

QUAPAW NATION
TRIBAL COURT

APR 16 2021

FILED

IN THE COURT OF THE QUAPAW NATION
(THE O-GAH-PAH)

Quapaw Nation

Plaintiff

Case No. CR-2021-09

VS.

TAMARA SMILEY-REEVES

Defendant

SUMMONS AND NOTICE OF HEARING

YOU ARE HEREBY SUMMONED to appear before the Tribal Court of the Quapaw Nation,
at the place, date and time set forth below:

PLACE: Quapaw Tribal Court
Ki-Ho-Ta Center
58150 E 66Rd
Miami, OK 74354

BEFORE: Judge A. Diane Hammons
DATE: May 6, 2021, Thursday
TIME: 10:00 a.m.

- COUNT 1: ATTEMPTED EMBEZZLEMENT §104 QUAPAW TRIBAL CRIMINAL CODE**
COUNT 2: CONSPIRACY §102 QUAPAW TRIBAL CRIMINAL CODE
COUNT 3: ABUSE OF OFFICE §26 QUAPAW TRIBAL CRIMINAL CODE
COUNT 4: OFFENSE BY OFFICERS §53 QUAPAW TRIBAL CRIMINAL CODE
COUNT 5: EMBEZZLEMENT §106 QUAPAW TRIBAL CRIMINAL CODE
COUNT 6: CONSPIRACY §102 QUAPAW TRIBAL CRIMINAL CODE
COUNT 7: ABUSE OF OFFICE §26 QUAPAW TRIBAL CRIMINAL CODE
COUNT 8: OFFENSE BY OFFICERS §53 QUAPAW TRIBAL CRIMINAL CODE

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of April, 2021.

4/16/2021

DocuSigned by:

A. Diane Hammons

62F06A519F3B4F9

District Judge

Court Clerk

RETURN OF SERVICE

THE QUAPAW NATION, STATE OF OKLAHOMA

Received this Summons on the _____ day of _____, 2021 and served by delivering the same to the following:

WITNESS my hand this _____ day of _____, 2021.

By: _____
Marshall/Deputy/Officer

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of April, 2021, I mailed a true and correct copy of the Criminal Complain, this Summons and Notice of Hearing by certified mail thereon to the following:

TAMARA SMILEY-REEVES
5200 S. 540 Road
Miami, Oklahoma, 74354

Fred Petti, Attorney at Law
8160 East Butherus Drive, Suite 1
Scottsdale, Arizona 85260


CROOK MULLARD
COURT CLERK

IN THE TRIBAL COURT
FOR THE QUAPAW NATION
5681 SOUTH 630 ROAD
QUAPAW, OKLAHOMA 74363-0765

QUAPAW NATION
TRIBAL COURT

APR 16 2021

FILED

THE QUAPAW TRIBE OF OKLAHOMA,

Plaintiff,

vs.

Case No. CR-2021-09

TAMARA SMILEY-REEVES

ADDR: 5200 South 540 Road
Miami, Oklahoma 74354

DL: Oklahoma #xxxxx33218

SSN: xxx-xx-5569

DOB: 05-xx-1971

Defendant(s).

PROBABLE CAUSE AFFIDAVIT

COMES NOW THE UNDERSIGNED AFFIANT, and states upon oath or affirmation that the following information and facts are correct to the best of the Affiant's knowledge and belief. The undersigned believes that probable cause exists for the detention of the below names arrestee for the below listed crime committed on the below listed date against the Quapaw Nation.

SUBJECT NAME: TAMARA SMILEY-REEVES

DOB: 05-xx-1971 SSN: X xxx-xx-5569 SEX: F

RACE: AMERICAN INDIAN

HAIR:

EYE:

HEIGHT:

WEIGHT:

ETHNICITY: AMERICAN INDIAN

ADDRESS: 5200 South 540 Road
Miami, Oklahoma 74354

ARREST DATE/ TIME:

ARREST LOCATION/ CITY:

OFFENSE LOCATION/ CITY: QUAPAW TRIBAL JURISDICTION

OFFENSE(S) COMMITTED/ ANTICIPATED CHARGES

- COUNT 1: ATTEMPTED EMBEZZLEMENT §104 QUAPAW TRIBAL CRIMINAL CODE**
COUNT 2: CONSPIRACY §102 QUAPAW TRIBAL CRIMINAL CODE
COUNT 3: ABUSE OF OFFICE §26 QUAPAW TRIBAL CRIMINAL CODE
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AFFIDAVIT

I, Michael Crump, President and Owner of Innovative Gaming Solutions (IGS), a casino industry training and consulting company. IGS has specialized in fraud, waste and abuse detection and deterrence and regulatory compliance since 2005. IGS services and training has been utilized by tribal and corporate casinos, federal and state agencies across the United States, Canada, and several other countries. I have been hired by the Quapaw Tribal Gaming Agency, and subsequently by the Quapaw Nation, to conduct an internal audit and investigation of the Downstream Development Authority and Saracen Development Authority, LLC, both subsidiaries of the Quapaw Nation. The following is probable cause to believe that TAMARA SMILEY-REEVES, DOB: 05-xx-1971, a Native American and member of the Quapaw Nation, a federally recognized Tribe located within the State of Oklahoma, committed the crimes as listed above in violation of Title 11, Quapaw Nation Law and Order Code.

