

Case Number:	16-284	Offense:	Theft
Case Date:	January 19, 2016	Offense Date:	December 29, 2015
Investigation Officer:	Trooper Michael Washington	Offense Time:	6:02 PM

ATTACHMENT

- 1 Criminal Arrest Report
- 2 Statement of Rights Form
- 3 Suspect D.L. and Criminal History
- 4 Witness/Suspect Statement
- 5 Suspect Booking Sheets
- 6 Rap Sheet and Fingerprints
- 7 Supplemental Bonus List
- 8 Final Bonus List (payroll)
- 9 Direct Deposit Earnings Statement
- 10 Reimbursement Check from O. Darden
- 11 Evidence/Property Receipt Form
- 12 Personnel Action Forms-O. Darden
- 13 Email request to activate O. Darden
- 14 Email Requesting to Void Transactions
- 15 HR Bonus List Received
- 16 Proposed Bonus Spread Sheet-O. Darden Included
- 17 Email Confirming Voided Transaction
- 18 A. Patrone Bonus Processed
- 19 O. Darden Bonus Processed
- 20 O. Darden Notified About Bonus Check
- 21 First National Bank Deposit Confirmation of \$3,983
- 22 First National Bank Internet Transfer of \$2,700.00
- 23 Minutes from January 7, 2016 Tribal Council Meeting
- 24 1st Proposed Incentive Calculation Request(11-9-15)
- 25 Personnel Action Form-O. Darden's Resignation
- 26 Cypress Bayou Casino Bonus Policy
- 27 Gaming Ordinances/Code of Ethics
- 28 Resolution 91-15-Final Approved Bonus List
- 29 Email Poll W/ Proposed Bonus For O. Darden
- 30 Resolution 92-15-GM Bonus Increase
- 31 New Chairman/New Council Member Orientation Packet
- 32 Email Requesting PDS Accounting System Roll-back
- 33 DVD With Audio Recorded Statements
- 34 Arrest Warrants and Court Orders
- 35 2015 CBC Budget Resolution
- 36 ACH Direct Deposit Reversal Request Form

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37 RSM (formerly McGladrey) Audit Reports

CASE DETAILS

Crime: Felony
Source: Other
Validity: Confirmed by other sources
Reliability: Usually Reliable
Assist: No
Priority: High
Significant: Yes
Description: Case involved Senior Management Officials at Cypress Bayou Casino and the Chitimacha Tribal Chairman.

INITIAL COMPLAINT

On January 13, 2016, the Louisiana State Police (LSP) received information from the Chitimacha Gaming Commission suggesting that a possible crime had been committed by senior management personnel at Cypress Bayou Casino. In accordance with Section 5C of the Tribal-State Compact, the "Department of Public Safety and Corrections (LSP) is to receive immediate and effective notification upon the discovery that a criminal act may have occurred in the gaming facility." Based on the information received, it was suspected that the casino's General Manager (GM), Anthony Patrone, and the Chief Financial Officer (CFO), Montie Spivey directed the manipulation of the casino's personnel database to show that a former inactive employee (O'Neil Darden) was active in the system so he would qualify to receive a bonus payment that he was not legitimately entitled to.

Master Trooper Michael Washington was assigned to evaluate the validity of the information to determine if a crime had occurred.

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NARRATIVE

On Monday, January 13, 2016, the Louisiana State Police /Indian Gaming Unit received information from the Chitimacha Gaming Commission involving Chairman O'Neil Darden, Jr. (Chitimacha Tribe) and General Manager Anthony Patrone (Cypress Bayou Casino). The complaint alleged Chairman O'Neil Darden received

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a pro-rated bonus payment of an unspecified amount of money that he was not entitled to since he was no longer employed by Cypress Bayou Casino (CBC) and a member of the Chitimacha Tribal Council. After interviewing witnesses, suspects, and reviewing all of the evidence related to the investigation, I was able to determine the following:

In early November 2015, GM A. Patrone met with the Chitimacha Tribal Council in an informal meeting to discuss employee bonuses. According to the Tribal Council, they were provided an initial bonus proposal list of accrued amounts (Attachment 24) per position without a list of employee names. During this meeting, the Tribal Council agreed to the accrual of funds to be used for the purpose of paying employee bonuses, but not the disbursement of those funds. According to Tribal Bylaws and the approved 2015 Casino Operating Budget Resolution, no funds can be distributed without prior written approval from the Tribal Council (Attachment 35). However, these funds were eventually disbursed to casino employees prior to written approval. At no point during this meeting were the Tribal Council made aware of any proposed bonus payment for Chairman Darden. The initial disbursement of bonus payments was issued to employees on December 10, 2015 and no check was processed for Chairman O. Darden.

