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The recorded meeting of MONTIE SPIVEY

REPORTER'S PAGE

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1 TAPED STATEMENT OF MONTIE SPIVEY:

2 BY MR. WASHINGTON:

3 Q Yeah, we will be recording this interview. But
4 let me go ahead and backtrack a little bit.
5 Today's date is January 20th, 2016. It's about,
6 I have 5:00 p.m.

7 I am Trooper Mike Washington. We have
8 Sergeant Preston Savoy here sitting in on the
9 interview. And we'll be interviewing Montie
10 Spivey. Am I correct?

11 He's the CFO here at Cypress Bayou Casino.
12 Like I said, I'll explain in more details about
13 what's going on, Mr. Spivey. But I'm gonna read
14 you your rights on record.

15 You have a right to remain silent. Anything
16 you say can be used against in court and other
17 proceedings. You have the right to talk to a
18 lawyer for advice before questioning and you
19 have the right to have a lawyer present during
20 questioning.

21 You have the right to a lawyer's advice and
22 the presence of a lawyer even if you cannot
23 afford to hire one. In such a case a lawyer can
24 be appointed to represent you. If you decide to
25 answer questions without a lawyer present you

1 still have the right to stop answering questions
2 at any time. Do you understand your rights?

3 A Yes, sir.

4 Q Are you willing to answer questions at this
5 time?

6 A Yes, sir.

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

11 A No.

12 Q All right.

13 MR. SAVOY:

14 Mr. Spivey, we are recording this
15 interview and conversation. You have any
16 objections to this?

17 A No.

18 MR. SAVOY:

19 Okay.

20 BY MR. WASHINGTON:

21 Q Okay. We're gonna need you to print your name
22 here and sign just saying that you understand
23 your rights and that your rights were read to
24 you and you understand them. All right. Do you
25 have a driver's license?

1 A I-E. M-O-N-T-I-E.

2 Q I got you. Let me write this number down. 45?

3 A Yes, sir.

4 Q Highest grade completed?

5 A Master's degree, MBA.

6 Q All right. Sign here. Okay. Mr. Spivey, are

7 you aware that we could potentially interview

8 you in reference to anything here that's going

9 on here at the casino?

10 A In general?

11 Q Yeah.

12 A Yes.

13 Q Did you consult anyone?

14 A Did I consult with anyone --

15 Q I mean, did anyone talk to you about the

16 possibility of you being interviewed by the

17 state police?

18 A Over this issue?

19 Q Yeah.

20 A No.

21 Q Okay. I'm gonna just -- before we ask you any

22 questions I would let you know this is a serious

23 investigation. It is a criminal investigation.

24 And you also hold a state certification here and

25 I'm just letting you know we ask that you

1 cooperate with the investigation but you do have
2 the right to an attorney but you chose to
3 participate with this process. But I just want
4 you to know that if for any reason we feel that
5 you're being dishonest or untruthful or whatever
6 that we do have the rights to suspend your
7 certification. You understand that?

8 A Yes, sir.

9 Q Okay. So we just ask that you be honest.
10 Because we may know some of the answers to the
11 questions that we ask --

12 A Uh-huh (affirmative response).

13 Q -- but -- so we're gonna try to make this --
14 because I know -- I don't know what time you get
15 off. I mean, because I don't want to be here
16 all night. What time do you generally get off?

17 A When I get done.

18 Q Oh, okay. Okay. Well I guess we can start with
19 the big issue is that, was there, from my
20 understanding, there was a check, a bonus check.
21 First of all a bonus list that you supposedly
22 have in your possession.

23 A Yes, sir.

24 Q The list was sent out altered so there's a
25 subsequent list or a modified list that came out

1 so there should be two lists; am I right? Bonus
2 lists?

3 A I don't know if both of them still exist, but
4 there are two lists. There were actually more
5 than two lists.

6 Q Okay.

7 A There were actually more than two. There was
8 probably seven or eight during the course of the
9 bonus period.

10 Q Uh-huh (affirmative response).

11 A Because, for one, the original list had Anthony
12 Patrone at a seventy-five percent pay out.

13 Q Uh-huh (affirmative response).

14 A The council approved him a hundred percent
15 payout, that changed the list. We originally
16 approved hosts at a four hundred and fifty level
17 as a supervisor that was updated with the
18 council to seven hundred and fifty, which
19 changed the list. O'Neil was not on the first
20 list. He was on one of the subsequent lists
21 when I was asked to put him on.

22 Q Uh-huh (affirmative response).

23 A And off of the final list he was taken out.

24 Q Okay.

25 A However, in reference to O'Neil there was a

1 check cut, there was a check cut -- I'm not
2 gonna be able to give you exact dates. There
3 was a check cut to O'Neil that was deposited,
4 direct deposited, into his account.

5 Q Uh-huh (affirmative response).

6 A That transaction would have occurred at least a
7 day prior to that. So when we put something
8 into the payroll system it's gonna fund it in
9 subsequent days. So Wednesday we put in our
10 payroll file for Monday, for our regular
11 payroll. And it usually hits the, depends on
12 your bank, but sometimes it will hit Saturday,
13 sometimes it will hit Monday. But it's for that
14 payroll period.

15 That gets approved a day or two in advance.
16 In the mean time between the approval of
17 O'Neil's check, running it through the payroll
18 system, then they decided that he shouldn't have
19 it and that it was a bad idea. That check was
20 already cut. It has been voided in the system
21 so we could tie out --

22 Q Okay. Who decided that he shouldn't have it?

23 A O'Neil actually came to me and said, you know
24 what, this isn't a good idea.

25 Q Uh-huh (affirmative response). And so what did

1 he do? Did he give you -- did he return the
2 check?

3 A No. It had not hit his account at that point.
4 But no, I haven't gotten a return check.

5 Q Okay. And you said the money was direct
6 deposited? So --

7 A Money was direct deposited.

8 Q -- you wouldn't get a return check; right?

9 A The money was direct deposited so I will not be
10 able to get a return check. He owes the casino.

11 Q Okay. Well let's backtrack. Was he, was O'Neil
12 Darden authorized to receive a check, any bonus
13 checks, being that he's the current chairman of
14 the tribe?

15 A My understanding was that O'Neil was approved as
16 a special circumstance. So --

17 Q Okay. What does that mean?

18 A How it came -- I have to tell you how it came
19 about because I'm not there for all the, for all
20 the meeting and talk. How it came about was
21 Anthony talked to, I think he came back from a
22 meeting with the council, talked to Linda about
23 the possibility of paying O'Neil a prorated
24 portion of his bonus.

