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BEFORE THE MISSOURI GAMING COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS
February 18, 2011
Jefferson City, Missouri

In the Matter of:)
IOC - CAPE GIRARDEAU, LLC)

MICHAEL W. BRADLEY, Presiding
CHIEF COUNSEL
ROGER STOTTLEMYRE, EXECUTIVE DIRECTOR
LEANNE MCCARTHY, PUBLIC INFORMATION COORDINATOR

REPORTED BY:
NANCY L. SILVA, CCR
TIGER COURT REPORTING, LLC

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A P P E A R A N C E S

MR. THOMAS J. CAMPBELL
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314.615.6000
FOR: Petitioner

ALSO PRESENT: Richard L. "Dick" Meister
VP, Design and Construction
James Manley, AM/ASA, Manley Brothers
Aaron E. Rumpel, AIA
Kuhlmann Design Group

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MR. BRADLEY: Good morning. We're going to go ahead and go on the record. I'm Mike Bradley. I'm chief counsel of the Missouri Gaming Commission. I'm going to be acting as the hearing officer in this matter. What we have before us this morning is a hearing on Isle of Capri, Cape Girardeau's, petition captioned, Petition for Approval of Permanent Docking and Historic Design Elements of Excursion Gambling Boat and Request for a Hearing.

The purpose of this hearing is basically three-fold. First, the Missouri statutes require that statute Section 313.805.16 states in part that excursion gambling boats shall cruise unless the Commission finds that the best interest of Missouri and the safety of the public indicates a need for continuous docking of the excursion gambling boat in any city or county authorized to pursue it.

The Isle of Capri, Cape Girardeau, has been selected for investigation by the Gaming Commission, and part of this hearing will be, should the design be required to be an excursion gambling boat to cruise, or would it be in the best interest of Missouri and the

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safety of the public to have it not cruise?

The second matter that will be subject of this hearing is Section 313.812.3. It states in part, The Commission shall require as a condition of granting a license that an applicant operating an excursion gambling boat, which as nearly as practical, resembles, or is at least a part of Missouri's or the home dock city's or county's riverboat history, so it'll be basically a design hearing. We will hear testimony about the design of the proposed facility in Cape Girardeau and how that design reflects the riverboat history in Cape Girardeau and Cape Girardeau County.

The third thing that is subject to the hearing is the Missouri Constitution's Article III, Section 39E, provides that if a boat does not cruise, it shall be located upon the Mississippi or Missouri Rivers, and the definition of those rivers includes artificial spaces that contain water and that are within 1,000 feet of the closest end of the main channel of either river -- the closest edge of the main channel of either of those rivers.

Previously, the Gaming Commission has held that the main channel definition is that used by the Corps of Engineers, which is flood stage, and

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that holding has been upheld by the Missouri Court of Appeals in Columbia Sussex versus Gaming Commission, so we would have to have evidence that the design of this casino is within 1,000 feet of the main channel of the Mississippi River down there.

So those are the things that will be the subject of the hearing. It is a noncontested case of hearing, where the petitioner in this case, Isle of Capri, Cape Girardeau, will put on the evidence.

I'm acting as hearing officer, and my role will be to listen to the evidence. We have a

12 court reporter here. She will type up the
13 transcript. We will review the transcript. We'll
14 review the exhibits that are introduced here, and
15 then we will make a report, including findings of
16 fact and conclusions of law, to the Gaming
17 Commission, and the plan is to have that report to
18 the next Gaming Commission meeting in March, which
19 will be -- March 30 is the tentative schedule for
20 that.

21 That being said, we have one minor
22 housekeeping matter. The statute does require that
23 the finding in that Section, 313.057.17, requires
24 that the Commission render the findings of a cruising
25 within thirty days of the hearing. We're having

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1 Gaming Commission next week, but we won't have the
2 transcript or the findings of fact in place by then,
3 so the Commission hearing on March 30, of course, is
4 past thirty days, so at this point I'd ask if the
5 Petitioner is willing to waive the 30-day
6 requirement?

7 MR. CAMPBELL: Yes, your Honor, we're
8 willing to waive that requirement.

9 MR. BRADLEY: Thank you.

10 That being said, I'm willing to turn it
11 over to Mr. Tom Campbell, who is here on behalf of
12 the Petitioner. He will give an opening statement
13 and present his witnesses.

14 Mr. Campbell.

15 MR. CAMPBELL: Thank you, your Honor.

16 My name's Tom Campbell. I am a partner
17 with the St. Louis law firm of Gallop, Johnson &
18 Neuman, which acts as Missouri regulatory counsel for
19 the Isle of Capri Casinos, Inc., and their various
20 subsidiaries operating as Class B licensees in the
21 state of Missouri; additionally representing today
22 IOC Cape Girardeau, LLC, which has submitted a
23 petition for licensing as a Class B licensee.

24 The evidence will show today that the
25 proposed gaming facility located in Cape Girardeau is

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1 in an artificial basin within 1,000 feet of the main
2 channel as defined by Corps of Engineers and that the
3 gaming facility is a floating facility in that
4 artificial basin.

5 The evidence will further show that
6 pursuant to Section 313.812.3 of the Missouri Revised
7 Statutes, the design of the proposed gaming facility,
8 as practical as possible, resembles or is a part of
9 Missouri's or the home dock city's or county's
10 riverboat history.

11 Finally, the evidence will show that
12 pursuant to Section 303.805.16 of the Missouri
13 Revised Statutes, the cruising of a casino facility
14 at this point on the Mississippi River in Cape
15 Girardeau presents both a hazard to the safety of
16 passengers, has the potential to disrupt interstate
17 commerce, as well as interfere with barge traffic,
18 and as a second prong of the test, it is in the best
19 interest of the state of Missouri that the cruising
20 requirement be waived in this case due to the
21 permanent job creation, the direct and indirect
22 economic benefit to the community of allowing the

23 cruise to be waived, and the economic feasibility of
24 land-based facility in an artificial basin within the
25 1,000 feet.

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1 Your Honor, that concludes my
2 opening statement, and I'm prepared to submit
3 the first witness.

4 MR. BRADLEY: Go ahead and call your
5 first witness.

6 MR. CAMPBELL: Mr. Meister, will you
7 be sworn in.

8 MR. MEISTER: Sure.

9 RICHARD L. MEISTER, testified as follows:

10 MR. CAMPBELL: Your Honor, for the
11 witnesses, you have a packet of exhibits. After
12 the cover page there is a submission which
13 contains the applicant's exhibit list. There
14 are seven exhibits.

15 They are identified there on that
16 document, and then the exhibits follow
17 sequentially in your packet. I will make every
18 effort to provide a clear record identifying
19 exhibits as they are referenced by the various
20 witnesses.

21 MR. BRADLEY: Okay.

22 QUESTIONS BY MR. CAMPBELL:

23 Q. Mr. Meister, you have been sworn in.
24 Will you please state your name for the record.

25 A. Yes. Richard L. Meister,

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1 M-e-i-s-t-e-r; also referred to as Dick Meister.

2 Q. And what is your business address?

3 A. 600 Emerson Road, Suite 300, St. Louis,
4 Missouri.

5 Q. Mr. Meister, will you give us your
6 educational background.

7 A. Certainly. I attended Pennsylvania
8 Military College, class of '67. Since then I've
9 taught real estate and development at both Stockton
10 State College and Atlantic Community College. Began
11 in the casino business in 1979 in Atlantic City with
12 the Harrah's Marina Project. Spent three or four
13 years with Harrah's. Went to work for the Trump
14 organization. Was with them for the acquisition of
15 Trump Marina, the acquisition of Trump Plaza, and
16 also the Trump Taj Mahal.

17 Did consulting work during the nineties.
18 Ritz Carlton in San Juan was one of the projects I
19 worked on along with the Ceaser's project and Sand
20 project in Atlantic City.

21 Came to the Isle in 2000. Since I've
22 been with the Isle, I was in charge of the
23 construction of the Boonville project here in
24 Missouri for both the casino and the hotel, our
25 Waterloo project, several projects overseas and also

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1 various renovations and things throughout the Isle
2 system over the past eleven years.

3 Q. Mr. Meister, what is your current job
4 title with the Isle of Capri Casinos?

5 A. Vice president of design and construction.

6 Q. And how long have you held this position?

7 A. I started May 9, 2010. Excuse me. I

8 don't want to say 2010. Strike that. May of 2000.

9 Q. What are your general responsibilities in
10 this position?

11 A. My general responsibilities are for the
12 overall design, implementation of the construction
13 and getting the building ready to open and turning it
14 over to the general manager, or in terms of
15 renovations, again, getting the renovations
16 constructed and turned over to the property.

17 Q. In regard to the project proposed for Cape
18 Girardeau by IOC-Cape Girardeau, LLC, what is your
19 role in that project?

20 A. My overall role started with land
21 acquisition back in May of 2010, continued on to go
22 through all of the development in terms of planning,
23 zoning, working with our senior vice president
24 development officer in terms of getting the designs
25 together, getting them submitted, and continuing

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1 through the bidding process, construction of the
2 facility and then through opening.

3 Q. During this time period since the project
4 was first proposed to the City of Cape Girardeau,
5 have you worked closely with elected officials and
6 employees of the City of Cape Girardeau?

7 A. Yes, we have. We've been working with the
8 City of Cape Girardeau since we started the project
9 in May of last year. We've had ongoing meetings with
10 both the executive branch and also the City engineer
11 and City manager's office. We meet on a biweekly
12 basis with the City engineer, and the planning staff
13 has been working through the design and development,
14 not only of our project in terms of the facility, but
15 also the relocation of Main Street.

16 Q. How would you characterize your working
17 relationship with the elected officials and City
18 employees of the City of Cape Girardeau that you have
19 worked with?