1. On or about 11 June 2020 IGS was contacted by Quapaw Nation Gaming Authority (QNGA) Executive Director Barbara Collier about completing an internal audit and investigating allegations of improper bonuses being paid to tribal leaders and casino executives as seen on a popular tribal Facebook page entitled Everything Quapaw.
2. On 16 July 2020 Chris Lenggenger of IGS began the Internal Minimum Internal Control Standards (MICS) Audit. Immediately resistance was encountered during the audit when asking for information. Having discussions with the QNGA staff about the resistance, it was determined the root cause of the resistance was due to the timing of the internal audit, the public allegations being made and the fact the allegations also involved two key tribal leadership positions up for reelection on 25 July 2020.
3. On 17 July 2020, IGS was given a copy of the letter posted on the Everything Quapaw Facebook page. The posted letter was authored by Larry Ramsey, a former tribal leader. The letter made accusations of improper bonuses being paid to the Chairman of the tribe and the Chief Financial Officer (CFO) of the casinos. The CFO and his staff are who IGS needed documents from to complete the internal audit. It was decided to wait until the election results were determined on 25 July, 2020.

4. On Saturday, 25 July 2020 the incumbents Chairman John L. Berrey and Secretary/Treasurer Tamara Reeves lost their bid for reelection.
5. On 29 July 2020 IGS staff was onsite to complete the internal audit and begin the investigation into the Larry Ramsey allegations. During this initial meeting it was revealed to the IGS team (27 July, 2020) Chairman Berrey, Secretary/Treasurer Reeves, CFO Merlin "Kent" Jones, General Manager Janet Cummings, Downstream Development Authority (DDA) board member Jack Brill conspired to issues unauthorized manual checks totaling \$1,351,119.53. Chairman Berrey's checks totaling \$535,279.61 were given to consultant Alan Mauk to deposit into Chairman Berrey's bank account.
6. Between the periods 30 July 2020 and 17 August 2020 IGS interviewed General Manager Janet Cummings, former board member Larry Ramsey, Executive Secretary to the DDA Tena Smith, Payroll Manager Delores Baptista, Financial Controller Mary Cabalero, researched payroll records, personnel change forms, General Ledger, Profit and Loss statements, credit card statements, Balance Sheets and Bank Account records. A review of the tribes governing documents was performed to determine the proper methods for approving payments.
7. 30 July 2020 initial interview with Janet Cummings denied knowing about unauthorized bonuses or payments.
8. 31 July 2020 a review of payroll records confirmed \$1,000,000 bonus was paid to CFO Merlin "Kent" Jones in 6 installments (\$166,666.67 each) from Saracen casino funds beginning 31 December 2019. The remaining payments occurred on 01 January 2020, 01 February 2020, 04 March 2020, 04 April 2020 and 01 May 2020. This confirmed the public accusations made by former DDA Secretary Larry Ramsey. A related search of DDA and Business Committee meeting minutes, Human Resource Change Forms proper authorization was never recorded for this bonus.
9. 31 July 2020 a review on payroll records confirmed \$1,500,000 bonus was paid to Chairman John L Berrey in 6 installments (\$250,000 each) from Saracen casino funds beginning 31 December 2019. The remaining payments occurred on 01 January 2020, 01 February 2020, 04 March 2020, 04 April 2020 and 01 May 2020. A related search of DDA and Business Committee meeting minutes, Human Resource Change Forms proper authorization was never recorded for this bonus.
10. The payroll investigation revealed Chairman Berrey and Secretary/Treasurer Reeves had no deductions from their PTO records from an audited period of 2007 to current. Cell phone records, interviews and other documents clearly show both parties did take vacations or had medical issues requiring them to take time from work. PTO was never used and was sold back for a monetary benefit.
11. The payroll investigation revealed the following:
 - a. John Berrey last approved Downstream annual pay rate was \$180,000 set on December 22, 2009 by the Quapaw Business Committee. Berrey had 11 unauthorized pay increases making his final annual pay rate \$557,858, between September 20, 2010 through July 2020. Berrey received 11 unauthorized Downstream bonuses for a total of \$1,147,857.36. Berrey had an unauthorized starting annual pay at the Saracen Casino of \$428,094.38 beginning November 20,

2019. Berrey's unauthorized ending pay was \$418,393.80 July 15, 2020. Berrey received 7 unauthorized bonuses from Saracen totaling \$1,667,357.52 between December 10, 2019 to May 1, 2020.