25 Q This is Anthony Patrone?

1 A Anthony Patrone.

2 Q The general manager?

3 MR. SAVOY:

4 Just to make things, for clarification,
5 just give us the full name. Because Anthony
6 Patrone --

7 A Okay. Okay.

8 MR. SAVOY:

9 -- so we have the full name so --

10 A Linda Neezy. Had talked to Linda Neezy about
11 the possibility of cutting a check and what it
12 would entail. Linda Neezy's response was that
13 we would have to put him back into the system in
14 order to cut the check and then take him back
15 out of the system --

16 BY MR. WASHINGTON:

17 Q Uh-huh (affirmative response).

18 A -- once it was done.

19 Q Uh-huh (affirmative response). Who facilitated
20 that? Did Linda do that or did you do it?

21 A I did it.

22 Q Okay.

23 A I did it on direction from Anthony Patrone.

24 Q Okay. So you manually did it?

25 A That -- I'm sorry?

1 Q You manually did it?

2 A I'm sorry?

3 Q You manually put O'Neil back into system?

4 A No. As far as putting him back into the system
5 HR puts him into the system and takes him out of
6 the system. I don't have --

7 Q But you approved it is what you're saying?

8 A Yes.

9 Q Okay. Did you have to sign paperwork or
10 anything?

11 A Yes. I signed a PAR saying that he was going
12 back into the system and then I signed the one
13 saying --

14 Q Where is that PAR?

15 A I got it upstairs.

16 Q Okay. We gonna need a copy of that once we
17 conclude this interview. And also the two
18 lists, the two lists.

19 A Okay.

20 Q We'll also need copies of those. The original
21 list, well you said there was seven of them.
22 But mainly the one that, I guess, whatever you
23 can provide us.

24 A Okay.

25 Q If you have all seven --

1 MR. SAVOY:

2 Maybe you can help us out with that. I
3 know you said, there was multiple lists that
4 was generated but --

5 A It's one list. There was revisions to it.

6 MR. SAVOY:

7 Oh, that -- Okay. I follow you.

8 BY MR. WASHINGTON:

9 Q Okay.

10 A It's one Excel file.

11 MR. SAVOY:

12 Okay.

13 BY MR. WASHINGTON:

14 Q Okay.

15 A There were revisions to it.

16 Q Okay.

17 MR. SAVOY:

18 Do you have each revision of the dates
19 of each revision? And those include the
20 amounts? Were the amounts included? The
21 amounts --

22 A Yeah. The amounts --

23 MR. SAVOY:

24 -- of bonuses?

25 BY MR. WASHINGTON:

1 Q Were any of the amounts --

2 A The amounts were included on the sheet. I will
3 have to check. I don't have -- I have one file
4 that's sitting on my work system.

5 Q Uh-huh (affirmative response).

6 A I have one file. I perhaps have back copies of
7 that but will have to look through sent files.

8 Q Okay.

9 A So if I sent that file over to the tribe for
10 approval, over to Anthony --

11 Q Right.

12 A -- over to the auditors that went through the
13 audit as well, then I may have earlier versions
14 of that file.

15 MR. SAVOY:

16 I follow. I see, now, Linda Eezy, is
17 it Eezy?

18 A It's Neezy.

19 MR. SAVOY:

20 Linda Neezy told you in order -- you
21 would have -- HR would have to enter O'Neil
22 Darden into the system --

23 A Correct.

24 MR. SAVOY:

25 -- in order for him to generate, or in

1 order for them to generate --

2 A Because payroll wouldn't have anybody in the
3 system to go back and pick out to --

4 MR. SAVOY:

5 Got you.

6 A I can't pay Joe Blow off the street out of the
7 payroll system. They have to be in the payroll
8 system in order to do that. In order to get
9 them into the payroll system, they have to be in
10 the HR. It's all -- HR and payroll run out of a
11 --

12 BY MR. WASHINGTON:

13 Q From my understanding, I understand, I think,
14 did Linda Neezy decline to do it or refuse to do
15 it?

16 A Refuse to put it in?

17 Q Yeah, put him in the -- what feedback did you
18 get from Linda?

19 A That it was unusual.

20 Q Okay.

21 A Same feedback that I had, that it was unusual.
22 But if that's what the -- these were going
23 through the tribal CFO as well. So as we were
24 updating lists, those were going over to the
25 tribe. So without a denial from the tribe, with

1 the request from Anthony --

2 Q So you're saying the tribe approved it, is what
3 you're saying?

4 A Yeah.

5 Q They approved for O'Neil to get the raise -- I
6 mean, get the bonus, is what you're saying?

7 A Explicit approval? Explicit approval, I don't
8 know.

9 Q What members approved it, by name?

10 A The sheets themselves were being emailed over to
11 Patty Perry, the CFO of the tribe, and O'Neil.

12 Q Patty?

13 A Perry.

14 MR. SAVOY:

15 And she's the tribe CFO?

16 A She's the tribe CFO.

17 BY MR. WASHINGTON:

18 Q And you said O'Neil?

19 A And O'Neil, correct.

20 MR. SAVOY:

21 Who's the chairman?

22 A Who's the chairman.

23 BY MR. WASHINGTON:

24 Q So he was aware of the bonus for himself?

25 A Yes.

1 Q Okay. Did he -- so what conversation did you
2 guys have in terms of that verification process
3 that he -- what interaction did you have with
4 O'Neil in terms of the bonus?

5 A O'Neil wanted copies of the updated lists so
6 they could have the formal resolution and
7 finalization of the formal final this was what
8 was paid out.

9 Q Oh, okay. So he wanted the list so that it will
10 have included his name?

11 A It would have had the --

12 Q As far as the resolution?

13 A Correct.

14 Q Okay.

15 A Correct.

16 Q Okay.

17 A On the day of the meeting that they were going
18 to pass the resolution --

19 Q Uh-huh (affirmative response).

20 A -- was when I was contacted by O'Neil to say,
21 you know what, we --

22 Q What day was that? Because I understand there
23 was an initial list --

24 A Uh-huh (affirmative response).

25 Q -- if I'm not mistaken, that came out and O'Neil

1 had to be added. So is this -- when did the
2 initial list come out with O'Neil's --

3 A The initial, those lists have been going back
4 and forth since September. Since September,
5 October.

6 Q Okay. When did the final draft of the initial -
7 - or is that or I guess you were doing it up to
8 the point -- I'm trying to figure out at what
9 point was O'Neil added? I mean, what --

10 A O'Neil was added probably it was late in the
11 process and it was about the time that the
12 council approved Anthony to go to a hundred
13 percent.

14 Q Okay. And what --

15 A So if you can find the date that that meeting
16 occurred --

17 Q Okay. It was the same date?

18 A It would have been in that same, I want to say,
19 it would have been that day or that same range
20 of days. Which would have been a week, a week
21 and a half.

