In Regard to the Matter of: Application of Trump's Castle Associates for renewal of its casino license.

BEFORE:
WALTER N. READ - Chairman
CARL ZEITZ - Vice-Chair
W. DAVID WATERS - Commissioner
E. KENNETH BURDGE - Commissioner
VALERIE H. ARMSTRONG - Commissioner

ALSO PRESENT:
KAREN BIACHE - Senior Procedures Analyst
THOMAS FLYNN - Public Information Officer

On Behalf of the Commission Staff:
JOHN ZIMMERMAN - Legal
BARBARA LAMPEN - Affirmative Action & Planning
JOYOTI FLEMING - Legal
STEVEN INGIS - Legal

On Behalf of the Division of Gaming Enforcement:
FREDRIC GUSHIN - Deputy Attorney General
MICHAEL VUKCEVICH - Deputy Attorney General
JOHN ADAMS - Deputy Attorney General
APPEARANCES:

On Behalf of Trump's Castle Associates:

NICHOLAS RIBIS, ESQ. BRIAN SPECTOR, ESQ.

RIBIS, McCLUSKEY, GRAHAM & DeCOTIIS
Short Hills Plaza
636 Morris Turnpike
Short Hills, NJ 07078

On Behalf of Trump Organization:

HARVEY FREEMAN, ESQ.

General Counsel and Vice-President of Trump Organization

On Behalf of Trump's Castle Casino:

ROBERT PICKUS, ESQ.

General Counsel of Trump's Castle Casino

On Behalf of the Public Advocate:

DAVID SCIARRA, ESQ.
Assistant

Office of the Public Advocate
Hughes Justice Complex
CN 850
Trenton, NJ 08625

ALSO PRESENT:

IVANA TRUMP
DONALD TRUMP
ROBERT TRUMP
ROBERT FIORI
BUCKY HOWARD
FRANK MILLER
SR. AGENT MARC SIVETZ
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| Made by Commissioner Waters | 24 |

### Vote:

| VOTE |
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Stipulation

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(Commencing at 11:10 a.m.)

(All five Commissioners are present.)

MS. BIACHE: I would like to read an opening statement.

"This is to advise the general public and to instruct that it be recorded in the Minutes that in compliance with Chapter 231 of the Public Laws of 1975, entitled the 'Open Public Meetings Act', the New Jersey Casino Control Commission at 11:13 a.m. on April 23, 1987 hand-delivered to the Office of the Secretary of State and caused to be posted on the bulletin board located outside the Secretary of State's Office at the State House, Trenton, New Jersey and at 2:00 p.m. on April 23, 1987 mailed to the Press of Atlantic City and to the Newark Star Ledger and to the Office of the Clerk of Atlantic City a meeting notice setting forth the time, date and location of this meeting.

"Members of the press will be permitted to take photographs of today's meeting. We would ask, however, that this
be done in a manner which is not disruptive of the meeting or distracting to the Commission and which does not interfere with the public's right to observe the meeting."

CHAIRMAN: READ: Thank you.

Call the meeting to order. Note the presence of all five Commissioners.

In connection with the Trump's Castle Associates' 1987 casino license renewal hearing, might we start by having the appearance of counsel entered.

MR. RIBIS: Yes. Nicholas L. Ribis, Brian Spector and Robert Pickus, along with Harvey Freeman, general counsel at Trump organization.

I also would like to introduce several people in the audience, if I could. We have Ivana Trump, chief executive officer of Trump's Castle; Donald Trump, Robert Trump, Robert Fiori, if you could stand. Robert Fiori is vice-president, he's in charge of finance; Nancy Bower, vice-president; Bucky Howard, executive vice-president and we have Frank Miller who is an architect who has his own company
which does work in Atlantic City for the
Trump properties.

MR. VUKCEVICH: Good morning.
Michael Vukcevich, Deputy Attorney General
on behalf of the Division of Gaming
Enforcement. Also present are Assistant
Director, Fredric Gushin and Deputy Attorney
General, John Adams.

I would like to introduce Senior
Agent, Marc Sivetz who is present.

Thank you.

MR. SCIARRA: Mr. Chairman, David
Sciarra, Assistant Deputy Public Advocate,
appearing on behalf of Alfred Slocum, the
Public Advocate of New Jersey.

CHAIRMAN READ: Thank you all.

The matter before us today, as I've
indicated, is the application of Trump's
Castle Associates for renewal of its casino
license and casino hotel alcoholic beverage
license. Trump's Castle Associates is the
holder of plenary licenses which were issued
effective June 19th, 1986, and will expire
on June 19th of this year.

In order to expedite this hearing,
we've engaged in two pre-hearing conferences, in which we provided for an exchange of discovery, we've identified many of the issues to be decided, and established the procedures for this hearing.

In addition, in the first pre-hearing order we set forth the criteria for renewal of the casino license. The Division of Gaming Enforcement is, of course, engaged in a continuing investigation of the applicant and will present evidence at this hearing in discharging its legal obligation of providing this Commission with all necessary information to determine this license renewal application.

In addition, the Public Advocate has been granted leave to intervene in the present hearing with respect to the issues surrounding the applicant's obligation to construct road improvements in the Marina district.

During the pre-hearing conferences, it was agreed that the applicant would join the Division in a good-faith effort to
identify undisputed factual matters. Any such undisputed matters were to be stated at this hearing and if approved by the Commission, factual stipulations shall be deemed established for the purpose of this hearing.

However, the Commission retains the right to request any party to present evidence or testimony for the purpose of clarifying or supplementing any stipulated matter.

In addition, if the evidence presented at this hearing indicates to the Commission that a particular stipulation is not accurate or adequate, the Commission may, on fair notice to the parties, reject the particular stipulation and require proof in this matter.

I would now ask counsel for the applicant and the Division if they request that any stipulations be approved by the Commission, subject to these conditions that I've just stated?