- b. Tamara Reeves' last approved Downstream annual pay rate was \$125,000, set on December 22, 2009 by the Quapaw Business Committee. Reeves had 10 unauthorized pay increases making her final annual rate \$309,481.70, between September 23, 2011 through July 2020. Reeves had 7 unauthorized Downstream bonuses totaling \$458,688.17. Reeves had an unauthorized starting base pay rate at Saracen of \$118,746.42 beginning December 10, 2019. Reeves has one unauthorized pay increase at Saracen bring the final base pay rate to \$185,689.14 on June 23, 2020. Reeves received 7 unauthorized bonuses at Saracen totaling \$911,873.37 between December 31, 2019 to July 2, 2020.
12. On or about 04 August 2020 a review of DDA meeting minutes revealed Janet Cummings was present when the DDA board approved bonuses for themselves (see Janet Cummings Interview July 30, 2020) from Saracen Casino funds. The DDA meeting minutes revealed the DDA members approved their own bonuses on 6 March 2020, including retroactively including bonus payments previously paid to John L. Berrey and Merlin Kent Jones.
 - a. DDA meeting records revealed John Berrey, Tamara Reeves, Jack Brill, Janet Cummings, Merlin Jones and Tena Smith were in attendance. Larry Ramsey was not in attendance.
13. On or about 04 August 2020 a review of the governing document for the DDA called DDA Charter revealed in Section 114 E (Title 17 of the Quapaw Nation Code) the DDA must submit changes in compensation, benefits and bonuses to the Business Committee for review and approval prior to any changes being deemed approved.
 - a. DDA and elected Quapaw Business Committee meeting minute books and resolutions were research by two IGS staff and one Business Committee member. No records were found in the Business Committee meeting minutes or Resolutions for merit increases, bonuses or benefits increases for the DDA since December 2009. The 2009 Resolution simply stated the Business Committee reviewed compensation and determined the compensation was fair but did not list positions or dollar amounts, which was \$180,000.00 for the Chairman, \$137,500.00 for the Secretary, \$137,500.00 for the Treasurer, and \$125,000.00 for the remaining two members. The records searched were the meeting minute books, tribal website, tribal office vault and computer archived records.
 - b. Governing documents require the DDA to create and approve a formal budget annually. It was verified with both the casino accounting department and the tribal accounting department no formal DDA budget was ever submitted to them.
 - c. A text conversation recovered from DDA Executive Secretary Tena Smith's company cell phone with In House Counsel and DDA and SDA, LLC Board Member Jack Brill revealed Tena Smith deliberately did not put DDA Member pay in the meeting minutes on purpose and Tena Smith further stated to Brill that she intentionally kept the minutes vague.

14. On or about 04 August 2020 an ongoing review of governing documents revealed the following facts relevant to the findings throughout this affidavit:

- a. The Gaming Ordinance in *Section 2 Jurisdiction of the Tribe Over Gaming Activities*, letter C states All entities or persons who apply for licenses under this Ordinance shall be required, as a condition to such licensing, to acknowledge the authority and jurisdiction of the Tribe, including the jurisdiction of the courts, the tribe Tribal Gaming Agency, and the Tribal Gaming Commission, over their activities and transactions conducted within the Indian Country of the Tribe and with the Gaming Operations of the Tribe. As a further condition to such licensing, all such persons or entities shall be required to acknowledge their duty to comply with all a Tribal and federal laws and regulations and the terms of any gaming compact(s) between the Tribe and the State of Oklahoma then in effect and as may subsequently be amended.
- b. The Gaming Ordinance clearly states in *Section 19. Violations*, letter J Failure to Maintain Suitability states: It shall be a substantial violation for any licensee to fail or meet the suitability standards established by this Ordinance.
 - i. *Chairman Berrey and Secretary/Treasurer Reeves consistently did not follow tribal governing documents, casino protocols. The same results were found for the remaining DDA board members (Jack Brill, Larry Ramsey, Marilyn Rogers, George McWatters)*
- c. *Section 19. Violations, Letter K. Fraudulent Conduct* states; It shall be a substantial violation of this Ordinance for any person engage in any fraudulent conduct, which shall include:
 - i. *Number 6: Falsifying, destroying, erasing or altering any books, computer data, records, or other information relating to a gaming facility or activity;*
 - ii. *Number 8: Concealing, altering, defacing, or destroying any records, documents, information, or materials of any kind, including, but not limited to, photographs, audio recordings, or video tapes;*
 1. *John Berrey and Tamara Smith never turned in company cell phones, computers, or other property paid for with tribal assets. Both Berrey and Reeves used personal emails for official business there by making their actions covert to other members of the business and the tribe.*
- d. *Section 19. Violations, Letter N. Improper Interference* states: It shall be a substantial violation of this Ordinance for any person or entity to engage in:
 - i. 1. Acts or omissions of an individual that interfere with or prevent the Tribal Gaming Agency from fulfilling its duties and responsibilities under this Ordinance;
 - ii. 4. Refuse to comply with an order, directive, request, or demand of the Tribal Gaming Agency or the Commission.

