 running it. We bought almost \$700,000 worth of
8 gas, the casino did. And we paid the tax. Now
9 I make an argument and I wanted to make an
10 argument. We shouldn't be paying that tax.

11 Just like we don't tax -- just like we don't
12 tax Mr. Lester's dinner. Why are we -- why are
13 you making the casino pay tax on the trading
14 post revenue? You shouldn't.

15 In addition, the six hundred and fifty,
16 seven hundred thousand dollars worth of gas that
17 the casino purchased from the Trading Post, we
18 paid a hundred percent profit on.

19 You would think that you get a discount or
20 buy it for cash. It wasn't, you know, it -- it
21 should have been a pass-through and it wasn't.

22 We left it that way because they were
23 struggling. They -- they were losing money.
24 The casino was doing very well. So, you know,
25 we tabled it. And we said we'll come back to

1 that. That dynamic alone would have gotten me
2 to the number. That by itself.

3 So I said, listen, you guys wanted me to
4 leave it that way. It's probably between
5 discounts and taxes, that was probably \$200,000.
6 You can't say that you missed your number by
7 \$200,000. Because, you know, then I have to
8 approach things like that in a different way and
9 say, no, no, no, I'm not paying your tax.

10 You know, and that -- that sort of bumps
11 into the way we normally work together. Of
12 course, the biggest item, there was two or three
13 other reasons why I thought they should give it
14 to me.

15 You know, the healthcare number was a
16 gigantic number. And I've said to every
17 employee at all employee meetings I've said it a
18 million times, we're glad that the healthcare
19 changed. The healthcare here was crappy. When
20 we ran our own healthcare programs, C.C.H.I.P.,
21 it was awful. People had to argue about getting
22 coverage and it wasn't very well run. And it
23 was losing money.

24 And the healthcare changes that we -- that
25 we had to make to comply with the new law,

1 improved the healthcare for employees by like a
2 lot, you know. People -- some of their premiums
3 went down, some of their co-pays went down. Not
4 all, but some of them went down. If they didn't
5 go down, it's because you chose. You had a
6 choice.

7 Way more things were covered. It was much,
8 much better. But it cost us \$600,000 more last
9 year. And I was involved in the decision to get
10 to the insurance that was \$600,000 more. I
11 remember the meeting. We can keep our self-
12 insurance and that'll be cheap for us. But
13 people's insurance will be crappy.

14 We can buy this crappy insurance. People
15 will be miserable. But it'll be three to four
16 hundred thousand dollars cheaper. Or we can get
17 this what we went with, the F.E.H.P., the
18 Federal Employees Health Plan. Which would be
19 nice.

20 We can get the Federal Employees Health Plan
21 as an Indian tribe. It will be better coverage
22 for people. It's a little more expensive, but
23 it's a big upgrade of what we have. That was
24 the most expensive option.

25 I voted for that option. Because I thought

1 it was the right thing to do. If we kept
2 C.C.H.I.P. going for another year, the tribe's
3 plan, the casino would have had to fund it. It
4 was losing money. It was a bad idea. They had
5 to get rid of C.C.H.I.P.

6 I could have very easily argued to keep it
7 for one more year. Hey, guys, let's just keep
8 it for one more. And at that meeting, I did the
9 number in my head, and I went, this is going to
10 cost me money.

11 But I knew it was -- I really felt, and I
12 still feel, that it was the right thing to do.
13 So I made the right -- to me, and this the
14 argument I made to the council, together we made
15 the right long-term decision for the tribe.
16 Hurt the casino by a couple hundred thousand.
17 That's okay. But don't tell me that it's going
18 to cost me the end of my bonus.

19 Add it to the gas, which is another several
20 hundred thousand, and add it to the construction
21 project, which I'm running. And I decided to
22 start the construction project in July with two
23 months left in the fiscal year so that we would
24 be done by Mardi Gras. You know, tomorrow is
25 Mardi Gras. We're not done. But the plan was

1 to start it in July so we could be done by Mardi
2 Gras.

3 I easily, easily, could have delayed the
4 beginning of the project until the year was over
5 so as to not disrupt my number and get my money.
6 It wouldn't have been the right decision because
7 we wouldn't have been done by Mardi Gras, but I
8 knew it was the right thing to do.

