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The recorded meeting of PATTY PERRY

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:

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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 PATTY PERRY:

2 BY MR. WASHINGTON:

3 Q Okay. Today's date is January 22nd, 2016, it's  
4 10:44 a.m. My name is Trooper Mike Washington  
5 with the Louisiana State Police. And we have  
6 here Sergeant Preston Savoy who'll be sitting in  
7 and participating with this interview. With,  
8 what's your title? Chief Financial Officer  
9 Patty Perry? Am I correct, Ms. Perry?

10 A Yes, sir.

11 Q We will begin the interview. Ms. Perry, like I  
12 stated we're investigating a criminal --  
13 criminal -- well, we have a criminal  
14 investigation. We received a complaint from --  
15 actually from -- I don't know if it was worded  
16 in the form of a complaint, but we -- we  
17 received complaints from the gaming commission  
18 of crimes and things that occurred here,  
19 violations, at the casino. That's part of our  
20 regulatory function here.

21 From my understanding a complaint may have  
22 originated from either a tribal council member  
23 whether directly or indirectly. I'm not too  
24 clear with that. But the complaint from the  
25 commission was brought to our office. And it's

1 in reference to some -- and your name came up as  
2 a witness to some possibly moneys that were  
3 potentially paid out as bonus to O'Neil Darden  
4 who was the active chairman.

5 And we wanted to get your take on your  
6 interaction with whatever resolutions were  
7 brought to you or -- or things that you -- you  
8 may have approved, or saw, or witnessed, or  
9 heard, or whatever. Are you familiar with that  
10 situation?

11 A Yes, sir.

12 Q Okay. So what is your involvement?

13 A I don't remember all the sequence of events.  
14 But this is what I can tell you is I received a  
15 phone call from Montie Spivey.

16 Q Let me stop you for a minute. Just hold on. I  
17 need to make this clear, because it came up in  
18 some of the previous interviews.

19 We do not work for the tribal council. We  
20 do not work for Bob, the gaming commission, or  
21 Bob, or Guy, or anyone. We are not directly or  
22 indirectly influenced by them in any way. We  
23 work for the Louisiana State Police.

24 So we make independent decisions on whether  
25 or not this case -- how this case is handled in

1 terms of whether or not people will be charged  
2 with a crime or not charged with a crime.

3 So I just want you to know there's no  
4 external influence. We conduct an independent  
5 investigation. We may use resources. They'll  
6 help facilitate us obtaining certain information  
7 that we need and request.

8 But I just want you to know that we don't  
9 work for anybody here.

10 A Okay.

11 Q I can -- I mean, they can transfer me tomorrow  
12 and I'll be in somewhere else, in detectives, or  
13 on the road, or doing something. And I say that  
14 because some people are -- I don't know, they,  
15 you know, they're intimidated or they -- I mean,  
16 I don't know if people are being pressured or  
17 fear that they may, you know, I don't know,  
18 being intimidated. If anything -- any of that's  
19 going on, I would hope that you would let us  
20 know.

21 Because -- I mean, I just want to be honest.  
22 So we ask that you be honest and just tell us  
23 the truth. And so we can ahead and continue  
24 where you are.

25 A No. I don't feel intimidated. But, you know,

1           it's still nerve racking.

2       Q     Okay. Well, I just want to -- I mean, I hope  
3           we're clear -- you understand where I'm coming  
4           from?

5       A     Yes.

6       Q     Yes. Yes. So, I mean, feel free to tell us.  
7           It's confidential. We don't have to report  
8           anything to them.

9       A     Okay.

10      Q     Is all I'm telling you. We don't have to report  
11           anything to them.

12                   MR. SAVOY:

13                   Yeah. And another thing is just with  
14                   names, just give us the full name so we  
15                   don't have -- with conflict in first names  
16                   or last names.

17      A     Okay.

18                   MR. SAVOY:

19                   And if you'll just start from Day 1,  
20                   the date, if you can remember or  
21                   approximate. I'm sure you may have emails  
22                   or something of that nature --

23      A     I know this -- it started in December. But I  
24           have -- I don't remember what dates.

25                   MR. SAVOY:

1 I mean, that's fine.

2 BY MR. WASHINGTON:

3 Q Okay. Mid-December, right before mid-December,  
4 before Christmas, after Christmas. Or if you  
5 can --

6 A Probably around mid-December.

7 Q Okay. That's good.

8 A And like I said, I don't remember the -- the  
9 sequence of events. But I'll start with the  
10 phone call from Montie Spivey.

11 Q Okay.

12 A He called me asking if the tribe could issue a  
13 paycheck to the chairman, O'Neil Darden, for a  
14 bonus. He said they -- they couldn't do it in  
15 their system because they'd have to -- he's  
16 already been terminated in their system and they  
17 would have to reopen all of that.

18 So I told him that I wasn't sure. But I'd  
19 have to check into it. I don't remember if I  
20 told him anything other than that. I just don't  
21 remember.

22 I believe at the time I was in Nikina  
23 Vilkin's office and she's actually the finance  
24 director who would have had to cut the check if  
25 we were instructed to do so.

1           So I mentioned it to her because I didn't  
2           know when or if they would call me back. And I  
3           was going to be going on vacation. So -- and  
4           she'd have had to been the one to take care of  
5           it. So I told her about the conversation with  
6           Montie. And after that, I called the auditors.  
7           I spoke to --

8           Q     You said you -- excuse, me. What was that name  
9           again?

10          A     Nikina Vilkin. She's the finance director.

11          Q     Okay.

12                   MR. SAVOY:

13                           How do you spell the last name?

14          A     V-I-L-C-A-N.

15           BY MR. WASHINGTON:

16          Q     C-A-N. Okay. Just a moment ma'am, let me see.  
17           I didn't see her name on the list. Nikina. Is  
18           that the same as Nikina Davis?

19          A     Oh, yeah, yeah. It is.

20          Q     Okay.

21          A     I'm sorry. That's her married name.

22          Q     Okay. I gotcha.

23          A     So that's Nikina Davis.

24          Q     Okay.

25          A     Okay. So I did contact the auditors. I spoke

1 to Heidi Hobkirk with McGladrey. And told her  
2 the situation and asked her if that was okay if  
3 we did that. From -- mostly from an accounting  
4 standpoint.

5 Q Okay.

6 A Okay. I don't remember if I contacted Montie  
7 back to let him know about my conversation with  
8 them or not. But after I talked to Nikina, I  
9 went to April Wyatt's office, as the vice  
10 chairman.

11 She -- and I asked her if she was familiar  
12 with that at all. And at the time, she told me  
13 no. But that she wasn't in favor of it. And I  
14 said, well, I'm not doing it without council  
15 approval. So --

16 Q Is that something you guys have done in the  
17 past?

18 A What?

19 Q Given someone in O'Neil's shoes a raise --

20 A In this particular --

21 Q Yeah. It's in that case.

22 A No.

23 Q Okay. You've never heard of that being done?

24 A No.

25 Q Okay.

1 A No, no. And it was unusual enough that I was  
2 not doing it without written approval from the  
3 council.

4 Q Now you felt you didn't have the legal grounds  
5 to do it? Or -- is that what -- cause I know  
6 you guys are governed by --

7 A I don't know about legal grounds, but I didn't  
8 have the authority --

9 Q Or ethical --

10 A -- to do that without council approval.

11 Q Okay.

12 A Because it's an unusual transaction involving  
13 the chairman. So I wasn't comfortable with it  
14 and I wasn't going to do it --

15 Q So did Montie send you an email?

16 A Montie sent me three emails regarding the  
17 bonuses, but it was because I had asked for the  
18 list of the -- who received the bonus amounts.  
19 Because the original resolution approving their  
20 budget requires that they get prior written  
21 approval before any checks are issued. They  
22 have to have prior written approval from the  
23 tribal council. And usually we do that by  
24 resolution.

25 Q Meaning you guys, are convened and then you'll

1 receive a resolution and vote on it together?