15. 04 August 2020 A financial analysis of the Saracen Casino General Ledger, Profit and Loss Statements, Balance Sheets revealed serious concerns - excessive numbers in Professional Services legal, Professional Services Consultants and Outside Services. The investigation by IGS was deferred by the Business Committee to the construction audit firm that is currently performing an audit on the Saracen project. Prior to ending IGS's role in

investigation the Saracen Casino project, it was uncovered double billing was occurring for construction contracts. Invoices for contractors and subcontractors were being submitted for payment through the tribe's construction company (QSA) and the original invoice from the contractor was also submitted.

- a. The investigation also revealed significant payments being made to Chairman Berrey's spiritual advisor and relatives.
 - b. The investigation revealed questionable payments for a private apartment for Chairman Berrey in Little Rock, AR
 - c. The investigation revealed questionable payments for hunting trips, personal purchases, lavished dining and questionable political contributions.
16. 05 August 2020 Second interview with Janet Cummings reveals she did know about the bonus payment to Merlin "Kent" Jones (see Janet Cummings initial denial of such knowledge in her July 30, 2020 Interview). Cummings said in her second interview that she discovered the \$166,666.67 paid to Merlin Kent Jones when reviewing Jones' payroll records while writing his annual review. Cummings stated she approached legal counsel Jack Brill, both a DDA Member and SDA, LLC Member, about Jones' unauthorized bonus. Janet Cummings further stated Brill said he would look into it. After more than a month, Cummings checked payroll records again, and discovered another \$166,666.67 was paid to Merlin Kent Jones. Janet Cummings then approached Brill upon her additional discovery; Brill brought Larry Ramsey, also both a DDA Member and SDA, LLC Member, into the conversation. Cummings could not recall date.
 - a. Cummings also confirmed she was witness to Carlton Saffa's (Project Manager at the Saracen Casino and Annex) "gift" of a Rolex watch to CFO Jones. Records have been obtained verifying Saffa and/or Saffa's wife purchased the watch for \$5,215.00 using their personal check and was reimbursed by the Saracen Casino Resort Account by check, Number 2070 dated December 5, 2019, issued by Saracen Casino Resort Accounts Payable Department located at the Downstream Casino Resort officers in Quapaw, Oklahoma. John Berrey authorized and signed the reimbursement form.
17. 07 August 2020 member of both the Downstream Development Authority and the Saracen Development Authority, LLC Larry Ramsey was interviewed in which he confirmed Brill's involvement in the revelation of an unauthorized bonus to Merlin Kent Jones, (while Chief Financial Officer of the Downstream Casino Resort and the Saracen Casino Resort, as a Quapaw tribal official). Ramsey stated he and Brill meet Tamara Reeves, the Secretary/Treasurer Quapaw Business Committee and Treasurer of both the DDA and SDA, at Reeves' home to discuss the findings. Ramsey stated that the meeting took place on or around the beginning of March, 2020; the three agreed to confront Chairman Berrey about the bonuses. Ramsey stated they confirmed prior to this meeting Chairman Berrey's pay and saw that John Berrey also was receiving an unauthorized bonus. Ramsey claimed they met with Berrey at the DDA office at the Downstream Casino. Ramsey stated Berrey claimed "anyone involved in securing the financing for the Saracen Casino Project should have received the Saracen Success Bonuses", which included all the DDA and SDA members, Kent Jones and Janet Cummings. Berrey went to state to Ramsey that it must have been a mistake for the addition individuals, all the DDA and SDA members, and Janet Cummings not to have been receiving their Saracen Success Bonus. Ramsey stated Berrey

left the conversation and Merlin Kent Jones joined the conversation. Ramsey stated Merlin Kent Jones admitted to Ramsey that the Saracen Success Bonuses were not authorized.

