

Admissions of Guilt: In Their Own Words

None of this is disputed. **Defendant Scott** admitted that he met with his assistant, after normal work hours to ensure that no one would discover the scheme:

Dave Scott's Response: *I recall having a discussion with [payroll clerk] and saying, "This information needs to be kept confidential. How can we achieve that?"*

And she said, "Well, if it's on the system, people have access to it, so in order to keep it confidential, the records can be run and items can be printed and then I can remove it from the system."

And I said, "Let's do it. Then we need to do that."

Q. And you -- was this meeting after normal work hours?

Dave Scott's Response: *It was Friday evening after the employees had left because, again, you're in a very small room with no confidentiality and there would be no way to discuss it because people sit right across from one another without there being nobody else but Shelly there.*

Defendant Weaver, the Tribe's CFO, testified about how Defendant Scott reported back to him and Defendant Green that this part of the plan had been executed:

Q. *That's what I wanted to ask you, when you did get back together, who met?*

Dan Weaver's Response: *Dan [Green], Dave [Scott] and I.*

Q. And what was the conversation?

Dan Weaver's Response: *Regarding that he had talked to Shelley. In order to keep this confidential, this was the recommendation of putting the stuff on the system and then taking it back off the system to process the checks and they would keep the checks and Dave would keep the checks and the paperwork because of the -- they couldn't keep them in Shelley's location because of the security issues. . . and they couldn't provide the security that was needed in order to keep this -- everything confidential.*

They admit they planned and executed the scheme in secret. For example, **Defendant Jannetta** stated:

Q. By the way, did -- when you were talking with Mr. Green or anyone else related to this transaction before the general election on the, I think it was on June 24th, did anybody say to you, you know, hey, Jim, you remember we got to keep this under our hat, meaning obviously that to keep it secret?

Jim Jannetta's Response: *Again, I don't recall a specific conversation, but it was common understanding and certainly my understanding that we would -- we did not want this to become public or known.*

Question to Defendant Weaver:

Q. Did Dave [Defendant Scott] explain to you at this meeting when the three of you got together, why the methodology of cutting the checks was as we talked about, put them on, cut the checks, take them off.

Dan Weaver's Response: *They felt it was the best way to keep it secure.*

Q. And when you say secure, you mean keep it secret?

A. *Keep it secure from the employees and whatnot knowing about it, that's correct.*

Defendant Scott and others admit that the reason it was done in secret was so that the Tribe could not stop them:

Q. Would you agree that at least in part, one of the reasons why this was kept confidential was that so nobody could stop the payments from being made? Would you agree with that statement?

Dave Scott's Response: *No. Nobody could stop the payment from being made.*

I would say there would be a concern that if people became aware that those checks were cut, then that could, you know, create quite a volatile situation.

Q. And stop the payment of those checks, correct?

Dave Scott's Response: *Potentially.*

Q. And it's true, isn't it, that you assisted in devising a means of getting these checks cut so that no one would know that they were cut, correct?

Dave Scott's Response: *Correct.*

After the Defendants signed the secret new agreements and wrote the checks, they went to work for the next 16 days, just like usual. In fact, they even collected their regular pay checks the next week.