2 A The council does, yeah.

3 Q The council. Okay.

4 A Uh-huh (affirmative response).

5 Q Okay.

6 A Yeah. So -- I forget where I was. So I talked  
7 to April but -- and that was that conversation.  
8 So she was aware of what they were asking me.  
9 You know, just to -- and long story short on  
10 that part of it. It's -- he never did contact  
11 me back about cutting a check; okay?

12 Q Uh-huh (affirmative response). Why do you  
13 think?

14 A I don't know. I don't know. Now when -- at  
15 some point, I was here at the casino with the  
16 chairman. And he told me that the council had  
17 authorized increasing --

18 Q You're saying Montie told you?

19 A No. The chairman.

20 Q Okay. O'Neil Darden?

21 A O'Neil Darden, yeah. Sorry.

22 Q Okay.

23 A Told me that the council had authorized paying  
24 Anthony Patrone a hundred percent of his bonus.  
25 Even though that's wasn't what he had earned

1 according to the contract.

2 Q This is what O'Neil contacted you with?

3 A Well, we were -- he and I -- he and I were here.

4 Q Okay.

5 A I don't remember what we were doing that day.

6 If we were just touring the changes, the  
7 construction, or what. But we were walking  
8 around.

9 Q And what date was this approximately?

10 A I don't remember. It was in December some time.

11 Q Was that before the Montie deal? Or after?

12 A I mean, I can -- I could tell you because I  
13 contacted Guy after that conversation.

14 Q Okay.

15 A But, I mean, I don't, I mean, if we had records,  
16 I could tell you. But I didn't.

17 Q Yeah. You're -- okay. That's fine.

18 A I did contact --

19 Q You -- you can continue to explain.

20 A All right. I did contact -- well, so he had  
21 told me that and he wanted to know what we had  
22 to do to make that happen. So I said, well, I  
23 wasn't really sure. I needed to look at the  
24 contract and see what to do.

25 Q So O'Neil approach -- said he approached you and

1           said, that he wanted to draft a resolution.

2    A       No.

3    Q       Oh, okay.

4    A       He told me that the council authorized.

5    Q       Okay.

6    A       This would have been in an informal meeting.

7    Q       Oh, okay.  So it was not.  Okay.  Informal.

8    A       Informal.

9    Q       Okay.  Authorize an increase --

10   A       Increase for Anthony Patrone.

11   Q       To a hundred -- to include --

12   A       I think he had earned the seventy-five percent  
13           of his salary.  But they wanted to give --

14   Q       Wanted to give him a hundred percent of his  
15           salary.

16   A       -- percent, yeah.

17   Q       Did he say why?

18   A       No.

19   Q       He -- did he say what members authorized it?  Or  
20           just a particular --

21   A       No.  He just said that the council -- the tribal  
22           council was okay with that.  They wanted to do  
23           that.

24   Q       Okay.  What did -- and what did you say?

25   A       So then I told him, well, I'd have to check

1           into it to see what needed to be done. Because  
2           a contractor was involved in it. So -- cause  
3           that's governed by it's -- his employment  
4           contract.

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

6       A     Also at that time, the chairman, O'Neil Darden,  
7           had some employees, casino employees, talking to  
8           him about their bonus checks or something. And  
9           so that's when I realized the checks had already  
10          been issued. But there was no resolution from  
11          the council authorizing those payments.

12                   And so, I also told them --

13       Q     Oh, so you're saying that, okay, the checks were  
14           issued prior to the council authorization is  
15           what you found out?

16       A     Uh-huh (affirmative response).

17       Q     Okay.

18       A     Well, yeah. Yeah. And so when I went back --  
19           when I got back to my office --

20       Q     Is that -- is that normal?

21       A     Well, norm -- it's probably happened before over  
22           the years.

23       Q     Is that -- is that normal protocol for you guys  
24           in approving --

25       A     Well, no --

1 Q -- resolutions --

2 A -- because -- no, no. The budget resolution  
3 governed that. Because it's specifically stated  
4 in there. And so that should have been  
5 followed.

6 So when I went back to my office after being  
7 here with the chairman, O'Neil Darden, I checked  
8 the -- the budget resolution to make sure it  
9 said what I thought it said. And it did.

10 And so I got with the chairman and I told  
11 him we needed to do a resolution approving those  
12 payments that have already been made. Because  
13 that's required by the original budget  
14 resolution.

15 So in doing that, I had to contact Montie  
16 for the spreadsheet that showed -- that showed  
17 all the individuals and the amount of their  
18 bonuses.

19 Q Do you have that -- that information, that list?

20 A Uh-huh (affirmative response).

21 Q The original list?

22 A I have three.

23 Q Prior to. Because we're going to need to  
24 subpoena that information also.

25 A I have three of them he sent me.

1 Q Yeah. See we going to need -- especially the  
2 one prior to -- what was approved prior to you  
3 guys' authorization. The council's  
4 authorization.

5 A Well, the one's I saw -- now from what I  
6 understand and this is just in conversation with  
7 April Wyatt is they had discussed the bonuses  
8 previously. I wasn't in those meetings. So I  
9 didn't know about all that.

10 But the council, I know, was okay with  
11 paying them, but, I mean, there's a approval  
12 process that you have to go through. It has to  
13 be formalized.

14 Q Right, right.

15 A So I didn't see any list until after all that  
16 was done.

17 Q After the bonuses were paid out?

18 A I needed a copy of it to attach to the  
19 resolution.

20 Q Oh, I see what you're saying. Okay.

21 A So -- but he ended up sending me three different  
22 ones. On the one I attached to the resolution,  
23 I noticed that O'Neil Darden was on there. It  
24 said, not paid, not yet paid. So I went back to  
25 the vice-chairman's office, April Wyatt.

1 Q Okay. Wait a minute. So is that the -- which  
2 list did you see O'Neil name? What list is  
3 this? I want to make sure I'm clear on it. Was  
4 that the --

5 A I don't remember if it was on all three of the  
6 ones I received. I know it was on the last one  
7 that I attached to the resolution. But it said  
8 on the -- it said special something and not yet  
9 paid.

10 Q Okay.

11 A It was fifty-seven hundred-something dollars.

12 Q Okay. But -- but you do have -- but you do have  
13 the --

14 A I have the emails with the attachments.

15 Q Yeah. If you can have all of that -- cause --  
16 okay. You can continue on.

17 A And then I went to April Wyatt's office. And I  
18 just wanted to make sure she realized that the  
19 chairman's name was on that list. Which I don't  
20 -- I don't remember if she had looked at the  
21 resolution already or not. I don't remember.  
22 But -- so she didn't agree with it.

23 So I think she said she was going to call  
24 another council member, Jacob Darden and talk to  
25 him about it. I think she had said she had

1 missed some meetings. So she wasn't sure. This  
2 is what she's telling me. She wasn't sure what  
3 they had agreed to and all. So I kind of left  
4 it with her.

5 Now on the -- Anthony's contract, I ended up  
6 having to contact Guy Michael and we decided  
7 they -- they had to a resolution to update his  
8 contract. Which we did and the council  
9 approved.

10 Q Of Anthony's?

11 A Anthony's contract. Anthony Patrone's contract.  
12 Because the contract in it said according --  
13 governed how we were going to calculate the  
14 bonus. And since they changed it, we had to  
15 redo the contract.

16 Q Okay. Who wrote the contract for Anthony?

17 A The original one?

18 Q The original contract.

19 A I believe it was Guy Michael.

20 Q Okay.

21 A Guy -- Guy Michael's the one who did the  
22 amendments.

23 Q And does that have anything to do with the -- is  
24 the council in any way -- any of you guys  
25 involved in the drafting of a contract for, say,

1 a general manager or --

2 A I was involved in it, yeah.

3 Q Okay. So you are directly involved with it?

4 With drafting the --

5 A Well, I -- drafted, but I mean, I --

6 Q Or influenced or input --

7 A Right. I do have input into it and --

8 Q Well, what's all -- who all -- who are all the  
9 parties involved in the -- in drafting the  
10 contract, per se?

11 A I would say me, Guy, and -- me, Guy Michael, and  
12 the chairman, at least.

13 Q Okay.

14 A Now the tribal council has to -- all that has to  
15 go before -- through council --

16 Q Right. I understand that. Right.

17 A -- again. But I don't think they get involved  
18 in the actual drafting.

19 Q Yeah. I think they do more of approving, yes,  
20 no.

21 A Uh-huh (affirmative response). That's what I  
22 think.

23 Q Yeah. Okay. So -- okay. So what kind of -- I  
24 mean, hypothetically, what kind of input would  
25 you have as a C.F.O.?