22 Q So it's safe to say that O'Neil --

23 A Was a late addition and then a last minute
24 subtraction.

25 Q What I'm saying -- I understand that. But at

1 what point was he aware that he was receiving a
2 bonus? Was it whenever Linda was approached
3 with the idea or --

4 A I don't know. I can't answer that one. That
5 would be a question for Anthony Patrone.

6 MR. SAVOY:

7 Okay. The list --

8 A That would be a question for Anthony. Anthony
9 was the one that came back and had him added it.
10 So it was, I want to say --

11 BY MR. WASHINGTON:

12 Q Well you told me you knew that O'Neil knew about
13 the fact that he was getting a bonus. So I'm
14 trying to understand at what point can you
15 verify that he --

16 A At his first point, I don't know. At the first
17 point he knew, I don't know.

18 Q Well at first point that you knew?

19 A When we updated that list and sent it back again
20 his name was on it.

21 Q Okay. But through conversation and --

22 A Through conversation --

23 Q At what point can you say O'Neil understood that
24 he was receiving a bonus or was to receive a
25 bonus?

1 A By personal knowledge, the day the revision came
2 through with his name on it that was sent to the
3 tribe.

4 Q Okay. So you had personal dialog with O'Neil?

5 A No. But it would have gone straight to him.

6 Q Okay. The submission?

7 A It would have gone, the submission would have
8 gone to Patty and O'Neil.

9 Q Okay. Okay. And that was --

10 A That would have been --

11 Q What date?

12 MR. SAVOY:

13 That would be in your sent mailbox?

14 A That's what I'm --

15 BY MR. WASHINGTON:

16 Q If you got it, we need that information.

17 A Okay. I can't tell you an exact date. It would
18 have been probably four, five, six days prior to
19 the day we took him back off.

20 Q Okay.

21 A He was on the sheet for a little bit less than a
22 week.

23 Q Okay. So after you signed --

24 A It was in that week we put him back into the HR
25 system, payroll cut it, and then took him back

1 out. And then he called and said this isn't a
2 good idea. It's too late, the check's already
3 --

4 Q You have information -- have evidence to support
5 that he called you and said -- what, it was
6 email interaction or -- because, I mean, you say
7 that but then was a check -- I asked you where's
8 the money and O'Neil still has the money.

9 A O'Neil still has the money.

10 Q Right. So can you confirm, do you have any
11 evidence to support that?

12 A I'll go back and look.

13 Q Okay.

14 A I don't -- I know he caught me after the
15 construction meeting, the day of the meeting and
16 --

17 Q Because I know that would be a priority. And
18 it's been --

19 A Well -- okay.

20 Q -- days, I mean.

21 A Okay. The only -- he called me after the
22 meeting and told me, which meant that we had to
23 send an updated list to council before that
24 tribal meeting that afternoon. So if you would
25 consider the updated meeting, or the updated

1 submission that was sent prior to that council
2 meeting ratifying everything with his name taken
3 back off as proof of the conversation or --

4 Q Well that could be interpreted in a numerous
5 ways.

6 A That's -- that wasn't --

7 Q And the way I see it is --

8 A That's why I'm --

9 Q -- I might not interpreted it that way. I'm
10 interpreting it as somebody trying to conceal
11 O'Neil's name on that list. You see? Because
12 that has nothing to do with money. I mean, he
13 has -- you see what I'm saying?

14 A Yeah, that's true. That's true.

15 Q So --

16 A Well that's why I asked if you would, if that
17 would be --

18 Q Well I'm just asking you to be truthful.

19 A I am.

20 Q Yeah. I mean, I'm not --

21 A I am.

22 Q -- I'm not trying to put words in your mouth but
23 --

24 A No.

25 Q I mean, I've been around a little bit longer.

1 We're seasoned investigators and, I mean, if we
2 -- because we got more people to interview.

3 A Uh-huh (affirmative response).

4 Q So I mean --

5 A I don't -- then to answer your question I don't
6 know that there is any explicit conversation or
7 proof of conversation with O'Neil on the day of
8 the, after that construction meeting.

9 Q The construction meeting?

10 A He was over here for a construction meeting,
11 upstairs. My office is right next to the
12 conference room.

13 Q Well, okay, so what you're saying is that O'Neil
14 understood that money was to be paid to him. He
15 accepted the payment and he currently has
16 possession of the payments, of the moneys?

17 A He currently has possession of the payment, yes,
18 sir.

19 Q And you're saying that he anticipates to repay
20 it?

21 A Yes.

22 Q Or is that just your --

23 A No. Because when he --

24 Q Is that your --

25 A When we had that conversation that day, it was

1 well the payroll's already done, it's already,
2 it should be in your account tomorrow --

3 Q Uh-huh (affirmative response).

4 A -- the next day.

5 Q And how long has this been, roughly?

6 A It's been --

7 Q Since the deposit was made to O'Neil's account?

8 A A week, little more than a week.

9 Q Today is the 20th, so it's been over a week. So
10 can you honestly say O'Neil intended to repay it
11 or not, is what I'm trying to get from you, or
12 is that just something you're asserting with no
13 factual basis?

14 A Something I'm asserting with no factual basis?
15 It is my understanding from my conversation with
16 O'Neil that he intended to repay it.

17 Q When? Did he say when?

18 A When the, he said, when the funds got into the
19 account.

20 Q And when did -- do we know when the -- you said
21 it took a couple days?

22 A Yeah. It took a couple days. It should be in
23 there and that was --

24 Q So how is he going -- how would he repay the
25 casino?

1 A A check cut to us. A check cut back to the
2 casino.

3 Q Okay. But you guys have not, to date, received
4 a check from O'Neil Darden?

5 A Correct.

6 Q And how much was the check for?

7 A Roughly four thousand, four thousand five
8 hundred.

9 Q Okay. We had a figure was a little bit
10 different from -- are you certain or are you --

11 A No. I am computing in my head.

12 Q Okay. Is there anyway you can -- you would have
13 any copies or anything --

14 A Oh, yeah. Yeah.

15 Q Or was it --

16 A I can verify that.

17 Q Okay. Yeah, if we can get the accounting --

18 A Yeah.

19 Q -- information on that.

20 A Definitely.

21 Q And to my understanding, okay, once it was
22 brought to your -- well I'd assume. Did Mr.
23 Patrone -- who initiated this conversation about
24 O'Neil receiving a bonus, was this something you
25 facilitated or --

1 A Anthony.

2 Q Anthony.

3 A Anthony Patrone.

4 Q Okay. So how did he ask you? I mean, what was
5 your response? I mean, how did he ask you and
6 what was your response to him?

7 A He said he had come from the tribe where he had
8 talked with them and that he felt and they
9 agreed that O'Neil should receive a prorated
10 portion of his bonus because he had worked --

11 Q Okay. They meaning, O'Neil Darden and you're
12 saying the CFO of the tribe?

13 A He was meeting with the --

14 Q Or you don't know who 'they' is?

15 A He said they, I took it as council.

16 Q Okay.

17 A During his meeting with the council.

18 Q Okay. This is what he, Anthony Patrone, told
19 you?

20 A Told me.

21 Q That the council basically recommended that
22 O'Neil receive --

23 A That he had brought that up in the meeting, they
24 agreed and that he should receive a prorated
25 portion.

1 Q Okay. And what did you do upon hearing that?

2 A I said it was unusual, but -- and that it was
3 gonna be logistical difficult because he's not
4 an employee anymore.

5 Q Uh-huh (affirmative response). And then you
6 guys met with Linda?

7 A We met with Linda.

8 Q Uh-huh (affirmative response). You and Anthony
9 or just you?

10 A I don't know. I don't remember that.

11 Q Okay. So you met with Linda and Linda basically
12 --

13 A This is the solution, this is what we would have
14 to do to do that.

15 Q Now and basically Linda refused to do it? Am I
16 right?

17 A Oh --

18 Q Or she made her --

19 A Unless she refused to Anthony, I'm not aware.

20 Q Oh, okay. She did not -- what, she agreed?
21 Because I know she didn't sign it? The
22 paperwork; right? She's the human resources
23 manager. Did she sign paperwork or did she
24 bring it to you, the request to you?

