

Overview

In advance of Defendant Bouschor's bid for re-election, Defendants planned and executed a scheme to secretly take approximately \$2.6 million in the middle of the night from the Tribe if Defendant Bouschor lost the election. About a month before the election, the Defendants began drafting secret severance agreements that purported to "terminate" the seven employees (Defendant Bouschor's long time allies and campaign supporters) and pay them lump-sum "severance compensation."

At the May 18, 2004 Tribal Board meeting – Bouschor and Shagen conspired to reject a resolution introduced by then Board member Aaron Payment. The resolution would have secured the tribal assets prior to the 2004 election held one month later. The vote to pass the resolution protecting tribal assets resulted in a tie with Shagen voting against the measure. The tie vote was broken by Bouschor. Both had a 'conflict of interest' in casting their votes as at that time, both Bouschor and Shagen were plotting how to steal over \$3 million from the Tribe.

About two weeks before the election, during the Tribal employee picnic which was moved from July to June to empty Tribal offices, when everyone was gone, Dave Scott and a payroll clerk secretly went into the Tribe's payroll system, fraudulently circumvented the Tribe's financial controls, and wrote the defendants massive checks amount to over \$3 million, then deleted this information off the account system to avoid detection. Then, they waited for the outcome of the election.

Defendant Bouschor lost the election. The next morning, Defendants literally took the money and ran — they passed out the secretly-written checks and were the first customers at the bank when it opened, where they converted the payroll checks into cashier's checks to prevent the Tribe from stopping payment.