1 A One of the things I remember is in relation to  
2 the bonus calculation.

3 Q Oh, okay. For the -- for employees? Or for the  
4 general manager?

5 A No. For the -- for the manager.

6 Q Okay. For the manager. Okay. And there's a  
7 formula used? Or --

8 A Yes. It's a formula.

9 Q Like based on the revenue or --

10 A Based on revenues, yes. And it's been changed a  
11 couple of times I want to say. Just to kind of  
12 clarify some things. And then come to agreement  
13 on some numbers, targets maybe, targets.

14 Q Okay. And it's commonplace to make  
15 modifications to those contracts after they've  
16 been approved and --

17 A I don't know if it's commonplace or not. I can  
18 just tell you what happened.

19 Q Well, I'm just asking. I mean, you've been  
20 there twenty years and I've been here over ten  
21 years. I've seen various general managers come  
22 and go here. Just like I would assume you have.  
23 So I'm just saying in the past have y'all -- is  
24 that something that --

25 A Well, in the past it -- it was kind of

1 different. Because you had Tom Odisho whose  
2 management agreement was a little different from  
3 that. And so I don't remember seeing --

4 Q And -- Mr. Riverso?

5 A And then Riverso wasn't here very long. I don't  
6 remember doing any amendments to his contract.

7 Q Okay. So is that -- well, I mean, I don't know  
8 if you answered the question or not. But would  
9 that be considered unusual from your  
10 professional standpoint?

11 A I don't know. I don't know if it's unusual or  
12 not.

13 Q There seem to be a pretty typical -- I'm  
14 digressing a little bit -- problem with -- I  
15 mean, I ask people certain questions -- I don't  
16 know if -- I mean, if you don't the answer,  
17 that's fine.

18 But it seem -- people seem to -- I guess  
19 what seems normal may not be normal. I don't  
20 know. Depending on who you ask. Because I  
21 really don't know what the standard is at the  
22 tribe.

23 But I would imagine that there is -- there  
24 should be some bylaws and procedures that --  
25 that the council and you guys have to follow; am

1 I right?

2 A Yes.

3 Q Or am I --

4 A Yes.

5 Q Okay. And so -- but you said, you don't know if  
6 that's normal or it'd never been done before?

7 A Are you asking normal for the tribe?

8 Q Is that a normal request is what I'm trying get?

9 A Or a normal practice in general?

10 Q Well, is that -- I guess I'm asking is that a  
11 normal -- is that a -- let me see, changing  
12 contracts and modify -- is that a normal  
13 process?

14 A They have done that before. They did that with  
15 the doctor. Now it wasn't necessarily about a  
16 bonus, I don't think. But it was to make some  
17 concessions. And then some times when they come  
18 due, they renegotiate.

19 Q Okay.

20 A But do I see it often, no.

21 Q Okay. I don't know where we left off at.

22 A Me neither.

23 Q But you can continue.

24 A Let me try to remember where I was.

25 Q Yeah. We were -- you keeping up with that --

1 A I told you about going to April with the list  
2 and making sure that she knew he was on the  
3 list. And --

4 Q And let me make sure I understand this. So what  
5 you're telling me, it looks like the bonuses  
6 were already cut. And I don't know if -- I  
7 understand there was not an official meeting,  
8 you know. But it looks like you're telling me  
9 they cut the bonuses without the council's  
10 approval. And they disbursed them without the  
11 council's approval and knowledge until --

12 A I don't know that specifically.

13 Q You received --

14 A Because April Wyatt said -- had told me that  
15 they had some discussion with --

16 Q Informally; right?

17 A -- and -- informally.

18 Q Yeah. Right. That's what I mean.

19 A The actual formal process and approval which was  
20 required by a previous resolution, did take  
21 place prior to cutting the checks.

22 Q Okay. Yeah, that's what -- and I'm not saying  
23 there was no dialogue, informal dialogue. But  
24 formally as a council, your saying the  
25 resolution was not approved until after --

1 A The resolution wasn't approved until, I think it  
2 was the first meeting in January. The first  
3 tribal council meeting in January.

4 Q Well, how do you -- how do you guys confirm as a  
5 C.F.O. and as a -- I mean, how can you guys  
6 confirm that what they say they did was done?  
7 Do you guys require any --

8 A I don't.

9 Q You don't?

10 A No.

11 Q That's kind of strange, huh?

12 A Not that I know of.

13 Q That's not strange? I mean, for -- I mean,  
14 unless -- I may be confused about the role of a  
15 council. I don't know. I was told that you  
16 guys are the people who make all the decisions  
17 in terms of things that occur. How moneys are  
18 allocated and spent. And what projects and like  
19 the hotels and the -- am I wrong or right? Is  
20 that something you guys do? Or is that --

21 A That's the -- not you guys. That's the tribal  
22 counsel's role.

23 Q Okay. The tribal council. Okay.

24 A Yeah. And so -- it's not really my role to make  
25 sure the casino, number one, either gets the

1 resolution and approves it. That's their  
2 responsibility. I -- I generally end up taking  
3 care of it for them.

4 Q Okay. I understand your --

5 A Do I go back and check to make sure this list  
6 that they have authorized --

7 Q Yeah.

8 A -- is what -- no, I don't do that.

9 Q So you just -- well, who signs off on it?

10 A Signs off on what?

11 Q I mean, I guess, they don't need your signature?  
12 I mean, you're telling me that the general  
13 manager --

14 A No. They don't -- they can do that without me.  
15 I'm not involved in any of that.

16 Q Obviously the council they do any and everything  
17 without the council, without your involvement is  
18 what you're saying?

19 A Who?

20 Q The G.M. The general manager and the C.F.O.,  
21 and the people here at the casino. Because  
22 that's what you're saying. You're telling me  
23 you found out later that checks were issued  
24 without a resolution. Is that something they  
25 have the authority to do without -- you know,

1 without --

2 A Do they have the authority to do that?

3 Q Yeah. The casino.

4 A I mean, if it's me, no. I say, no. They don't  
5 have the authority to do that. But that's how I  
6 view it.

7 Q No. I'm saying is --

8 A No. You said --

9 Q Is there paperwork, I mean, supporting a  
10 process, you know? Or is there -- I'm just  
11 trying to understand it. I'm not trying to be -  
12 - I mean --

13 A The process is there's a resolution approving  
14 their budget. Which they authorize them to  
15 accrue the amount for the budget for the bonuses  
16 in the budget.

17 Q Okay.

18 A But they said they can't pay out anything until  
19 the casino comes back to the council and gets  
20 written approval from the tribal council.

21 Q Okay. So --

22 A But whether they decide to do that before they  
23 get that approval, I have no control over.

24 Q Okay. I see it. I gotcha.

25 A I wouldn't see it.

1 Q Okay. So you just approve the moneys --

2 A Uh-huh (affirmative response).

3 Q For whatever budget. You know, and they spend  
4 it how they see fit is what you're saying?

5 A Well, if we're just talking the bonus, then they  
6 -- from what I understand, because I asked for  
7 one. There was no specific bonus plan.

8 The council did authorize them to accrue  
9 moneys for a bonus. And I -- the -- if I'm  
10 remembering correctly, there's a number in the  
11 budget that they could accrue.

12 Q Just a moment.

13 I apologize for that, ma'am. You can  
14 continue.

15 A I'm trying to remember where I was.

16 Q Well, we were talking about the budget; right?

17 A Yeah. And so, I mean, they are authorized to  
18 accrue the moneys to pay out a bonus. They are  
19 not author -- they weren't authorized to pay  
20 those bonuses without the prior written approval  
21 of the tribal council.