MR. GUSHIN: Yes. Mr. Chairman, you have a document which has been marked as
S-1, which represents a stipulation between the Division and Trump Castle Associates on various operational issues which emanated from the Division's operational report.

The stipulation has been executed. We would ask that it be accepted by the Commission at this time.

CHAIRMAN READ: That has been executed by both parties?

MR. GUSHIN: That's correct.

CHAIRMAN READ: Being no objection to that, and executed by both parties, S-1 will be received.

(Exhibit S-1 received in evidence.)

CHAIRMAN READ: Any other stipulations?

Mr. Vukcevich?

MR. VUKCEVICH: Yes, Mr. Chairman.

It is my understanding that the applicant is willing to stipulate to the admission into evidence of the five Division exhibits, that is D-1 through and including D-5.

MR. RIBIS: That is correct, Mr. Chairman.

CHAIRMAN READ: No objection to
those?

D-1 through D-5 will be received in evidence.

(Exhibits D-1 through D-5 received in evidence.)

MR. VUKCEVICH: Mr. Chairman, I would also --

CHAIRMAN READ: I guess we're getting ahead of ourselves by talking about documentary exhibits. I think with respect to those items -- let me go back to the question of stipulations.

Are there any further stipulations we have other than S-1?

MR. RIBIS: I don't believe so.

MR. VUKCEVICH: No.

CHAIRMAN READ: If not, then documentary exhibits which we've just addressed, those of course may be submitted into evidence during the course of the hearing. Once marked into evidence, such exhibits, unless they are sealed, will be available to the public for review.

I would ask counsel for the applicant and the Division whether there are
any premarked and stipulated exhibits to which there are no admissibility objections. D-1 through D-5 we have received. Are there other exhibits? Mr. Ribis?

MR. RIBIS: I believe that the applicant's Exhibits A-21 through A-26 are exhibits that the Division does not have any objection to. I just want to note, A-25 is a letter from Mr. Pickus to Mr. Vukcevich regarding compliance with 19:41-11.1, and A-26 was the Trump Castle Associates' response to the Division of Gaming Enforcement audit which we have now marked as A-26.

CHAIRMAN READ: No objection to those?

MR. VUKCEVICH: The Division has no objection.

CHAIRMAN READ: We started with an unusual number, Mr. Pickus. What happened to one to 20?

MR. RIBIS: A-1, I'm sorry. I apologize. I was looking at the twenties. I meant A-1 through A-26.

MR. VUKCEVICH: No objection.

CHAIRMAN READ: No objection to any of those. A-1 through A-26 will all be received on that basis.

(Exhibits A-1 through A-26 received in evidence.)

CHAIRMAN READ: Are there any other exhibits that we have at this time?

If not, let's turn then to the Commission staff reports. The Commission staff has prepared various reports covering certain of the prerequisites to the renewal of a casino license. Pursuant to the pre-hearing conference orders, these reports have been distributed to the parties.

Accordingly, the parties may be willing to stipulate to these staff reports and to accept the conditions and recommendations set forth therein.

Ms. Fleming, what's the status of the Facility's report?

MS. FLEMING: Mr. Chairman, the report of the Facility Review Section dated
May 19th, 1987, which has been premarked as C-1, addresses all the statutory and regulatory criteria related to the approved facility and contains recommended conditions. It also contains the casino-hotel alcoholic beverage license. The report has been distributed to the parties.

At this time, I would ask the parties if they are willing to stipulate to the contents of this report and the proposed license conditions contained in the report?

CHAIRMAN READ: Mr. Ribis?

MR. RIBIS: I have no objection. I would just note portions of this report, the blueprints, we will request sealing, pursuant to what we've done in the past.

CHAIRMAN READ: Referring it to staff for sealing.

MR. VUKCEVICH: The Division has no objection.

CHAIRMAN READ: C-1 will be received, subject to the request for reference to the Legal Division for review for sealing in part.
(Exhibit C-1 received in evidence.)

CHAIRMAN READ: Next item then I guess is the status of the Entities and Qualifiers Report.

Ms. Fleming, where do we stand with respect to that?

MS. FLEMING: Mr. Chairman, the Entities and Qualifiers Report, dated May 19, 1987, has been premarked as C-2 and has also been distributed to the parties. It identifies the natural person qualifiers, qualifying business entities, and financial sources, and contains recommended conditions.

In a letter report dated February 5th, 1987, the Division reported on the financial source status of Westinghouse Pension Investments Corporation and interposed posed no objection to it's suitability.

At this time I would ask Mr. Pickus to address the status of First Interstate Bank of Denver.

CHAIRMAN READ: Mr. Pickus?

MR. PICKUS: Yes, Mr. Chairman,
Commissioners.

As I discussed with the Division and the Commission staff earlier today, I spoke last night with a James Cogill (phonetic), who is a senior vice-president with the First Interstate Bank of Denver, who represented to me, and therefore I'm representing to this Commission, that the holdings of First Interstate Bank are held by the Oppenheimer High Yield Fund, a freely traded mutual fund traded by tens of thousands of different investors.

Therefore, I believe the Division has been satisfied as to the qualification of that institution.

CHAIRMAN READ: Mr. Vukcevich?

MR. VUKCEVICH: Mr. Chairman, based upon the representation of Mr. Pick, the Division is in fact satisfied.

CHAIRMAN READ: Thank you.

MS. FLEMING: Mr. Chairman, I would move that the Commission's determinations as to the qualifications or requalifications of the listed business entities, natural person qualifiers and financial sources, may all
properly be included in the Commission's final vote.

I would now ask counsel to indicate whether or not they agree with the list of qualifiers and financial sources that are contained in the report?

MR. RIBIS: On behalf of Trump Castle Associates, we have no objection and we do agree.

Thank you.

MR. VUKCEVICH: The Division has no objection.

CHAIRMAN READ: Fine. That will be received.

(Exhibit C-2 received in evidence.)

