


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

FILED
OCT 13 2010

CLERK

UNITED STATES OF AMERICA,

CR. 10- 30088

INDICTMENT

v.

18 U.S.C. § 371
(Counts I, III)
CONSPIRACY TO COMMIT
BRIBERY OF A TRIBAL OFFICIAL

DUANE DALE BIG EAGLE,

18 U.S.C. §§ 666(a)(1)(B), 2
(Counts II, IV)
BRIBERY INVOLVING AN AGENT
OF AN INDIAN TRIBAL
GOVERNMENT

Defendant.

The Grand Jury charges:

COUNTS I-IV

1. At all times material to this indictment, the Crow Creek Sioux Tribe was a recognized Indian Tribe located on the Crow Creek Indian Reservation whose public affairs are governed by the Crow Creek Sioux Tribal Council, at Fort Thompson, South Dakota.

2. At all times material to this indictment, the Crow Creek Tribal School District, and its governing body, the Crow Creek Tribal School Board, provided elementary and secondary education to the residents of the Crow Creek Sioux community, and is headquartered in Stephan,

South Dakota, on the Crow Creek Indian Reservation.

3. At all times material to this indictment, while serving in office, the Crow Creek Tribal Council Chairman, Vice Chairman, Treasurer, Secretary and members served in those same capacities on the Crow Creek Tribal School Board, which administered and managed the business activities of the Crow Creek Tribal Schools.

4. The Crow Creek Sioux Tribe of Indians received, through their governing body, the Crow Creek Sioux Tribal Council, or their school district, the Crow Creek Tribal Schools, or both, more than \$10,000 in federal funding in any one year period of the indictment.

5. Between May of 2004 and May of 2006, the defendant, DUANE DALE BIG EAGLE, was the Chairman of the Crow Creek Sioux Tribal Council, a member of the Crow Creek Tribal Council, and a member of the Crow Creek Tribal School Board.

6. In 2005, and continuing to in or about June of 2006, Scott Raue was the Chief Executive Officer and Superintendent of the Crow Creek Tribal School District.

7. At all times relevant to the Indictment, Royal Kutz was the owner of Kutz Construction, a Highmore, South Dakota, construction company.

8. Between May of 2008 and May of 2010, Randy Shields was the Vice Chairman of the Crow Creek Sioux Tribal Council, a member of the Crow Creek Tribal Council, and a member of the Crow Creek Tribal School Board.

9. Between May of 2008 and May of 2010, Norman Thompson, Sr., was the Treasurer of the Crow Creek Sioux Tribal Council, and a member of the Crow Creek Tribal School Board.

10. At all times relevant to the indictment, Archie Baumann was the owner of First Dakota Enterprises, a construction company in Fort Pierre, South Dakota.

COUNT I

Between on or about July 19, 2005, and continuing thereafter until on or about December 15, 2005, at Fort Thompson, and elsewhere, in the District of South Dakota, the defendant, DUANE DALE BIG EAGLE, together with Scott Raue and Royal Kutz, and with other persons both known and unknown to the Grand Jury, knowingly combined, conspired, and agreed to violate the laws of the United States, that is, to corruptly offer and give, and agree to offer and give, and to corruptly accept and agree to accept, a thing of value intending to influence and reward DUANE DALE BIG EAGLE and Scott Raue in connection with a

transaction and series of transactions of the Crow Creek Tribal School District involving \$5,000 and more, in violation of 18 U.S.C. § 666(a)(1)(B) and (a)(2).

OBJECT OF THE CONSPIRACY

It was the object of the conspiracy, its methods and means, to insure that Kutz Construction would be awarded substantial tribal monies in relation to the improvement and construction of school buildings, and that payments for that construction would be released to Kutz Construction, through the bribery of the Chairman of the Crow Creek Sioux Tribal Council and a member of the Crow Creek Tribal School Board, DUANE DALE BIG EAGLE, and the Chief Executive Officer and Superintendent of the Crow Creek Tribal School District, Scott Raue.

OVERT ACTS

To further the conspiracy, and to accomplish the objectives thereof, the conspirators committed the following overt acts.

1. Between on or about July 19, 2005, and continuing thereafter until on or about December 12, 2005, Royal Kutz, doing business as Kutz Construction, submitted billing statements for construction work completed at Crow Creek Tribal Schools requesting payment from Crow Creek Tribal Schools.

2. Between on or about July 19, 2005, and continuing thereafter until on or about December 12, 2005, Royal Kutz, doing business as Kutz Construction, negotiated Crow Creek Tribal Schools checks, depositing some of the proceeds and having the remainder remitted in cash.

3. Between on or about July 19, 2005, and continuing thereafter until on or about December 13, 2005, Royal Kutz, doing business as Kutz Construction, made cash payments to Scott Raue, who retained a portion of the payment and also gave a portion to DUANE DALE BIG EAGLE, for the purpose of influencing or rewarding these tribal employees for official actions favoring Kutz Construction.

All in violation of 18 U.S.C. § 371.