22 Q Okay.

23 A But whether they -- if they go and do that or  
24 not, I mean, I have no way of knowing that. And  
25 certainly they can do it. But it's not

1 approved.

2 Q Okay. What is your role as a C.F.O. of the  
3 tribe?

4 A I work -- what's my role. I work with the  
5 budgets for all the entities. I receive the  
6 financial statements for all the entities. I  
7 produce financial statements for the tribe as a  
8 whole. I oversee the finance department at the  
9 tribe as well as the budget office.

10 Q Okay. What about the casino as it relates to  
11 the casino?

12 A It's just -- it's considered one of the  
13 enterprises. They report financial information  
14 to me monthly. I handle the financing for the  
15 tribe.

16 Q Do you attend meetings?

17 A Yes.

18 Q And you attend all of the meetings?

19 A No.

20 Q Because I was told that you were attending  
21 certain meetings and then --

22 A The manager has meetings with the tribal council  
23 probably bi-weekly.

24 Q Uh-huh (affirmative response). Twice a week?

25 A No.

1 Q Once every two weeks -- every other every other  
2 week?

3 A Every other, yeah. I think that's how they have  
4 it scheduled. And I would go to all of those.  
5 But then that was changed and they started doing  
6 some meetings over here and then some over at  
7 the tribal offices. And I was told I didn't  
8 have to come to the ones here at the casino by  
9 the chairman, O'Neil Darden.

10 Q Why was that?

11 A He didn't tell me why.

12 Q How did you feel?

13 A Well, I mean, it -- it's -- it goes back to  
14 other things too, though. I mean, this was a  
15 whole new chairman and we didn't know where we  
16 were going to be and what changes were going to  
17 be taking place.

18 Q Did you think you should have been in --  
19 participating in those meetings with your  
20 expertise and your knowledge of finance and  
21 revenue?

22 A It depends on what they were doing.

23 Q Well, I'm just asking -- I mean, I'm asking for  
24 your opinion. I mean do you -- did you feel  
25 that you -- that is a place --

1 A Do I think it helps me to be in those meetings,  
2 yes.

3 Q Yeah. That's what -- I mean, that's all I'm  
4 asking.

5 A Yes.

6 Q I'm not -- I mean, I'm trying to ask. I don't  
7 have any -- I'm not trying to ask trick  
8 questions or -- open end. I mean, I'm just  
9 looking for a straight -- straight forward  
10 answer and response. And it's -- you seem to be  
11 struggling a little bit.

12 A With?

13 Q I mean, I don't know if you, you know, you can  
14 be open. I mean, I -- I mean, I'm not trying to  
15 trick you or anything. I mean -- and I'm trying  
16 to understand. Because I'm not fully versed in  
17 how the tribe operates.

18 A Well, you know, I mean, you get -- you're asking  
19 me do I think -- do I think it helps, yes. But  
20 does -- is -- is the chairman -- you know, the  
21 chairman can decide what I attend and what I  
22 don't attend. So he's my boss, the chairman,  
23 O'Neil Darden.

24 Q Okay. So you do basically -- okay, he's your  
25 boss.

1 A I work for O'Neil.

2 Q So you do what he tells you to do, basically?

3 A Basically.

4 Q Or what he instructs your to do?

5 A Basically. As long as it's not something that I  
6 don't feel is either --

7 Q Ethical or --

8 A -- illegal, or ethically incorrect --

9 Q Ethical, okay.

10 A -- or whatever.

11 Q Okay. Okay. Is there -- so you answer directly  
12 to O'Neil?

13 A Yes.

14 Q Okay. And who does O'Neil answer to?

15 A O'Neil's part of the council.

16 Q He answers to the council? Or he --

17 A He's part of the council. He's the chairman.

18 Q Does he -- so he's the -- or so it would be like  
19 the president. And the council is his congress,  
20 I guess?

21 A I don't -- I guess. I don't know.

22 Q Okay. So he has a lot of influence, I would  
23 imagine if he --

24 A Right. The council general is -- are not -- is  
25 not a full-time position except for the

1 chairman's position. So the chairman is there  
2 full-time as an employee, basically. But not  
3 really. Because it's an elected position.

4 But -- so he kind of does the day to day  
5 stuff, I guess, on behalf of the council.  
6 That's the way I see it.

7 Q Uh-huh (affirmative response). Preston, you got  
8 --

9 MR. SAVOY:

10 I'm trying to process this. So prior  
11 to Christmas the casino by resolution is  
12 authorized to accrue funds for a bonuses to  
13 be paid to casino employees?

14 A That was done, I want to say, back in January or  
15 so when they finally approved the budget.

16 MR. SAVOY:

17 Okay.

18 A There was some delays because of insurance and  
19 the uncertainties there.

20 MR. SAVOY:

21 Okay.

22 A But, it -- that had been done previously.

23 MR. SAVOY:

24 Okay. And then at the end, if I  
25 understand, around October-ish, that toward

1           the end of the budget year to where they  
2           finalize things. And then before bonuses  
3           are issued to casino employees, they  
4           generate a list of the employees eligible  
5           for bonuses for at the casino?

6    A     Yes.

7           MR. SAVOY:

8                     And whoever committee decides on how  
9                     much, who gets what, that's between the G.M.  
10                    and the casino. And they submit that list  
11                    to the tribal council for approval before  
12                    checks are supposed to be issued out?

13   A     That's -- that's the way it's supposed to  
14           happen.

15           MR. SAVOY:

16                     That's the process --

17   A     But that has to be done through a resolution.

18           MY. SAVOY:

19                     Through a --

20   A     That's how it's generally been done was through  
21           a resolution with the list attached.

22           MR. SAVOY:

23                     Right. The list comes to the council.  
24                     The resolution is drafted. They vote yay or  
25                     nay to approve the resolution for the checks

1           to be disbursed by the -- by the tribe -- by  
2           the casino.

3    A     By the casino.

4           MR. SAVOY:

5                     By the casino. Okay. And in this  
6           instance in December, the check had  
7           previously been drafted and issued to  
8           employees --

9    BY MR. WASHINGTON:

10   Q     Without --

11           MR. SAVOY:

12                     Before a resolution was passed?

13   A     Right.

14           MR. SAVOY:

15                     They might had some dialogue or some  
16           conversation verbally approving it. But  
17           that's not proper protocol?

18   A     No. It's not.

19           MR. SAVOY:

20                     We're assuming that this conversation  
21           was had and approved verbally by the  
22           council?

23   A     All I can do is tell you what April told me.

24           April Wyatt. Was that they had had some

25           conversation about that. But I didn't see any

1 of the spreadsheets that were provided. Or I  
2 don't know what the discussion was. I don't  
3 even know if a spreadsheet was provided. I  
4 don't know.

5 MR. SAVOY:

6 Okay.

7 A I wasn't even -- I wasn't there.

8 MR. SAVOY:

9 I understand. And then while you were  
10 here at the casino, what all did you -- you  
11 had conversations that the bonuses were  
12 being issued out already?

13 A This was just something I gathered as he was  
14 talking to --

15 MR. SAVOY:

16 Employees.

17 A -- employees.

18 MR. SAVOY:

19 Okay.

20 A I don't remember if I was --

21 MR. SAVOY:

22 Okay. Discuss --

23 A I don't remember if I was directly told that.  
24 It's just so when I got back to the office I  
25 checked. The original approving budget

1 resolution which controlled that --

2 MR. SAVOY:

3 Has not been approved yet. Okay.

4 A Well, the budget resolution had been approved,  
5 but not the resolution authorizing the actual  
6 payment of --

7 MR. SAVOY:

8 Disbursement.

9 A -- the bonuses.

10 MR. SAVOY:

11 Right. I gotcha. And you had that --  
12 and that's when you called Guy and said,  
13 hey, is this on the up and up? Or is this -  
14 - are we following protocol or not?

15 A I don't remember if I called. I called Guy  
16 about the manager's contract to figure out what  
17 to do with that. I don't know if I called Bob  
18 Carroll, Guy Michael, about the actual payment  
19 to O'Neil Darden, because I wasn't comfortable  
20 with it.