20 A. We have an excellent working relationship
21 with the City. It's a good give and take, and we've
22 worked through the entire process in excellent time,
23 and very, very happy with the relationship down
24 there.

25 Q. Have you worked with other business people

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1 in the City of Cape Girardeau in regard to this
2 project?

3 A. Yes, we have. We worked with everyone
4 from the downtown Cape through the chamber of
5 commerce. We've met with a large number of the local
6 civic clubs, done presentations with them. We've had
7 discussions with many of the small businesses
8 downtown and throughout the City and have a good
9 working relationship, not only with the city counsel
10 and the members of the city engineer's office and
11 planning office, but also with the business community
12 at large.

13 Q. I'm going to hand you what has been marked
14 as Exhibit No. 1. Can you identify this document.

15 A. Yes. This is the current approved site
16 plan for the IOC-Cape Girardeau project.

17 MR. CAMPBELL: Your Honor, I'd like to ask
18 that Exhibit 1 be admitted.

19 MR. BRADLEY: Exhibit 1 is admitted into
20 evidence.

21 (Petitioner's Exhibit No. 1 was admitted.)

22 BY MR. CAMPBELL:

23 Q. Mr. Meister, would you, using Exhibit 1,
24 give a detailed description of --

25 A. I'm going over there.

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1 Q. Yeah. -- of the proposed casino
2 entertainment facility and surrounding area.

3 A. Certainly. Can you hear me all right?
4 This is the basic site that we have. Down at the
5 bottom of the drawing would be the river. Just in
6 from that, right about on this line, is the levy, and
7 then in from that would be the railroad track, levy
8 also just to the north of the facility. So unlike
9 many of the facilities that thought the rivers --
10 this one is totally enclosed within the levy system,
11 so the good news there, it is not going to be subject
12 to the vagrancies of the flood tides that we get
13 every once in a while as the river goes up.

14 Generally speaking, Main Street, as it
15 exists today, comes through the facility in this
16 direction. Spanish runs across here, and then this
17 is what we call Chestnut or Big Bend. The red line
18 is representative of the thousand-foot limit off of
19 the banks of the river. These were taken from
20 information received from the Corps of Engineers.

21 Roughly about 55 parcels of land were
22 acquired in order to combine the site. We've
23 acquired all the land, and it is in the ownership of
24 IOC-Cape Girardeau. We have one parcel that we still
25 have an heirship (ph) hearing on for March 8, and we

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1 have one parcel that we're still waiting for the City
2 to finalize the removal of some underground storage
3 tanks, which have been taken out. We're just waiting
4 for the DNR, and should have title for that in our
5 hands as of the end of next month, so everything is
6 taken care of.

7 The facility is located on the eastern
8 edge of the property right along the railroad. The
9 basin is in this area surrounded by restaurants,
10 multifunction rooms. We have our buffet in this
11 area, entrances through here, and then we have this
12 all surrounded by parking (indicated).

13 As we squared off the site and we
14 developed the area, we've got a buffer area to the
15 west of us that is our property, and then in this
16 area is a historic home, the Reynolds House, and
17 there is a section here that we're adding to the
18 Reynolds House. As we take down properties we needed
19 to develop Main Street, there was some excess
20 property, so we've worked with the folks that have
21 the Reynolds House. We're adding that to make a more
22 park-like atmosphere around it.

23 In terms of parking, it's distributed
24 around the facility, and we have roughly 1,036
25 parking spaces, and we also have a rear access back

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1 here to service an Amerun substation in this location
2 and also to service the back of the house for
3 bringing our supplies in and out (indicated), so

4 that's the general overview of the master plan.

5 I would say just about where I'm standing
6 is the downtown of Cape Girardeau, the downtown
7 district, and there's about a two-and-a-half-block
8 area between us and the downtown district that is
9 currently a mixture of vacant land, small industrial
10 operation, several office buildings and a few houses.

11 Q. Mr. Meister, has demolition commenced on
12 the structures that were located in the area that the
13 development site is?

14 A. Yes, it has. Actually, we had the
15 Commission from the Gaming Commission to demo
16 properties as we purchased them. Some of the
17 properties were purchased prior to prioritization.
18 We realized we had to do that in order to ensure that
19 we could get the entire site that we needed, so we've
20 had an ongoing demolition process.

21 Right now we're in the process of demoing
22 about 30 buildings. We're looking to have everything
23 demoed by hopefully the end of March, concentrating
24 mainly on where the roadway is. And it's turned into
25 sort of an interesting situation down there, because

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1 instead of just buying the buildings and demoing
2 them, we've had the opportunity to turn them over to
3 the fire department and the police department, so
4 they've done all sorts of training exercises over the
5 past few weeks on all these buildings.

6 The fire department is, actually,
7 today -- I think at one o'clock -- they've got two
8 buildings side-by-side. They put sprinklers in one,
9 and they have the other unsprinkled. They're doing a
10 demonstration for a lot of local folks. They're
11 going to set them both on fire and show them how by
12 sprinkling the house it's going to be better for them
13 than just not having a sprinkled house.

14 They've got three houses next to each
15 other. They're going to burn the house down in the
16 middle to show how -- to learn how not -- to protect
17 the houses on either side, so it's sort of become a
18 neat little lab down there for them to do things.

19 In addition to that, what I think has
20 been great is that they've reached outside the Cape,
21 so there's actually about seven different departments
22 that have been participating and doing things down
23 there, so it's been very exciting and a good use for
24 property that would normally not have any reuse.

25 And we've also had a couple of houses in

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1 there where they were in good enough condition that
2 we were able to give quite a bit of what was in there
3 to the habitat restore, so to the extent possible,
4 we're trying to get as much civic use out of
5 everything prior to having it demolished.

6 Q. Based on your conversation and interaction
7 with the fire chief and other officials of the Cape
8 Girardeau Fire Department, is it your belief that
9 they have deemed the ability to control the
10 demolition through fire of these properties
11 beneficial to the training of their first aid
12 funders?

13 A. They've been very supportive of that, and
14 they've gotten a lot of training out of -- I've

15 gotten several e-mails over the months saying thank
16 you for this, thank you for that, we're pleased that
17 we've been able to get some use out of it. For us
18 it's just a good civic thing to do, so it's been very
19 helpful on both sides.

20 Q. How would you characterize the structures
21 that existed in this area that have been demolished
22 or in the process of being demolished?

23 A. For the most part, I would say this was a
24 blighted area when we got there, and it's cleaned up
25 immensely. In fact, folks drive through and say,

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1 Boy, what an improvement just seeing some of these
2 houses down. So it was in pretty rough shape, and
3 now getting the houses out of there and just cleaning
4 the area up, generally, is a big improvement.

5 Q. Was rezoning required at the project site?

6 A. Yes, it was. We had to go through an
7 entire planning and zoning process with the project.
8 Initially, we started out with filing for a plan
9 development that would allow us to change the zoning
10 and also to discuss setbacks and various things that
11 their code didn't really have, wasn't in their
12 central business district, wasn't in any of their
13 other codes, but they did have the ability under the
14 way their plan was written to go for a plan
15 development, so we went through that process with
16 them.

17 At the same time we went through the
18 filing of our preliminary and final site plan. Our
19 preliminary and final site plans both have had their
20 hearings. We've had first, second, and third
21 readings on both of them, first, second, and third
22 readings on the plat that processes all going through
23 it, and I'm happy to stand here in front of you today
24 and tell you the ten-day clock for the ordinance
25 ticks, and today's the last day, so the ordinances

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1 take effect as of today, so all that planning and
2 zoning is behind us and we have effective ordinances.

3 Q. The ordinance which is effective today is
4 the rezoning ordinance?

5 A. Is a rezoning and the site plan.

6 Q. Have details of the project changed from
7 the time the concept was proposed to the City of Cape
8 Girardeau last summer?

9 A. Yes, it has. When we originally started
10 the project, we had conceptually put the casino up
11 closer to Big Bend and had most of our parking down
12 in the area closer to the river. As with any
13 project, as you go through the project, what tends to
14 happen is that you find out things -- usually they're
15 subterranean -- that you were not aware of. It sort
16 of changes your thinking a little bit on what the
17 best way to address the project [sic].

18 One of the things that came up as we were
19 going through the process was that we always knew we
20 had to relocate all of the sewer and water that was
21 on Spanish, Main, Mason and Pearl Streets, and to a
22 certain extent Mill, in order to build the project.

23 As we got into the timing and the
24 sequencing of that, it became apparent that some of
25 this really wouldn't be done until maybe November of

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1 this year. It's just the amount of time it takes to
2 do it after the bids go out. As we started thinking
3 through that process in the 24-month schedule,
4 thinking the basin up here was becoming more complex
5 than we thought it would have to be, so we looked at
6 what would happen if we moved the basin and the
7 facility closer to the railroad tracks, and the more
8 we looked at that scenario, the better it developed
9 in terms of giving us much more control over our own
10 destiny in terms of timing and that sort of thing.
11 We did move it down to this location.

12 Also when we originally had looked at the
13 project in its infancy, we had hoped to acquire the
14 Ameren site here where their substation is. There
15 was a thought of moving it. When we got into that
16 process with Ameren, it would have basically cost us
17 about 11 percent of our budget just to relocate the
18 substation, and that just wasn't going to work out
19 very well for us, so we moved away from that.

20 And we knew then we were going to have
21 the building up here in the substation, so it sort of
22 was a nicer entry by moving the casino back to the
23 river. We're actually blocking the view of the
24 substation, which makes it a little bit nicer for us.

25 I also think as you come from the

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1 downtown it's framed a little bit better, so it will
2 start to draw people down and does take the facility
3 away from some residences that still remain out
4 there. Overall I think it's an excellent relocation.