9 And again, I think all three of those
10 decisions I did the right thing. Made the case
11 to the tribe. Said this coming year, we have --
12 we have a lot of bad things happening with the --
13 -- I probably won't get any bonus this year at
14 all, zero. And I'm fine with that. But in this
15 case, and whether you're going to give me
16 seventy-five percent or whether you're going to
17 give me a hundred percent, I have a, you know, I
18 think I have a reasonable argument to make a
19 hundred percent. The four councilors agreed.

20 And the conversation we had about it, I
21 remember it, because obviously it was important
22 to me. The chairman didn't say a single word.
23 Not one word.

24 Toby, Toby Darden, the councilor, he did all
25 the talking. And he said what about this, what

1 about that. And he said, listen, let us talk
2 about it and we'll get back to you. I said to
3 them at that meeting, I remember -- this I
4 remember like it was yesterday. Because it was
5 more important to me.

6 I said to them, listen, whatever you guys
7 decide I accept. If you say no, I won't sulk.
8 We're going to continue working as we do. But,
9 you know, I think you should -- you know, I
10 appreciate you talking about it. And I think
11 you should see a way to do it. They said,
12 great.

13 We left that meeting. We went on a
14 construction tour. We had dinner. We had
15 another two hours together. All was good.

16 Later they told me that they -- that the
17 four of them agreed. I thanked them all
18 personally. Not the chairman, because he didn't
19 vote. He didn't have a vote. That was a 4-0
20 vote. That was a resolution passed by 4-0. He
21 had nothing -- I couldn't tell you whether he
22 supported that or not. I have no idea. I never
23 knew.

24 Q Yeah. That's what I wanted to ask you. Did --

25 A I didn't want to know. I have no idea whether

1 he was -- whether he supported that or not.

2 Q Was he for -- did he make himself known either
3 way to you personally?

4 A He was -- he was completely silent at that
5 meeting and to me personally.

6 MR. SAVOY:

7 And that meeting was here at your
8 office?

9 A It was. I mean, you know, the relationship I've
10 had with the board has been really very, very
11 good. We're on the same page. I hate to say it
12 this way, I didn't really care what he thought.
13 Because he was a chairman for July and August.
14 And, you know, for August and September we did --
15 -- we -- and just by way of me sharing this with
16 you guys. We had a spectacular year in the
17 casino. We made more money than we have at any
18 time since Amelia Belle opened in 2006.

19 We paid everybody a bonus. We funded the --
20 the -- we funded the renovation project. Tribal
21 distribution for the sixteen hundred tribal
22 members were the highest they've been in more
23 than ten years. Fourteen hundred people got
24 \$3,100. The year I got here, they got a
25 thousand.

1 Every other person got a bonus. We made six
2 million dollars more in this year than the year
3 I arrived. So I know -- it sounds like a lot of
4 money. It sounds like they took care of me. My
5 base salary is what I can make any place. For
6 me to deliver those kind of results of one -- I
7 had one year to make that. This year the
8 number's way to high. I'll never make the
9 number this year. I had one year to make it. I
10 told it to them that way.

11 I had one opportunity to make this number.
12 We performed outstanding results. We're sharing
13 the money with everybody. I'm not keeping it
14 all for myself. We're sharing it. Which has
15 never happened before. I think you should give
16 it to me. And they all agreed.

17 Q Okay. Who are -- who are some of the --
18 whenever there's an adjustment or amendment to
19 your -- your contract, who is that? Is that the
20 tribe?

21 A That's just the council, yeah.

22 Q Or is that the --

23 A That's just the tribal council, yeah. I mean,
24 if there's a legal -- if there's a legal
25 interpretation, you know, Bob and Guy did my

1 contract.

2 Q Okay.

3 A So they've made, you know, they've been
4 involved. But this wasn't that. This was the
5 language in the contract was clear. If we took
6 the letter of the contract, I was entitled to
7 seventy-five percent. So that was just a, hey,
8 guys, I think you should -- I think you should
9 do this for me. It was about \$80,000
10 difference. \$82,000, I think, something like
11 that.

12 Q You got anything?

13 MR. SAVOY:

14 The P.A.F., you authorized the P.A.F.
15 to active --

16 A I don't -- I don't think I ever saw it. I don't
17 think I ever saw it. I don't remember. I may
18 have signed it. I may not have. You probably
19 know that. I don't remember. But, yeah, I
20 mean, I, you know, we agreed that's the way we
21 would do it. I'm responsible for that, sure. I
22 mean, I set that in motion. I don't, you know,
23 somebody else signed it. It was clear that that
24 was what we agreed to do.