In the middle of December, CFO M. Spivey called Tribal CFO Patty Perry to see if the tribe could issue a check to Chairman O. Darden regarding a bonus payment. According to CFO P. Perry, M. Spivey stated the casino could not do it because O. Darden was terminated in the computer system, which suggests that M. Spivey knew that casino payment to O. Darden was improper. CFO P. Perry explained to M. Spivey, that she was not sure and would check with the Tribal Finance Director and auditors to see if it could be done from an accounting perspective. Vice Chairman April Wyatt was subsequently notified about the request and immediately voiced her disapproval. According to CFO P. Perry, CFO M. Spivey never contacted her again about the tribe cutting a check for Chairman O. Darden. In addition, CFO P. Perry stated she did not recommend that a check be cut for Chairman O. Darden on the casino side, nor did she have the authority to approve such a payment. Additionally, CFO P. Perry advised Vice Chairman A. Wyatt that she did not feel comfortable processing a check for Chairman O. Darden without the council's approval.

However, on December 17, 2015, CFO M. Spivey emailed Tribal CFO Patty Perry and GM Anthony Patrone a list with the final bonus payout distribution amounts with a bonus proposal of \$5,736.66 for Chairman O. Darden. In addition, a complete list of employee names with bonus amounts was requested by CFO P. Perry so she could prepare the resolution for Tribal Council vote. An email poll (Attachment 29) was sent to Tribal Council on December 18, 2015 and was subsequently stalled after several members had concerns about Chairman Darden's name being on the bonus list. According to Vice Chairman A. Wyatt, Council members J. Junca and T. Darden voted to approve the bonus list during the email poll without recognizing O. Darden's name on the list. However, A. Wyatt stated she and J. Darden were vehemently against a bonus for Chairman O. Darden. Because the tribal council had issues with the legality of paying Chairman Darden a bonus, they decided to table the resolution until the council could meet formally. According to A. Wyatt, Guy Michael (Tribal Legal Counsel) was subsequently notified about the request and confirmed her concerns that the bonus was in violation of Tribal Ordinance 525 and Tribal Ethics Laws (Attachment 27). This notification to Attorney Guy Michael was the basis for the consultation with the Chitimacha Gaming Commission and subsequent notification to LSP, as required by the Tribal-State Compact.

Despite the Tribal Council's concerns, on December 18, 2015, CFO M. Spivey emailed Accounting Payroll Clerk Cindy Blanchard the supplemental bonus list (Attachment 7) that included a bonus for Chairman Darden

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in the amount of \$5,736.66 and ordered her to process the bonuses as direct deposits. The initial employee bonus disbursements were issued to employees in the form of paper checks as opposed to direct deposits. Meanwhile, a contract amendment, Resolution #92-15 (Attachment 30), was subsequently approved giving GM Anthony Patrone 100% of his salary as bonus despite only meeting the 75% EBIDA (Casino Net Profit Earnings) threshold for 2015. This proposal was made to the tribal council by Chairman O. Darden and was approved unanimously by the council. Consequently, GM Patrone's bonus of [REDACTED] was processed and direct deposited into his personal account on December 23, 2015 by CFO M. Spivey (Attachment 18). At some point from the time the email poll was conducted, to sometime after the Christmas Holidays, Chairman O. Darden notified GM A. Patrone about the Tribal Council's objection to his bonus. It is suspected that this notification about the council's disapproval was the catalyst driving casino officials to facilitate the bonus payment on the casino side to circumvent the tribal process.