MS. FLEMING: I would also note that the applicants have requested a waiver of qualification of all Trump's Castle funding incorporated bondholders pursuant to Section 85(d)1 of the Act, and a ruling that with the exception of Westinghouse, no bondholder is a financial source.

I would ask for the Division's concurrence in the waivers.

MR. VUKCEVICH: On behalf of the
Director, the Division so concurs.

CHAIRMAN READ: Thank you.

MS. FLEMING: I would now ask counsel if they are willing to stipulate to the remainder of this report and the proposed license conditions contained in the report?

MR. RIBIS: Yes, I am, Mr. Chairman.

MR. VUKCEVICH: The Division has no problem, Mr. Chairman.

CHAIRMAN READ: Fine. Based on what's just been placed on the record, I would now accept a motion to grant the request for the waiver of qualification pursuant to Section 85(d)1 of the Act, and that all Trump's Castle funding bondholders, and a ruling that except for Westinghouse Pension Investment Corporation, no bondholder is presently a financial source.

Do I hear such a motion?

COMMISSIONER WATERS: So you moved.

COMMISSIONER BURDGE: Second.

CHAIRMAN READ: Duly moved and seconded.
Any discussion?

All those in favor?

(All Commissioners present voted in favor of the motion.)

CHAIRMAN READ: Unanimously carried.

Then, Ms. Fleming, what's the status of the Enterprise License Bureau, and Employee License Bureau reports?

MS. FLEMING: The Employee License Bureau report, dated April 16th, 1987, has been premarked as C-3. The Enterprise License Bureau report dated March 19th, 1987, has been premarked as C-4.

These reports have also been distributed to the parties.

I would now ask the parties to indicate their position with respect to these reports?

MR. RIBIS: I have no objection to the reports.

MR. VUKCEVICH: The Division has no objection.

CHAIRMAN READ: C-3 and C-4 will be then be received on that basis.
(Exhibits C-3 and C-4 received in evidence.)

CHAIRMAN READ: Then, Ms. Fleming, what's the status of the Financial Evaluation and Control Division's report in the matter?

MS. FLEMING: Mr. Chairman, this report is dated May 14th, 1987, and has been premarked as C-6. I would ask the parties to indicate their position with respect to this report.

MR. RIBIS: I have no objection. Again, I'll request that general counsel seal those portions which are confidential.

MR. VUKCEVICH: The Division has no objection.

CHAIRMAN READ: C-6 will be received with reference to counsel's office for appropriate sealing.

(Exhibit C-6 received in evidence.)

CHAIRMAN READ: Then, Ms. Lampen, on behalf of the Division of Affirmative Action, are you prepared to indicate where we stand with respect to the report of the Affirmative Action and Planning Division?
MS. LAMPEN: Mr. Chairman, the
report of the Division of Affirmative Action
and Planning, dated 5/14/1987 has been
premarked C-5 for evidence.

The reports contained therein
address the compliance of Trump's Castle
Associates limited partnership with respect
to affirmative action requirements of the
statute, and as well as Section 84(e) of the
statute.

With respect to the planning
report, the staff has recommended that the
licensee be directed to address in detail
its compliance with and intended future
actions concerning the Marina district road
improvement, specifically addressing those
actions it has taken and is taking in regard
to the DEP order of April 13, 1987.

These reports have been distributed
to the parties and I would ask now if all
parties agree to stipulate to the reports
and accept the conditions contained therein?

MR. RIBIS: I have no objection.

MR. VUKCEVICH: Mr. Chairman, the
Division has no objection.
CHAIRMAN READ: C-5 then will be received in evidence on that basis, subject to those conditions stated.

(Exhibit C-5 received in evidence.)

CHAIRMAN READ: Are there any further procedural, evidential or other matters that counsel wish to address at this time?

All housekeeping has been taken care of on that?

If that's the case, then the order of proof as is usual and as stated in the pretrial order will be, first, the applicant, and then the Division and then, finally, the Public Advocate may present opening statements if, they choose. The applicant will then present its case; the Division may then present any evidence it deems appropriate, and the Public Advocate may then do likewise.

After all of the parties have rested, first the Advocate, then the Division, and finally the applicant will be permitted to make closing statements.

The Commission will then deliberate
and decide the licensure renewal application.

Mr. Ribis, do you have an opening statement for us?

MR. RIBIS: I do.

Good morning, Mr. Chairman, Commissioners.

I would like to make a short opening statement, specifically addressing the conditions contained in the section of the resolution on Page 13, captioned "Marina District Road Improvements," Paragraphs 35, 36, and 37 of the resolution, and, also, in response to the request of the Division of Planning's request for an update as to the status of the matters which are pending as to the CAPRA permit and the roadway improvements.

As the Commission knows, at the conclusion of the 1986 license renewal hearing, Trump Castle Associates was required to report to the Commission on a bi-monthly basis as to its efforts to obtain modification of its CAPRA permit and generally as to its activities relating to
the roadway improvements.

Paragraph 36 of the resolution also required that TCA devote all available resources to obtaining a prompt determination from CAFRA as to its obligations.

I have marked into evidence on behalf of the applicant documents A-1 through A-24 which specifically address those conditions.

As the Commission is aware, commencing almost immediately after the licensing hearing in June of 1986, in fact it was late the same week as the Commission ruled, I personally was instructed by Mr. Harvey Freeman, general counsel of Trump organization, to immediately take steps with CAFRA to apply for a modification of the roadway conditions.

I spoke with Mr. Brower, counsel to CAFRA, immediately after the hearing, corresponding with him on June 17th, 1986 regarding commencing discussions with CAFRA to modify the CAFRA permit roadway improvement conditions.
Therfore, conferences were held in early July regarding the efforts, regarding efforts to seek modification.

At the request of CAFRA, the modification process commenced with the preapplication hearing in early July, at which time all of the joint venture participants, meaning Harrah's Marina and Golden Nugget, that were requested to participate in the meeting, which was chaired by First Assistant Attorney General Donald Belsole.