25 You got to remember, when I did that, I was

1 under the impression, obviously now, I wish I
2 had spoken to her separately. We thought we
3 were going to pay it from off the tribe. Patty
4 instructed us to pay it from here.

5 She instructed us to pay it from here. She
6 didn't say, I'm not touching that, you guys do
7 whatever you want. She said, no, we're not
8 paying it from here. Well, she shouldn't have
9 said --

10 MR. SAVOY:

11 Patty has the authority to -- for y'all

12 --

13 A No. She doesn't. And I shouldn't say it that
14 way. Actually, I'm misrepresenting that. This
15 is what Montie told me that Patty said. So
16 Patty never told me that directly. She doesn't
17 have the authority. But, you know, she doesn't
18 have direct authority that I know of. I don't
19 even know the answer to that question at
20 present, to tell you the truth.

21 But, you know, again, in this environment,
22 Patty's a C.F.O. She's meticulously careful.
23 She's not, you know, she's, like, kind of like
24 weirdly careful. She's very -- she's very, you
25 know, she's very careful. She's not reckless in

1 anyway.

2 I would a hundred times out of a hundred
3 take her, you know, take her direction at face-
4 value. I wouldn't question it and say she said
5 that is -- you know, she'd know way more about
6 that than me whether that was an ordinance or a
7 -- she would know way more about that than I
8 would.

9 Q So you basically -- do you remember what -- did
10 you send any emails over to get that P.F. --
11 P.A.F. in motion to human resources? Do you
12 remember?

13 A I don't know. I can check for you.

14 Q Did you contact anybody directly? Or --

15 A You know, I'll check. I don't think so. But,
16 you know, when the three of us -- it was Montie,
17 Tara, and I, we were there and said, this is how
18 we're going to do it. I doubt it, because -- I
19 may have spoken to Linda about it separately.
20 I'm not sure. Or if I didn't speak to Linda,
21 maybe Montie spoke to Linda. I don't really
22 remember specifically. But we agreed.

23 So we agreed we were going to do it this way
24 -- do it this way.

25 Q Okay.

1 A That's what happened. If we did anything hardly
2 wrong, I hope not. It certainly intended to do
3 -- to be anything wrong. It was transparent as
4 we thought it was -- it was appropriate. And
5 that's exactly how it happened.

6 Q Well, we had a -- I was under different
7 impression. Cause I know Montie, he felt that
8 you -- I mean, he was kind of directed by you to
9 do what he did on the accounting side in terms
10 of --

11 A Well, yeah.

12 Q -- right. So you take that responsibility?

13 A Oh, sure, sure.

14 Q And I think Linda and Jolinda -- I mean, I'm
15 sure Montie had some -- some influence. But
16 they also felt that you directed the --

17 A Sure, absolutely. You know, absolutely. And I
18 think I said that. But, you know, Montie -- not
19 over anybody's objection. So I'm not -- he's
20 the C.F.O. Tara's the compliance officer. I
21 would expect the H.R. manager to object if she
22 had an objection, but less so. I don't expect
23 her to do that.

24 You know, it's not as though he said, this
25 is a bad idea, you shouldn't do it. And I said

1 do it anyway. He agreed this was the -- this
2 was the way to do it. I mean, it was -- it was
3 a discussion. It wasn't me going in and saying,
4 hey, you do this P.A.F. We discussed it.

5 Q But it was your idea to P.A.F. O'Neil?

6 A Nope. I don't believe so. When we got word --
7 when I got word from Montie that the tribe
8 wouldn't pay it, I said, well, how do we pay it.
9 Again, I don't, you know, I don't know how you
10 characterize an idea. But Montie said, there
11 are only a couple of ways you can pay it.

12 This is how the conversation went, now that
13 you say it that way. There's only a couple of
14 ways you can pay it. You can just cut him a
15 check by -- you can cut him an accounts payable
16 check. Or you can put him back in --

17 Q And Tara objected to that?

18 A Right. Exactly. You can put him -- you can put
19 him back in the payroll system. And I don't
20 know if that's an idea, but I believe it was
21 Tara who said, that's the way you have to do it.
22 You have -- it has to be a payroll check. You
23 have to do a P.A.F. You know, that's not
24 direction. Because it's still up to me. But
25 based on that conversation, that's how that

1 happened.