5 We took it to the City. We've talked to
6 the gaming board before we took it to the City, and
7 they agreed with that analysis, so we did move it,
8 and this -- the site plan you see here is the one
9 that is approved.

10 Q. Mr. Meister, do you anticipate any
11 material changes to the site plan following this
12 hearing?

13 A. We don't anticipate any material changes.
14 We've gotten through about 90 percent of our borings,
15 so everything we found so far, we'll be able to put
16 the building right where it is. We've finished our
17 Phase II environmental. We're happy with where we
18 are. We've got a couple little glitches around the
19 service station, a couple of pieces offsite, but it
20 doesn't look like anything that we've come across is
21 going to impact us in any way at this point in time.
22 And then we're also in the phase -- in the process of
23 making our DNR applications to correct the rule
24 issues that we have.

25 Q. I'll draw your attention to a document

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1 marked Exhibit 2.

2 And for clarity of the record,
3 Mr. Meister is looking at boards on an easel as well
4 as the exhibit.

5 Can you identify that exhibit marked as
6 Exhibit 2, Mr. Meister.

7 A. Yes. Exhibit 2 is a cross section of the
8 basin and casino floor and just sort of gives a
9 relative view as to how the basin's constructed.
10 Going back just briefly, we're talking about this

11 basin here, and this view is sort of cut right in
12 this area, which is -- this is the entry into the
13 casino (indicated).

14 And basically what we're showing is that
15 we have a basin -- about a 41,000-square-foot
16 rectangular basin, roughly 10-foot deep. Within the
17 basin there will be a floating concrete platform.
18 This platform is going to be precast concrete and a
19 combination of that poured in place, keel and upper
20 deck, similar to other floating platforms that have
21 been used recently in the state.

22 We'll have the platform floating up
23 through the bottom -- or up through the -- topping
24 slab will be ducked back so we can pull through our
25 cables and our data, electric, et cetera. This will

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1 be a restrained platform so that it's going to be
2 set, and basically from the layman's perspective,
3 you're going to be able to walk from the pavilion
4 onto the platform, and about the only thing you're
5 going to see is a three-inch expansion going around
6 the facility, but it will be totally floating, and
7 Laberge would be the -- let's see -- Lumiere would be
8 the one that would be closest to what we're doing.

9 MR. CAMPBELL: Your Honor, I ask Exhibit 2
10 be admitted into evidence.

11 MR. BRADLEY: Exhibit No. 2 is admitted.
12 (Petitioner's Exhibit No. 2 was admitted.)

13 BY MR. CAMPBELL:

14 Q. Mr. Meister, is the floating facility
15 within a thousand feet of the Mississippi River as
16 defined by the Corps of Engineers?

17 A. Yes. This is the thousand-foot limit
18 based on the information that was given to our
19 engineers and designers from the Corps of Engineers.
20 As you can see, our basin is well within the
21 thousand-foot limit. And this being the river right
22 here, you can see the close proximity to the river.

23 Q. Mr. Meister, what are the anticipated
24 economic benefits to the City of Cape Girardeau and
25 the surrounding area from the project?

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1 A. Well, it breaks down in a number of
2 areas. I mean, starting at just the project itself,
3 the project's going to have 450-plus permanent
4 employees. It's going to, throughout the state,
5 probably have a similar number of construction jobs
6 generated. The economics of the state -- in the
7 City -- excuse me -- but to the City, specifically,
8 is going to be about \$3 million a year in revenue.
9 The State revenue is much higher. My memory is
10 20-plus million.

11 I apologize. I didn't look that
12 particular number up so, I mean, that's the specific
13 on-site benefits, not to mention the fact it is a
14 blighted area that is now totally cleaned up, so
15 that's an ancillary benefit to what's going on.

16 I think an additional benefit is, with
17 the downtown here and the ability of the project to
18 draw a million patrons a year through the downtown,
19 certainly those businesses are going to have
20 additional visitations. They're going to have the
21 ability to capture more business and earn more

22 revenue, so that's another opportunity that the
23 project in this location is generating that it
24 wouldn't have generated someplace else.

25 Q. Mr. Meister, drawing your attention to
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1 Exhibit No. 1, which is the site plan, can you
2 identify a manmade impediment separating the project
3 from the river?

4 A. Sure. Right now there is -- right through
5 here -- this is the top of the dirt levy and earthen
6 levy (indicated), and then coming along here with
7 this dotted line is the flood wall that runs the
8 entire length of the Cape.

9 Q. If an excursion gambling boat was required
10 to dock on the Mississippi River at Cape Girardeau at
11 the project site, what difficulties would be
12 encountered?

13 A. From an initial difficulty at the project
14 site, except for a cut through the levy for the
15 existing Main Street and a second cut in this area
16 for the railroad, there are no cuts through the levy
17 until you get down to Broadway, so the first thing
18 would be whether or not the Corps would even let you
19 open in this site another access through the levies
20 that you would put flood gates on, et cetera, so that
21 would be the first impediment.

22 You could potentially build something
23 across the railroad tracks and the levy wall to get
24 to the river. The challenge with that would be,
25 obviously, just getting the permissions from both the

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1 Corps and the railroad to do it.

2 As another avenue challenge, there are
3 some 34 kv high-tension wires going to the substation
4 that also were running in that same area, so there
5 would be quite a few challenges between utilities,
6 Corps, and railroad just to get over to the river at
7 this location, so that would be a challenge.

8 If you could not get through here, then
9 you would have to come back up to Broadway, which
10 would be the first gate through the levy to put the
11 boat in that area, and that's in the built-up
12 downtown, so very constrained to try to get parking
13 or any of those things, and certainly you can build a
14 support facility size that we're envisioning here.

15 Q. So if an excursion gambling boat was
16 required to cruise, which would require docking on
17 the river side of the levy flood wall, that would
18 impact the size of the total facility?

19 A. I believe it would impact the size of the
20 total facility. First of all, boats tend to be
21 smaller and less well-laid out than a rectangular
22 barge, but the other thing is it's the other -- some
23 multifunction rooms, it's the restaurants, it's the
24 ability to put a future hotel. All those things
25 would be limited by trying to have a cruising boat in

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1 the Cape, because when you get down towards the
2 downtown, that's already pretty well built out.

3 Q. So the impact would be a smaller project?

4 A. Yes.

5 Q. Would that have an impact on the number of
6 employees that would be hired?

7 A. I think it would have an impact on the
8 number of employees that would be hired. It would
9 also have an impact that, unless you can come up with
10 some kind of way to bridge across the railroad and
11 the levy, that you would end up in a situation if you
12 were going through the flood wall using the gates,
13 that any time the river was high and you had to close
14 the gates, the facility would be closed, so you would
15 be subject to all those issues that boats on the
16 river -- similar to our Caruthersville boat has when
17 the river rises.

18 Q. Based on your experience and in your
19 opinion, what would be the likelihood of ancillary
20 commercial development surrounding the project if the
21 project were located on the river side of the levy
22 flood wall?

23 A. My own personal opinion is, it's
24 substantially less, only because the site we have now
25 allows for this area that goes up to Broadway to

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1 mature and develop into other amenities. If we were
2 to push the facility up, then I think we probably
3 would have ended up trying to take a lot of that land
4 just for parking, support the facility, and that
5 would not give any reason for this northern section
6 of the city inside the flood wall to develop.

7 I think that, you know, if you look at
8 casinos, you have to think about casinos in terms of
9 people will go to a casino, so if we take -- I won't
10 say the least desirable -- if we take a more remote
11 location, especially when it's as closely aligned
12 with the downtown as what we have in Cape Girardeau,
13 people are going to go there and that would help fill
14 in the other spaces.

15 If we're closer -- sort of like the truck
16 stop thing. If you can build out on the freeway,
17 people just drive off, get in your facility, get in
18 their car and go back out. They never visit the
19 downtown or do any of the other things that we're
20 able to do by putting the casino in this location, so
21 I think that's the real benefit to this location in
22 not having it out on a boat and cruising.

23 Q. So the construction of an excursion
24 gambling boat on the river side of the levy flood
25 wall, what impact would that have on the number of

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1 customers?

2 A. I think it would be a substantial
3 reduction. That is not my field of expertise, so
4 you'd have to ask --

5 Q. But your opinion is it would have a --

6 A. My opinion is, from all the projects I've
7 seen over the past 30-odd years, that having this as
8 a boat would -- it would have fewer individuals
9 visiting it than in its current configuration because
10 there's a lot more to do and people come for a longer
11 period of time.

12 Q. Would this potentially result in less tax
13 revenue for the State of Missouri?

14 A. I think it would result in less tax
15 revenue for the State, the City, and also for the
16 company.

17 Q. Would the construction of an excursion

18 gambling boat on the river side of the levy flood
19 wall reduce the number of permanent jobs?

20 A. I believe it would. I think you get a few
21 more jobs on the boat but, again, unless you have the
22 right place to build a multifunction room and the
23 additional restaurants, potentially a future hotel,
24 certainly those jobs would be at risk.

25 Q. Based on your experience, do you believe

□00030

1 that an excursion gambling boat moored on the
2 Mississippi River near the project site would be more
3 susceptible to damage than a floating facility
4 constructed on land within a thousand feet of the
5 river?

6 A. There's definitively no doubt that a boat
7 out on the river will be more prone to damage. Just
8 recently at our Caruthersville property some barges
9 got away and impacted the mooring dolphins and caused
10 a considerable amount of damage to the dolphins, who
11 did their job and protected the boat, but there's
12 always those opportunities.

13 Q. Based on your experience, if an excursion
14 gambling boat is damaged or destroyed, what
15 customarily happens to the business and the
16 employees?