On December 29, 2015, after returning from the Christmas Holiday, GM A. Patrone proceeded to facilitate paying Chairman O. Darden the bonus monies by directing Human Resource Manager Linda Nezey and CFO M. Spivey to activate the Chairman's employment status so he could be paid the bonus (Attachment 13). Linda Nezey questioned the legality of Chairman Darden receiving a bonus since he was no longer employed at CBC. As directed, Linda Nezey ordered Human Resource Generalist Jolinda Latham to activate Chairman Darden in the Personnel Data Systems (PDS). Although Linda Nezey refused to personally sign any paperwork authorizing the transaction, she failed to notify Gaming Commission personnel or other authorities about her concerns. In addition, Linda Nezey stated she explained to CFO Spivey that her concern was that the bonus payout would show as income earned in 2016 when Chairman Darden was not employed-which could become an audit issue.

Additionally, Jolinda Latham refused to process Linda Nezey's request without an approval signature from upper management. Ultimately, the PAF activating and deactivating Chairman Darden in the PDS system was signed by CFO M. Spivey. As a result, Human Resource officials activated Chairman O. Darden's employment status on December 30, 2015 and ended his employment status on January 5, 2016 (Attachment 12). The funds were electronically deposited into Chairman Darden's personal checking account on January 6, 2016 at First National Bank in the amount of \$3,983.60 after taxes were deducted (Attachment 21).

A court order (Attachment 34) was later issued to First National Bank by the sixteenth Judicial Court and signed by Judge Vincent Borne requesting all documents relating to the direct deposit transaction. The court order was served to Banking Officer Lionel Metz of First National Bank in Jeanerette, LA. Mr. Metz provided me with a copy of the checking deposit bank statement for O. Darden confirming that a direct deposit was posted to the account from CBC on January 6, 2016 in the amount of \$3,983.60 (Attachment 21). The funds were electronically deposited to checking account number [REDACTED] which corresponded with the account number on file at CBC. In addition, Mr. Metz provided me with a copy of an internet transfer transaction statement (Attachment 22) that was posted to the aforementioned checking account two days later in the amount of \$2,700.00. These funds were transferred to another checking account [REDACTED] belonging to O. Darden. In addition, a court order (Attachment 34) was issued to Michelle Horaney of RSM (formerly McGladrey) requesting all documents relating to the 2015 year-end audit and financial reports (Attachment 37) to determine any additional discrepancies or potential violations of criminal law. The court order was subsequently forwarded to Diane Demos, the Legal Services Director at RSM for processing.

On January 6, 2016, at approximately 1800 hours, the Tribal Council held an informal meeting to discuss

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Chairman O. Darden's bonus situation. The Tribal Council's overwhelming consensus was that it was illegal and unethical for Chairman O. Darden to receive a bonus. According to Vice Chairman A. Wyatt, none of the council members were in favor of giving Chairman O. Darden a bonus. This sentiment was conveyed to Chairman O. Darden by several council members during this meeting. At no time did Chairman O. Darden disclose to any member of the Tribal Council that the funds had already been deposited into his personal checking account. On the following day, Chairman O. Darden sent an email to CFO M. Spivey requesting that his name be removed from the bonus list. The bonus incentive plan, Resolution #91-15, (Attachment 28) was approved unanimously by the Tribal Council only after Chairman Darden's name was removed from the bonus list.

On January 7, 2016, at approximately 1620 hours, CFO M. Spivey, sent an email to Human Resource Manager Linda Nezey and Payroll Clerk Cindy Blanchard indicating that Chairman Darden rescinded his position and requested that the direct deposit and PDS transactions be voided (Attachment 14). According to CFO M. Spivey, Chairman O. Darden had a change of heart about taking the bonus payment and would issue a personal check to the casino as reimbursement. On January 14, 2016, Payroll Clerk Cindy Blanchard voided the transaction (Attachment 17) as instructed while still raising concerns to CFO M. Spivey about deleting a transaction without a check in hand. According to Cindy Blanchard, CFO M. Spivey told her to void the transaction and that Chairman O. Darden was good for the check. As reported by Payroll Clerk Cindy Blanchard, the ACH deposit could have been canceled by completing the ACH Item Reversal Form (Attachment 36) which is a service provided by the casino's financial institution (Whitney Bank).