2 Q Did Tara get that information from a third
3 source?

4 A No, no.

5 Q Or -- you --

6 A That was all on the spot.

7 Q Because I know -- how was Linda? Was Linda
8 involved --

9 A No.

10 Q -- or giving her opinion about how?

11 A No.

12 Q Or you're not aware? You're not sure if Tara --

13 A Not to me. It was just the three of us in that
14 room. We had that conversation, Tara, Montie,
15 and myself.

16 Q But you don't know if Tara had previously spoken
17 to Linda?

18 A I'm sure she hadn't because it had just -- she
19 wouldn't have had the opportunity to previously
20 talk to her. She wouldn't have. She was just
21 finding out at that time that this -- that the
22 tribe wasn't going to pay and we were seeking an
23 alternative way of paying it.

24 Q Okay.

25 A You think we did something -- you think that was

1 -- obviously -- I mean, I don't know. I'm not
2 going to ask you the questions. You can ask me
3 the questions.

4 Q Well, I mean, you're telling me one thing. But,
5 you know, we're getting conflicting information.
6 I'm not -- I'm not saying you're wrong about
7 what you're saying. I mean, you're -- it's your
8 perspective that's your reality, then we -- I
9 mean, we -- but we -- and you're saying you're
10 operating under the umbrella that O'Neil
11 basically, I guess, misguided you. Or didn't
12 completely disclose, I guess, the truth in terms
13 of whether or not the tribe approved. Is that
14 what you're saying, or disapprove?

15 A It is. You know, in the experience that I had
16 with O'Neil, you know, I mean, I'm furious.
17 Because I think he misled me. He plainly misled
18 me. I'm not sure in his own head that he
19 didn't either think he had approval somehow. Or
20 thought that he would gain approval.

21 You know, it's evidence in the truck story.
22 It's like, you know, you can't, you know, go,
23 you know, you ask -- you know, get answers and
24 ask questions later. I mean, that's not why I
25 tell you that story, it's just different. But I

1 don't know. I mean, I'm not -- I'm not taking
2 up for the guy. Because I think he did a -- I
3 think he was really stupid and I'm furious that
4 he knew that an objection was raised and he
5 didn't tell me.

6 But everything I did, I did under the
7 assumption that the tribal council approved it.
8 Because he told me that the tribal council
9 approved it, repeatedly. And in -- in specific
10 ways. Conversation with April. The, hey,
11 O'Neil, we can't pay it this way. We have to
12 pay it that way. Yes, no problem.

13 At that time, he knew there was a problem.
14 He knew at that point that there was a problem.
15 And he said no problem, pay it. That's when he
16 should have said, no we're not going to pay it
17 from up there. We need to have a little more
18 discussion about it. Let me get back to you.
19 That's all he had to say. He did not say that
20 to anybody.

21 Neither did anybody else, unfortunately.
22 Nobody called and said, hey, guys, like, we're
23 talking about this. You know, so just -- I
24 thought the resolution passed on December 17th.
25 I had no reason not to think that. No reason

1 not to think that.

2 Q Okay. So once the resolution -- was it voted
3 on? It was just verbal?

4 A No, no. The resolution gets voted on formally.

5 Q On 7th, I believe, huh?

6 A It ended up getting passed on the 7th.

7 Q 7th, right.

8 A Right, right. But, you know, I -- I -- I didn't
9 know that the resolution wasn't voted on on the
10 17th until the 7th. I assumed the resolution
11 got passed on the 17th. I had no reason not to
12 think that it got approved on 7th. I didn't ask
13 specifically, but I wouldn't have.

14 At that -- at that point, I only thought it
15 was a question of how he was going to get paid,
16 not whether he was going to get paid.

17 And, again, once the council -- you know,
18 once I knew the council approved it, I felt, you
19 know, that, you know, I didn't hesitate at all
20 on the method of payment on the, you know, on
21 the -- whether or not he was entitled to it.
22 And that's what I wanted. I wanted to say, hey,
23 listen guys, it's up to you. Don't ask me. And
24 I'm not, you know -- at some point, I felt,
25 like, okay, yeah -- yeah, there's no doubt. At

1 some point, he was asking for it. Hey, where's
2 my money? Hey, where's my money? Hey where's
3 my money? I mean, he did that a couple of
4 times.

5 Again, looking back, I was, like, you know,
6 if the council approved it and they voted on it,
7 I didn't know whether they voted on it or not.
8 I assumed they did. But if they approved it and
9 he knew he was getting, it didn't seem weird to
10 me that he was asking for his money. Didn't.
11 You know, they approved it. He wants his money.
12 Okay.