25 A She said that it needed a director's signature.

1 Q Okay. Is that normal?

2 A Yes.

3 Q Okay. So she wouldn't have to sign it as a
4 human resource manager?

5 A Um --

6 Q I mean, I understand you're CFO --

7 A I'm not sure.

8 Q Okay.

9 A I'm not sure.

10 Q Okay.

11 A I know I have signed the PAFs for the people
12 coming on and leaving in my department -- and
13 I'm not sure what HR signature needs.

14 Q Okay. But did she make it -- was she also
15 puzzled about the request?

16 A She thought it was unusual as well.

17 Q Okay. Okay. And after, because I understand,
18 after the human resource put O'Neil into the
19 system as a current active employee, what
20 happened?

21 A Then the direction was made to payroll to make
22 him a part of the bonus payout and the amount
23 was given to payroll.

24 Q Okay. Do we know where the amount came from?
25 Why that amount of money?

1 A The amount was calculated.

2 Q Based on what?

3 A Based on his annual salary at the time that he
4 worked here --

5 Q Uh-huh (affirmative response).

6 A -- times a nine month proration, he was gone for
7 the last three months of the year.

8 Q And you didn't see anything wrong with that,
9 being a tribal chairman?

10 A I thought it was unusual but there's a few
11 things that happened that I think are unusual.
12 But when I get a directive --

13 Q Might be telling you to rob a bank, you'll do
14 it? I'm not being disrespectful but I'm --

15 A No.

16 Q -- I mean, I sure you -- I know you've been
17 around a long time.

18 A No. I didn't -- no.

19 Q Okay. But you consider yourself as following
20 orders? Okay. So what -- did you tell anybody
21 else? The commission or game commission or --
22 about the unusual request that was made by
23 Anthony Patrone?

24 A To the gaming commission?

25 Q Yeah.

1 A No.

2 Q Yeah. You didn't let anybody know anything?

3 A Yeah. When I sent the list over to Patty. It
4 wasn't as if O'Neil made the request of Anthony,
5 Anthony made the request of me and it went
6 straight back to O'Neil. It went to the --

7 Q What did Patty say? Because I -- did she
8 approve?

9 A Patty had no comment about it. There wasn't any
10 discussion about it.

11 Q Okay. So she never --

12 A She never said no, don't do this. She never
13 said. So there was in my opinion an informal
14 approval.

15 Q I mean, can you say that? So you're -- I don't
16 know you can say that's an informal approval if
17 they didn't say anything, I mean. I mean, did
18 she say it? I mean, I understand the semantics
19 but did she agree with it or not or she just
20 didn't give an opinion either way?

21 A I did not hear any negative or positive.

22 Q Positive. Okay.

23 A So if it raised a red flag with her --

24 Q So you handed the paperwork to her?

25 A -- it wasn't relayed.

1 Q So you personally gave her the paperwork, the
2 list?

3 A No. It was through email.

4 Q Okay. You sent her an email?

5 A Patty and O'Neil with the updated list with him
6 on it.

7 Q And you did not get a response, return from
8 Patty, is what you're saying? Or O'Neil?

9 A No. No. I got a, I want to say, that's when I
10 got the call that Anthony had been approved to
11 go to a hundred percent so I had to adjust it
12 again and resend it out.

13 Q Okay. Who approved that?

14 A Anthony going to a hundred percent?

15 Q Yeah. What was his --

16 A Council.

17 Q What was his initial, I guess, qualification in
18 terms of a bonus? What was he authorized to --

19 A It was based on EBITDA.

20 Q On what?

21 A On accounting net profit.

22 Q Okay.

23 A Based on the performance of the casino.

24 Q But wasn't, as a contract, did they have a
25 percentage?

1 A Yes.

2 Q Initially?

3 A Yes.

4 Q What was it?

5 A Based on the results that we had, it would have
6 been seventy-five percent.

7 Q Okay. Of the net of his salary?

8 A Of his salary.

9 Q Okay. And who made the request to change it to
10 increase it?

11 A Patty.

12 Q Okay. Why?

13 A Because the council voted and the council -- I
14 don't know what the reasons are. That's those
15 meetings, I'm not in those meetings but for the
16 performance that he did and for the work on the
17 construction project they awarded him an
18 additional twenty-five percent.

19 Q Okay.

20 A So the directive I had was change my stuff to
21 Anthony getting a hundred percent.

22 Q Did that directive come from Patty, directed to
23 you?

24 A Yes, but I can't remember if it was verbal or
25 email.

1 Q So Patty --

2 A She reviews the sheet, she's see Anthony still
3 at seventy-five percent. She calls back and
4 said, hey, there's an error in here. We
5 approved Anthony to go to a hundred percent.
6 Can you please update this and resend it.

7 Q Okay. And that's when she -- you can't remember
8 if she an email confirming this?

9 A No. No, I can't remember that.

10 Q Can you check and see if you have an email?

11 A I'm gonna put everything.

12 Q Okay.

13 A Everything that I have on email.

14 Q But you know Patty personally told you --

15 A Yes.

16 Q To adjust --

17 A Yes.

18 Q -- Anthony's percentage --

19 A Yes, sir.

20 Q -- of bonus from seventy-five percent to a
21 hundred percent.

22 A Yes. O'Neil's would have been on the same form,
23 so --

24 Q Okay. She approved Anthony Patrone's but she
25 rejected O'Neil's, am I correct?

1 A Rejected O'Neil's?

2 Q Did she agree with O'Neil's --

3 A No. I've never, I don't think I've ever
4 explicitly got anything from Patty about
5 O'Neil's.

6 Q Okay. Does the commission or does Bob Carroll,
7 any of them have anything to do with this
8 increase in terms of Anthony's seventy-five
9 percent versus a hundred? Is there a vote? Is
10 that solely the tribe?

11 A That's the council.

12 Q The council.

13 A The council's the one that approves the bonuses,
14 the commission doesn't have anything to do --

15 Q It doesn't have anything to do with it?

16 A Anything to do with bonuses.

17 Q Okay.

18 A I don't think there was anything at all sent to
19 the commission about bonuses at all.

20 Q Okay.

21 A It would have been in the financial statements
22 where we were accruing them.

23 Q Okay.

24 A But the final approval is subject to the
25 council.

1 Q Okay. So is that, I guess that's normal to --
2 for them --

3 A Yeah. They've never been a part of that.

4 Q Okay. But it's normal for the council to just -
5 - you said there's a formal that they use in
6 terms of the revenue is generated or -- in terms
7 of how they calculate?

8 A There's a calculation, yes.

9 Q Well who -- and this is in, I would assume,
10 Anthony Patrone's contract, is what you're
11 saying?

12 A Yes.

13 Q Who wrote the contract for the seventy-five
14 percent?

15 A I have no idea.

16 Q You don't now who writes --

17 A That would have been --

18 Q -- an employee's contract?

19 A No, because I'm not a part of that process. I
20 wasn't -- didn't interview Anthony; I didn't
21 make an offer letter. We didn't --

22 Q That must be over here?

23 A It's either the commission or the council. I
24 don't -- I can't speak to that because I'm not
25 part of that process.