17 A. Well, I mean, the business is going to be
18 closed until the boat can be repaired. There's no
19 doubt about it. I mean, you look back just at
20 Katrina, best case was about 90 to 120 days before
21 the first facilities got open, and that was, for the
22 most part, because the state of Mississippi changed
23 the rules and allowed them to put them in the hotels,
24 that they waited for the first barge to reopen that
25 was seriously damaged, which would probably have been

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1 the boat Rivage, that was well over a year. I think
2 it was more like 15, 16 months.

3 If you look at that, that's certainly a
4 much longer period of time than would in most cases
5 take to repair a building that suffered some damage.

6 Q. I'm going to hand you what's been marked
7 as Exhibit 7.

8 A. Oh.

9 Q. Are you familiar with this exhibit?

10 A. Yes. This is a letter from Chief Ennis of
11 the Cape Girardeau Fire Department.

12 MR. CAMPBELL: Your Honor, I'd ask that
13 Exhibit 7 be admitted into evidence.

14 MR. BRADLEY: Exhibit 7 is admitted into
15 evidence.

16 (Petitioner's Exhibit No. 7 was admitted.)

17 BY MR. CAMPBELL:

18 Q. Mr. Meister, this is a letter directed to
19 who?

20 A. It's directed to Mr. Stottlemire.

21 Q. As executive director?

22 A. Yes, as executive director of the Missouri
23 Gaming Commission.

24 Q. And have you read this letter?

25 A. Yes, I have.

□00032

1 Q. And can you summarize the contents of the
2 letter.

3 A. Surely. This is a letter -- I had been
4 talking to Chief a while back and asked him, you
5 know, what his thoughts were, and as I mentioned, he
6 spent a lot of time burning buildings down on the
7 site and had discussions and, basically, the chief
8 wanted to, you know, sort of set together his
9 thoughts about a facility on the river versus a
10 facility that is located where we're proposing to do
11 our facility.

12 And one of the things he did point out,
13 although they have some river rescue equipment, it's
14 basically for rescuing folks that have problems on
15 the -- on the tugs or the occasional boater that's
16 out there, that the City really isn't equipped if
17 they had to do any type of a major rescue in the
18 river or even adjacent to the river on a floating
19 casino, so he just wanted to bring that to
20 everyone's attention and submitted this letter in
21 that regard.

22 Q. Mr. Meister, have you heard concerns
23 expressed by other fire chiefs or first responders in
24 other communities which have a casino about the
25 inability of their communities to respond?

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1 A. I've not heard a great deal. The majority
2 of the boats have been, until recently, under COI, so
3 the coast guard's taken -- the fire department, it's
4 always a gray area with a boat that's cruising, you
5 know, whether it belongs to the City or whether it
6 belongs to the Coast Guard or now whether it belongs
7 to the DNR.

8 Everybody's looking at them differently
9 versus a land-based facility, which the fire chief
10 and the fire marshall and everybody is fairly
11 familiar with, and as they work through the process
12 with ABS as they do their inspections, they have a
13 much better handle on it because they understand it.

14 MR. CAMPBELL: I have no further questions
15 of this witness.

16 MR. BRADLEY: I have no questions. Thank
17 you, Mr. Meister.

18 THE WITNESS: Thank you.

19 MR. BRADLEY: You may proceed.

20 MR. CAMPBELL: May I offer this witness,
21 your Honor?

22 AARON RUMPLE, testified as follows:

23 QUESTIONS BY MR. CAMPBELL:

24 Q. Sir, would you state your name for the
25 record and your business address.

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1 A. Yes. My name is Aaron Rumpel,
2 R-u-m-p-l-e, and my business address is Kuhlmann
3 Design Group, 66 Progress Parkway, Maryland Heights,
4 Missouri.

5 Q. What is your educational background?

6 A. I did my undergraduate architectural
7 training at Washington University in St. Louis.
8 Graduated in 1983, and then subsequently did my
9 graduate studies at Yale in New Haven, Connecticut,
10 and graduated in 1986 with honors.

11 And then subsequent to that, I've been
12 practicing architecture since that point in time.
13 After practicing for a number of years, I did take a

14 position at St. Louis Community College in Kirkwood,
15 Missouri, and was director of the architectural
16 technology program there for about ten years.

17 Q. Who is your current employer?

18 A. My current employer is Kuhlmann Design
19 Group.

20 Q. And what position do you hold with that
21 group?

22 A. I'm director of design for the
23 architectural department, and in that responsibility
24 I oversee the design of the projects and coordinate
25 the design with our other disciplines that we have in

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1 the house, such as our civil site planning
2 disciplines, our interior design discipline, so I'm
3 responsible in kind of planning all that other and
4 overseeing it.

5 Q. In regard to the proposed project in Cape
6 Girardeau, what has been your involvement?

7 A. I've been involved in this project since
8 the initial sketches. I have been the lead designer
9 on the project, and so I've been responsible for some
10 of the initial site plan layout and design work as
11 well as the exterior of the building -- that's been
12 primarily my role -- and the planning of the project.

13 Q. Has your involvement with this project
14 included any independent research regarding history
15 of Cape Girardeau?

16 A. Yes. When we got started with this
17 project, which has been quite some time ago, we
18 started doing some research into the Cape's history,
19 riverboat history, of course. And Kuhlmann Design
20 Group has been involved in the past with riverboat
21 gaming in Missouri, so we're somewhat familiar with
22 the history through our past experience.

23 Specifically, as the Isle of Capri got
24 more involved with the local community of Cape
25 Girardeau, we got more interested in the local

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1 community and the particular flavor, what was going
2 on in the Cape itself, so they did a lot of community
3 engagement involvement prior to prioritization, and
4 our research kind of sprung off of that initial
5 research that the Isle did, so we certainly used the
6 documents which the City has -- their development
7 guidelines -- which are fairly extensive and go into
8 the Cape history quite a bit and set forth a vision
9 of what they want to develop in the Cape, so that
10 became one of the guiding tools that we used.

11 Certainly, they've got a lot of resources
12 locally. They have the Red House Interpretive
13 Center, which has a lot of good resources, and
14 there's a lot of local, kind of, history
15 organizations that have collected data about the
16 Cape, and I've put that online and other sources that
17 we have drawn from as well.

18 Personally, I did teach architectural
19 history at St. Louis Community College for a couple
20 of years and have got some background in that, of
21 course. And being a community college, one of the
22 things we did was kind of put a stress on the local
23 history, St. Louis and Cape Girardeau being very
24 similar based on their early origins of French

25 culture.

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1 And one of my colleagues at the St. Louis
2 University actually is the owner of Green Tree Tavern
3 in St. Genevieve, and he's gone through extensive
4 restoration to take that back to its original
5 condition. We've had long discussions about what
6 he's found archeologically with that and some of his
7 endeavors to bring that back to kind of a colonial
8 French construction, so I've got a varied background
9 in kind of the area from kind of the archeological
10 aspect to looking at Cape's more modern history, kind
11 of the recent past, as we've studied those areas as
12 well.

13 Q. Can you briefly describe the history of
14 Cape Girardeau during the 18th, 19th Century.

15 A. Sure. You know, it was originally
16 founded, of course, as a French trading post by John
17 Girardot, spelled a little bit differently in French,
18 but as we have a tendency to do in this area, we
19 Americanize it.

20 And for the initial years it was just
21 that, a trading post that was somewhat temporary. It
22 was actually located on a rock outcropping not far
23 away from our site. Unfortunately the rock
24 outcropping where it all started has been since
25 demolished for railroad construction, but that was

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1 the original site.

2 It really became a permanent city kind of
3 in 1793 with Luis Lorimier, who is the original
4 landholder for the original Spanish-French
5 settlement, so he was responsible for setting up the
6 original, kind of, trading post town. And the Red
7 House Interpretive Center is a reconstruction of his
8 original house from the documents they have about his
9 home that was on the site in a different location
10 though, so that was kind of the inception of the
11 town.

12 Since that time it's become a very
13 traditional agricultural port city. I think it's a
14 little bit different than, let's say, St. Louis,
15 which was a much more industrialized port city, and I
16 think we've tried to capture that in the flavor of
17 the design we've done.

18 Most of the industry in the early part of
19 this century and past century was based around the
20 agriculture of the area. The products were
21 agriculturally-based, and that tended to be the
22 majority of the shipment going up and down the river
23 as well.

24 Q. Do you have experience in the design of
25 riverboat casinos?

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1 A. Yes. The first project I worked on was
2 the Phase I Alton Belle, in Alton, Illinois. I was
3 on the design team for that initial gaming vessel.
4 Subsequent to that I've worked on a lot of the Isle
5 of Capri's properties, Caruthersville, another one
6 that's nearby.

7 Q. Are you familiar with the Missouri
8 requirement that riverboat casinos reflect the
9 history of their home dock city or county in which

10 they are located?

11 A. Yes, I am.

12 Q. Was the riverboat history of Cape
13 Girardeau considered in the design of the casino
14 entertainment complex proposed by IOC-Cape Girardeau,
15 LLC?

16 A. Yes, and not just the design of the
17 building, but also some of the restaurants and so
18 forth that we're putting in here. Those are also
19 designed to have a local flavor to them.

20 Q. I'm going to hand you what has been marked
21 as Exhibit 3. Are you familiar with this document?

22 A. Yes, I am.

23 MR. CAMPBELL: Your Honor, I'd like to ask
24 Exhibit 3 be admitted into evidence.

25 MR. BRADLEY: Exhibit 3 is admitted into

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1 evidence.

2 (Petitioner's Exhibit No. 3 was admitted.)