At that meeting Director Weingart attended, representatives of Trump Castle Associates, including Mr. Freeman, Donald Trump and Robert Trump attended, and also a representative from the Department of Transportation.

The meeting outlined the procedures which were requested to be followed by CAFRA as to the modification process, and those conditions, those requirements were detailed to the Commission in the initial status report which outlined the request of CAFRA.

Therfore, filings were made with
CAFRA in August of 1987 by the joint venture, by their counsel, Mr. John Daniels, who represented the three entities in this application process.

At the request of the Department of Transportation, a new consultant was retained to review the roadway conditions in the Marina area.

The joint venture participants received three suggested consultants, in particular the consultant which was hired, Edwards and Kelcey, was hired after the recommendation from the Department of Transportation.

During the CAFRA process, the final application was made in October of 1987, only because the initial application was deferred pending the submission of a detailed report by Edwards and Kelcey.

The process proceeded, as is noted in my status reports, and I would note for the record that status reports have been filed on a bi-monthly basis. There have been five status reports. In addition, there has been numerous continuing
correspondence to the Commission and the Division by me updating the Commission and the Division, as to all of the activities regarding the modification process.

In January of this year, initial discussions commenced regarding the potential of settling the entire matter with the joint venture participants. These discussions concluded with an initial meeting of all of the participants, including Commissioner Gluck and Mr. Belsole and his staff, other legal representatives from the Department of Transportation, and representatives of CAFRA on March 25th, at which time a settlement was proposed by the joint venture participants.

That settlement has been detailed for the Commission in the status reports which have been filed with the Commission.

Those settlement talks have, and I am happy to report, have concluded as recently as some final language of changes in a settlement agreement of this morning. I'm happy to report to the Commission that the settlement terms and conditions have
been approved by counsel, meaning myself and
Mr. Freeman, for Trump Castle Associates,
and the principle of Trump Castle, meaning
Mr. Donald Trump, Ivana Trump and Robert
Trump, and the terms of the settlement have
been made available to the Division of
Gaming Enforcement and the Casino Control
Commission.

The settlement has been approved by
counsel for both Marina, Harrah's Marina and
Golden Nugget. Obviously since some of the
changes were only made this morning to the
document by the Attorney General's Office,
technical type changes, they were going to
meet with their clients regarding the final
approval as to that document.

However, it can be stated, and I
believe the Division of Gaming Enforcement
can address this, also, that the terms of
the settlement have been agreed to, and that
Trump Castle Associates has agreed, not only
to the terms, but to the specific document
called the Settlement Agreement. It is
anticipated that document which has to be
executed by the Department of
Transportation, CAFRA, and the three joint venture participants, will be completely executed in the very near future.

Specifically addressing the question of the settlement agreement as it applies to the roadway improvements in the Marina district, it does provide for the road work in the Marina area to take place as a first priority; and that funds will be immediately made available to the Department of Transportation who is going to undertake that work.

Also, there are funds which are going to be supplied for the above-grade improvements at Route 30.

I believe that there is no need to go into the specific terms of the settlement agreement since it has been supplied both to the Commission and the Division.

I would like to thank Donald Belsole and Debra Poritz, Michael Fichera and Stephen Brower and John Van Dalen, all of whom have spent a substantial amount of time over the past four months, discussing, negotiating, cleaning up the language of
this is settlement agreement. It took a long time. It was complex. It was difficult because of the number of parties, agencies and the various members of the joint venture.

Further, Commissioner Gluck, who attended settlement conferences and Director Weingart were also essential to the ultimate resolution and on behalf of Trump Castle Associates we would like to publicly thank them.

Suffice it to say that representatives of the Division of Gaming Enforcement, including Director Parrillo, and the Casino Control Commission, including Chairman Read, have been kept apprised, have been involved from the standpoint of interest, and have been of assistance to the, at least Trump Castle Associates, since I handled this matter on behalf of Trump Castle Associates, over the course of the past several months.

I would note that the conditions which are in the CAPRA permit, in the casino license resolution specifically,
specifically Paragraphs 36 and 37, relate to the request for modification of the CAFRA permit.

That was done by Trump Castle Associates immediately subsequent to the licensing hearing of last year. The bi and monthly reports were submitted to the Commission on a timely basis, including interim reports, so that the Commission could be up to date as to every event that took place.

Specifically, as to the ruling by CAFRA on April 13th that the modification request was denied, an administrative appeal has been taken from that matter. In fact, John Van Dalen as counsel to CAFRA, has held in abeyance taking any steps regarding that administrative appeal, and the stay is requested in that administrative appeal, well knowing that the settlement negotiations were reaching a conclusion. So that the status of that matter is in abeyance. The settlement agreement specifically addresses the CAFRA permit, and I would suggest that the CAFRA permit which
is going to be continuing into the future
has been complied with, and I believe that
the condition has been complied with.

As to Paragraph 35, as to the
contributions to the roadway, I would just
like to state for the record what is already
known and what Mr. Whitney submitted to this
Commission in his statement on May 4th
during the licensing hearing of Harrah's
Associates; that is, that the joint venture
has already contributed in excess of $14
million to roadway improvements, in
conjunction with the other joint venture
participants, that is, Golden Nugget and
Trump Castle Associates.

Further, the settlement agreement
requires a substantial amount of money, in
addition to that $14 million, and, again, I
won't discuss specifically what that is. I
believe you're aware of that. I believe
there is no question that the Condition 35
as to the contribution has been complied
with.

During the statement made by Mr.
Whitney, he spoke of the desire to commence
Opening Statement by Mr. Ribis

the roadway improvements, and it is has always been our desire to do that. There has been a coupling of interest here. There was the interest of the joint venture parties and there was the interest of the State of New Jersey.

The interest required that all of the issues which are on the table be resolved, and that was, that took approximately four to six months. It has been done. I'm happy it's been done. I submit to the Commission that Trump Castle Associates has complied with the Marina district roadway improvements.