1 Q I don't know if you were on the panel?

2 MR. SAVOY:

3 Who does the hiring and firing for the
4 GM? That goes through the council?

5 A Yeah. It goes through the council. He works
6 for the council.

7 MR. SAVOY:

8 Okay. So the council would probably be
9 the one that would generate the contract.

10 BY MR. WASHINGTON:

11 Q Yeah. I guess they got -- with the attorneys,
12 so --

13 A Well I would assume -- I would assume that they
14 would pass -- yeah.

15 Q -- gotta go through O'Neil --

16 A I would assume that they would pass it through
17 the attorney --

18 Q Right.

19 A -- but that would be a straight assumption on my
20 part.

21 Q Right. And they don't -- they don't have an
22 attorney over here do they, for the tribe?

23 A No.

24 Q Is that -- I know that's --

25 A Not that I'm aware of.

1 Q Right. Okay. Yeah, so it has to go probably
2 through the commission at some point. Maybe
3 that's a question we can ask them. I'm just
4 trying -- so Patty technically, I mean, you're
5 saying -- I mean, we're using --

6 A Yeah.

7 Q We're saying the council, but, I mean, the
8 council does not act independent of the
9 attorneys here, if I'm not mistaken, and the
10 commission in terms of all the decision making,
11 contracts, the hiring, et cetera. I mean, I
12 mean, you're --

13 A I don't know if I can --

14 MR. SAVOY:

15 The council refers to the, tribal
16 council refers to the tribal attorneys,
17 their legal counsel, I guess, to review
18 these contracts?

19 BY MR. WASHINGTON:

20 Q Unless you're telling me Patty --

21 A I'm sure --

22 Q -- Perry's writing all these contracts and --

23 A No, no.

24 Q -- single handedly and unilaterally?

25 A I'm sure at some -- I'm sure at some -- I'm just

1 not involved in that.

2 Q Okay. You're not familiar with the process?

3 A I can't tell you to what extent.

4 Q Okay.

5 A I can't speak to that. I don't have any direct
6 knowledge of that.

7 Q Okay.

8 A I'm sure they reference the -- but that's, I
9 mean, it's a straight assumption. That's not
10 something I have direct knowledge of.

11 Q Okay. Let's see here. Just let me go over my
12 list to make sure we're covered. So you
13 remember the conversation you had with Cindy
14 Blanchard in terms of the check being sent to
15 O'Neil Darden, or being cut to him? Did you
16 remember -- did you -- I would assume it had to
17 go through accounting?

18 A Through payroll.

19 Q Or payroll?

20 A Right.

21 Q Yeah. Did you remember speaking to any of those
22 people there to facilitate?

23 A To facilitate, yes, sir. Yeah, all of the
24 bonuses got facilitated from the list.

25 Q And they all were direct deposited?

1 A No. On the initial run of the bonuses all of
2 them were cut in check-checks.

3 Q Okay.

4 A It was only in the supplemental runs afterwards
5 that they moved to direct deposit.

6 Q Okay. And why was that?

7 A Because it's a lot of extra work to do check-
8 checks. We don't do check-checks as a norm here
9 so when we issue check-checks there's
10 permissions that have to be turned on. IT's
11 involved.

12 Q Uh-huh (affirmative response).

13 A There's a lot of extra processing that goes into
14 it. We ran the initial batch of bonuses as
15 check-checks because Anthony likes to be able to
16 hand somebody a check.

17 Q Okay.

18 A So as a part of those initial processes we run
19 check-checks. Subsequent to that when we find
20 out that we miss somebody or, you know, there
21 was a table games employee that had two written
22 write ups that showed up on her record. We come
23 to find out they were the same incident, showing
24 up twice, which disqualified her for two or
25 more.

1 They were of the same event so she was --
2 that particular dealer didn't receive one and
3 should have, that went on a supplemental run.
4 There was also a dealer that we found before we
5 handed out checks that should have had
6 disciplines in the system so table games caught
7 the fact that there should have been more than
8 two or more write ups in the system so we held
9 that check. So that one was subsequently
10 voided.

11 So there was and actual check-check to void
12 on that one. But the subsequent run, so
13 Anthony's run, the additional host that got
14 approved, the couple table games people,
15 O'Neil's check, all of those were in direct
16 deposit because they were a week, week and a
17 half, couple weeks after the initial runs.

18 Q And what was the amount cut for the host in the
19 adjustment?

20 A It would have been three fifty. They would have
21 received a four hundred dollar original check
22 that was from a supervisor rate that was changed
23 to a specialist rate at seven hundred and fifty.

24 Q Okay.

25 A So they would have been a four hundred dollar

1 check in the original run and then a three
2 hundred and fifty in the subsequent run.

3 Q Okay. Okay. I'm gonna have to get off the
4 subject a little but it's in reference to the
5 check writing. Were you involved when Mr.
6 Patrone requesting a check to be cut in January
7 as opposed to with the original batch?

8 A He'd asked me if it was possible.

9 Q Why was that? Why would he --

10 A It was for tax reasons.

11 Q Oh, okay.

12 A So I didn't see an issue with that one. We
13 ended up not doing it, but there wouldn't be an
14 issued with that because the amounts were
15 approved to pay out. That's just a timing
16 question when they get paid out. It wouldn't
17 have a made a difference whether it was December
18 20th --

19 Q With the ones he --

20 A -- or January 10th.

21 Q Yeah, yeah. I figured it probably something to
22 do with taxes.

23 A Yeah, it was taxes.

24 Q And then we also had an issue with the
25 conversation you had with Mickey in IT. I think

1 she had to backdate it or back up the system in
2 order to cut that check for Patrone. Did you
3 guys -- did you facilitate that?

4 A Yes.

5 Q Can you explain what happened with that?

6 A Anthony came and asked if, I want to say it was
7 28th, 29th of December, and asked if we could go
8 ahead and issue his check in 2015.

9 Q Uh-huh (affirmative response).

10 A I told him that they were working on trying to
11 close out the quarter, close out the quarter and
12 the year. He said can it be done? So we went
13 back and did the research and found out that if
14 we restored PDS to a backup, because payroll had
15 started to close the quarter and year.

16 So they were two or three steps into their
17 process of closing the quarter. In order to go
18 back and issue this in 2015, we would have to
19 restore from backup to the point just prior to
20 when they started closing the payroll, so it was
21 about a day and a half. So when we presented
22 that option we were told to move forward.

23 Q And why did you guys do that?

24 A Because my boss asked me to.

25 Q Is that a normal request or typical?

1 A We are -- not to be not cooperative, I find it
2 difficult to find a good solution to that
3 question because things change very quickly.
4 So, for example, last Friday we talked about
5 moving the cage for the construction walls, so
6 the construction wall could go up quicker.
7 Which would facilitate the cube opening sooner.
8 Can we discuss moving the cage over to the
9 players club. The players club opening on this
10 half, the cage opening up on this half. Can it
11 be done Monday?