21 MR. SAVOY:

22 Right.

23 A I talked to one of them or both of them. I  
24 don't remember. But --

25 MR. SAVOY:

1                   But on Anthony Patrone's contract, the  
2                   G.M.'s contract that was in place --

3     A     I needed a -- but I needed a contract amendment  
4           --

5                   MR. SAVOY:

6                   Right. Because --

7     A     Because I talked to Guy about that.

8                   MR. SAVOY:

9                   That's was the contract that existed  
10                  prior to the conversation with Guy? His max  
11                  amount would be seventy-five percent --

12     BY MR. WASHINGTON:

13     Q     Seventy-five percent of salary.

14                  MR. SAVOY:

15                  If he meets all his budget --

16     A     If it was driven by EBITDA in meeting certain -  
17           -

18                  MR. SAVOY:

19                  Right. Criteria based on his contract-  
20           -

21     A     Criteria, yes.

22                  MR. SAVOY:

23                  -- the way it was written?

24     A     Yes.

25                  MR. SAVOY:

1                   And he came -- I understand Patrone  
2                   came to the council, had discussion and made  
3                   his presentation for showing that he did  
4                   meet the criteria for his hundred percent,  
5                   which would have been seventy-five. And  
6                   then he asked for an additional twenty-five  
7                   or --

8       A       I don't know. I wasn't in those meetings  
9                   either. So I don't know what happened. April  
10                  Wyatt did tell me that -- I think she missed one  
11                  of the meetings and that he had asked the  
12                  council for the increase. And they had said no  
13                  originally. And then she would -- then heard  
14                  that they had said, yeah, that it was changed.

15       BY MR. WASHINGTON:

16       Q       And that should have been all done in --

17       A       That's all I remember.

18       Q       -- in a resolution?

19       A       That part of it --

20       Q       Cause I'm sure she can't --

21       A       That was part of the -- that was part of the  
22                  informal meetings. But that -- before he was  
23                  given -- from what I understand, on him, of  
24                  course, I don't know when the checks were cut.  
25                  But there was a contract -- I got with Guy and

1 we did a contract amendment. Took that to the  
2 council with the resolution and had them  
3 authorize that. So whether that was before or  
4 after he got paid, I don't know.

5 Q Well, I -- we need to know. Because that's  
6 pertinent to --

7 MR. SAVOY:

8 That should be in the minutes  
9 somewhere.

10 A Yeah. That, yeah, that would be in the minutes.

11 BY MR. WASHINGTON:

12 Q That should be --

13 MR. SAVOY:

14 Because what I'm saying is, if he --  
15 what I'm trying to understand is, if he met  
16 the criteria for his maximum bonus which is  
17 seventy-five percent under the original  
18 contract. He would have to -- in my  
19 understanding he would have to show just  
20 cause to exceed or to add that additional  
21 twenty-five.

22 Because if you do a A rate -- if you  
23 get a A rating on the original contract of  
24 seventy-five percent, you meet that A  
25 rating, then you qualify for your seventy-

1 five percent which is a max under that  
2 contract.

3 Now to go back for an additional  
4 twenty-five, you should have to go to a A  
5 plus rating I would -- if I understand  
6 correctly, you would have to go exceed your  
7 expectations.

8 A Well, I mean, he had the --

9 MR. SAVOY:

10 Like I would say seventy-five percent.

11 A -- he had the opportunity -- he had the  
12 opportunity to earn a hundred percent.

13 MR. SAVOY:

14 Oh, okay.

15 A Within the original contract. He just did not  
16 meet the goals to get there.

17 MR. SAVOY:

18 Okay.

19 A So in order for us to --

20 BY MR. WASHINGTON:

21 Q Are you sure with that? Because I'm under a  
22 different understanding. That the maximum in  
23 terms of that original contract, was a maximum  
24 of seventy-five percent of the salary.

25 A No, no. He could go up to a hundred percent of

1 his salary.

2 Q Oh, I don't know. I'd have to look.

3 MR. SAVOY:

4 Under the original contract?

5 A Under the original contract. Yes.

6 BY MR. WASHINGTON:

7 Q Okay. I didn't see that. Because we had April,  
8 she -- she thought it was a hundred and then she  
9 looked at it and said it was seventy-five  
10 percent as a maximum. Now unless y'all got a  
11 footnote somewhere that I didn't see, I'm not --

12 MR. SAVOY:

13 Now why would they need another  
14 resolution to increase it to twenty-five.

15 Q I mean, it wouldn't need a resolution if it's in  
16 the contract.

17 A Well, because -- because in the contract, the  
18 formula is, he has to meet or exceed this target  
19 amount by a certain percent in order to earn --  
20 by a certain dollar amount in order to earn a  
21 certain percent.

22 MR. SAVOY:

23 Okay.

24 Q Okay.

25 A But he could go up to a hundred percent of his

1 contract.

2 Q So the maximum is --

3 A That's my memory.

4 Q Well -- well, in that case, I mean, I'm not the  
5 brightest person, but the maximum would not be  
6 seventy-five percent in terms of an original  
7 contract.

8 A That's what he earned was the seventy-five  
9 percent. But he had the opportunity to earn a  
10 hundred percent.

11 MR. SAVOY:

12 Right. So he made the threshold for  
13 seventy-five.

14 A Right.

15 MR. SAVOY:

16 Not the hundred?

17 A Right.

18 MR. SAVOY:

19 But he made an argument to increase it.

20 A He made a --

21 MR. SAVOY:

22 A presentation --

23 A Something -- something he presented to --

24 MR. SAVOY:

25 He spoke to the counsel to raise it to

1                   --

2     A     To a hundred percent.

3                   MR. SAVOY:

4                             Under the seventy --

5     BY MR. WASHINGTON:

6     Q     I mean, we paid these --

7     A     Which is why --

8     Q     We don't know for certain that it was a formal  
9           presentation; is that what --

10    A     I don't know. You know, I can't tell you.

11    Q     Because people, we got a lot of hearsay, but I  
12           mean --

13    A     Yeah.

14    Q     I mean, some people attend meetings, some don't.  
15           You know --

16                   MR. SAVOY:

17                             That's -- that's my --

18    BY MR. WASHINGTON:

19    Q     You know, I mean, do you actually --

20                   MR. SAVOY:

21                             The question I had, the concern I had,  
22           what I'm trying to understand is, if he met  
23           -- if the original contract says he has the  
24           capacity to reach a hundred, but yet the  
25           criteria based on his performance was at

1           seventy-five, why would there need to be a  
2           resolution to raise it to a hundred then, if  
3           he met that criteria to go up to a hundred  
4           if the cap was a hundred if he met certain  
5           criteria, then if he didn't, he met seventy-  
6           five.

7    A    He didn't meet the criteria of the hundred.  
8           Which is why Guy felt like we needed to do the  
9           budget --

10           MR. SAVOY:

11                    Okay. I'm trying to --

12    A    -- the contract --

13           MR. SAVOY:

14                    Right. Because you didn't --

15    A    Because it's not, this contract did not  
16           authorize the hundred --

17           MR. SAVOY:

18                    The hundred percent.

19    A    Yeah.

20           MR. SAVOY:

21                    That would explain it.

22    A    Because of the thresholds he met.

23           MR. SAVOY:

24                    Right.

25    A    He could make a hundred percent. But he just

1           didn't make the threshold.

2           MR. SAVOY:

3                     I gotcha. That makes complete sense.  
4           Because the contract stipulated a certain  
5           criteria. To meet that hundred percent  
6           criteria, a hundred percent level for a  
7           bonus, you have to meet this criteria. He  
8           didn't meet that. He met seventy-five  
9           percent of the criteria.

10                    So under that contract, he could only  
11           get seventy-five percent of his salary as a  
12           bonus.

13   A     Right.

14           MR. SAVOY:

15                    To exceed that, he needed a whole  
16           separate resolution, an addendum to the  
17           contract in order to get that additional  
18           twenty-five percent?