Thank you.

CHAIRMAN READ: Thank you, Mr. Ribis.

Mr. Vukcevich?

MR. VUKCEVICH: Thank you. Before I begin, if I may, I would like to introduce the Director of the Division, Anthony J. Parrillo, who is now present.

CHAIRMAN READ: Thank you.

MR. VUKCEVICH: Members of the
Commission, we are here today on the license renewal, as everyone knows, of Trump's Castle Associates.

In view of this proceeding, the Division on May 13th, 1987, filed with this Commission a comprehensive and detailed report concerning the activities over the past license renewal year of Donald Trump, Trump Castle Associates, as well as the individuals and entities related to the licensee.

The Division's submission, among other things, reported upon the reconstitution of the audit committee of the licensee; the adoption by the licensee of a retirement savings plan for its employees; and Mr. Trump's proposed renovation of the Frank S. Farley Marina area in Atlantic City.

As concerns the Frank S. Farley Marina, Mr. Trump was selected by the New Jersey State Department of Environmental Protection through a public bid process to enter into a 25-year lease to renovate, improve and maintain the Marina as a public
marine facility. The Division has learned that Mr. Trump, as part of the $11 million plus project, plans to build a pedestrian bridge from the Trump's Castle hotel facility to the Marina, as well as to make various improvements to the Marina itself; that would include dredging, the construction of additional boat slips, as well as the construction of new structures and landscaping.

The Division has been monitoring the proposed plan to insure that the regulatory implications of the Casino Control Act are addressed.

The Division's report, as concerns this license renewal hearing, was, however, substantially devoted to the obligations of Trump Castle Associates with respect to roadway improvements in the Marina area.

The Division has in detail reported upon the events which occurred both before and during the 1986 license renewal proceeding of Trump's Castle Associates. Indeed, as it did at the recent license renewal proceeding of Trump Plaza
Opening Statement by Mr. Vukcevich

1. Associates, the Division has marked as an exhibit and introduced into evidence in this proceeding, its supplemental report with respect to certain events surrounding Trump Castle Associates' roadway obligations, which were the subject of testimony at last years license renewal hearing of Trump's Castle Associates.

2. In its report, filed with the Commission in connection with this proceeding, the Division has also set forth a detailed chronology of the events which have occurred since the time of that 1986 renewal hearing.

3. Clearly, the licensee has been involved in intense negotiations concerning its obligations with respect to this matter, although the negotiations as of this time have not resulted from a signed and final agreement.

4. However, it is the Division's understanding, that the lawyers for all of the relevant parties have agreed to the wording of the language of a final settlement agreement with the
exception of minor and technical language.

It is, further, the understanding of the Division of Gaming Enforcement, that the parties, including the Department of Environmental Protection, the Department of Transportation, and the three casino-hotels, that is, Harrah's Marina, the Golden Nugget and the Trump's Castle Hotel and Casino, have agreed to the principles of a settlement agreement and are at this time in the process of reviewing the language changes to the final settlement agreement.

It is, also, the Division's understanding that the signing of that final settlement agreement within the next couple of days is a likely event, and we expect to be in a position to report to the Commission as to that agreement within that time period.

Of course, in the event this time frame is not met, we will immediately report back to the Commission on this matter. Additionally, during the course of the past year, the Division has continued to monitor the compliance record of Trump's Castle
Opening Statement by Mr. Vukcevich

Associates as concerns the Casino Control Act and related regulations.

The Division, in doing so, has when appropriate kept the licensee abreast of its findings, so that any problems which were discovered could be corrected by Trump's Castle Associates. This is evidenced by the Division's investigation of the licensees compliance record with N.J.A.C. 19:41-11.1, which requires the licensee to file with the Commission a completed vendor registration form no later than 10 days after an agreement is reached between the casino and any vendor.

Upon noticing an increase in non-compliance with that regulation, representatives of the Division met with representatives of the licensee in April of this year. During that April 1987 meeting, the representatives of Trump's Castle Associates assured the Division that the licensee would implement appropriate measures to insure compliance with this regulation.

The licensee, in response to the
Division's request, has recently submitted a written procedure it intends to institute which procedure it views as a means to insure compliance with that regulation.

The Division has, also, been in communication with the licensee to insure compliance of the Trump organization with respect to a license condition imposed at the recent license renewal proceeding of Trump's Plaza Associates. At that proceeding, as a condition of relicensure, the Trump organization was required to cooperate with the Division and the Commission staffs to arrive at appropriate procedures under which Donald Trump and any of the entities which he controls will investigate persons and entities with whom they enter into continuing business relations; that is, conduct an appropriate due diligence search.

In the Division's report of May 13th, 1987, as concerns the instant license renewal proceeding, the Division recommended that at this license renewal proceeding, Mr. Trump ought to be prepared to present a
detailed formal investigative procedure for consideration by the Commission and Division. On May 21st, 1987, in response thereto, the Division received a two-page proposed investigative procedure on behalf of the Trump organization. Accompanying that proposal was a request for the Division's comments regarding same, in the hope that the procedures could be finalized prior to the instant license renewal proceedings of Trump's Castle Associates.

On May 22nd, 1987, the Division responded to that request, noting that the proposed investigative procedures needed substantial revision in terms of content, scope, applicability and definitiveness. In its May 22nd, 1987 letter, the Division of Gaming Enforcement offered to both meet with representatives of Trump, the Trump organization, and to review any revised investigative procedure submitted to it in an expeditious manner.

The Division's representatives in fact met with representatives of the Trump organization on May 27th, 1987, in reference
Opening Statement by Mr. Vukcevich

1. to this matter. At that meeting, the
   Division and Trump's representatives engaged
   in meaningful discussion concerning this
   matter. It was agreed to both the
   satisfaction of the Division and the Trump
   organization that a revised proposal would
   be submitted for Division comment within 30
days.