12 We go through, we brain storm, we try and
13 figure everything that we can out. We go back,
14 present the findings, yes it can be done, but, I
15 mean, you're end up destroying a few people in
16 the process, you know.

17 MR. SAVOY:

18 Is it practical, is it feasible to do
19 it?

20 A Is it feasible. There's a non-feasibility to
21 trying to get this done.

22 MR. SAVOY:

23 Right.

24 A Okay. Well then we won't do it.

25 MR. SAVOY:

1 Right.

2 A If we had come back and said, yeah, we think we
3 can do it, that answer might have been
4 different. So is that a normal course of
5 operations, no. But is the question is that
6 feasible, part of normal course of operations,
7 yes. Does that make sense?

8 BY MR. WASHINGTON:

9 Q Yeah, I got you.

10 A I'm not --

11 MR. SAVOY:

12 That makes sense.

13 A I'm not trying to dodge your question.

14 BY MR. WASHINGTON:

15 Q Yeah, I got you. It's not a problem.

16 MR. SAVOY:

17 What we were trying to elicit is by
18 going back and restoring the system, so only
19 for that check to be cut in 2015 opposed to
20 2016, is that feasible to do that? The
21 amount of work and man hours opposed to just
22 saying, okay, the books are closed, let's
23 just cut the check in 2016 because we don't
24 need to go through all that trouble.

25 A Is it a pain? Yes. Did we complain about it?

1 Yes.

2 BY MR. WASHINGTON:

3 Q Right.

4 A Did it cause some people to do some double work?

5 Yes. When your boss tells you is it feasible --

6 Q Right.

7 A -- yes, it is feasible. Will you do it, or do
8 it. Okay.

9 MR. SAVOY:

10 Well then, but, I guess what I'm have -
11 - I'm trying to wrestle with is, at any
12 point when Anthony Patrone's asked y'all to
13 do something, in your own mind no one said,
14 well it's not feasible. We can do it, but
15 it's feasible. It would be not cost
16 effective for man hours or for the casino to
17 facilitate that, to make that check or to
18 make that check, is your request worth that?
19 But nobody challenge him. If he ask you to
20 do something you do it and that's the boss.
21 You're given an instruction, you follow that
22 order, regardless.

23 A To a point.

24 MR. SAVOY:

25 If it makes sense to you or it's

1 practical to you --

2 A To a point. I'm not jumping off a bridge. I'm
3 not robbing a bank.

4 MR. SAVOY:

5 Right.

6 BY MR. WASHINGTON:

7 Q Yeah.

8 A Is it feasible? Yes. Will you do it? Yeah.

9 MR. SAVOY:

10 But at any time is there any push back
11 from y'all saying that, it's a problem. You
12 know the boss --

13 A Yeah.

14 MR. SAVOY:

15 You're the boss.

16 A It is. It is.

17 MR. SAVOY:

18 We understand what you want but you may
19 want to reconsider that?

20 A Mickey and I both went to him and said, look,
21 you're -- this is a day and a half worth of work
22 of payroll that we're flushing. This is a day
23 and a half of work from Jolinda in HR that we're
24 flushing. Okay. Okay, do it, make it happen.
25 You're telling me it's feasible go do it. At

1 that point we've laid all our cards out and been
2 told to proceed.

3 MR. SAVOY:

4 -- to proceed.

5 BY MR. WASHINGTON:

6 Q And why did he change his mind again to want to

7 --

8 A Didn't say.

9 Q Okay. So I know it's -- okay, that's what I was
10 trying to figure out.

11 A Didn't say, he didn't say. I know there was a
12 discussion about whether it was better in 2015,
13 2016. He came back and said, okay, 2015's
14 better. Well now we're a day and a half into
15 closing, you know, it was a point of -- a
16 stretch of time had occurred in the meantime.
17 So now when he comes back with his decision now
18 it's, well now it's too late because we're
19 closing the quarter and the year. Well is there
20 anything that we can do? That's when we had to
21 go back and look at it.

22 Q Right.

23 A So it was one of those when he said initially,
24 I'm not sure if I want it in 2015 or 2016. And
25 we didn't get a definite answer until, you know,

1 it was at a point where we have to back up the
2 system a day.

3 MR. SAVOY:

4 And just roughly what you think that
5 cost, backing up the system, man hours, just
6 roughly? I know you're gonna have to tap
7 into the computer. Quite a bit.

8 A A payroll clerk for eight hours; an HR clerk for
9 eight hours.

10 MR. SAVOY:

11 Okay.

12 A But again, through the normal course of
13 operations and even looking at stuff that's not
14 feasible, we spend a week studying stuff. It
15 ends up not being feasible, we've spent the
16 week. You know what I --

17 MR. SAVOY:

18 It kind of washes out. I got out.

19 BY MR. WASHINGTON:

20 Q Okay. You have any --

21 MR. SAVOY:

22 I just got a couple of follow up.

23 A Okay.

24 MR. SAVOY:

25 The list for bonuses.

1 A Uh-huh (affirmative response).

2 MR. SAVOY:

3 That's generated by HR or --

4 A I pull it, HR approves it.

5 MR. SAVOY:

6 Okay. With the amounts or how would
7 amounts --

8 A The amounts come from Anthony's discussion with
9 the council.

10 MR. SAVOY:

11 Okay. So when you have the bonus list
12 that's submitted to Anthony. He reviews it,
13 I'm assuming, and he sends it to the council
14 for approval?

15 A Anthony comes and says, we're gonna pay out line
16 level at, I met with the council, we're gonna
17 pay the line level at three hundred. We're
18 gonna pay leads at three fifty, supervisors at
19 four hundred, specialists at seven-fifty,
20 managers at five percent and directors I'll give
21 to you a little later after I talk with them
22 further. So it was -- what I'm doing is going
23 through and saying, this is my list. This is my
24 complete list of employees.

25 MR. SAVOY:

1 Okay.

2 A They can't have two write ups, two written write
3 ups, two or more. They have to be here for a
4 certain period of time during the course of that
5 fiscal year.

6 MR. SAVOY:

7 Okay.

8 A Okay. So that ends up excluding some people.

9 MR. SAVOY:

10 Got you.

11 A If they're tribal we put them back on at the
12 lowest, the lowest available rate, just as a
13 matter of policy that we pay out tribal members
14 a little something through, you know, whether
15 they qualify or not.

16 That list gets generated, I sort it, HR and
17 I work on putting people into categories. So
18 who's line level, who's a supervisor, who do we
19 qualify as a specialist, who gets -- who's a
20 lead. Through the course of property, HR and I
21 are working on that together. Anthony gives us
22 the amounts, we plug in the amounts for the
23 people that qualify. HR and I approve it and
24 it's done.