3 BY MR. CAMPBELL:

4 Q. Can you describe the document marked as
5 Exhibit 3?

6 A. Exhibit 3, the first portion of Exhibit 3
7 gives a brief description of the Cape history and the
8 casino project design, some of the elements that
9 we've put in the design. This -- a portion of this
10 was presented as Exhibit 48 in the original gaming
11 submission. Also in that is my resume and then a
12 synopsis of some of the historic references that I
13 spoke about.

14 Q. Using Exhibit 3 --

15 A. Sure.

16 Q. -- would you describe the design elements
17 found in the proposed design of the Cape Girardeau
18 casino that reflect the riverboat history of Cape
19 Girardeau.

20 A. Sure.

21 Q. Maybe for clarity of the record, Exhibit 3
22 consists of four collages of both historic and more
23 modern photographs as well as renderings of the
24 proposed casino, and the witness will first discuss
25 the first of these four collages.

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1 A. The first board here is just a collage of
2 some of the images of riverboat history. Mostly from
3 this area of St. Louis down to Memphis is what we
4 tried to draw images from. As we got into this, some
5 of our first designs were more based around kind of
6 this romantic notion of the riverboat, kind of this
7 idealized picture that we all have.

8 As we got to discussing with, certainly,
9 the community, it became clear to us that Cape
10 Girardeau was, you know, a significant port city and
11 it was still a port city, and so what we wanted to do
12 is not just look at kind of this one narrow kind of
13 romanticized portion of riverboat history on the
14 Mississippi, but actually go back even further about
15 the riverboat history and even up to modern times
16 with the riverboat history.

17 So some of the images that we pulled from
18 was, you know, the earliest riverboats were simply
19 log rafts floating down the river, very simple
20 structures. Of course, we all remember Mark Twain

21 going down the river on his raft, but that was very
22 common.

23 These rafts were nothing more than a
24 bunch of logs tied together, some of them quite
25 massive, as you can see. They built a little house

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1 on it, and they lived on this as they floated down
2 the Mississippi. On occasion they'd actually use a
3 steamship to push them out. That was probably the
4 earliest form of transportation.

5 As you get more toward Lewis and Clark's
6 time -- Lewis and Clark, of course, did stop on their
7 travels through Cape Girardeau, so that was an
8 important historical moment for them as well.

9 The keelboat became kind of one of the
10 primary modes of transportation. With the shallows
11 of the Mississippi, they could pull it up the river.
12 It often had a sail attached to it so they could get
13 whatever wind power they could out of it. And then,
14 of course, we get into the steamship, which was about
15 1810, 1830, which kind of changed the nature -- you
16 know, the more manpower into, kind of, finally, an
17 industrialized steam-powered transportation that made
18 the Mississippi so viable.

19 And as a port city, what we tried to look
20 at were a lot of the dockings of the steamships
21 themselves as they came into port, and what we found
22 was one of the images that we pulled from was the
23 image of the steamship coming out. They always have
24 these gantries and cranes on the front for loading
25 and unloading, and so as we designed the porte

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1 cochere at the front entry, we tried to incorporate
2 some of that imagery into the porte cochere itself,
3 the steamship coming into port and landing at its
4 dock.

5 Q. Mr. Rumble --

6 A. Yes.

7 Q. -- you're referring in this collage to the
8 rendering marked as "H"?

9 A. "H," yes correct.

10 Q. And if you could, as you reference a
11 rendering --

12 A. Sure.

13 Q. -- refer to the alphabetic --

14 A. Sure.

15 Q. -- designation.

16 A. Of course, as we got into this, with the
17 interior we also wanted to end on the porte cochere,
18 Image H and G. We also wanted to give the idea what
19 it was like on the river, these wood rafts floating
20 down the river, so you'll see on the exterior of the
21 porte cochere we have these kind of wood beams, these
22 wood-like beams illuminated, kind of floating, in
23 this case glass. And in the ceiling in the interior,
24 you can see we've got a similar theme going on. We
25 call this kind of our sandbar and river ceiling

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1 concept where we've got images of the river in the
2 ceiling and the ever-changing sandbars as kind of
3 a -- clouds above you as you walk through that area.

4 Q. You're referring to Rendering G?

5 A. Rendering G, yes.

6 Q. And so that was a piece of imagery we
7 tried to bring both at the entry and then on into the
8 entry to the casino floor entry as kind of a
9 continuing theme throughout the project, so those are
10 just some of the riverboat images and some of the
11 things we were trying to pull from that.

12 We do have -- also in Image D we do have
13 a major element that's going to be facing toward
14 downtown, which is our fireplace, and we've done this
15 up to be kind of a coning tower with twin stacks like
16 the old steamships, but not quite as literal, as
17 you'll see as we get into some of these other images.

18 We're trying to tie several references
19 together. That's one of our boards just about
20 riverboat history (indicated). As we said, a big
21 part of this was Cape Girardeau as a port city so, of
22 course, we looked at the history of the city itself.

23 Q. And you're referring now to the second
24 page --

25 A. Yes, Cape Girardeau --

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1 Q. -- of the collage?

2 A. -- City history board, looking at the
3 context of the site itself and the background of this
4 particular site and the Cape in general. Of course
5 here in "A" we have the Red House Interpretive
6 Center. Again, a reconstruction of the first
7 permanent residence in Cape Girardeau. You'll see
8 the levy wall in the back. Wasn't its original site,
9 but certainly a good indication of what life was
10 like.

11 One of the most striking things about it
12 was it was painted red. And what was pretty common
13 for buildings of that time, they would use a milk
14 case and paint. Most often the pigments were derived
15 from a local mineral. Some of my guess is that the
16 red was derived from the local clays and so forth
17 that we have around here that are so red.

18 And you see this on quite a few older
19 French settlements and buildings kind of in this
20 general locale, so that became one of the elements
21 that we then used as a color on the building to tie
22 back to that original kind of French Heritage that
23 the project has.

24 As we proceed forward in time, the site,
25 for the majority of its life, originally had a shoe

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1 factory on it, so you'll see this is in E and B.
2 You'll see images of actually the site, and E as it's
3 juxtaposed to the river. That's the actual site that
4 we're proposing for the casino, and a look back kind
5 of up towards the bluff of the facility.

6 Being a port city, of course industry was
7 a big part of it, and Cape Girardeau, you know, is
8 planning a lot of growth. They want to continue to
9 be a viable, living community, so we were looking at
10 this project as part of that tradition, both looking
11 back but at the same time trying to move forward.

12 So with the factory look, as you get into
13 any sort of old port city, we've got some images
14 here, G. This is actually a restaurant that's still
15 there. Then Image K, that's actually prior to the
16 flood wall in 1927. You can see the water coming up

17 to some of these older buildings.
 18 You tend to end up with kind of a collage
 19 or collection of buildings, usually a very eclectic
 20 collection, some industrial buildings, some
 21 restaurants, hotels, a whole variety of buildings.
 22 And our casino is not unlike that. We do have a
 23 variety of things going on there. We've got gaming,
 24 a hotel proposed for the future. We've got
 25 restaurants. We have an entertainment venue, so

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1 there's a lot of different activities, and we wanted
 2 to kind of pull them apart, if you will, like some of
 3 these old port cities have done, which were really
 4 kind of collages of buildings.

5 Also another ever-present thing or item
 6 port of the Cape is the flood wall. The Cape was
 7 built right up against the river. The bluff is very
 8 close to the river, so there's not a lot of land
 9 between downtown and the river itself. And, in fact,
 10 you can see here that there's the downtown street,
 11 the train tracks, and the levy wall, all, you know,
 12 within a very, very short proximity of each other.

13 Just on the other side of that could be
 14 the -- you know, the river, certainly, when it
 15 floods, it comes up on that wall. So living with
 16 that levy is a big part of living in the Cape.
 17 Having to live with that levy wall, sometimes it's
 18 open, sometimes it's protecting it from the flood so,
 19 again, that was an element we wanted to use and kind
 20 of celebrate in our design, so we do have this rather
 21 large wall.

22 Again, we've painted that red or are
 23 proposing a red color similar to what you see in the
 24 Red House Interpretive Center, so it's become kind of
 25 two big themes for the building. The flood gate wall

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1 is kind of a protective element, and then the red
 2 going back in its history to the early days, so those
 3 are just some of the images we were looking at for
 4 that.

5 In this exhibit, the Cape Girardeau
 6 bridges (indicated).

7 Q. And you're now going to refer to the third
 8 collage contained in Exhibit 3 --

9 A. Yes.

10 Q. -- is that correct?

11 A. Yes. Cape Girardeau is one of the few
 12 bridges crossing the Mississippi for a great distance
 13 either direction, so it is a connection between
 14 states, and it's a way of getting place to place.
 15 Having grown up around Pike County, Illinois, I know
 16 how important those bridges are and, you know, when
 17 the bridge is out, that really changes the way you
 18 live.

19 The Cape, of course, had an old
 20 structure. It was demolished. A new one was built
 21 and, of course, they've got a beautiful new bridge
 22 you can see in these photos A and F. And, you know,
 23 they're very proud of the progress they've made of
 24 this -- with this so, again, they want to celebrate,
 25 you know, where they've been but also look forward to

□00049

1 moving forward with projects like this.

2 So we did try to tie in with the porte
3 cochere since we're kind of upstream from that, and
4 downstream you'll see the bridge off in the
5 distance. We did try to incorporate a bridge-like
6 feel for the canopy and the main instance, as you'll
7 see there.

8 Q. And you're referring to Rendering E?

9 A. Rendering E, yes.

10 Q. Likewise, just being a part of the City
11 and a part of the Cape was very important. I think
12 one of the big things that came out of our
13 discussions with the community is how they would like
14 to just see the river and be a part of the river.
15 They've got that levy wall that separates them from
16 the river, so we've always proposed an upper level
17 venue, which we'll be able to look over the levy
18 wall, see the river, see the bridge, see the downtown
19 off in the distance.