   The Division during the course of
   the license renewal year, has further
   monitored other activities of Mr. Trump.
   These have involved certain areas of
   litigation, that is referred to in our
   report, and it has also included Trump's
   recent sale of one 1,229,300 shares of
   United Airline stock for a profit before
   margin account interest of approximately
   $10,988,000.

   Further, as addressed at the recent
   license renewal proceeding of Trump's Plaza
   Associates, Trump's acquisition and sale of
   stock of other gaming related entities, has
   also been monitored and investigated on
   behalf of the Division.

   As concerns the latter area, the
Division would note that it has recently filed a comprehensive report with the Commission concerning the ramifications of the intended purchase of Mr. Trump of the Class B. common stock of Resorts International Inc., which purchase would give Mr. Trump overwhelming voting control of that corporation.

This matter, as the Commission is aware, is the subject of a separate proceeding to be heard before you on June 10th of this year.

The Division will be prepared to state its position as concerns the license renewal of Trump's Castle Associates at the conclusion of the hearing.

Thank you.

CHAIRMAN READ: Thank you, Mr. Vukcevich.

Mr. Sciarra?

MR. SCIARRA: Mr. Chairman, members of the Commission. On May 6th the Public Advocate appeared before you and sought intervention once again in the renewal proceedings involving Trump's Castle
Opening Statement by Mr. Sciarrara

Associates to raise certain objections with respect to this licensee's activities regarding the Marina roadway improvement project.

On May 6th the facts, as we know them, were as follows: The Commission in its renewal of Trump's Castle Associates' license last year indicated, after lengthy hearings, that it was requiring this licensee to immediately seek and attempt modification of the transportation requirements in their CAFRA permit in good faith and with all reasonable speed.

On October 14, 1986, four months after the Commission's decision, Trump's Castle Associates, Associates, along with Golden Nugget, and Harrah's, did filed an application for modification of the roadway improvements with CAFRA; a completed application.

On November 7, 1986, the Division of Coastal Resources, within the Department of Environmental Protection, notified the Trump organization and other casinos that the application for
modification had been reviewed by the Division of Coastal Resources and the Department of Transportation. The Division advised Trump's Castle Associates and the other casinos that additional information was needed to determine whether the modified roadway plan submitted by the casinos would be adequate to serve existing and future development in the Marina area. The Division also forwarded to these casinos a DOT analysis of the modification proposal, which concluded that the application was deficient in several important respects.

On January 12, 1987, these casinos, including Trump, submitted to the Division a response to the Department of Transportation's analysis of the modification proposal. What happened then is that in February, March and April, 1987, these agencies, the Division and the Department of Transportation, attempted to resolve their serious concerns about the application directly with Trump's Castle Associates and the other casinos. The agencies attempts at resolving
these disputed issues were unsuccessful.

Finally, on April 10, 1987, the Division of Coastal Resources issued a denial of these casinos request to modify the roadway improvement plan. In addition, the Division of Coastal Resources directed that Trump and the two other casino participants commence construction of the improvements contained in the roadway improvement contract of 1984, in accordance with the timetable established by the Division. Under this directive, the Trump organization and the other casinos were required to commit adequate funds for the acquisition of stage two improvements by May 10, submit a construction schedule for stages one and two by May 10, and construction, commence construction of stage one by September '87.

Those were the facts as we knew them at the time we applied for intervention in this matter.

It is our understanding that since our application to intervene in this matter was granted on May 6th, since that time activity has been undertaken of a serious
nature to resolve this dispute. I only know what Mr. Ribis has represented here this morning and information that I've been able to gain from the Department of Transportation and representatives of the Division. It is my understanding that there is a proposal to settle this matter. It is my understanding that it has been agreed to by the Trump organization, but that it is being reviewed by the other agencies, and the other principles in the other two casinos; and that only until that review process is completed and finalized, will there been an agreement.

At this juncture, frankly, given the history of this matter and the history of the representations that have been made by the Trump organization with respect to the roadway improvements in the past, concerning this matter, representations of counsel or representations of principles of the Trump organization are simply not enough. What is needed to meet the burden, given the history of this matter before this
Commission, to meet their burden to satisfy this license condition, is a signed agreement; nothing shorter of a signed agreement with the details on paper, with the details agreed to by the principles of these organizations, with the details, with those principles fully signing and the agencies fully agreeing to all of the pertinent details, nothing short of this would this applicant meet this burden.

If the Trump organization needs a few days to iron out the final details of this settlement, to get all of the principle to agree, to get the agencies to agree what has been termed here as final technical language, of this agreement, then we have no objection to holding this hearing in abeyance for a few days until that agreement can be produced.

But it is our position that, given the nature of this matter and given the nature of the types of representations that have been made, the promises and the commitments that have been made in the past and broken in the past by the Trump
Opening Statement by Mr. Sciarra

organization, nothing short of a signed agreement with all of these principles and the agencies involved would satisfy the burden to meet this license condition.

So with that, we would have no objection, if there is indeed, as the Division says, the need for a couple of days to get all of the details signed out, so that the Trump organization can bring into the Commission and we can all see a signed agreement with all of these disputes resolved and with a clear, so that we can have a clear and confident understanding that the improvements that have been promised, promised us, promised the people of New Jersey and the residents of Brigantine in the past, will in fact and indeed be accomplished, and this license would not be granted without those kinds of specific representations; and with that kind of specific signed documentation.
CHAIRMAN READ: With that, I assume we're ready for the commencement of some testimony. Before that begins, I would like to call the attention of the licensee, particularly, in comments that I made last year at the time of the final license hearing on June 11th of 1986.

I point out a couple of things I said at that time.

After discussing the background of where we've gotten to, in respect to the hearing, I said and I quote from Page 1262 of last years transcript. "However, I still find its, the licensees, handling of the roadway improvement matter perplexing and unsatisfactory, and I anticipate that from this day forward the licensee will give the matter all necessary attention and will devote all available resources to obtaining a prompt determination from CAFRA as to its obligations in constructing the road improvements which CAFRA determines is necessary to serve the public interest. I will accept the licensees pledge, given the testimony before us, that cost is not a
primary concern and that the licensee will seek to construct whatever road improvements are mandated in the Marina district. I will await with great interest a demonstration that this is the case."