According to Whitney Bank officials, the casino has five business days from the date of deposit to execute the reversal request. However, CFO M. Spivey chose not to utilize this service. It was not until after the Louisiana State Police initiated the criminal investigation on January 20, 2016, that Chairman O. Darden made any effort to reimburse the casino. Chairman O. Darden was observed on numerous occasions visiting the casino during this time frame without making an effort to return the funds. However, a personal check was eventually delivered to the casino on January 22, 2016 by Chairman O. Darden's wife (Tessa Darden) and given to Human Resource Manager L. Nezey (Attachment 10). The alleged reimbursement occurred incidental to CFO M. Spivey's interview with LSP officials regarding the theft investigation. In addition, during the interview with CFO M. Spivey, he did not provide LSP officials with any documentary evidence indicating that he attempted to or had intentions on collecting the funds from Chairman O. Darden.

On January 20, 2016, Human Resource Manager Linda Nezey, Payroll Clerk Cindy Blanchard, and CFO M. Spivey were interviewed in the LSP Gaming Office at CBC. During the interview, L. Nezey, stated she was instructed by Anthony Patrone to activate O'Neil Darden in the PDS system so he could be paid a bonus. According to L. Nezey, she refused to sign the PAF to activate or to deactivate Chairman O. Darden. Payroll Clerk Cindy Blanchard stated she was instructed by CFO Montie Spivey to process a direct deposit bonus check to Chairman O. Darden's personal checking account and to delete the transaction.

Before the interview with CFO M. Spivey, he was read his Miranda Rights and agreed to speak with LSP agents without an attorney present. According to CFO M. Spivey, he was given a directive by Anthony Patrone to activate Chairman O. Darden in the system so he could get a pro-rated bonus. In addition, CFO M. Spivey admitted to ordering payroll and HR personnel to delete the transaction after the funds were deposited (Attachment 14). Also, a follow-up interview was conducted with CFO M. Spivey and he agreed to provide LSP agents with a written statement (Attachment 4).

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On January 21, 2016, Compliance Director Tara Trahan was interviewed in the LSP Gaming Office at CBC. Before the interview with T. Trahan, she was read her Miranda Rights (Attachment 2) and agreed to speak with agents without an attorney present. During the interview with T. Trahan, she stated she was told by GM A. Patrone that the bonus check for Chairman O. Darden was approved by Tribal Council. In addition, T. Trahan stated she advised CFO M. Spivey and GM A. Patrone that the check would have to be issued on the Tribal side and the casino would have to reimburse the tribe. Additionally, T. Trahan admitted to advising GM A. Patrone and CFO M. Spivey not to issue the check to Chairman O. Darden through accounts payable because he wouldn't be taxed appropriately. Also, Compliance Director T. Trahan failed to notify the Gaming Commission or LSP officials about her knowledge of the bonus payment for Chairman O. Darden.

On January 22, 2016, the following personnel were interviewed in the LSP Gaming Office at CBC: Tribal Vice Chairman April Wyatt, Tribal CFO Patty Perry, Executive Secretary Jill Louviere, and Director of Facilities Jack Darden. During the interview with A. Wyatt, she stated Legal Counsel Guy Michael confirmed that it was illegal and unethical for Chairman O. Darden to receive a bonus. In addition, A. Wyatt stated the tribal council discussed the bonus and determined the bonus payment would be in violation of tribal ordinances and tribal ethic laws. Tribal CFO P. Perry stated she received a call from CFO M. Spivey about processing a bonus check for Chairman O. Darden. CFO P. Perry stated she immediately notified the auditors and Vice Chairman A. Wyatt. Additionally, P. Perry stated the request was unusual enough that she wasn't going to do it without tribal council's approval. J. Louviere stated she was not aware of the bonus for Chairman Darden until CFO P. Perry requested her to conduct an email poll regarding the bonus resolution. In addition, J. Louviere stated on January 7, 2016, Chairman O. Darden told her the amount of the bonus and that he was going to refuse it. According to J. Louviere, O. Darden stated he didn't think it was right for him to take the bonus. According to Jack Darden, he never saw O. Darden's name on a bonus list. In addition, J. Darden stated Chairman O. Darden told him that some decisions were made and it looks like he might be getting a bonus. On January 22, 2016, CFO M. Spivey, brought the personal check to the LSP Gaming Office that was delivered by O. Darden's wife to reimburse the casino. A property receipt form (Attachment 11)) was completed for the check and signed by CFO M. Spivey. The LSP Gaming Office took possession of the check and processed it as evidence.