13 Q Did you see anything wrong with the approval?
14 The council's alleged approval at the time? Or
15 you, I mean, first of all, he's not an employee.
16 We know that for certain. So you didn't see
17 anything wrong? Or you weren't aware of the
18 policies? Or --

19 A Well, I don't know that there -- I don't know
20 that there is a specific policy that forbids
21 that. So I didn't think so. So, you know, the
22 ordinance says, as I understand it, is that you
23 can't be an employee. You can't hire somebody
24 as an employee. I'm not a lawyer. And I don't
25 represent it any way other than my impression.

1 It says, you may not be an employee. We weren't
2 hiring him. We didn't make him an employee. We
3 didn't put him on the payroll.

4 Q Well, technically, you made him an employee. I
5 mean, I know you may not have been aware of the
6 result -- end result of what you were doing.
7 But technically he was made -- and that's the
8 only way he could get paid.

9 A Could get paid.

10 Q Was reactivated in the system.

11 A Sure. Sure. I see that. But, you know, the
12 intent of that was clear. It was not to make
13 him an employee, not to put him on the payroll.
14 But it was to execute a transaction that would
15 pay him money that was felt he had earned.

16 I could make room in my head for that
17 argument. I mean, honest, did I like it? Did I
18 think -- did I think he was great guy for asking
19 for the money? Did I say, hey, great idea,
20 let's go? No. But it wasn't up to me. And I
21 didn't want it to be up to me. And I didn't
22 want to advocate for it. I didn't want to not
23 advocate for it.

24 You just -- you make that argument, hey,
25 listen, I worked three quarters of the year.

1 Everybody else is getting their bonus. I earned
2 it. It's kind of like vacation time. It's in
3 my bucket. You guys accrued for it. It's on
4 your books. It was on our books. And cost us
5 more money. It was accrued for.

6 Okay. They want to do it. I get that
7 argument. There's room in my head for that
8 argument. I don't know that I would make it if,
9 you know. It would have been big of the new
10 chairman to not make that argument. But having
11 made it, it's not crazy. And if they agree, you
12 know, I wasn't going to -- I wasn't going to,
13 you know, pound the desk and make an argument
14 against it.

15 Q Did you feel some sense of obligation to give
16 the chairman a bonus since you before --
17 beforehand received a substantial bonus and the
18 chairman didn't object to in any way? I mean,
19 he didn't --

20 A No.

21 Q -- he may not have voiced his support but he
22 didn't verbally denounce it or reject the idea
23 of you getting a bonus. So did you feel in any
24 way obligated?

25 A No. Of course not. I mean, you know, obviously

1 I understand how, you know, the timing of that
2 and how you ask that question, Mike. But of
3 course not. I mean there was four members of
4 the board. He didn't even have a vote in that.
5 It's not as though, you know, it was, you know,
6 he had to break a tie or he had to convince
7 people. He didn't convince anybody.

8 I convinced them and I knew it. And there's
9 no question in my mind that those four people
10 were in agreement with me and were -- were --
11 were supportive of giving me that bonus.
12 There's -- there's no question on it, zero.

13 I sent each of them an email. I thanked
14 them personally. I saw them at the employee of
15 the year dinner. I thanked them personally in
16 an email, they responded to my email by saying
17 you deserve it, great job, keep up the good
18 work. It never crossed my mind.

19 Q Do you have any of those emails? Or --

20 A Yes, sir. Sure. Sure. Absolutely.

21 Q Do you have any other emails confirming where
22 you said O'Neil kind of gave you the wrong
23 information or misled you to believe that the
24 council supported anything? Or was it all
25 verbal?

1 A I mean, I, you know, I don't -- nothing that I
2 saw. I went back and looked, but, you know,
3 O'Neil didn't send me an email saying, hey, the
4 council approved my email -- my bonus. As it
5 turns out, they didn't.

6 Q Okay. I need to check my list to make sure we
7 covered everything. Preston, I don't know if
8 you have anything else?

9 MR. SAVOY:

10 Did you tell O'Neil you was going to
11 give him a prorated bonus for the nine
12 months that he worked here, and you felt
13 that he deserved a bonus? And he's still a
14 tribe -- he still works for the tribe. And
15 you were going to give him a bonus for -- a
16 prorated bonus for the time that he worked
17 at the casino?

