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8
 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
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13 **STATE OF CALIFORNIA,**
 14
 Plaintiff,
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 v.
 16 **IIPAY NATION OF SANTA**
YSABEL, also known as SANTA
 17 **YSABEL BAND OF DIEGUENO**
MISSION INDIANS, a federally-
 18 **recognized Indian Tribe, SANTA**
YSABEL INTERACTIVE, a tribal
 19 **economic development entity, SANTA**
YSABEL GAMING COMMISSION,
 20 **DAVID CHELETTE, DAVID**
VIALPANDO, ANTHONY
 21 **BUCARO, MICHELLE MAXCY,**
VIRGIL PEREZ, and BRANDIE
 22 **TAYLOR,**
 23
 Defendants.
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Case No. 3:14-cv-02724-AJB/NLS

**DECLARATION OF MICAH
 SCOTT IN SUPPORT OF THE
 STATE OF CALIFORNIA'S
 MOTION FOR TEMPORARY
 RESTRAINING ORDER**

Date: December 4, 2014
 Time: 2:00 p.m.
 Courtroom: 3B
 Judge: Honorable Anthony J. Battaglia
 Trial Date:
 Action Filed: November 18, 2014

25 I, Micah Scott, declare:

26 1. I am a Special Agent with the California Department of Justice, Bureau
 27 of Gambling Control (Bureau). If called and sworn, I could testify competently to
 28 the following from my personal knowledge.

1 2. I have been employed by the Bureau, and worked in its Sacramento regional office,
2 since August 2006. My investigative duties with the Bureau include, among other things, fraud,
3 cheating, embezzlement, book making, loan sharking, illegal lotteries, organized crime, and other
4 criminal offenses, as well as violations of California's Gambling Control Act, that are related to
5 or arise out of tribal and non-tribal gambling and illegal underground gambling in California. I
6 have participated in investigations concerning individuals' and entities' suitability for licensing or
7 registration in connection with both tribal and non-tribal gambling. From November 2002 until
8 joining the Bureau, I was assigned to the California Department of Justice's Northern California
9 Computer Crimes Task Force. My employment with the California Department of Justice began
10 in January 2002. I have been a sworn California peace officer since September 1988.

11 3. As part of my Special Agent duties, I have been directed to investigate certain
12 Internet gambling offered by the Iipay Nation of Santa Ysabel, also known as the Santa Ysabel
13 Band of Diegueno Mission Indians (Tribe). On November 3, 2014, I learned that the Tribe had
14 begun to offer a play-for-money bingo game over the Internet. I was provided with a copy of a
15 press release issued by Great Luck LLC. I confirmed the availability of play for money by
16 accessing the website (Desertrosebingo.com) that the press release identified. The press release
17 reported that the Tribe operates Desert Rose Bingo. The website reports that the Tribe owns and
18 operates Desert Rose Bingo. I accessed the website through the Internet from computers located
19 in Sacramento, California.

20 4. After November 3, 2014, and as part of my investigation of the Tribe's Internet
21 gambling, I caused an account to be opened. The account was funded by a credit card. The
22 account was opened and funded by accessing the Desert Rose Bingo website through the Internet
23 from computers located in Sacramento and near Jackson, California. I also accessed the Desert
24 Rose Bingo website through an iPad. While funding the account by credit card, I observed that
25 an account could be funded by other electronic funds transfers. I further observed that accounts
26 are available to persons aged eighteen and older.

27 5. After an account was funded and as part of my investigation of the Tribe's Internet
28 gambling, I used the Internet to log into the Tribe's bingo website from computers located in

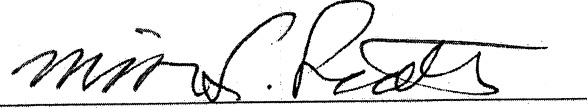
1 Sacramento and near Jackson, California. I did so more than once and also used an iPad. After
2 logging into the Tribe's bingo website, I placed bets by selecting a "denomination" – amount – to
3 play. The denominations offered were \$1.00 or less. After selecting a denomination, the system
4 offered me the opportunity to select the number of cards to be played. Once the selections were
5 made, the system advised that the bet had been submitted and accepted. The amount bet was
6 withdrawn from the account that I had opened.

7 6. After a bet was made as part of my investigation, I had no further active participation
8 in the play. I only placed a bet and selected the number of cards to be played. The system then
9 played the game. I could select a "theme," which provided background graphics and
10 entertainment while the Tribe's Internet gambling system played the game. On my computer
11 screen, the system showed a "call count," which apparently was the numbers generated in the
12 game, to the left side of the display. The numbers were from 1 to 75 and were circled as they
13 were generated. Displayed to the right of the "call count" was what appeared to be a bingo card
14 with twenty-five blocks below the word "BINGO." Twenty-four blocks contained numbers; the
15 center block was denominated "free space." As numbers were generated in the "call count,"
16 corresponding numbers on the facsimile bingo card were highlighted. If my bet won, the game
17 ended by displaying "bingo." If my bet lost, the game ended by displaying: "Proxy of [screen
18 name of the winner] won \$[an amount]!"

19 7. As part of my investigation, I did not go to the Tribe's Indian lands to register for or
20 open an account. I did that through the Internet from computers located in Sacramento and near
21 Jackson. As part of my investigation, I did not go to the Tribe's Indian lands to place a bet. I did
22 that through the Internet from computers located in Sacramento and Jackson. I also accessed the
23 Tribe's Internet gambling system using an iPad. As part of my investigation, I did not go to the
24 Tribe's Indian lands to participate in a bingo game. Rather, the Tribe's Internet gambling system
25 did everything after my bet was made. My observation is that the Tribe's Internet gambling
26 system encompasses, and appears to be a replica of, all the aspects of a bingo game.

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1 I declare under penalty of perjury that the foregoing is true and correct. This declaration is
2 executed on November 17, 2014.

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5 MICAH SCOTT
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