On January 25, 2016, the following personnel were interviewed in the LSP Gaming Office: HR Generalist Jolinda Latham, Comptroller Bruce Burgess, Payroll Clerk Kristi Duhon, and Tribal Council Member Toby Darden. During the interview, with J. Latham, she stated that she was told by L. Nezey to activate O. Darden in the payroll system. According to J. Latham, she stated she told L. Nezey that she would only activate O. Darden in the system with the approval of upper management. Comptroller B. Burgess stated he sent an inquiry to CFO M. Spivey to see if the check was returned. During the interview with Payroll Clerk K. Duhon, she corroborated the information provided by Cindy Blanchard. Councilman T. Darden stated, during the interview, he thought Chairman O. Darden had refused the check and that the council did not approve a bonus check for him.

On January 26, 2016, Tribal Council Secretary Jackie Junca, Tribal Finance Director Nikina Davis, and Tribal Council Member Jacob Darden were interviewed in the LSP Gaming Office at CBC. According to Councilman J. Junca, the tribal council did not approve a bonus for Chairman O. Darden and did not think it was legal for him to receive a bonus since he was no longer employed at CBC. Nikina Davis stated she works directly for Patty Perry and was not directly involved with the bonus for Chairman O. Darden. However, N.

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Davis stated she did recall a conversation she and P. Perry had about contacting the auditors regarding the legalities of the bonus check request for O. Darden. During the interview with J. Darden, he stated he was told that Chairman O. Darden had refused the check. On January 27, 2016, Compliance Manager Ashley Spivey was interviewed and stated she was not aware of Chairman O. Darden receiving a bonus. In addition, A. Spivey stated she was not directly involved in any of the meetings or discussions with upper management.

On January 27, 2016, a court order (Attachment 34) was issued in the sixteenth Judicial Court of St. Mary Parish requesting tribal council records relating to the twenty-five percent pay increase, Resolution 92-15 (Attachment 30) for GM A. Patrone and records pertaining to the CBC 2015 Employee Bonus Incentive Plan, Resolution 91-15 (Attachment 28). The order was reviewed and subsequently signed by Judge Vincent Borne of sixteenth Judicial Court. The order was presented to Jill Louviere and Jackie Junca for execution. Sgt. Preston Savoy assisted with the execution of the court order. As a result, the LSP Gaming Office was provided email records, documents, resolutions, and correspondence pertaining to the 2015 employee bonus list and the salary increase for GM A. Patrone.

On January 28, 2016, IT Director Mikki Smigielski was interviewed in the LSP Gaming Office and explained that she was instructed to roll back the PDS computer system to include a [REDACTED] bonus for Anthony Patrone that was not included in the 2015 year-end closure (Attachment 32). According to Mrs. Smigielski, all computer files and data was erased for several days from the point of backup to the point of restoration. Mrs. Smigielski stated the IT Technician Brennan Fanguie of Wayti Services performed the roll back function because the casino books were closed for 2015. According to Mrs. Smigielski, the request was made so that A. Patrone could receive his bonus check in 2015 as oppose to in 2016.

On February 2, 2016, Executive Assistant Kandise France and Security Director Kevin Mora were interviewed in the LSP Gaming Office at CBC. According to K. France, she works for the general manager but was unaware of a bonus for Chairman O. Darden. During the interview with K. Mora, he stated that in the middle of December he overheard Chairman O. Darden tell Jack Darden that the council approved his bonus. In addition, K. Mora stated Chairman O. Darden personally told him that he was getting a bonus. Executive Manager Lauren Richard was interviewed on February 4, 2016 and stated she had limited knowledge about a bonus for Chairman O. Darden.