20 So while that doesn't, you know, in
21 itself look like a riverboat or anything, it does
22 bring the people closer to the river heritage just by
23 being able to look on it and see and come in contact
24 with the river. And that's been enhanced in the
25 latest site plan. We had the building up here. You

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1 know, it's a good distance to look over that wall.
2 Now we've got this venue located in the back corner
3 here. You're virtually right on top of the levy wall
4 looking over. You should have great views of the
5 riverboat upstream and downstream.

6 So just being able to bring people to a
7 restaurant, put them in contact with the river, has
8 been a big part of the discussion that they've had
9 with Cape and has been very, very well received, so
10 that's two elements there that we're looking at.

11 Finally, on some of the interior
12 design --

13 Q. And you're now referring to the fourth
14 collage in --

15 A. Yes, river valley landscape. Being that
16 this port city was really based around agriculture,
17 we wanted to help tie that in. We've done this
18 several ways. We looked at some of the old
19 agricultural buildings in the area, some of the old
20 structures that are there.

21 This is actually -- Exhibit A or Image A
22 is actually an old corn crib that's about 100 miles
23 away, Folks (ph), Illinois. It's still standing.
24 Probably from the 1930s or so. Quite old. It's
25 still out there, still in use, and these are really

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1 remarkable structures in the variety and so forth.

2 So we have some images, A, D, L, some of
3 those that we were drawing upon, and we tried to tie
4 that together into kind of an icon, silo-like element
5 for Image G here. That becomes, really, the marquis
6 next to the porte cochere, which harkens back to
7 these earlier agricultural days.

8 On the interior we tried to bring some of
9 these elements inside as well. Given the tressels,
10 the jetties, some of the things that are used in
11 conjunction with the river construction, as you see.
12 We brought some of that into the interior. With

13 Image E you'll see we've created some illuminated
14 columns that refer back to this tressel or cribbing
15 that you see used for jetties, and for the ceiling
16 we've got kind of a wave effect with some metal
17 panels that gives us those river waves as we look at
18 it.

19 kind of as a side to that, one of the
20 things that the Isle specifically is doing is not
21 only looking at just what the building is doing in
22 terms of the way it looks, but also how it functions
23 and how they relate to the community itself. So
24 continuing this agricultural tradition, they are
25 doing -- committed to doing a -- what they call a

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1 farmers pick buffet, which is going to use locally-
2 sourced agricultural products, so that not only keeps
3 the -- you know, refers back to the agricultural
4 tradition, it tries to keep it alive and going in the
5 area as well, and really does good homage to it.

6 This slat wall from the agricultural, we
7 have the opportunity to use that for some wall
8 construction, get some nice illuminated effects as
9 well, so we're trying to take some of these older
10 forms, abstract them and blend them together in this
11 collage that we've put together for the building.

12 Q. I'm going to hand you what has been marked
13 as Exhibit 5, and I'm also going to hand you a
14 document marked as Exhibit 6. Are you familiar with
15 both of these documents?

16 A. Yes, I am.

17 MR. CAMPBELL: Your Honor, I'd like to ask
18 that Exhibits 6 and Exhibit 7 be admitted into
19 evidence.

20 MR. BRADLEY: Exhibit 6 and 7 or 6 and 5?

21 MR. CAMPBELL: Yes. I'm sorry. 5 and 6.

22 MR. BRADLEY: 5 and 6.

23 Exhibit Nos. 5 and 6 will be admitted into
24 evidence.

25 (Petitioner's Exhibit Nos. 5 and 6 were admitted.)

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1 BY MR. CAMPBELL:

2 Q. Regarding Exhibit 5, can you identify what
3 this exhibit is.

4 A. Yes. This is a letter from the Corps of
5 Engineers. It was from 2004, and it's referencing
6 what it considers to be the edge of the channel.

7 Q. And was this letter specific to a location
8 on the Mississippi River?

9 A. It was. It was for the St. Louis
10 location.

11 Q. Can you identify the document marked as
12 Exhibit No. 6.

13 A. Yes. This is a document that was sent to
14 our civil engineer in the project, Kuhlmann Design
15 Group, and it's from the Corps of Engineers, and it
16 states the -- what they call the ordinary high water
17 mark for the Cape Girardeau area, which indicates the
18 edge of the channel.

19 Q. Is the floating facility within 1,000 feet
20 of the channel as defined by the document marked as
21 Exhibit No. 6?

22 A. Yes, it is.

23 Q. And were these two documents, the

documents 5 and 6, used as a basis to determine the 1,000-foot mark from the main channel of the river?

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A. Yes, they were, specifically Document No. 6, which relates directly to the Cape and references the survey information that we received from the Corps of Engineers. The 1,000-foot line was then located based on that survey from the Corps.

MR. CAMPBELL: I have no further questions, your Honor.

MR. BRADLEY: I have no further questions -- or questions at all. Thank you very much.

MR. CAMPBELL: Your Honor, I'd like to offer my next witness and last witness, Jim Manley.

MR. BRADLEY: Please proceed.

JAMES MANLEY, testified as follows:

BY MR. CAMPBELL:

Q. Will you state your name for the record and your business address.

A. James Manley. Address is 200 Benton in Valley Park, Missouri.

Q. And what is your educational background?

A. Bachelor of arts in political science and history from Southeast Missouri State in Cape Girardeau and then took classes afterwards to pursue a degree in teaching, but didn't go all the way to a masters.

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Q. What is your current occupation?

A. I'm a marine surveyor.

Q. And are you employed by a company?

A. Yes, sir. I work for Manley Brothers, LLC.

Q. And how long have you held this position with Manley Brothers, LLC?

A. Manley Brothers started operations in 2001. Prior to that I was a surveyor and owner of Manley and Manley, and prior to that I was -- started surveying in 1977 with Merrill Marine Service in St. Louis.

Q. Do you have any professional designations?

A. I'm a member of the American Society of Appraisers, member of the American Waterways Operators Association by virtue of my other company -- I own tow boats and barges and operate those on the Mississippi River -- member of the Riverway Ports and Harbors Association and Illinois River Carriers and Upper Mississippi Waterways Action Group, just a lot of different small companies that are organizations that deal with commercial river transportation.

Q. Are you generally familiar with the evolution of the gaming industry in Missouri since it

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was authorized in the early 1990s and specifically the use of excursion gambling boats?

A. Yes, I am.

Q. How are you familiar with the presence and activity of excursion gambling boats?

A. Myself and my firm have been involved with the casino gambling boat industry in Missouri since its the -- since its formative stages. We've looked

9 at probably every casino boat in the state of
10 Missouri at one time or other, either for the vessel
11 owners, their underwriters, or persons of interest.

12 We were involved early on with members of
13 the Missouri State Gaming Board writing the
14 regulations about inspection on the casino boats, and
15 so we were there doing work in Missouri after we were
16 doing work in Illinois and Iowa and some of the other
17 states that had come on prior to Missouri.

18 Q. Are you familiar with the portion of the
19 Mississippi River that passes Cape Girardeau?

20 A. Very familiar.

21 Q. And how are you familiar with this portion
22 of the river?

23 A. In my -- the early part of my career as a
24 marine surveyor before the advent of casino gaming,
25 one of the predominant occupations of marine

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1 surveyors was handling marine accidents, and there
2 was a fair amount of marine accidents between the
3 areas north of Cape, around Devil's Backbone, and
4 Cape -- or in St. Genevieve, Chester, all the way
5 down to -- I spent weeks and weeks just below Cape at
6 Grays Point, which is just above the Thieves Bridge.
7 We had dozens and dozens and dozens of accidents down
8 in those areas, so I transited Cape many, many times
9 on boats during the first 20 or 25 years of my
10 career.

11 Q. I'm going to hand you a document marked as
12 Exhibit No. 4. Are you familiar with this document?

13 A. Yes, sir, I am.

14 MR. CAMPBELL: Your Honor, I'd like to ask
15 that Exhibit No. 4 be admitted into evidence.

16 MR. BRADLEY: Exhibit No. 4 will be
17 admitted.

18 (Petitioner's Exhibit No. 4 was admitted.)

19 BY MR. CAMPBELL:

20 Q. And how are you familiar with this
21 document?

22 A. This is a summary of my opinions about the
23 advantages or disadvantages of putting a gaming boat
24 on the Mississippi River in the Cape Girardeau area.

25 Q. And on the first page of the report there

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1 are references to AOR. Is that a nautical or
2 surveyor term?

3 A. It's used interchangeably. It's above the
4 Ohio River, pretty much the very same as the mile
5 points for what we call UMF -- the upper Mississippi
6 River, UMR.

7 Q. There's also a reference to w-e-i-r-s, I
8 presume pronounced weirs. What does this term refer
9 to?

10 A. Weirs are rock structures placed by the
11 Corps of Engineers or a contractor for the Corps of
12 Engineers in an attempt to force the Mississippi
13 River to do what we want, rather than what it wants.

14 Q. What are the natural hazards you have
15 identified relating to the portion of the Mississippi
16 River that passes by Cape Girardeau?

17 A. I call the neck the natural hazards: High
18 water, low water, we have drift, we have storms and
19 ice.

20 Q. There's a term you used, "ice gorge."
21 would you describe an ice gorge.

22 A. An ice gorge is an accumulation of ice
23 when the water comes south carrying floating ice,
24 sometimes for different reasons. Usually low water
25 and water racing below, the ice will stop moving, and
00059 1 the current from up above pushing miles and miles and
2 miles of additional river ice piles the ice up at
3 that one location.

4 well, some of the ice is forced on top of
5 the existing ice pushing it under, while other ice
6 submerges and flows underneath there, and it forms a
7 natural ice dam all the way across the river, and it
8 will slow the flow of the river down to where you
9 have a head of water pressure on the upstream side of
10 the ice gorge, sometimes rising two or three feet,
11 and below it we've got a lower elevation.