18 A What do you mean, did I -- did I tell him that I
19 thought he deserved it? Absolutely not. I
20 didn't want to tell him that. I didn't want to
21 -- I didn't want to be in a position of
22 advocacy. I didn't want to advocate for it. I
23 didn't want to say, listen, you should get it.
24 I can see that. It's up to you. I mean, you
25 earned it. It's -- it's -- the only thing I

1 ever said to O'Neil about the bonus was, it's up
2 to the council. It's up to the council. If
3 they want to give it to you, they can give it
4 you. I wasn't going to do that. I see that
5 trap very, very clearly. I mean, you know --

6 MR. SAVOY:

7 But you received your bonus. Your
8 money was deposited -- transferred into your
9 account on -- on December 22nd. You went on
10 vacation and you came back. And then
11 O'Neil's P.A.F. was generated. That's in
12 payment in return for you getting your
13 bonus? I'm going to pay O'Neil back his
14 bonus. I'm going to give him his prorated
15 bonus. Because I got mine and he didn't
16 fight against mine --

17 A I could see how that time line lines up that
18 way, guys, but it was bonus time. Everybody was
19 getting their bonus. That is -- that is the
20 fact that he got his bonus when he got it was a
21 matter of happenstance. If Patty Perry -- the
22 day that we called Patty Perry and said, hey,
23 give O'Neil his bonus, if she had said, okay, he
24 would have gotten it then.

25 Q So you're saying flat out you and O'Neil didn't

1 have a private conversation or other
2 conversation or whomever that you were going to
3 take care of each other for y'all's bonuses?

4 A Connecting those two things -- listen, I flatly
5 deny that. It absolutely never happened. Never
6 occurred, any time was there any discussion of
7 his bonus and my bonus.

8 Now, I understand that's the, you know, was
9 there some quid pro quo here. Absolutely not.
10 I would love to -- whatever I can do to
11 demonstrate that, I don't know what it is, is --
12 and I hope that the way that I handled the bonus
13 and the number of people that I told and the
14 timing of it. You can see that they weren't
15 connected in any way.

16 And you could also see that the council did
17 not rely at all on O'Neil's opinion on whether
18 or not to give me that bonus. He wasn't
19 chairman for most of the year. He had nothing
20 to do with it. He had nothing to do it. They
21 didn't hesitate. They voted 4-0 to give me that
22 money. I knew that. I knew they voted 4-0. I
23 had a copy of the resolution. I have no reason
24 afterwards to reward him for something that he
25 had no part in. He had zero part in it.

1 Those guys are independent. I have a
2 tremendous amount of respect for all four of
3 them. For me to think that he would influence
4 them to vote that way so that I can get more
5 money when I had a very good case for anyway and
6 that they believed would be ridiculous.

7 I mean, I would risk my life and my career
8 to give this guy a couple of thousand bucks for
9 money that I was going to get anyway?

10 A His wife also -- Tessa also worked for the tribe
11 during that same -- for the casino during that
12 same time. Was there any conversation about her
13 getting hers?

14 A No. There wasn't. Uh-uh (negative response).
15 Not with me.

16 Q Okay.

17 A Listen, guys, I get it. I totally get it. I
18 got the timing of it. I got the, you know, the
19 sloppiness of some of the, you know, the way
20 that we do things there. I'm telling you
21 exactly the way that it happened.

22 Q Okay. We're still -- we're going to confirm
23 some of this. Preston, you got anything else
24 before we --

25 MR. SAVOY:

1 Just that evidently -- just
2 investigation and this interview is
3 confidential. Evidently some of that
4 stuff's done got up already. Because
5 everybody's interview. We tell them it is
6 confidential. But evidently it's still
7 being discussed. But again, it is a
8 confidential investigation. As well as this
9 interview. And that's all I have.

10 A I generally, let me just say something to that,
11 Preston, and I'll leave you guys. People on my
12 team that have been investigated that have been
13 questioned and I know of they've been
14 questioned. I tell them, you've been instructed
15 not to talk about it. Don't talk about it.
16 Don't talk to me about it.

17 The only thing I've ever said to any of them
18 is whenever anybody asks you a question, give
19 them exactly the truth. Because that's what I'm
20 going to do and I don't believe we did anything
21 wrong.

22 So that's -- there really isn't a lot of
23 discussion among the team. They're nervous and
24 the team is very upset about this. This is a
25 tremendous distraction here right now, guys.