I conceive that this is the time for us to have that demonstration.

I went on further with comments about that, indicating that I expected to see performance of that over a period of time. I've heard of representations, in the course of counsel's opening, which I consider oral argument. I'm aware of the exhibits that have been submitted to us and I would like to have the questions that I raised at that time supported, explained and substantiated with testimony at this time.

Mr. Ribis?

MR. RIBIS: Mr. Freeman, please.

THE REPORTER: Raise your right hand, please.

Do you solemnly swear that the testimony you are about to give in this matter will be the truth, the whole truth and nothing but the truth, so help you God?

MR. FREEMAN: I do.
THE REPORTER: Please state your full name and spell your last name.

MR. FREEMAN: Harvey I. Freeman, F-R-E-E-M-A-N.

DIRECT EXAMINATION

BY MR. RIBIS:

Q. Mr. Freeman, what is your position with the Trump organization?

A. I am Executive Vice-President of the Trump organization.

Q. Calling your attention to Trump Castle Associates and last year's licensing hearing, and a comment just made by the Chairman, at the conclusion of last year's licensing hearing, could you explain to the Commission what steps were taken regarding the question of the roadway improvements and the resources of the Trump organization, in particular, which were put to use regarding this matter?

A. Mr. Chairman, members of the Commission, the matter of the roadway improvements took our highest priority from the moment that our license hearing was concluded, until now. It has been at the absolute top of our list for everything we've been doing. Immediately following the hearing last year, we
approached the representatives of CAFRA and sought
with them a meeting as to how we could go about
modifying, seeking the modification of the CAFRA
conditions that had been requested to the extent that
we wished the CAFRA transportation condition was
modified. What the procedure would be and how best
to approach them. We had an immediate meeting. They
insisted, and correctly so, that we join with the
other members of the joint venture, the other Marina
developers in this area, so that whatever conditions
were about to be changed would be changed for all
consistently and uniformly, and whatever improvements
were intended to be built or were found likely and
properly to be built could indeed be built by all.
Since that time, sir, and madam, we have moved
totally expeditiously. We have hired consultants,
the most professional transportation consultants that
we could find. Indeed, it was at the recommendation
of the Department of Transportation that that Edwards
and Kelcey were chosen. Edwards and Kelcey's results
from their transportation study indicated that no,
nothing other than at-grade improvements would be
necessary for the next 20 years. in order to satisfy
what they perceive to be the development over the
next 20 years in the Marina area. We submitted that
study to CAFRA and to DOT. We worked with them in trying to understand their questions about the Edwards and Kelcey results. We submitted, further, additional information and studies from Edwards and Kelcey and from other professional consultants in this area, as requested by DOT and the Department of Environmental Protection, as well. At each turn, while pursuing this process of seeking administratively our CAFRA modification, we, at the same time together with the other members of the joint venture, were in discussions with the Department of Transportation and with CAFRA in an effort to settle the overall dispute. There were some disagreement, and I think Mr. Ribis has pointed it out, and I think Mr. Sciarra has pointed it out, as to whether or not the findings of the Edwards and Kelcey study were accepted by DOT. Indeed, they raised questions. My guess is that continuously you put two experts in a room of transportation professionals and they will indeed probably find different solutions. And it became very clear during this period that a settlement was probably the proper way to proceed. And we have, together with the other members of the joint venture, whose obligations are equal to our own in this area, and from whom we have
obtained cooperation and understanding that their
problems and ours are identical, we have now finally
achieved the settlement that everyone has sought. It
has been long and hard and difficult. And we're very
pleased to come to the hearing together with that
under our belt. I certainly agree with Mr. Sciarra,
that the paper has not yet been signed; but everyone
has agreed to the paper, and it will be signed. It
certainly will be signed by us and my understanding
from the other two joint venturers is that, it will
be signed by them as well.

Q. Mr. Freeman, calling your
attention, specifically, addressing the Chairman's
recent comments about devoting all available
resources to obtain a prompt determination from
CAFRA, could you just describe for the Commission
other than yourself, who and how often this matter
was attended to over the course of the last licensing
year?

A. Yes. This matter was attended to, frankly,
aalmost on a daily basis. This matter has been a
matter of urgent priority. We have asked Mr. Ribis
to follow it on a full-time basis from our sole point
of view, as well. We, together with the other
members of the joint venture, hired the firm of Horn,
Kaplan to represent the joint venture. And they, too, have been following this on a daily basis.

Meetings have gone on, I would say, I would say there probably have been just on our side, in order to formulate a joint position between the three venturers, there had to have been 10 meetings during this period, to communicate and negotiate back and forth with members of DOT and DEP, there probably have been five or six or seven or eight meetings.

We have hired Edwards and Kelcey.
We have hired other transportation professionals. We have gotten the opinions of investment bankers in terms of development. We have worked, meeting with other agencies of the state and counties and the city who had an interest in these matters, and we have sought very hard to come to the conclusion that happily I can announce today we have reached.

Q. Beside yourself, Mr. Freeman, and the Trump organization, what other representatives were involved over the course of the last year?

A. Mr. Donald Trump and Mr. Robert Trump have
taken part in the meetings, in several of the
meetings we've had. Primary responsibility for the
matter has been mine and, working with you, as
counsel, Mr. Ribis, and with counsel for the joint
venture, Mr. Daniels.

Q. Specifically calling your attention
to the question of the information which was
submitted to the Commission, do you recall your
instructions to me about a year ago, aside from the
required bi-monthly reports regarding the continuous
nature of the factual presentation to the Commission
and the division over the course of the year?
A. Well, I had thought that, and I continue to
believe, that a part of the difficulty had been that
there had been insufficient communication during the
period. I asked Dick, in addition to the reports, if
he would continue to keep the Commission advised as
to everything that was going in that connection with
this matter; what the joint venturers, all three of
them were doing, what we were doing, in an effort to
stimulate the completion of the negotiations. I
trust that he did. I mean, he's advised me that he
did. I would hope that he had done so
satisfactorily.