Chairman O'Neil Darden was interviewed on February 5, 2016 at the LSP Gaming Office at CBC. Before the interview with O. Darden, he was read his Miranda Rights (Attachment 2). O. Darden stated he understood his rights and agreed to speak to LSP officials without an attorney present. During the interview with O. Darden, he stated that he was told by A. Patrone that Tribal CFO Patty Perry approved his bonus during an informal council meeting held in November of 2015. In addition, O. Darden stated he had never read the Tribal Ordinances, By-laws, Ethic Policy, or the Compact Agreement despite having attended the new Chairman orientation (Attachment 31) when he took office.

On February 8, 2016, General Manager Anthony Patrone, was interviewed in the LSP Gaming Office at CBC. Before the interview, Mr. Patrone was read his Miranda Rights (Attachment 2) and agreed to speak with LSP agents without an attorney present. During the interview, A. Patrone stated it was Chairman O. Darden's idea for him to get a pro-rated bonus. In addition, A. Patrone stated he was told by O. Darden that the council had approved his (Darden's) bonus. Patrone's statement is inconsistent with the statement made by O. Darden, between December 18, 2016 and after the Christmas holidays, regarding informing Patrone that the Tribal Council objected to his (Darden's) bonus. Additionally, according to Tara Trahan (Compliance Director) she

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told A. Patrone and M. Spivey not to issue O. Darden a check through accounts payable and that the check would have to be issued by the Tribe and reimbursed by the casino. And despite Patrone's obvious knowledge that O. Darden was not qualified and eligible to receive a bonus, he admitted to authorizing Human Resource personnel, Accounting, and CFO M. Spivey to activate O'Neil Darden in the PDS system to facilitate the bonus payment.

Furthermore, A. Patrone stated the tribe was not a sophisticated people and this was the third tribe he has worked for. Additionally, A. Patrone stated tribal people have a million issues and that you can't imagine a Director of Catering guy to be a highly sophisticated person (referring to Chairman O. Darden). All of the aforementioned interviews were audio recorded and each interviewee gave their approval. In addition, Sgt. Preston Savoy of Louisiana State Police was present during each of the interviews. A copy of these recording will be made available upon request (Attachment 33).

On February 15, 2016, arrest warrants (Attachment 34) were issued for Chairman O. Darden, Anthony Patrone, and Montie Spivey in the sixteenth Judicial Court of St. Mary Parish. Montie Spivey and Anthony Patrone were charged with Felony Theft (LRS 14:67A B2), Computer Fraud (LRS 14:73.5), and Obstruction of Justice (LRS 14:130.1). The warrant obtained for the arrest of Chairman O. Darden was for Felony Theft (LRS 14:67A B2).

Theft by definition of the Louisiana Revised Statutes (14:67) is "the misappropriation or taking of anything of value which belongs to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. The theft occurred when Anthony Patrone, Montie Spivey, and O'Neil Darden conspired and facilitated a payment of \$5,736.66 in bonus money that was electronically deposited into O. Darden's personal bank account, which he wasn't entitled to receive.

Computer Fraud by definition of the Louisiana Revised Statutes (14:73.5) is "the accessing or causing to be accessed of any computer, computer system, computer network, or any part thereof with the intent to (1) Defraud; or (2) Obtain money, property, or services by means of false or fraudulent conduct, practices, or representations, or through the fraudulent alteration, deletion, or insertion of programs or data. The Computer Fraud occurred when Anthony Patrone and Montie Spivey ordered that O'Neil Darden be reactivated as an active employee in the casino's personnel database, and by ordering the electronic transfer of \$5,736.66 in bonus payment to O. Darden's personal bank account.

