

Scotts Valley Band of Pomo Indians

September 20, 2013

VIA U.S. Mail

FBI San Francisco
450 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102-9523
Phone: (415) 553-7400
Fax: (415) 553-7674
E-mail: san.francisco@ic.fbi.gov

RE: Request for Investigation of Allen McCloskey for Business Fraud

To Whom It May Concern:

On behalf of the Scotts Valley Band of Pomo Indians (the "Tribe"), I am requesting the immediate assistance of the Federal Bureau of Investigation (FBI) to investigate an urgent matter. The Tribal Council has evidence of the following: While in the position of Tribal Administrator, an individual by the name of Allen McCloskey created a fictitious business to defraud the Tribe of \$27,000.00 and potentially other monies and resources. Through deceit, concealment, and violation of trust, Mr. McCloskey victimized the Tribe and obtained Tribal assets for his own personal advantage. The whereabouts of Mr. McCloskey are currently unknown. A brief summary of the Tribe's investigation of Mr. McCloskey's fraudulent actions is provided below.

On or about November 9, 2012, in the capacity of Tribal Administrator, Mr. McCloskey issued a Notice of Request for Proposal (Phase I RFP) for the Tribe to hire a consultant for the purpose of a Phase I Environmental Site Assessment for properties in Lakeport, CA and Kelseyville, CA. Mr. McCloskey served as the contact person for the Phase I RFP.

A Professional Service Agreement for Environmental Services was then adopted between the Tribe and a consultant using the name of J. Chavez S.P., and claiming an address at 2939 Union Oakland, CA 94608. For services to start January 3, 2013 and to be completed January 30, 2013, the consultant fee for J. Chavez S.P. listed in the agreement was \$27,000.00.

An undated invoice numbered 9376SV, in the amount of \$27,000.00, was sent to the Tribe, care of Allen McCloskey, Tribal Administrator, for a purported Phase I Environmental Site Assessment ESA and Sub-Surface Reports. The invoice was sent by a person identifying themselves as J. Chavez SP, with the following contact information: 2939 Union, Oakland, CA 94608, j.chavezspenvironmental@gmail.com, (206) 339-3320.

On January 15, 2013, a check in the amount of \$27,000.00 was issued to J Chavez SP with the above address by the Tribe. The check was issued through Westamerica Bank, 150 S. Main Street, Lakeport, CA 95463, with the identification number 42238.

In February 2013, "J. Chavez Environmental, SP, Inc." sent Mr. McCloskey a letter with what is apparently claimed to be a draft Phase I Environmental Site Assessment & Environmental Report. The report does not identify the property involved, provides little to no data, and did not reveal evidence of recognized environmental conditions in connection with the properties. Page 25 of the document states that owner of Chavez Environmental, Jayleen Chavez, S.P., reviewed the report.

During a recent single audit, the Tribe's auditors pulled the Environmental Report and Invoice and found that nothing was attached as documentation for the expense of the Phase I Environmental Site Assessment. This finding generated suspicion into whether "J. Chavez Environmental, SP, Inc." was a legitimate company. Initial web searches of the J. Chavez address showed to be a junkyard and the phone number is from Seattle and is inactive. Thereafter, on August, 23, 2013, a Public Records search on Westlaw was conducted that found no information on J. Chavez Environmental, SP, Inc., or variation thereof. Furthermore, no results appeared in the Westlaw Comprehensive Phone Records for (206) 339-3320.

The Public Records search, however, did produce disturbing information when searching "Chavez" and the consultants provided address: 2939 Union, Oakland, CA 94608. Most concerning is the Fictitious Business Name Record with the business name "Tacos Chavez" and business owner Maria L. Chavez (Maria De Lourdes Chavez as provided in the Professional License Record and Maria D. Chavez De Coeva, birth date 06.XX 1967 in the Historic Address Record). The licensing information provided in the Professional License Record shows that Maria Chavez has a Non-Store Retailers Full-Time license, license number 100530283, which was issued by the California State Board of Equalization licensing agency. The Professional License Record also indicates that the employer of Ms. Chavez is Tacos Chavez with the same provided address: 2939 Union St, Oakland, CA 94608-4425.