19   A     Yes.

20           MR. SAVOY:

21                    Which he theoretically -- well,  
22           actually, he didn't meet that criteria for  
23           that twenty-five percent additional?

24   A     No.

25           MR. SAVOY:

1                   So --

2       BY MR. WASHINGTON:

3       Q       They voted to give him an additional twenty-five  
4               percent is what it looks like.

5               MR. SAVOY:

6                   Basically, it was a twenty-five percent  
7               gap.

8       BY MR. WASHINGTON:

9       Q       Yeah. Cause we know he -- technically, he did  
10              not meet the criteria for a hundred percent.  
11              He met it -- did he meet it for a seventy-five  
12              percent? I don't even think he met the seventy  
13              --

14      A       Yes.

15      Q       Okay. He met the seventy-five percent?

16      A       Uh-huh (affirmative response).

17              MR. SAVOY:

18                   But not the hundred percent.

19      BY MR. WASHINGTON:

20      Q       And all that's spelled out in it. Because I saw  
21              the contract. I'm going to have to go back and  
22              review it.

23              MR. SAVOY:

24                   So that's going to be listed and the  
25              contract's going to spell it out. It's

1 going go spelled out in the contract.

2 A Yeah. And there's -- there's the original  
3 contract. Then there's an Amendment 1, which I  
4 think -- I think it's Amendment 1 that addresses  
5 that bonus area. Because there were some --  
6 there was some misunderstandings from the  
7 original wording. And so this was to kind of to  
8 clarify it. And I think we reset the targets.

9 MR. SAVOY:

10 Lower? Or --

11 A It's been a long time. There was some  
12 inconsistencies in the original emails agreeing  
13 to the terms in that. So I think we made it  
14 consistent with what the original agreement was.  
15 I think. But it's been too long. I'd have to  
16 look at it again. But then -- so I think the  
17 second amendment was the one where they approved  
18 paying the additional twenty-five percent.

19 MR. SAVOY:

20 I'm going under the assumption that it  
21 -- justifications for the increase is also  
22 included in the resolution.

23 A I don't remember. I think Guy wrote that  
24 resolution. But we weren't --

25 BY MR. WASHINGTON:

1 Q Guy wrote the resolution to give him the twenty-  
2 five percent increase is what you're saying?

3 A Yes. I think so. He and I -- either he and I  
4 worked together or he wrote it. I don't  
5 remember exactly.

6 MR. SAVOY:

7 But you understand what I'm saying,  
8 yeah.

9 A No. I get where you're going. But --

10 MR. SAVOY:

11 Because what I'm -- and this is  
12 separate from O'Neil's bonus, but what I'm  
13 saying is -- and just to reiterate. If his  
14 original contract has a capacity to reach a  
15 hundred percent of his salary for a bonus.  
16 But based on the criteria of this being an  
17 original contract, he only met seventy-five  
18 percent of that criteria.

19 But he came back and asked for an  
20 additional twenty-five to make it a complete  
21 hundred without showing cause for that  
22 additional twenty-five percent increase.

23 BY MR. WASHINGTON:

24 Q -- I understand. But I don't think that's how  
25 it goes. Cause that doesn't make sense. Cause

1           -- I mean, we can't -- so when they wrote the  
2 contract, the seventy-five percent to me was  
3 that if you meet the criteria, you can get a  
4 maximum of seventy-five percent of your salary.  
5 That's the only thing that makes sense.

6           Cause we cannot predict what the future  
7 holds, you know. He can only -- with the  
8 seventy-five percent. So, I mean, unless you --  
9 you have a different understanding.

10 A       The contract --

11 Q       I'm trying to find it. But I --

12 A       Different targets for each -- he met this  
13 certain target, he got twenty-five percent.

14 Q       Absolutely. For a maximum.

15 A       If he met this certain target, he got fifty  
16 percent. If he met this one, he got seventy-  
17 five. If he met this one, he got a hundred.

18           MR. SAVOY:

19                       And that's aggregate to seventy-five  
20 percent not to a hundred.

21 BY MR. WASHINGTON:

22 Q       It must be aggregate to seventy-five percent  
23 maximum, I mean --

24 A       No.

25           MR. SAVOY:

1                   We're going to have to sit down and --

2 BY MR. WASHINGTON:

3 Q     Well, I'm going to have to see -- do you have a  
4           copy of the contract?

5 A     Not with me.

6 Q     Okay. Cause I mean, I'm going to have to read  
7           it.

8                   MR. SAVOY:

9                   But that contract has been entered into  
10           the minutes, I'm assuming, for the  
11           resolution --

12 BY MR. WASHINGTON:

13 Q     Well, what contract -- you're saying there's  
14           multiple contracts out there?

15 A     There's, I believe two amendments to the  
16           contract.

17 Q     Okay. Well, I mean, they need -- we need to get  
18           all those amendments. I need to see the  
19           original contract and look at the amendments.

20                   Because -- I mean, there's so much confusion  
21           with this stuff. I mean, I'm just being  
22           honest. Some of this stuff's not confusing to  
23           you?

24                   MR. SAVOY:

25                   And the thing is with the bonus, before

1           the bonus can be disbursed to the employees  
2           at the casino, their resolution has to be  
3           approved formally and in writing and put on  
4           record by the council before the checks cut  
5           at the casino.

6                        So it sounds like they may -- I'm  
7           assuming they had a verbal confirmation or a  
8           verbal approval before the checks were  
9           distributed. My understand you don't --  
10          you're not aware, you're just hearing --

11   A       I wasn't in those meetings.

12                       MR. SAVOY:

13                       Hearsay conversation at the casino, so  
14          --

15   BY MR. WASHINGTON:

16   Q       I think that might be part of the problem.  
17           You're not in some of these meetings.

18   A       Well, and then at these December ones too. They  
19           had some over there, but I don't remember why,  
20           but I couldn't make some of the meetings. So --

21                       MR. SAVOY:

22                       Just hypothetically. If there's a  
23           meeting, that's being held for renovations  
24           or whatever at the casino. And the chairman  
25           determines whether you attend or not. Is

1           there some kind of minutes or some kind of  
2           email saying that there's a list of  
3           meetings? This is the schedule of events.  
4           There's a meeting over here and you say to  
5           yourself, that -- that's a meeting that I  
6           would like to attend. But the chairman  
7           said, no, I'm going to take care of it. Or  
8           you don't have to attend. Do you have some  
9           -- do you have some discussion or some  
10          latitude to discuss that with him whether  
11          you attend? You said you can say I'd like  
12          to attend that one?

13        A     Well, before the change in chairmen, yes, I was  
14           comfortable doing that. There is not  
15           necessarily an agenda that I would see  
16           beforehand. And I don't necessarily now know  
17           about all the meetings.

18                    So, you know, if it was really, really  
19           something that I thought I needed to be at, I  
20           would request it. He could say no.

21                    MR. SAVOY:

22                            Right. But you could still ask?

23        A     Yes.

24        BY MR. WASHINGTON:

25        Q     And I think you're right. I see what you're

1           telling me. It is here. There is a criteria.  
2           The E.B.I.T.D.A. Yeah. It goes up. But if he  
3           exceeds whatever goal by ten percent to fourteen  
4           percent, there's a fifty percent. Okay. Exceed  
5           by fifteen or nineteen percent, he gets seventy-  
6           five percent. I gotcha. So he -- exceed to go  
7           by twenty percent or more, he can get a hundred  
8           percent of your base salary.

9           A       What he didn't do was meet that twenty percent  
10          or more. Whatever that percentage is. But the  
11          council decided to go ahead and give him.

12          Q       Well did he even meet any of it? Did he meet  
13          the fifteen percent?

14          A       He met -- he met the -- he met whatever  
15          threshold is for the seventy-five percent.

16                   MR. SAVOY:

17                   It has documented that he met those?

18          BY MR. WASHINGTON:

19          Q       Yeah. Because I was told that --

20                   MR. SAVOY:

21                   What are those -- I'm going a little  
22                   fast. But where do those numbers come from?  
23                   How is that verified that he met that  
24                   criteria? That's generated by the casino  
25                   here that's submitted to y'all?