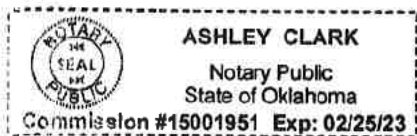
18. 10 August 2020 Received copy of Karol Linduff's (ex-wife of John Berrey) letter. The letter contained multiple accusations of John Berrey using his position for his and their own personal gain. An investigation into the allegations revealed the following:
 - a. Downstream Casino funds were used regularly by Chairman Berrey for airfare, spa treatments, hotel (suites) comps, food comps, gifts, phone bills, concert tickets, sporting event tickets for his ex-wife, girlfriends, children and friends.
19. 14 August 2020 Received sales and comp report for the Downstream Casino Spa. Analysis revealed significant use by Tena Smith (Executive Secretary to the DDA) and by Chairman John Berrey. Both individuals used the spa for themselves, their families, and friends regularly.
20. 17 August 2020 Received system generated reports for hotel comps. A review of hotel comp reports revealed significant use of hotel comps by John Berrey. Many comps were for family and friends. The investigation revealed many comps were used for personal benefit and not business.
21. 17 August 2020 Your Affiant asked the Human Resources Director Brad Stone for Downstream and Saracen Personnel Action Forms or Change Forms (PAF's). It was revealed there were no Saracen PAF's. Upon our request for PAF's, the HR Director ordered staff to create them for Saracen and back date them. HR Director has since been terminated.
22. 18 September 2020 Merlin "Kent" Jones brings in cell phone and laptop to the Quapaw Nation Gaming Authority (QNGA). IGS received the cell phone and laptop for a forensic audit. The cell phone was factory reset and the laptop had a lot of data deleted in violation of the Nation's policy and Quapaw Gaming Ordinance in Title 17.
23. On 04 September 2020, a review of donations and contributions was performed. Tribal governing documents clearly state the process for making donations and contributions. The investigation found upon review, there were numerous procedure violations in the DDA and with DDA Executive Secretary Tena Smith. These violations were based on the following:
 - a. Required Donation Form Missing.
 - b. Required approval of a Downstream Development Authority (DDA) member, General Manager, or Assistant General Manager for donations \$1 - \$5,000.
 - c. Required approval from a majority vote of the membership of DDA and documentation in the DDA meeting minutes prior to the donation being made for donations over \$5,000.
 - d. Required approval documented through meeting minutes of a majority vote of the attending officials and members of the Quapaw Tribal Business Committee for any donation over \$50,000 to same organization in the same fiscal year.
 - e. Donations given to excluded organization by DCR or DDA (Donation requests made from individual programs for minors, such as athletic teams, church summer camps, and religious programs will be referred directly to the Quapaw Tribe. DDA/DCR will not provide donation support to these types of requestors).

- f. Tena Smith made numerous donations on her company credit card.
 - g. John Berrey made several donations on his company credit card.
 - h. The investigation revealed Chairman Berrey made unauthorized donations totaling in the millions of dollars.
 - i. Multiple violations were found to the Indian Gaming Regulatory Act (IGRA). Per IGRA (25 USC 2710), gaming net profits may be used only to:
 - i. Fund tribal government operations or programs.
 - ii. Provide for the general welfare of their members.
 - iii. Promote tribal economic development.
 - iv. Donate to charitable organizations; and
 - v. Help fund operations of local government agencies.
24. An investigation of credit card activity revealed Chairman Berrey and Tena Smith used company credit cards extensively. The remaining board members rarely used their cards. Evidence is clear Berrey used his credit card extensively for personal use. Statements revealed personal purchases of luggage, personal trips, gifts, donations, electronics, event tickets, many cell phones and related electronics, medical equipment and non-business-related activities in excess of \$100,000.00.
25. Chairman Berrey and Secretary/Treasurer Reeves allowed the issuance of casino company credit cards to employees in other tribal business enterprises and vendors. The investigation revealed more than 70 credit cards were issued through Downstream Casino, which included numerous individuals, employees, agents, consultants and vendors that were not employed by the Downstream Casino Resort.
26. Chairman Berrey was fined previously by a federal agency based on their investigation in 2009 and 2010 for credit card abuse. This investigation revealed the same activities have continued.
27. The investigation revealed John Berrey consistently abused his authority as Chairman by using tribal funds and assets for his own personal benefit and to the benefit of those around him.
- a. A review of accounting records, DDA Executive Secretary Tena Smith's cell phone data, computer data, text message conversations revealed private Jets were paid for by the tribe to fly friends of John Berrey, his family or friends to concerts or events. These concerts and events were not related to any contract or benefit to the tribe. Executive Secretary Tena Smith, often acting as the Chairman's personal secretary, would book the travel, pay for the tickets, hotel and other expenses, and send the confirmation information to friends of John Berrey or his associates via her company cell phone.
 - b. Cell phone records, interviews with casino staff and accounting records reveal family and friends of John Berrey or his associates was comped suites at the Downstream Casino to attend concerts in various parts of the Country or in the casino. Significant revenues were spent comping food and alcohol for room parties well in excess of \$100,000.00. Many attendees are known to casino staff and have been identified as non-gaming individuals.
28. My investigation also revealed that between the dates of April 15, 2014, and July 24, 2020, Tamara Reeves, the Secretary/Treasurer Quapaw Business Committee and Treasurer

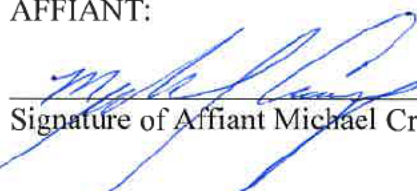
of both the DDA and SDA obtained services known to be available only for compensation with the intent to avoid due payment for such services by using his position as the Secretary/Treasurer Quapaw Business Committee and Treasurer of both the DDA and SDA to routinely frequent the Spa, Motel rooms and a restaurant owned and operated by the Downstream Casino Resort and obtain concerts tickets and sports events for family and friends as well as herself, paid for by the Downstream Casino Resort, under the Downstream Development Authority, a subsidiary of the Quapaw Tribe of Oklahoma, without paying for an excessive amount of meals, alcohol or other service rendered in well in excess of \$25,000.00.