1 Because everybody knows about it. Everybody's
2 afraid to talk about it. We have a lot of stuff
3 going on. And it is tremendously distracting.

4 Now I talked about it with tribal councilors
5 in general terms. You know, and with -- to some
6 a little more detailed than others.

7 But we brought it up at the tribal council
8 meeting the other day. Not details, not what
9 happened, what did we say, who said that or who
10 said that. Just that this is a huge distraction
11 for the company. It is a serious problem right
12 now. And we have to move beyond it.

13 I understand you guys are doing what you got
14 to do, no problem with that. I even see how,
15 you know, I -- I'm almost standing on my head
16 and saw the timing of it, I was, like, oh, jeez,
17 they're not going to tie those two together,
18 that's crazy. But I can see how you would. And
19 how you have to ask about it. I get that a
20 hundred percent. But I'm telling you exactly
21 how it happened and --

22 BY MR. WASHINGTON:

23 Q Okay. Well, the investigation is ongoing. So
24 we appreciate you coming in, Mr. Patrone, and
25 talking to us. You kind of put -- you

1 enlightened us in some regards. But what we'll
2 do, we'll look at the -- all of the evidence and
3 go back and replay some of the tapes and match
4 up the stories to see --

5 A I understand.

6 Q -- where the truth lies. So we'll be fair to --
7 to your statement and all the statements and all
8 the evidence that we have compiled. And we'll
9 try to render a just verdict is all I can tell
10 you. But -- but I do -- we will do a little bit
11 more research in terms of some things you
12 raised, issues you raised.

13 A I hope that you do. And if you -- you know, if
14 there's more information you need from me, need
15 to talk again, you have a question for me.
16 Obviously, you have -- I know you have my cell
17 phone. I don't know if you have it in your
18 phone.

19 Please call me. Ask me anytime. I might --
20 my objective here is to -- is to have you guys
21 know exactly what happened and get to the bottom
22 of this and get this behind us as soon as
23 possible.

24 Q Okay. But I would say -- we can't promise.
25 Some people probably will be charged, you know.

1 So I just want you to know that and I'm just --
2 I'm letting you know it is a serious --

3 A Can I ask you what -- can I ask you what you
4 would charge? I mean, can I ask that?

5 MR. SAVOY:

6 We're still looking at the charges.

7 BY MR. WASHINGTON:

8 Q What we're looking at -- I'm not say you in
9 particular or -- I'm just saying, I'm sure the
10 possibility exists for some persons along the
11 way. But we take everything into consideration.
12 I mean, so, we're not going to charge you for
13 something we have doubt about. We have to be
14 certain that, you know what I'm saying.

15 A Sure.

16 Q That you -- that we -- that all the parties have
17 acted in good faith. Or if we can't -- because
18 there's certain elements of a crime. We don't
19 just charge people based on speculation or based
20 on prejudice. We got to make sure it meets a
21 criteria for -- to be classified as a crime.
22 Like intent, criminal intent, motive, that type
23 of thing.

24 A Uh-huh (affirmative response).

25 Q So -- but -- so -- but we'll get to the bottom.

1 We're wrapping it up. So if we have any more
2 questions or anything, we'll give you a call.

3 A I hope I was helpful to you guys.

4 MR. SAVOY:

5 Sure.

6 Q Yes, sir. But we appreciate you taking time out
7 your busy schedule.

8 A Any time.

9 Q Okay, Mr. Patrone.

10 A Thanks, Mike.

11 Q We'll go ahead and end this conversation and
12 interview, February 8, 2016. It's 3 p.m.

13 (AUDIO CONCLUDED)

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CERTIFICATE

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I, [REDACTED], Certified Court Reporter in and for the State of Louisiana, do hereby certify the transcript of the digital audio recording purported to be the statement of ANTHONY PATRONE as conducted by Mr. Mike Washington, on the 8th day of February, 2016, as hereinbefore set forth in the foregoing 73 pages, was prepared and transcribed by me or under my personal supervision, and is true and correct to the best of my ability and understanding; that I was not present during the recording of the purported statement and therefore cannot verify the identity of the participants in said proceeding; that I am not related to counsel, I am in no manner associated with counsel for or any of the interested parties to this matter, and I am in no way concerned with the outcome thereof.

This 19th day of December, 2016, Lafayette, Louisiana.

[REDACTED]

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