COUNT II

On or about December 13, 2005, at Stephan, and elsewhere, in the District of South Dakota, the defendant, DUANE DALE BIG EAGLE, then Chairman of the Crow Creek Tribal Council, a member of the Crow Creek Tribal Council, and a member of the Crow Creek Tribal School Board, an agent of the Crow Creek Sioux Tribe of Indians, did corruptly accept and agree to accept a thing of value from Royal Kutz and Scott Raue intending to be influenced and rewarded in connection with a transaction

and series of transactions of the Crow Creek Sioux Tribe and the Crow Creek Tribal Schools involving \$5,000 and more, in violation of 18 U.S.C. § 666(a)(1)(B).

COUNT III

Between in or about May of 2008, and continuing thereafter until in or about October 21, 2008, at Fort Pierre, Stephan, and elsewhere, in the District of South Dakota, the defendant, DUANE DALE BIG EAGLE, together with Archie Baumann, Scott Raue, Randy Shields, Norman Thompson, Sr., and with other persons both known and unknown to the Grand Jury, knowingly combined, conspired, and agreed to violate the laws of the United States, that is, to corruptly offer, give, and agree to offer and give, and to corruptly accept and agree to accept, a thing of value intending to influence and reward DUANE DALE BIG EAGLE and officials of the Crow Creek Sioux Tribe in connection with a transaction and series of transactions of the Crow Creek Sioux Tribal Schools involving \$5,000 or more, in violation of 18 U.S.C. § 666(a)(1)(B) and (a)(2).

OBJECTS OF THE CONSPIRACY

It was the first object of the conspiracy, its methods and means, that Archie Baumann would enter into a loan agreements with the Crow

Creek Sioux Tribe, with the loan agreements containing lucrative repayment terms, and thereafter, to reward the tribal officials for approving the loan agreements and the repayment terms, by making personal cash distributions, or kick-backs, to tribal officials.

It was the second object of the conspiracy, its methods and means, that First Dakota Enterprises would negotiate a profitable construction contract with the Crow Creek Sioux Tribe for the construction of school buildings, and thereafter, to reward the tribal officials for their role in approving the contract and to facilitate payments, Archie Baumann, doing business as First Dakota Enterprises, would make personal cash distributions, or kick-backs, to tribal officials.

OVERT ACTS

To further the conspiracy, and to accomplish the objectives thereof, the conspirators committed the following overt acts.

1. In or about May of 2008, Archie Baumann, Randy Shields, Norman Thompson, Sr., and other tribal representatives and members, met in a parking lot in Pierre, South Dakota, to discuss a loan transaction between Archie Baumann and the Crow Creek Sioux Tribe.

2. On or about September 2, 2008, Archie Baumann, doing business as First Dakota Enterprises, entered into a contract with the

Crow Creek Sioux Tribal Schools to build staff housing for the Crow Creek Tribal Schools in Stephan.

3. Between on or about July 17, 2008, and continuing thereafter until on or about October 21, 2008, the conspirators caused to have issued cashier's checks from the Crow Creek Sioux Tribe made payable to Archie Baumann, either personally or through First Dakota Enterprises.

4. Between on or about July 17, 2008, and continuing thereafter until on or about October 21, 2008, Archie Baumann dispensed checks and cash payments to tribal officials, including the Vice Chairman, Randy Shields, and the Tribal Council Treasurer, Norman Thompson, Sr., either directly or through intermediaries such as DUANE DALE BIG EAGLE to reward or influence their official actions with regard to loans Archie Baumann made to the Crow Creek Sioux Tribe, and with regard to the First Dakota Enterprises housing contract with the Crow Creek Sioux Tribal Schools.


All in violation of 18 U.S.C. § 371.


COUNT IV

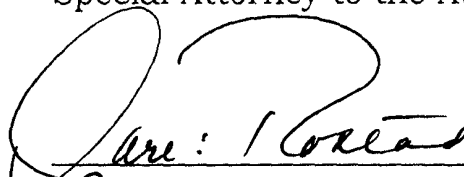
On or about October 21, 2008, at Fort Pierre, in the District of South Dakota, the defendant, DUANE DALE BIG EAGLE, did knowingly

and willfully aid and abet the corrupt acceptance and agreement to accept by Randy Shields, then Vice Chairman of Crow Creek Sioux Tribe Tribal Council and Crow Creek Tribal School's School Board, and Norman Thompson, Sr., then Treasurer of Crow Creek Sioux Tribe Tribal Council and Crow Creek Tribal School's School Board, agents of an Indian tribal government, intending to be influenced and rewarded in connection with a transaction and series of transactions of the Crow Creek Sioux Tribe and the Crow Creek Tribal Schools involving \$5,000 and more, a thing of value from Archie Baumann, in violation of 18 U.S.C. §§ 666(a)(1)(B), and 2.

A TRUE BILL:


FOREPERSON


JESSICA T. FEHR
Special Attorney to the Attorney General


CARL E. ROSTAD
Special Attorney to the Attorney General