Upon oath, I declare that the above information is true and correct to the best of my knowledge and belief.

Dated this 16th day of April, 2021.

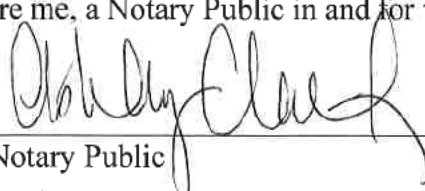


AFFIANT:


Signature of Affiant Michael Crump

STATE OF OKLAHOMA)
) ss
COUNTY OF Ottawa)

This Affidavit was signed before me, a Notary Public in and for the State of Oklahoma, on this 16th day of April, 2021.


Notary Public

My commission number 15001951

My commission expires 02/25/23

IN THE TRIBAL COURT
FOR THE QUAPAW TRIBE OF OKLAHOMA
5681 SOUTH 630 ROAD
QUAPAW, OKLAHOMA 74363-0765

QUAPAW NATION
TRIBAL COURT

APR 16 2021

FILED

THE QUAPAW TRIBE OF OKLAHOMA,

Plaintiff,

vs.

Case No. CR-2021- 0 9

TAMARA SMILEY-REEVES
ADDR: 5200 South 540 Road
Miami, Oklahoma 74354

DL: Oklahoma # [REDACTED]
SSN: [REDACTED]
DOB: [REDACTED]

Defendant(s).

CRIMINAL COMPLAINT

FOR:

- COUNT 1: ATTEMPTED EMBEZZLEMENT §104 QUAPAW TRIBAL CRIMINAL CODE
COUNT 2: CONSPIRACY §102 QUAPAW TRIBAL CRIMINAL CODE
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THE QUAPAW NATION,

I, the undersigned complainant, being duly authorized and sworn, state the following is true and correct to the best of my personal knowledge and belief. Within Indian country subject to the jurisdiction of the Quapaw Tribe of Oklahoma within the jurisdiction of this Court, TAMARA SMILEY-REEVES, the Defendant herein, who is an adult Indian, did unlawfully, wrongfully, and willingly commit the offense(s) of:

COUNT 1: ATTEMPTED (Title 11 QCL §104) EMBEZZLEMENT (TITLE 11 QCL §106) ~ in violation of Title 11 QCL §106 of the Quapaw Tribal Criminal Code, to wit: TAMARA SMILEY-REEVES, while the Secretary/Treasurer of the Quapaw Business Committee, an elected official of the Quapaw Tribe and a member of both the Downstream Development Authority and the Saracen Development Authority, LLC, did, on or about the 27th day of July, 2020, unlawfully appropriate the sum of **\$203,873.04 (Two hundred three thousand, eight hundred seventy three dollars and four cents)** belonging to the Downstream Casino Resort and the Saracen Casino Resort and Q Store which are subsidiaries of the Quapaw Tribe of Oklahoma, for purposes not intended or authorized by the Quapaw Tribe of Oklahoma and with the fraudulent intent to divert said funds from the Quapaw Tribe of Oklahoma by claiming said unappropriated funds to be **SEVERANCE** and **PTO PAY**. Said funds being entrusted to the defendant, then Secretary/Treasurer of the Quapaw Tribal Business Committee, the Downstream Development Authority, and Saracen Development Authority, wherein the defendant, TAMARA SMILEY-REEVES, while the Secretary/Treasurer of the Quapaw Business Committee, an elected official of the Quapaw Tribe and a member of both the Downstream Development Authority and the Saracen Development Authority, LLC, diverted said funds that were entrusted to her for a specific purpose, use or disposition and appropriated by the defendant for a purpose not intended by the Quapaw Tribe of Oklahoma or by law.

Punishable by up to 3 years in prison; a fine up to \$15,000; and/or community service and/or training; and/or restitution to any individual for damage to or loss of property; and/or temporary suspension of tribal benefits.

COUNT 2: CONSPIRACY ~ in violation of §102 of the Quapaw Tribal Criminal Code, to wit: **TAMARA SMILEY-REEVES**, while the Secretary/Treasurer of the Quapaw Business Committee, an elected official of the Quapaw Tribe and a member of both the Downstream Development Authority and the Saracen Development Authority, LLC, is a person that agreed, within the Tribal jurisdiction, with then **CHAIRMAN JOHN BERREY** and then Chief Financial Officer of the Quapaw Nation, Downstream Development Authority, and Saracen Development Authority, **MERLIN KENT JONES** to engage in or cause the performance of conduct with the intent to commit **EMBEZZLEMENT** which is an offense punishable by Tribal, Federal, or state laws applicable to the jurisdiction of the Quapaw Tribe of Oklahoma, and wherein **TAMARA SMILEY-REEVES**, while the Secretary/Treasurer of the Quapaw Business Committee, an elected official of the Quapaw Tribe and a member of both the Downstream Development Authority and the Saracen Development Authority, LLC, committed an overt act of **EMBEZZLEMENT** by directing **MERLIN KENT JONES** to issue unappropriated funds in the amount **\$1,315,119.53 (One million, three hundred fifteen thousand, one hundred nineteen dollars and fifty-three cents)** made payable to **JOHN BERREY, JACK BRILL, TAMARA REEVES, MERLIN KENT JONES** and **JANET M. CUMMINGS**, funds drawn by checks on the accounts of the Downstream Casino Resort and the Saracen Casino Resort and Q Store, which are subsidiaries of the Quapaw Tribe of Oklahoma.