12 The pressure continues to elevate until
13 the ice gorge is released, and when that happens,
14 you've got miles and miles of river ice weighing
15 thousands and thousands of tons being propelled along
16 at five or six miles an hour carrying with it
17 everything that's in its way: Boats, barges, trees.
18 Anything that's there is generally going to come with
19 it. And I've been in the Cape Girardeau area twice
20 when ice gorges were released, and it's a dramatic
21 event.

22 Q. Does it present a hazard to any water
23 craft on the river at that time?

24 A. When the ice gorge comes through, it'll
25 take barges in its way and carry them up -- put them

00060 1 all the way out of the river channel and up on the
2 shore. The one ice gorge that broke at Cape Bend
3 just below the shipyard, I happened to be on a group
4 of barges that were stranded on the rocks at Grays
5 Point, and we were flying to and from by helicopter
6 'cause we couldn't get there by boats. The ice was
7 too heavy.

8 When the ice gorge broke, it began to
9 shove our barges sideways off of the rocks, and we
10 had to evacuate by helicopter just to get out of
11 there, and it carried all the barges from the
12 fleeting area at Cape Bend before it all the way
13 south marooning some on the shore, pushing some out
14 of the river, and some were carried all the way 50
15 miles down and finally rescued at Cairo after the ice
16 gorge broke up.

17 Q. Is there any way to accurately predict
18 when an ice gorge will break?

19 A. No. We've had ice gorges on the Missouri
20 when it came out of -- a dozen or so years ago and
21 formed an ice bridge all the way across at the mouth
22 of the Missouri, across the Mississippi, and it
23 slowly dissipated. Other ones break up
24 dramatically. There's no way of predicting when
25 they're going to occur, where they're going to occur,

00061 1 or when they're going to release.

2 Q. Does flooding on the Mississippi River
3 near Cape Girardeau present a hazard to an excursion
4 gambling boat required to cruise?

5 A. The flooding itself puts an enormous
6 strain upon the mooring systems, and accompanying the
7 flooding you've got high-water events which close the
8 sea wall openings at Cape and make a boat that's on
9 the river much more inaccessible, and you've also got
10 the combined problem of trying to get passengers and
11 crew or emergency response personnel to and from the
12 vessel when it's on the far side of the sea wall.

13 Q. What dangers does low water present to an
14 excursion gambling boat?

15 A. We've had several instances in the state
16 of Missouri where low water has put casino vessels
17 aground. Any time you alter the river's natural flow
18 at a location, you're going to have one of two
19 occurrences. You're going to have sedimentation in
20 that site, which raises the bottom elevation up, or
21 you're going to have scour, which lowers the bottom
22 elevation.

23 Typically, when you alter the current,
24 you're going to have deposition of sediment material
25 underneath the boat, and you're also going to trap

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1 trees, any drifting material, and those will be
2 deposited underneath the boat, sometimes unknown to
3 the crew. You can't tell what's going on underneath
4 you until you've got a problem.

5 Q. What's the American Bureau of Shipping?

6 A. ABS has two facets. There's the bureau,
7 which is a classification society. They have a group
8 of rules which are designed for the construction and
9 maintenance of vessels. Originally they worked with
10 blue-water vessels in order to ensure insurance
11 companies that boats were well-constructed. It's one
12 of several classing societies around the world.
13 There's Norske Veritas, Nippon. They all have books
14 of rules to design -- to designate how boats and
15 ships are constructed and to make sure they're
16 maintained at those levels.

17 The second part of ABS is an inspection
18 service, which is basically a marine surveying-type
19 operation that can be engaged to perform inspection,
20 things like that.

21 Q. Has the American Bureau of Shipping taken
22 a position on the advisability of excursion gambling
23 boats cruising in low water, specifically in
24 Missouri?

25 A. We've had -- the only instance we've had a

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1 problem with ABS on those is they won't certify a
2 boat that is aground, and we had issues back in low
3 water on the Missouri with a casino in Kansas City
4 and another one on the Missouri at Cape Girardeau
5 [sic] where ABS wanted to pull the ticket on the boat
6 and make it so they couldn't operate and, you know,
7 couldn't have patrons on-board, and the Missouri
8 Gaming Board allowed us to come in and analyze the
9 situation, and after analysis they were deemed to be
10 okay, and they continued to operate successfully
11 until the river levels raised and they could be
12 returned to normal operation.

13 MR. BRADLEY: Sir, you mentioned Cape
14 Girardeau. Did you mean to say St. Charles with
15 regard to --

16 THE WITNESS: Oh, yeah. Did I say Cape?
17 I meant St. Charles. I can see you're familiar with
18 the situation up there. Yeah, there were no casino
19 boats at Cape.

20 BY MR. CAMPBELL:

21 Q. Does the accumulation of sand, silt, and
22 gravel beneath an excursion gambling boat present a
23 problem?

24 A. Yes, it does. We've got one that we are
25 still dealing with in Missouri at Caruthersville on a

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1 periodic basis. We've had a big problem with sand
2 and debris accumulating underneath it. I personally
3 have been down there on at least three occasions with
4 dive teams removing sediment and accumulated logs and
5 debris from the area beneath that casino to keep it
6 open.

7 The casino's been aground on several
8 occasions, and we've had to work very quickly to get
9 the casino off the ground by removing the soil from
10 underneath it. That puts our dive team at a
11 considerable risk. You're operating in an area
12 removing the very pillars of soil that are holding up
13 the vessel above you, so it's a brisky procedure. We
14 don't enter into it lightly, and we wish we wouldn't
15 have to do it very often. That's -- that's one in
16 Missouri.

17 We've had the same situation with the
18 boats in St. Charles and at other casinos around the
19 nation, other states. They've got similar
20 situations, and it's a result of them designing
21 casinos and then, you know, not anticipating they had
22 sedimentation problems that eventually arose.

23 Q. In your opinion, if an excursion gambling
24 boat is moored on the river and has not departed for
25 a cruise, is there still a possibility of danger to

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1 passengers?

2 A. If it's sitting at the dock, if it hasn't
3 moved for a while, a number of situations. It can be
4 hit by floating vessels. It could be -- the river
5 could fall and could set it down on a log or
6 something underneath it and puncture the hull. It's
7 just inherently more dangerous to be on the river
8 than to be in a controlled environment on the other
9 side of the levy in a more accessible position.

10 Q. In your opinion, if an excursion gambling
11 boat has departed dock and is cruising, what kind of
12 dangers are there to passengers on that vessel?

13 A. Oh, a lot more dangers. There's the
14 normal dangers associated with standing on a moving
15 vessel. They can list. They can lurch. They can
16 sway from side to side. You're away from shore, and
17 in the event that a passenger or crewman needs
18 emergency assistance, they're some distance from the
19 shore. They have to return to dock in order to
20 evacuate a person.

21 The very act of departing and landing, as
22 well as it can be done by good, competent pilots,
23 carry some inherent risks that -- when somebody's
24 standing there, all of a sudden there's an unexpected
25 lurch or a bump, and if they're on a stairwell or

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1 even if they're just standing there at a slot machine
2 or at a table, they could fall over. Just the act of
3 being on the water carries with it inherent risks.

4 Q. Based on your knowledge of the Mississippi
5 River as it passes by Cape Girardeau, in your opinion
6 does the cruising of an excursion gambling boat on
7 that portion of the river present impediments to
8 interstate commerce?

9 A. We've had -- we had a lot of discussions
10 about this issue with the members of AWO and REACT,
11 which are interests for the commercial navigation
12 sector, the barge line operators, having an excursion
13 boat departing at unexpected times, moving up and
14 down the river, had to top around and return to the
15 dock or whatever, there's always the danger that the
16 excursion boat's going to suffer a mechanical
17 malfunction or be wind-bound or something unexpected
18 is going to occur.

19 In my report I cited the example of the
20 the Miss Belle Tara, which was on its delivery trip
21 and was sideswiped by a southbound commercial boat
22 pushing two cement barges, and the sole reason was --
23 it came out in testimony -- that the pilot of the
24 southbound commercial boat misunderstood what he was
25 seeing, and the pilots on the Miss Belle Tara during

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1 the delivery trip misunderstood the radio traffic,
2 and it was just a misunderstanding of who was doing
3 what.

4 And if a casino boat's going to cruise,
5 and especially cruise at night, it just doubles and
6 triples the danger. There's drifting logs. Some of
7 my towboats have encountered drifting logs, sheered
8 tail shafts, lost wheels, knocked the rutters off.
9 There's just always a danger of the unexpected's
10 going to happen, and that's what keeps our shipyards
11 functioning at such a high level.

12 Q. Based on your experience, if an excursion
13 gambling boat sustains damage while docked or
14 cruising, is it possible that casino operations on
15 the vessel would no longer be possible for some
16 period of time?

17 A. Absolutely. If it's a serious-enough
18 situation, you have to go to the shipyard to be
19 repaired. You'll be away from a dock until repairs
20 are effected in order to get your ticket back from
21 ABS and return to the dock and start gambling again.

22 Q. Based on your experience, is there more
23 likelihood of business interruption due to damage of
24 an excursion gambling boat if it is docked on a river
25 as opposed to a floating facility that is constructed

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1 in an artificial basin within 1,000 feet of the
2 river?

3 A. In our experience, dealing with casinos on
4 the Great Lakes, on the gulf coast, on the rivers,
5 we've had no incidents on any of the controlled
6 environments. The boats in a moat in a basin where
7 we've had business interruption, but we've had -- I
8 was on the gulf coast for a year and a half after
9 Katrina and lived down there, and still have a house
10 down there, and the business interruption was huge.