1 A Uh-huh (affirmative response).

2 MR. SAVOY:

3 And those numbers are generated by  
4 whom? Montie or I guess CFO?

5 A I would assume Montie.

6 BY MR. WASHINGTON:

7 Q Well, I mean --

8 A Though at some part -- there was some  
9 conversation with Anthony Patrone that told me  
10 Montie's calculation was all wrong.

11 MR. SAVOY:

12 Who vets Montie's --

13 BY MR. WASHINGTON:

14 Q Yeah -- well, that's what you're here for,  
15 ma'am.

16 MR. SAVOY:

17 Do you vet that to see that those  
18 numbers are consistent?

19 A For his, yes. For Patrone's, yes.

20 MR. SAVOY:

21 For Patrone.

22 A There's not a particular program or criteria set  
23 for the other bonuses.

24 MR. SAVOY:

25 But only for Patrone? Based on his

1 contract?

2 A Uh-huh (affirmative response).

3 MR. SAVOY:

4 So --

5 A And, you know, generally before I try and check  
6 with the auditors to make sure the numbers  
7 haven't changed.

8 MR. SAVOY:

9 Right. So Montie's numbers are vetted  
10 by Mcgladrey to make sure that it's consistent  
11 with what the revenue -- with what the casino  
12 has in the bank so those numbers are consistent.  
13 And then that comes to you for final review and  
14 you present it to the council for approval?

15 A Yeah.

16 MR. SAVOY:

17 So I -- my other question is, if Montie  
18 is stealing numbers, McGladrey would catch  
19 that?

20 A I would hope.

21 MR. SAVOY:

22 Or you can catch it.

23 BY MR. WASHINGTON:

24 Q Not really. Cause you can --

25 MR. SAVOY:

1                   If he's --

2 BY MR. WASHINGTON:

3 Q     Well, I mean, I don't -- I guess you have to be  
4       determined. Because --

5 A     I mean, all I can do is base it off the audited  
6       financial numbers.

7 Q     Okay. Because, I mean, it's too much subject --

8 A     That's why you're not supposed to pay it out  
9       until I clear that -- til we confirm that with  
10      Michelle.

11                   MR. SAVOY:

12                   The was my other thing too is, if  
13       they're issuing checks, y'all are not aware  
14       -- y'all don't have the list with the  
15       bonuses. Y'all aren't aware what checks and  
16       how much are being cashed yet.

17                   Y'all don't have the numbers. They're  
18       just getting approval. You don't know what  
19       the salary or what the bonuses are being  
20       issued. Y'all just know that checks are  
21       being issued and the budget was approved by  
22       resolution to accrue X amount of dollars in  
23       order to get budget -- bonuses at the end of  
24       the fiscal year.

25                   But before the checks are disbursed to

1 employees at a casino, the council has to  
2 review the list, the final list, and approve  
3 it by resolution and then give the okay for  
4 them to disburse the checks. But it  
5 happened in reverse.

6 A And with me doing the resolution afterwards, I'm  
7 just trying to fix the paperwork --

8 MR. SAVOY:

9 You're just trying to match numbers to  
10 make it balance out.

11 A I'm just trying to fix the paperwork.

12 BY MR. WASHINGTON:

13 Q I know initially whenever -- I mean, you may  
14 not be privy to it, but initially it was told  
15 and alleged that Anthony Patrone received  
16 \$60,000 as a bonus. Then all of a sudden it was  
17 escalated to \$350,000, what we found out. And  
18 it was just rumored around the casino. I'm not  
19 saying it was actual or what.

20 A But you know, I mean, when the new chairman,  
21 O'Neil Darden first came in, he asked me what  
22 his bonus was for last year. He told us some  
23 number, like, sixty. I said, no, not even  
24 close. It was one ninety-something, I believe.  
25 So, you know, I mean, I'm sure there are rumors

1 out there, I guess is my point. But they're not  
2 necessarily accurate.

3 Q I don't know if any of this stuff is accurate.  
4 Because, I mean, you know, I understand what  
5 you're saying. But it's so much subjectivity  
6 here. And especially when you're dealing with  
7 accounting and numbers. And I'm sure you know  
8 as a finance person. Cause I don't know if we  
9 can for certain say he met the seventy-five  
10 percent threshold.

11 A Well, I mean --

12 Q Is what, I mean --

13 A If you get to that point then when you saying  
14 that then, I mean, is there some kind fraud  
15 going on?

16 Q I don't know. It might be.

17 A Well, how do you know -- I mean, I'm basing this  
18 off of audited numbers.

19 MR. SAVOY:

20 From McGladrey?

21 A Yeah.

22 BY MR. WASHINGTON:

23 Q Okay. I don't know what's going on, man.  
24 That's what we're trying to figure out. I mean,  
25 but do you have any correspondence with

1           McGladrey?

2     A     Yes.

3     Q     Email correspondence in reference to all this?

4     A     Oh, I don't know if I have anything in reference  
5           to that.

6     Q     Okay. Or to O'Neil's bonus or anything?

7     A     To O'Neil's bonus in particular -- probably  
8           not. I mean, only what's on those spreadsheets  
9           that I got from Montie. But I mean, I can  
10          check. I just don't remember.

11    Q     Okay. Let's say seventy-five percent threshold  
12          was met, you know. Of course, and you guys paid  
13          him --

14    A     I didn't pay that. They paid that over here.

15    Q     Okay. He was paid, let me see if I got it here.

16    A     All I did was make sure the resolution and the  
17          contract got done.

18                   MR. SAVOY:

19                   Sure. Did O'Neil mention to you that  
20                   he received a bonus?

21    A     No. Though April did say that when they at some  
22          meeting they had, he made a comment about, well,  
23          I guess I have to send the money back.

24                   BY MR. WASHINGTON:

25    Q     Okay.

1 A So I don't know. I don't know if he got the  
2 money. I have no clue. That's all --

3 Q So we said, okay, that's fine. Okay. So we  
4 know for a fact that he did not meet the bonus  
5 criteria of twenty percent or more to get the  
6 hundred percent. We know that for a fact. He  
7 did not meet the threshold.

8 A He did not meet the threshold for the hundred  
9 percent.

10 Q For the hundred percent. But he was paid a  
11 hundred percent.

12 MR. SAVOY:

13 Right.

14 A Yes.

15 BY MR. WASHINGTON:

16 Q And this was facilitated by --

17 A A contract amendment.

18 Q A contract amendment which was brought about by  
19 whom?

20 A It was brought about because the chairman told  
21 me that the council had agreed to pay Anthony a  
22 hundred percent of his bonus.

23 Q Okay. O'Neil Darden?

24 A O'Neil Darden.

25 Q He told you the council. But this was --

1 A Yes. And so then --

2 Q -- this is an official --

3 A He asked me what do we need to do to make that  
4 happen.

5 Q Okay.

6 A So that's when I contacted Guy. We talked -- we  
7 looked at the contract. Decided we needed to do  
8 an amendment. Guy drafted up the amendment and  
9 probably the resolution. Maybe I did it. But  
10 sometimes I'll do them. And that got taken to  
11 council and approved and the contract amendment  
12 was then signed.

13 Q Okay. But you don't know if this was done after  
14 a tribal council resolution? Was this all  
15 before or after the resolution --

16 A Which --

17 Q Whenever O'Neil brought you the -- first  
18 mentioned it to you about the getting Anthony a  
19 a hundred percent.

20 A Oh, that was before the resolution. Because the  
21 resolution was to do the contract amendment,  
22 authorize that.

23 Q Okay. So -- okay, I gotcha.

24 A Which basically said that this amendment is  
25 authorizing the payment of --

1 Q And then they had to vote on it?

2 A The council voted on it, yes.

3 Q And they approved it?

4 A They approved it.

5 MR. SAVOY:

6 That was unanimous also; correct?

7 A I don't know.

8 MR. SAVOY:

9 Okay. We'll check the minutes.

10 BY MR. WASHINGTON:

11 Q And we have minutes for those --

12 A I wasn't at the meeting when that was presented.

13 Q Okay. Let me ask you, not a personal question,  
14 but just to be honest. So the chairman, what  
15 kind of power does a chairman have? If I'm the  
16 chairman and I want something done, does he  
17 pretty much get what he wants done?