The Public Records search supports the Tribal Council's contention that Mr. McCloskey created J. Chavez Environmental, SP, Inc. as a fictitious company in order to defraud the Tribe

[REDACTED]

of \$27,000.00 to purchase a catering vehicle, a taco truck, for his personal use and benefit under the name "Tacos Chavez". Mr. McCloskey has possession of a vehicle that is identified as serving Mexican Food with the California license plate number 5V51539.

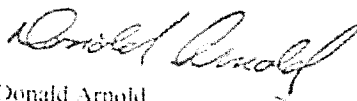
Close review of the Consultation Agreement (including computer-generated tags on the documents) with J. Chavez Environmental, SP, Inc. shows that it was drafted January 10, 2013 and modified on January 15, 2013 by Mr. McCloskey, which was the same day that the check to J. Chavez was issued. The RFP is also shown to be modified by Mr. McCloskey on January 15, 2013. Furthermore, the document properties of the Environmental Report show that the McCloskey made edits to the document in March, 2013. Additionally, the invoice for Chavez Environmental was generated by Mr. McCloskey and Mr. McCloskey created the receipt to get the check.

Mr. McCloskey resigned abruptly in April, 2013 at a time when he was already under suspicion for the improper use of the Tribe's credit cards and mismanagement of tribal funds, amounting to a total of \$7,690.41. Although Mr. McCloskey's whereabouts have been unknown since his resignation, his last known address is 4916 Wendy Lane Kelseyville, CA, 95451, (707) 533-6100.

The Tribe requests a meeting with the FBI to discuss and investigate this matter, which has jeopardized the Tribe's finances, as soon as possible. The Tribe further requests the FBI's assistance to discern the whereabouts of Mr. McCloskey and place him in the custody of law enforcement. It is imperative that the Tribe locate Mr. McCloskey to resolve these allegations of business fraud and to prevent Mr. McCloskey and his associates from further defrauding the Tribe and other persons or entities.

Please call me at (707) 263-4220 at your earliest convenience. You may also contact our counsel, Patrick Bergin, Esq., at (916) 441-2700. I cannot overstate the Tribe's level of concern regarding this matter.

Sincerely,



Donald Arnold
Chairman

cc: Tribal Council Members

[REDACTED]

RECEIVED OCT 10 2013



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

San Francisco
October 7, 2013

RE: Letter dated September 20, 2013

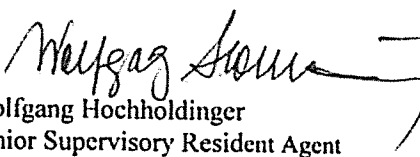
Scotts Valley Band of Pomo Indians
1005 Parallel Drive
Lakeport, CA 95453
(707) 263-4220

Attention: Chairman Donald Arnold

Dear Sir,

The purpose of this letter is to confirm the receipt of a letter from the Scotts Valley Band of Pomo Indians. The letter alleged that Allen McCloskey has committed fraud against the Tribe. It is with regret that we must inform you that the amount of the allegation does not meet the United States Attorney's Office prosecution threshold. This allegation should be taken to a representative of the local law enforcement in your area for review. Please contact Special Agent Sara D. Erwin at (707)566-2724 for any questions.

SAC David J. Johnson
Special Agent in Charge

By 
Wolfgang Hochholding
Senior Supervisory Resident Agent

While living in Washington State, Allen McCloskey was allegedly involved in a billing fraud case. He was in court, and after being sworn in, faked a heart attack. He was transported to the hospital where he was cleared of any medical issue. Allen then fled Washington never testifying about the fraudulent billing case.