25 MR. SAVOY:

1 Okay. So --

2 A And then it gets submitted over to the
3 councilmen --

4 MR. SAVOY:

5 For final approval.

6 A For final --

7 BY MR. WASHINGTON:

8 Q Does it get -- what about the amendments to the
9 -- does that get also sent each time it's
10 amended to the council --

11 A Yes.

12 Q -- or not?

13 A Yes.

14 Q Okay. So each time there is an amendment to,
15 you know, an employee --

16 A Well they're now -- until it goes to payroll,
17 it's not final. Does that make sense?

18 MR. SAVOY:

19 Uh-uh (negative response).

20 A Until it actually makes it to payroll it's not
21 final. So there are adjustments. So we catch -
22 - we caught a couple table games people that,
23 oh, they shouldn't be in, the should be in.
24 Okay. This is the list. It's not -- then that
25 list gets sent to council. So prior to that if

1 we catch something before payroll has issued any
2 checks that list gets modified at that point.

3 It doesn't get resubmitted every time.

4 BY MR. WASHINGTON:

5 Q You mean by council? What do you mean? Does it
6 go to the chairman?

7 A It goes to the chairman and Patty.

8 Q Okay. You physically hand it to them or you
9 send it by email or --

10 A Send it via email.

11 Q Okay. And you CC, I mean, you send it directly
12 to the chairman and --

13 A Chairman and Patty.

14 Q And CC, okay, send it directly to those two.

15 Okay. I got you. Okay.

16 MR. SAVOY:

17 It's just those two? Are you CCing
18 Patrone or anybody or just those two?

19 A I want to say Patrone was on a few of them.

20 MR. SAVOY:

21 And you still have those emails?

22 A Let me look.

23 BY MR. WASHINGTON:

24 Q As far as your knowledge, did Patty receive any
25 revenue?

1 A Patty? A bonus?

2 Q Yeah.

3 A No. No.

4 Q And I know we're throwing Patty in here but I
5 guess at some point -- I would imagine that the
6 tribal situation, the council, operates similar
7 to how the casino -- Mr. Patrone, who's the
8 general manager, walks around here and tells
9 people what he needs done and it gets done;
10 right? And nobody questions him? I would have
11 to assume that O'Neil Darden is probably
12 operating in a similar fashion over there. And
13 so when you say Patty says -- it doesn't work
14 that way?

15 A I don't have --

16 Q You don't have any evidence to that?

17 A No, I don't.

18 Q Okay. This is just either way?

19 A No.

20 Q I just have to assume, I mean, because your say
21 he's going to O'Neil --

22 A Patty's my counterpart at the tribe.

23 Q Uh-huh (affirmative response). I mean, we're
24 saying the tribe but it's actually O'Neil who's
25 the lead person. I don't know, I mean, I'm

1 just, I mean -- I guess I'll have to interview
2 these people but, you know, it's almost like
3 we're making -- O'Neil is singlehandedly making
4 a lot of the decisions. I mean, I understand.
5 How many council members do we have over here,
6 do you know?

7 A Five.

8 Q Five? It's not going to all five; right? I
9 mean, you just, you sent the list directly,
10 you're saying, to O'Neil and Patty; right?

11 A Yeah, O'Neil and Patty.

12 Q And does it go to the other members at some
13 point or it just -- does the approval has to -
14 does submission --

15 A When I send --

16 Q -- gets to the other members or what?

17 A When I send over financial statements I send
18 them over to Patty and O'Neil.

19 Q Okay.

20 A They disseminate them through the rest of the
21 council. Through my normal course of operations
22 that I send stuff to Patty and O'Neil.

23 Q And what confirmation did you get, in terms of
24 the approval for the list, for the final list of
25 bonuses from O'Neil and Patty?

1 A From --

2 Q Because if they approved it, where is -- I need
3 -- do you have the confirmation that, I mean,
4 how else would you know --

5 A With O'Neil on it or with O'Neil off it?

6 Q Well with anything. I mean, how does -- do you
7 receive something in writing saying that yes,
8 this is from Patty, this is from O'Neil, we
9 approve the list?

10 A No. Typically that information is relayed
11 through Anthony.

12 Q Okay. So you --

13 A I have met with the council on construction a
14 couple times, over the past few months --

15 Q Okay. So you --

16 A And I just got --

17 Q -- just gotta rely on the information that
18 Anthony presents to you, is what you're saying?

19 A Correct.

20 Q Okay. So you don't know if the information got
21 to these people or not?

22 A Well I know it made it to Patty because she
23 wrote back that they approved Anthony to go to a
24 hundred.

25 Q But she didn't write anything about the list,

1 approving the entire list?

2 A I've got a copy of the resolution approving the
3 final list.

4 Q Okay. From Patty?

5 A Yes.

6 Q And O'Neil. Okay. With, that includes --

7 A Without --

8 Q -- modification to Anthony Patrone's --

9 A Correct.

10 Q -- increase and also O'Neil?

11 A Not O'Neil's. Because O'Neil's was -- the day
12 of that's when the modification occurred.

13 Q Now, okay. So that, to me, that implies that
14 Patty disapproved of it. Is that safe to say?

15 A I don't -- I think that would be speculation on
16 my part. It got modified because O'Neil asked,
17 O'Neil came after that meeting and said, you
18 know what I don't think it's a good idea. We
19 should not do this. Can you take me off the
20 list. I can take you off the list but the
21 check's been cut. We'll have to get you to cut
22 a check back.

23 Q Why would you think he changed his mind?

24 A It would be a straight assumption on my part.

25 Q I mean, was it because he had a, I mean --

1 A I'm assuming he thought it was -- I don't know.
2 But my assumption was either he thought better
3 of it or he was talking to somebody over there
4 and said they thought it was a bad idea so they
5 -- so he told me to nix it. I don't know. It's
6 a pure assumption on my part.

7 Q Okay.

8 A I don't know the motivation behind it.

9 Q However, he never returned the check?

10 A Correct.

11 Q Or the money?

12 A Correct.

13 Q Okay. At least not --

14 A As of -- as of yet.

15 Q Okay. And did he ever call to --

16 A No. I got a confirmation this morning that we
17 haven't received the check back. My email this
18 evening was going to go to him and Anthony
19 saying when are we expecting to receive payment.
20 But I got called up here beforehand.

21 But I can confirm that I sent out yesterday
22 and received back this morning a question to
23 accounting whatever or not we received back the
24 check. So Debra Stave is aware, Bruce Burgess
25 is aware that we are expecting a check back.

1 If it doesn't come by the 31st then it's
2 going to be in the financial system that we are
3 owed a check back from the tribe. It'll be a
4 part of the close.

5 Q Okay. How would he send it? Did he say? Would
6 he send it by FedEx or --

7 A O'Neil?

8 Q Yeah. Because if I'm not mistaken he lives
9 right here on the reservation.

10 A Yeah. He lives right there. I just had to --
11 I haven't seen him.

12 Q He couldn't drive over here and write a check?

13 A I have not seen him.

14 Q Well that's what I'm asking you. I mean, how
15 can you be certain that he legitimately agrees
16 to pay these moneys back when he lives a mile
17 over here. He could just simply write -- come
18 over here and write a check. I saw him over
19 here yesterday if I'm not mistaken.

20 A I agree with you which is why I confirmed with
21 accounting this morning that we haven't gotten
22 one so I could make contact with him.