18 A In general --

19 Q And I'm talking about --

20 A In general, yes.

21 Q Okay.

22 A But if somebody asks me to do something that I  
23 am uncomfortable with --

24 Q Right. I gotcha.

25 A I am not doing it.

1 Q You're not going to do it. Okay. Are all the  
2 council members feel the same way? Or are you -  
3 - as you do in terms of --

4 A Oh, I don't know how all the council members  
5 feel.

6 Q Okay.

7 A I can tell you in working here in twenty years,  
8 I've never really been put in a position of  
9 having to -- from a council member having to  
10 determine -- having them to put pressure on me  
11 to do something that's not right.

12 Q You've never had a chairman to approach you in  
13 that fashion?

14 A Or council member.

15 Q A council member, okay. But basically it's  
16 O'Neil -- I mean, say, he wants something -- he  
17 wants to give the G.M. a twenty percent, twenty-  
18 five percent increase in bonus, if he really  
19 truly pushes for it, he can probably get it  
20 accomplished with the current tribal council in  
21 place. I know people are related -- are you  
22 tribal, ma'am? I assume you --

23 A No. I'm not tribal.

24 Q Okay. Okay. But you do understand that the  
25 culture here -- I know some of the tribal

1 members are related to each other. And there's  
2 all kinds of friendship, kinship. I mean, I've  
3 been here ten and a half years, so, you know.

4 A But you know, I mean, you're dealing with all  
5 kind of different personalities. You can't just  
6 stick them all into one category.

7 Q I do understand that.

8 A There's some, do what I say. Would they do it,  
9 yeah. There's some, absolutely not.

10 Q Yeah. There's some that they -- right. Okay.

11 MR. SAVOY:

12 Well, in your experience -- he's  
13 proposed to the council has been approved.

14 Do you know of anything --

15 BY MR. WASHINGTON:

16 Q Has been rejected?

17 MR. SAVOY:

18 -- resolution that he brought up that  
19 was not approved? What it sounds like to me  
20 --

21 A I can't really think of anything right now to  
22 answer your question. But also, I'm not privy  
23 to all of their stuff. They've had strategic  
24 planning meeting, just the council. And, you  
25 know, I mean, I have no clue what's going on in

1           those things.

2       BY MR. WASHINGTON:

3       Q     I would think that you would be instrumental in

4           --

5                   MR. SAVOY:

6                           Getting feedback from them.

7       BY MR. WASHINGTON:

8       Q     It seems like I would want my financial person  
9           involved in almost every aspect of decision  
10          making. Cause, I mean, everything revolves  
11          around money. Money, and finance, and spending.  
12          I mean, that's just me. Maybe I'm -- I mean,  
13          maybe I'm wrong.

14      A     Well, that's how the prior chairman felt. This  
15          one, not so much.

16      Q     Okay. Let me look at my list and make sure, we  
17          had a check list that they sent here. But let  
18          me look over it. Anything else you would like  
19          to share before we close?

20      A     Not that I can think of.

21      Q     Okay. Now so you were told to write a check for  
22          O'Neil's bonus?

23      A     No.

24      Q     Cause that's what we have here.

25      A     No. They called and asked -- this was Montie

1 Spivey called me and asked me if we could do the  
2 check because they couldn't do it on their side.  
3 Because they would have to -- because he had  
4 already been terminated in the system and so  
5 then they'd have to reactivate him as an  
6 employee in the system.

7 And they didn't want to do that or couldn't  
8 do it. And he wanted to know if we would be  
9 able to do it. Well, I didn't say yes or no, I  
10 don't believe. But I did, you know, I said, you  
11 know, I'll have to check into it. I'm not sure.  
12 You know, how that would work.

13 And more from an accounting standpoint.  
14 But, you know, if Montie had called and said cut  
15 a check to the chairman, I wouldn't have done  
16 it. I wouldn't have done that without  
17 authorization from the council, written  
18 authorization from the council.

19 Q Right.

20 A So they didn't -- they never called me back and  
21 said, okay, we do need you to cut the check. He  
22 just calling -- got that one phone call from  
23 them to ask if we could do it.

24 Q Okay. And you immediately called Bob or Guy?

25 A I don't know if immediately or what. But, yeah,

1 I contacted --

2 Q Subsequent.

3 A -- but I also contacted Heidi Hobkirk with  
4 McGladrey.

5 Q And what did she -- what she -- what they --

6 A And I also went and talked to April.

7 Q What did Heidi -- what was the nature of the  
8 conversation?

9 A It was -- I guess I was concerned legally from a  
10 payroll standpoint if there were any issues.  
11 And if not, then how do we record this.

12 Q What did she say?

13 A She said that, I mean, legally that it wouldn't  
14 be a problem. She didn't see any. And, I mean,  
15 I didn't really either, but -- and I'm just  
16 talking about legally from the accounting --

17 Q Right, right, right.

18 A I'm not talking about all the ethical stuff.

19 Q Right, right, right.

20 A And that we could record it just as a transfer  
21 like a 'de-to/from' (sp) kind of thing. We  
22 issue it. They reimburse us, carry the expense  
23 over here.

24 Q Yeah. And did you present that to anybody?

25 A No. I was never contacted back about actually -

1 - oh, you mean that information?

2 Q Yeah. That information.

3 A I think I talked to Nikina Davis about that.  
4 I'm not sure if I called Montie back and told  
5 him that. I don't remember. I don't remember  
6 any other conversation about issuing that check.

7 Q I assume that was a viable option?

8 A Well, viable in that if the council had  
9 authorized that I could have done it. I could  
10 have issued the check.

11 MR. SAVOY:

12 Accounting-wise, it would have probably  
13 been okay. As long as they get reimbursed.  
14 It's just to balance the books.

15 A Right. That's what Heidi said.

16 MR. SAVOY:

17 But then they have to follow the  
18 ordinance. Would that be approved -- is  
19 that authorization --

20 BY MR. WASHINGTON:

21 Q Is that in conjunction with the ordinance and  
22 the --

23 MR. SAVOY:

24 -- for the council, being that O'Neil  
25 was the chairman.

1 BY MR. WASHINGTON:

2 Q -- the receipt of the payment and all of that  
3 stuff.

4 A I wouldn't -- yeah. We weren't getting into  
5 that part of it.

6 Q Cause I assume that --

7 A That was part of what April Wyatt's concern was.

8 Q Yeah. I know you don't deal with that -- I know  
9 you're a numbers person. At least the numbers  
10 don't fight back. Huh? Or that might have been  
11 --

12 A I don't know. Sometimes they do.

13 Q Let's -- Patty or Preston, you can think of  
14 anything else? Cause I mean, she covered -- we  
15 covered a whole lot of information. I know it  
16 was exhausting and tiresome. And I appreciate  
17 you taking the time out and meeting with us.  
18 And you presented a lot of good information that  
19 I was unaware of.

20 So that's going to help, at least,  
21 facilitate this process. As we -- I mean, we  
22 still got multiple people to interview. But we  
23 got to put the whole thing together to see what  
24 we're dealing with here.

25 But if you have anything in the future. If

1           you find out anything. We're going to try to --  
2           I guess we're going to have to get a subpoena to  
3           get some of this information.

4                   MR. SAVOY:

5                           From the council.

6 BY MR. WASHINGTON:

7 Q       Yeah. And we'll just try to get a subpoena so  
8       we can -- I'm sure you probably save all your  
9       stuff. So we'll try to be specific in what we  
10      need relative to this investigation. So if you  
11      don't have anything that -- else to offer. I'm  
12      going to officially end this interview. It's  
13      January 22nd, 2006 (said in context) at 11:53  
14      a.m.

15                                   (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 PATTY PERRY as conducted by Mr. Mike Washington, on the 22nd day of January, 2016, as hereinbefore set forth in the foregoing 70 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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