Obstruction of Justice by definition of the Louisiana Revised Statutes (14:130.1) is "any of the following when committed with the knowledge that such act has, reasonably may, or will affect an actual or potential present, past, or future criminal proceeding as hereinafter described. (1) Tampering with evidence with the specific intent of distorting the results of any criminal investigation or proceeding which may reasonably prove relevant to a criminal investigation or proceeding. Tampering with evidence shall include the intentional alteration, movement, removal, or addition of any object or substance either: (a) At the location of storage, transfer, or place of review of any such evidence. (2)(c) Cause or induce the alteration, destruction, mutilation, or concealment of any object with the specific intent to impair the object's integrity or availability for use in any criminal proceeding. The Obstruction of Justice occurred when Anthony Patrone and Montie Spivey ordered the deletion of the electronic account transaction showing the deposit of \$5,736.66 in illicit bonus money that was transferred from the casino to O'Neil Darden's personal bank account. Additionally,

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they ordered the removal of O'Neil Darden's name from the casino's personnel database once the transfer of bonus money had been completed. The warrants were reviewed and signed by Judge Keith Comeaux.

On February 16, 2016, Assistant District Attorney Anthony Saleme of sixteenth Judicial District signed the application for subpoena duces tecum for Michelle Horaney of RSM (formerly McGladrey) and for Lionel Metz of First National Bank (Attachment 34). In addition, a court order was issued to RSM requesting the 2015 end of year audit and financial records. The RSM audit report finding (Attachment 37) is currently being processed and will be forwarded to LSP officials upon completion. A subsequent court order was issued to First National Bank requesting any and all records pertaining to a payroll deposit from CBC in the amount of \$3,983.60, which was the amount actually transferred (post taxation of the \$5,736.66) that was electronically deposited into checking account number [REDACTED] belonging to O'Neil and Tessa Darden. Both court orders (Attachment 34) were signed by Judge Vincent Borne of the 16th Judicial District Court.

On Wednesday, February 17, 2016, CFO M. Spivey, was interviewed in the LSP Gaming Office at CBC and was advised that there was an active warrant for his arrest. M. Spivey was subsequently read his Miranda Rights (Attachment 2). Executive Director Pat Darden and Security Lieutenant Anthony Connors were subsequently notified about the arrest of CFO M. Spivey. P. Darden took possession of several items belonging to the casino from M. Spivey and A. Connors read M. Spivey the casino's no trespassing card verbatim. M. Spivey was subsequently handcuffed, searched for weapons, and transported to the St. Mary Parish Correctional Center for Booking. The handcuffs were checked for tightness and double-locked.

A. Patrone was allowed to admit himself into the St. Mary Parish Correctional Center. A. Patrone was accompanied by his attorney, Donald Washington. Security Director Kevin Mora arrived on scene and read A. Patrone the casino's no trespassing card verbatim and recovered several items belonging to the casino from A. Patrone. A. Patrone was subsequently placed under arrest, searched for weapons, and handcuffed. The handcuffs were checked for tightness and double-locked. Both M. Spivey and A. Patrone were processed by jail officials and booked (Attachment 5) without incident. The St. Mary Parish Correctional Center provided me with a copy of A. Patrone and M. Spivey's rap sheet and fingerprint cards (Attachment 6).

The arrest warrant for Chairman O. Darden was not executed due to Tribal /State Compact guidelines which are procedural and not rule of law, governing the arrest of Tribal members. According to Section 4 of the Compact Agreement, at the point of arrest of an enrolled Tribal member, the results of the investigation shall be forwarded to the appropriate Federal agency for further investigation, arrest, and/or investigation, and/or institution of criminal charge(s). However, in the event the federal authorities decline to prosecute the matter, the Tribe may prosecute the matter within its criminal justice system or refer the matter for State prosecution. As a result, the case report for Chairman O. Darden will be packaged separately and forwarded to the U. S. Attorney's Office for prosecution. All charges levied against A. Patrone and M. Spivey will be forwarded to the 16th Judicial District Attorney's Office in St. Mary Parish for prosecution.

INVESTIGATION OFFICER

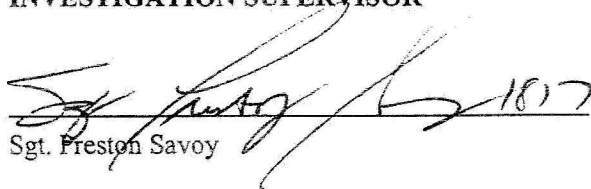
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Trooper Michael Washington

INVESTIGATION SUPERVISOR


Sgt. Preston Savoy

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