Punishable by the same possible punishment as the completed offense of **EMBEZZLEMENT** which is up to 3 years in prison; a fine up to \$15,000; and/or community service and/or training; and/or restitution to any individual for damage to or loss of property; and/or temporary suspension of tribal benefits.

COUNT 3: ABUSE OF OFFICE ~ **TAMARA SMILEY-REEVES** while the Secretary/Treasurer of the Quapaw Business Committee, an elected official of the Quapaw Tribe and a member of both the Downstream Development Authority and the Saracen Development Authority, LLC, is a person that acted or purported to act in an official capacity as Secretary/Treasurer of the Quapaw Tribal Business Committee, the Downstream Development Authority, and Saracen Development Authority on or about the 27th day of July, 2020, and took advantage of such actual or purported capacity knowing her conduct was illegal wherein she directing **MERLIN KENT JONES** to issue unappropriated funds in the amount **\$1,315,119.53 (One million, three hundred fifteen thousand, one hundred nineteen dollars and fifty-three cents)** made payable to **JOHN BERREY, JACK BRILL, TAMARA REEVES, MERLIN KENT JONES** and **JANET M. CUMMINGS**, funds drawn by checks on the accounts of the Downstream Casino Resort and the Saracen Casino Resort and Q Store, which are subsidiaries of the Quapaw Tribe of Oklahoma.

Punishable by up to 3 years prison fine up to \$15,000; and/or community service and/or training; and/or temporary or permanent banishment from Quapaw Indian Country.

COUNT 4: OFFENSE BY OFFICERS ~ **TAMARA SMILEY-REEVES**, while the Secretary/Treasurer of the Quapaw Business Committee, an elected official of the Quapaw Tribe and a member of both the Downstream Development Authority and the Saracen Development Authority, LLC, is a person that was an officer of the Quapaw Tribe of Oklahoma that committed the offenses of **EMBEZZLEMENT, CONSPIRACY** and **ABUSE OF POWER** when she, on or about the 27th day of July, 2020, acting in connection with her office or employment:

1. Knowingly demands other or greater sums than are authorized by law, and received compensation, or reward, except as by law prescribed, for the performance of any duty; or

Punishable by to 3 years in prison; a fine up to \$15,000; and/or community service and/or training; and/or temporary suspension of tribal benefits.

COUNT 5: EMBEZZLEMENT ~ in violation of §106 of the Quapaw Tribal Criminal Code, to wit: **TAMARA SMILEY-REEVES**, while the Secretary/Treasurer of the Quapaw Business Committee, an elected official of the Quapaw Tribe and a member of both the Downstream Development Authority and the Saracen Development Authority, LLC, did, on or between March 6, 2020, through July 2, 2020, unlawfully appropriate the sum of **\$640,250.00 (Six hundred forty thousand, two hundred fifty dollars and no cents)** paid in monthly installments of **\$128,250.00 (One hundred twenty eight thousand, two hundred fifty dollars and no cents)** each, monies belonging to the Saracen Casino Resort and Q Store which are subsidiaries of the

Quapaw Tribe of Oklahoma, for purposes not intended or authorized by the Quapaw Tribe of Oklahoma and with the fraudulent intent to divert said funds from the Quapaw Tribe of Oklahoma by claiming said unappropriated funds to be a **SUCCESS FEE/BONUS PAY**. Said funds being entrusted to the Defendant, then Secretary/Treasurer of the Quapaw Tribal Business Committee, the Downstream Development Authority, and Saracen Development Authority, wherein the Defendant, **TAMARA SMILEY-REEVES**, while the Secretary/Treasurer of the Quapaw Business Committee, an elected official of the Quapaw Tribe and a member of both the Downstream Development Authority and the Saracen Development Authority, LLC, diverted said funds that were entrusted to her for a specific purpose, use or disposition and appropriated by the defendant for a purpose not intended by the Quapaw Tribe of Oklahoma or by law.

Punishable by up to 3 years in prison; a fine up to \$15,000; and/or community service and/or training; and/or restitution to any individual for damage to or loss of property; and/or temporary suspension of tribal benefits.