23 Q Yeah, that's my whole point. So to me, he
24 doesn't appear to interested in repaying the
25 money.

1 A I can't speak to his intentions but I know the
2 casino's owed the money back.

3 Q Okay. Preston, you got anything? We gonna --
4 Montie, I want you to know this is a, like I
5 stated, this is a confidential investigation and
6 we ask that you do not go out here and speak to
7 anybody about the content of what we spoke about
8 --

9 A Okay.

10 Q -- in this interview.

11 A I do have a question for you though.

12 Q Yes.

13 A Should I proceed with the email?

14 Q I would -- well --

15 MR. SAVOY:

16 Yeah, proceed with your normal
17 business.

18 A Do I proceed with my collection?

19 MR. SAVOY:

20 Yeah, you proceed with your normal --

21 BY MR. WASHINGTON:

22 Q You do whatever. If that's your normal process.
23 But, I mean, don't get into talking about what's
24 --

25 A No. No, no, no. Without a discussion of this.

1 Q Right.

2 A But I want you guys --

3 MR. SAVOY:

4 You can -- once you have --

5 A Do you understand why I'm asking?

6 MR. SAVOY:

7 I understand.

8 BY MR. WASHINGTON:

9 Q I got you.

10 MR. SAVOY:

11 Once you leave this door, you can
12 proceed with your business as usual before
13 you came here.

14 A Okay.

15 MR. SAVOY:

16 But we don't you to have any discussion
17 or any conversation about this interview,
18 about it with anyone, Patrone, Patty,
19 O'Neil, anybody.

20 BY MR. WASHINGTON:

21 Q Yeah, Patrone --

22 A That's fine.

23 MR. SAVOY:

24 Because you are certified by the state
25 and you are subject to have your

1 certifications suspended if you any way mess
2 up this investigation.

3 A That's fine.

4 BY MR. WASHINGTON:

5 Q So --

6 MR. SAVOY:

7 So we're trying to keep the integrity
8 of the investigation solid so we can get the
9 facts.

10 A That's why I asked.

11 BY MR. WASHINGTON:

12 Q But that's what your -- that's the scope of your
13 normal duties in terms of collecting --

14 A Yes.

15 Q -- revenue, I mean, we don't have a problem with
16 that.

17 A Yeah.

18 Q But he ask you anything, you know, in particular
19 about what we -- what we --

20 A I don't have any knowledge.

21 Q Okay. And also we're gonna need to walk down
22 with you --

23 MR. SAVOY:

24 To get copies of those emails.

25 BY MR. WASHINGTON:

1 Q -- to see these copies and emails and whatever
2 you can provide us.

3 A Okay.

4 Q Okay.

5 MR. SAVOY:

6 If anybody does ask you anything about
7 what went on in this room I ask that you
8 contact myself or Mike and let us know.

9 A Okay.

10 BY MR. WASHINGTON:

11 Q Okay. Well --

12 MR. SAVOY:

13 If they have any questions they can
14 come and see us.

15 BY MR. WASHINGTON:

16 Q Do you have anything else before we close the
17 interview that you want to tell us? Because we
18 got a lot of more people to interview and I
19 don't know what they gonna tell me about, so, I
20 mean, I hope to have to not call you back in
21 here to re-interview you because we discovered
22 something from somebody else.

23 So if there's something else you think we
24 need to know we're just gonna give you the
25 opportunity to say it before we end this

1 interview.

2 A I don't -- I can't think of anything else that I
3 need to disclose. I'm a little -- I'm a little
4 concerned as to, I guess the scope here without
5 a whole lot of background. I understand that
6 we're -- I understand that you guys are
7 investigating O'Neil's payment.

8 Q Right. Well it's a number of --

9 A And --

10 Q I mean, first of all I mean, a chairman is not
11 authorized to receive any bonuses. I mean, I'm
12 sure you understand that. You've been here --
13 your wife is tribal and I'm sure you've been a
14 while to know that much.

15 A Yes, that it's unusual.

16 Q Right. And really not -- I mean, it's not
17 supported by policy, tribal policy, compact or
18 anything. I mean, unless you have the
19 information to the contrary. But from what I've
20 -- the documents I've seen it's -- so that's
21 where we are with the scope of the
22 investigation. We don't know -- we're still in
23 the preliminary stages.

24 A Okay.

25 Q So we really don't know, you know, through the

1 course of interviews and the investigation where
2 it might lead. But right now we know for
3 certain that, and you just confirmed some of it,
4 that O'Neil received moneys that he was not
5 authorized to receive.

6 A Okay.

7 Q Now --

8 A Authorized by the council? Authorized by?

9 Q Well I don't know. I don't now who authorized
10 it. He's the council as far as I'm concerned.
11 I mean, he's a chairman and -- but we'll have to
12 interview Patty --

13 A Okay.

14 Q -- and some of these people to see what, you
15 know, whether or not any laws or anything was
16 broken. That's all we can do.

17 A Okay.

18 Q I mean, I'm not here --

19 MR. SAVOY:

20 We're trying to get all the facts.

21 BY MR. WASHINGTON:

22 Q Yeah. I mean, we --

23 MR. SAVOY:

24 I mean, this may pan out to be --

25 BY MR. WASHINGTON:

1 Q Right. We make a determination to see -- I
2 mean, you have -- when you got a public official
3 --

4 A Uh-huh (affirmative response).

5 Q Now you can't come in here and give me a hundred
6 dollars so that I could not interview you. You
7 see what I'm saying?

8 A Oh, yeah. Yeah, I understand that.

9 Q I cannot, as a public person --

10 A I understand that.

11 Q You see what I'm saying?

12 A Yeah.

13 Q And so the standard is a little bit different
14 when you're a public figure. You cannot take
15 bribes or anything of that nature. And I'm not
16 implying that's that what occurred but I'm just
17 telling you.

18 A Right.

19 Q I cannot do it. There's an ethics, board of
20 ethics that would take me down. The same way --

21 A Do I think it's unusual? Yes. Did I think it
22 was unusual at the time? Yes. Did I think it
23 was outside the scope of something that the
24 council can decide? No. But I've never been
25 here when we've had a chairman who has worked

1 for the casino during the course of the same
2 year that he got elected. Does that make sense?
3 So from a feasibility standpoint can I say
4 should he be rewarded for his, for the time that
5 he was here during the fiscal year? Yeah, I can
6 see that.

7 Q Well I -- he's no different from anybody --

8 A Can I see somebody making that decision?

9 Q Okay.

10 A Yeah, I can see that.

11 Q Well I think if I'm not mistaken Joey Barnes was
12 also here for 2015. And did you guys send him a
13 bonus?

14 A No, but he's also not tribal. We make
15 exceptions for tribal members as a part of the
16 bonus program.

17 Q I've never -- is that written in writing
18 anywhere? Because I've never seen the --

19 A Well, what I was saying was, if they don't
20 qualify as far as time or through write ups.

21 Q Uh-huh (affirmative response).

22 A And, we had at least three that were
23 disqualified for write ups and a couple of them
24 that were disqualified for time, that received
25 bonuses.

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 MONTIE SPIVEY as conducted by Mr. Mike Washington, on the 20th day of January, 2016, as hereinbefore set forth in the foregoing 66 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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