11 The casinos that you saw washed up on the

12 shore, that was my job to make those go away, and
13 that was severe business interruption when you're
14 sitting on somebody's house. It interrupted
15 everybody's life.

16 Q. Based upon your experience, if an
17 excursion gambling boat discontinued operations due
18 to damage, would there be a negative impact on the
19 employees?

20 A. Oh, yeah. If it's anything like what we
21 experience normally, the employees don't have jobs
22 anymore. If the casino can't operate, everybody gets
23 a pink slip and goes home or has to wait until the
24 casino reopens. All the vendors who supply the
25 casino, their business is interrupted. There's a

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1 chain of events. The casino employees lose their
2 livelihood. You know, their families depend on
3 them. It's an enormous disruption in the community.

4 Q. Based on your experience and in your
5 opinion, is public safety placed at risk by a
6 requirement that excursion gambling boats cruise on
7 the portion of the Mississippi River flowing near
8 Cape Girardeau?

9 A. I think the public is tremendously at
10 risk, much moreso on the river than they would be in
11 a controlled environment on the good side of the
12 levy. Just looking at the history of flood and low
13 water at Cape, the boarding system alone would have
14 to adequately address a 48-foot change in elevation.
15 That's before we thought about going over the top of
16 the sea wall in order to maintain ADA, Americans with
17 Disabilities Act -- ratios. We would have to have
18 over 700 feet of walkway or stairs to accommodate
19 that rise and fall to get people from the boat off
20 and over onto the shore.

21 We haven't even really talked about how
22 far away from the bank we have to put the casino to
23 make sure it's in adequately deep water. A cruising
24 boat, it's going to draw nine or ten feet of water to
25 get the propellers down in the water to give it

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1 sufficient thrust. That puts us out away from the
2 shore and exposes more to commercial traffic and all
3 the dangers that come from that, so if I had my
4 choice, I'd much rather be on a casino on the safe
5 side of the levy than on the river.

6 Q. Mr. Manley, I'm going to hand you a
7 document that's been marked as Exhibit No. 7. Can
8 you identify, generally, what you're looking at.

9 A. Yeah. This was a letter I was shown
10 earlier from the chief of the fire department in Cape
11 Girardeau, Rick Ennis, suggesting that it's much
12 better to have a casino located on the land, dry side
13 of the levy, than on the river.

14 Q. Based on your experience, have you
15 encountered similar concerns by first responders to
16 the dangers of a cruising --

17 A. As part of our risk review for a number of
18 the underwriters who write the insurance on casino
19 boats, we routinely meet with the fire department to
20 see what the response time is, how we can address
21 crew injuries, how we can address patron injuries,
22 slips and falls, things of that nature.

23 Invariably, you know, they say the best
24 we can do is this, but we're limited by
25 accessibility, and the more trouble it is to bring a

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1 injured person up and over the seawall to get them to
2 an ambulance. The longer that takes, you know, those
3 minutes can be vital.

4 MR. CAMPBELL: I have no further
5 questions, your Honor.

6 MR. BRADLEY: I have one question that may
7 be directed to Mr. Rumples instead of this
8 individual. But does the New Madrid fault affect the
9 boat in any way, the way it would be moored or the
10 way it would be designed? And I'm not even sure how
11 much the New Madrid fault picks up towards Cape
12 Girardeau.

13 THE WITNESS: Our -- well, I can answer
14 that. Our latest investigations about the New Madrid
15 fault is based on studies coming out of the
16 University of Illinois. Their latest thoughts on
17 that are that the New Madrid fault may be dormant.

18 They really reassessed their risk
19 potential, and a boat floating in a moat is isolated
20 from seismic tremor anyway. It's floating in a giant
21 spring structure of water. Now, the basin itself
22 could be impacted, but then your worst-case scenario
23 is that the water runs out and it sits on the bottom
24 and everybody goes home.

25 The way they've explained to me, the

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1 mooring system, it's going to be restrained by the
2 bottom of the basin, but the worst -- you know, like
3 I said, the worst happens, the water runs out, but
4 the casino itself is isolated by the very water.
5 That thrust won't be transmitted through the water.
6 You might feel a little bit, but it's not going to be
7 a major event.

8 MR. BRADLEY: Mr. Meister may also have
9 some additional testimony.

10 MR. MEISTER: Thank you. We've actually
11 looked at this in a great deal of detail.
12 Interestingly enough, the only seismic zone that is
13 exactly the same as what we're dealing with in Cape
14 Girardeau is San Francisco, so from a building
15 perspective, that's the type of code that we have to
16 deal with in developing the building and what the
17 structure is -- the basin and the barge are being
18 designed for.

19 The biggest piece with the barge -- as we
20 say, the barge floats within the basin -- was the
21 fact that if the barge moves laterally, as there are
22 columns that come down, we have to make sure that the
23 barge does not impact the columns, because that could
24 cause a structural failure in the building.

25 And the way we've addressed that is, the

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1 engineers are thickening the floor slab on the -- on
2 grade throughout the building, and this transfers
3 into the slab at the top of the barge, which will
4 also be thickened and reinforced, so if that lateral
5 motion comes along, the barge will impact the
6 reinforced slab on grade under the building, and that
7 will pick it up before it would be able to impact any

8 of the columns.

9 what that did to us from a design
10 perspective was, at one point in time we only looked
11 at using a raised floor system in the casino rather
12 than the Robertson floor, which is the metal floor
13 with a electric and data folding, and we were unable
14 to do that because that changed the way that the
15 various loads would be transferred down from the slab
16 onto the barge, so we've looked at that.

17 There's been quite a bit of design work
18 done in that specific area. We're actually using a
19 structural engineer, Greg Luthe, who is from
20 California, who is familiar with seismic conditions
21 on this particular building. Interestingly enough,
22 Boonville -- none of these applied. It isn't even
23 close to being in the same zone, but it's just an
24 anomaly down in the Cape.

25 MR. BRADLEY: I have no further questions.

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1 MR. CAMPBELL: May I make a closing
2 statement, your Honor?

3 MR. BRADLEY: Yes, please.

4 MR. CAMPBELL: Your Honor, I believe the
5 evidence presented today at this hearing has complied
6 and met the standards established by Missouri
7 statutes referenced previously in your opening
8 remarks, specifically the testimony of Mr. Meister
9 regarding the site plan evidences, that the plan has
10 been reviewed extensively by the City of Cape
11 Girardeau and has been approved, and all necessary
12 rezoning and other changes to the status of the
13 property has been accomplished.

14 The testimony of Mr. Meister, as well as
15 Mr. Rumpel, establishes that the floating facility is
16 within a thousand feet of the Mississippi River as
17 established by the Corps of Engineers, most recently
18 with the letter we have marked as Exhibit 6.

19 In regards to the design, the testimony
20 of Mr. Rumpel has indicated that extensive research
21 was done into the history of Cape Girardeau, and
22 based on that research, design elements were
23 incorporated in the proposed casino to reflect, as
24 practical as possible, the part of the home dock
25 city's riverboat history. Mr. Rumpel also

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1 established the 1,000-foot criteria as well.

2 And in regards to the cruising waiver,
3 the evidence, I believe, has been overwhelming by all
4 the witnesses that the cruising requirement in this
5 location, particularly with the flood wall, would
6 present a significant danger to passengers, not only
7 when the excursion gambling boat is docked, but also
8 and more precariously, when it is on the river in a
9 cruising mode.

10 The testimony of Mr. Manley establishes
11 that it does have the potential to interrupt
12 interstate commerce and to interfere with barge
13 traffic. The testimony of Mr. Manley also indicated
14 significant dangers from ice gorges, flooding, low
15 water, and other natural occurrences.

16 The testimony of Mr. Meister and
17 Mr. Manley established that the damage or loss of an
18 excursion gambling boat could result in the loss of

19 permanent jobs, at best for a short-run, at worst
20 maybe on a permanent basis; and that the direct --
21 Mr. Meister's testimony, the direct and indirect
22 economic benefit to the community by a floating
23 facility in an artificial basin within a thousand
24 feet of the main channel of the Mississippi River
25 would give the most economic benefit to Cape

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1 Girardeau.

2 The testimony also indicated that
3 from an economic feasibility standpoint, the
4 placement of the floating facility in an
5 artificial basin within a thousand feet of the
6 main channel of the Mississippi River has
7 greater financial feasibility elements that are
8 not present if the excursion gambling boat is
9 docked on the Mississippi River and required to
10 cruise.

11 MR. BRADLEY: Thank you.

12 At this point we're going to have
13 the transcript typed up. I'm going to do a
14 findings of fact, conclusion of law. In the
15 proposed finding of fact, conclusion of law, the
16 transcript and the exhibits will be presented to
17 the Gaming Commissioners.

18 They will take them up at the
19 meeting on March 30 and make the final decision
20 whether or not to grant the waivers requested.

21 At this point the hearing is
22 concluded. Thank you.

23 (The hearing concluded.)
24
25

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1 CERTIFICATE

2 I, Nancy L. Silva, RPR, a Certified
3 Court Reporter, CCR No. 890, the officer before
4 whom the foregoing hearing was taken, do hereby
5 certify that the witness whose testimony appears
6 in the foregoing hearing was duly sworn; that
7 the testimony of said witness was taken by me to
8 the best of my ability and thereafter reduced to
9 typewriting under my direction; that I am
10 neither counsel for, related to, nor employed by
11 any of the parties to the action in which this
12 hearing was taken, and further, that I am not a
13 relative or employee of any attorney or counsel
14 employed by the parties thereto, nor financially
15 or otherwise interested in the outcome of the
16 action.

17
18
19 _____
20 Nancy L. Silva, RPR, CCR
21
22
23
24
25