COUNT 6: CONSPIRACY ~ in violation of §102 of the Quapaw Tribal Criminal Code, to wit: **TAMARA SMILEY-REEVES**, did, on or between March 6, 2020, through July 2, 2020, while the Secretary/Treasurer of the Quapaw Business Committee, an elected official of the Quapaw Tribe and a member of both the Downstream Development Authority and the Saracen Development Authority, LLC, is a person that agreed, within the Tribal jurisdiction, with **JOHN BERREY, JACK BRILL and MERLIN KENT JONES** to engage in or cause the performance of conduct with the intent to commit **EMBEZZLEMENT** which is an offense punishable by Tribal, Federal, or state laws applicable to the jurisdiction of the Quapaw Tribe of Oklahoma, and wherein **TAMARA SMILEY-REEVES**, while the Secretary/Treasurer of the Quapaw Business Committee, an elected official of the Quapaw Tribe and a member of both the Downstream Development Authority and the Saracen Development Authority, LLC, committed an overt act of **EMBEZZLEMENT** by directing **MERLIN KENT JONES** to issue unappropriated funds in the amount in excess of **\$4,000,000.00 (four million dollars and no cents)** made payable to **TAMARA REEVES, JOHN BERREY, JACK BRILL, MERLIN KENT JONES** and **JANET M. CUMMINGS**, funds drawn by checks on the account of the Saracen Casino Resort and Q Store, which is a subsidiary of the Quapaw Tribe of Oklahoma. Said payees deposited said checks into their personal banking accounts in furtherance of said conspiracy.

Punishable by the same possible punishment as the completed offense of **EMBEZZLEMENT** which is up to 3 years in prison; a fine up to \$15,000; and/or community service and/or training; and/or restitution to any individual for damage to or loss of property; and/or temporary suspension of tribal benefits.

COUNT 7: ABUSE OF OFFICE ~ in violation of §25 of the Quapaw Tribal Criminal Code, to wit: **TAMARA SMILEY-REEVES**, , on or between the dates of April 15, 2014, and July 24, 2020, while the Secretary/Treasurer of the Quapaw Business Committee, an elected official of the Quapaw Tribe and a member of both the Downstream Development Authority and the Saracen Development Authority, LLC, is a person who acted or purported to act in an official capacity as described above, and took advantage of such actual or purported capacity knowing her conduct was illegal wherein she obtained goods and services in excess of \$25,000.00 (Twenty-five thousand dollars and no cents) using her position to obtain concert tickets, sporting event tickets, spa, treatments and comp hotel and meals for herself, her family members and friends, for her own personal use and benefit. Said unauthorized expenditures were paid for by the Downstream Casino Resort and acts which **TAMARA SMILEY-REEVES**, then purported to be acts of her office.

Punishable by up to 3 years prison fine up to \$15,000; and/or community service and/or training; and/or temporary or permanent banishment from Quapaw Indian Country.

By:


Douglas G. Dry, Special Prosecutor

QBA Number: 157

I have examined the facts in this case and recommend and request that a SUMMONS in lieu of a warrant be Issued. ARREST WARRANT SHALL BE ISSUED FOR FAILURE TO APPEAR AFTER BEING SUMMONED TO COURT.


Douglas G. Dry, Special Prosecutor
QBA Number: 157

WITNESSES ENDORSED FOR THE QUAPAW NATION

Michael Crump, Innovative Gaming Solutions, 14945 Edison Road, Lebanon, MO 65536
Chris Lenggenhager, Innovative Gaming Solutions, 14945 Edison Road, Lebanon, MO 65536
Mary Cabalero, Downstream Casino Resort, 69300 E Nee Road, Quapaw, OK 74363
Delores Patista, Former Downstream Casino Former Resort Payroll Manager,
69300 E Nee Road, Quapaw, OK 74363
Tyler Faught, Downstream Casino Resort, 69300 E Nee Road, Quapaw, OK 74363
Sherri Davies, Downstream Casino Resort Payroll Manager, 1522 Lincoln Drive, Galena, KS 66739
Barbara Collier, Downstream Quapaw Tribal Gaming Agency Executive Director
P. O. Box 405, Quapaw, OK 74363
Arron Richardson, Downstream Quapaw Tribal Gaming Agency Investigative Auditor
P. O. Box 405, Quapaw, OK 74363
Tyler Faught, Restaurant Manager, Downstream Casino Resort, 69300 East Nee Road
Quapaw, OK 74363
RedOak Restaurant Accounting & Booking Representative, Downstream Casino Resort,
69300 East Nee Road, Quapaw, OK 74363
Downstream Food and Beverage Manager, Downstream Casino Resort,
69300 East Nee Road, Quapaw, OK 74363
Donna Mercer, Quapaw Nation Tribal Administrator, P.O. 765, Quapaw, OK 74363
Steva Stand, Quapaw Nation Tribal Administrator Assistant, P.O. 765, Quapaw, OK 74363
Eric J. Bohn, CPA, Quapaw Nation Chief Financial Officer, P.O. 765, Quapaw, OK 74363
Larry J. Ramsey, 1410 Orchid Lane, Grove, OK 74344
Carlton Saffa, 2721 North Fillmore, Little Rock, AR 72207
Kristen M. Saffa, 2721 North Fillmore, Little Rock, AR 72207