Q. Regarding the question of the
settlement agreement, has the Trump organization agreed to the settlement, its principles and lawyers?
A. Yes.

Q. Is it your understanding that the settlement agreement that was drafted by Mr. Belsole and Ms. Poritz of the Attorney General's Office, was prior to its submission to us, reviewed and accepted by representatives of the Department of Transportation and CAFRA?
A. That is my understanding.

Q. Further, is it your understanding that counsel for Golden Nugget and Harrah's Marina have also reviewed prior drafts and the most current comments to this draft and have approved the language as it presently is drafted?
A. That is my understanding.

Q. And that both Mr. Luciani and Mr. Daniels were reviewing the last versions of it with their clients as recently as today?
A. My understanding is that the lawyers have approved the language and the principles are now in the proper position to sign off. That's my understanding.

Q. Is there any intention on behalf of the Trump organization or, as far as you know, the
H. Freeman - direct

joint venturers to do anything other than settle this matter as soon as possible?
A. Absolutely not.
Q. You heard the comments of Mr. Sciarra regarding representations. Is there any desire on the part of the Trump organization or Trump Castle Associates to perpetuate this matter any longer, any further?
A. No, not at all. Mr. Sciarra's comments of waiting for it to be signed, I think that could lead to some other questions of timing. I know we've all approved it. We're prepared to sign it and we're here today announcing that to anyone. My understanding is that everyone else is prepared to sign it, too.

Q. Specifically addressing the question touched upon in the Chairman's recent comments and the comments he made last year regarding action as to roadway improvements in the Marina area, specifically, the Brigantine improvements, could you explain for the Commission why that could not be uncoupled, your understanding as to why those improvements today have not been made?
A. Well, I think the question, Mr. Chairman, of improvements had to be addressed as a totality. It
had to be addressed as a totality between the obligations of all three venturers. It had to be addressed from the point of view of the Department of Transportation, who at one point, when we had offered to make some interim improvements, indicated we could only do that in the context of an overall agreement to perform what they contended was our full obligation. The three venturers have met continuously with both departments, and the separation because of the legal concerns and because of the positions of the agencies and the three venturers combined made it impossible to separate out any particular aspect of roadway improvements without bringing into question, I think, the viability and validity of the entire overall settlement. I think that was the position that certainly the other lawyers had taken.

Q. Was there any intent on the part of the Trump organization to delay, to defer any of the matters which were discussed at last year's licensing hearing?

A. I think not. I think the report is very clear as to the very short time between response, between request and response in each instance of the ongoing CAFRA modification syndrome from our point of
view. There is no question that we responded expeditiously, and the request for further information sought by CAFRA was delivered within the shortest possible reasonable time; any action as to us by CAFRA was taken forthwith.

MR. RIBIS: I have no further question. Thank you.

CHAIRMAN READ: Mr. Adams?

MR. ADAMS: Thank you, Mr. Chairman.

CROSS-EXAMINATION BY MR. ADAMS:

Q. Mr. Freeman, if you could, I just want to make sure I'm clear on the role that John Daniels has played in the representation of, I assume, at least your interest, as well as the interest of the other venturers, versus your role and Mr. Ribis' role in this whole process.

Could you be a little bit more definitive on that?

A. Yes. Certainly. We have joined with the other two developers in the area, Golden Nugget and Harrah's, and the CAFRA modification as, as requested by CAFRA and by DOT, was a combined and joint application for modification, both as to the
individual CAFRA permits of each of the entities and as to the overall joint venture CAFRA permit for the development of the roadway.

The so-called joint venture of which, I guess we have nominally succeeded to Hilton's position, then employed Horn, Kaplan, Mr. Daniels as its counsel. He has been lead counsel. Each of the parties, of course, and I being full time with the Trump organization, and Nick representing the interests of the Trump organization, have kept their eye on that. Harrah's has had Mr. Whitney and Mr. Kozlof; Golden Nugget has had Mr. Luciani to represent specifically their individual interests in the event they were separate from the interests of the whole.

Q. But is it fair to say then that, and I think it's reflected in some of the papers, the status reports and some of the exhibits, that Mr. Daniels really represented you as well as the two other developers in the modification process with the Department of Transportation and the Department of Environmental Protection?

A. Yes, sir, that would be correct, Mr. Adams.
Q. Now, when did he first get into the picture, do you recall?
A. Almost immediately.
Q. So was this something that maybe --
A. We went to CAFRA and my recollection, Mr. Adams, we sought from CAFRA the procedure by which we should now approach the modification that was discussed at our last hearing. And CAFRA said it should only be done in the context of a joinder with the other developers.

At that point we joined with the other developers and select a counsel for that venture.

Q. That happened at one of the first meetings you had with CAFRA; is that correct?
A. That is my recollection; yes.
Q. As a result of, in part, at least, their recommendation?
A. Yes, sir, that's correct.
Q. Now, I would assume, in response to some of the questions you've been asked generally, Mr. Daniels has had an opportunity to review the latest proposed terms of the settlement and discuss them with you, or Mr. Ribis, or someone on your behalf?
A. Mr. Ribis has, at the last several days that Mr. Ribis has been getting copies as quickly as Mr. Daniels has, and so I've been getting my copies from Mr. Ribis.

Q. All I'm trying to focus in on is the fact that, when you said all lawyers involved in it, from your perspective, have had a chance to review the latest language and agree it to, that includes Mr. Daniels; is that correct?

A. It is my understanding, yes.

Q. With respect to the hiring of Edwards and Kelcey --

A. Let me clarify the last point. There was, Ms. Poritz of the Attorney General's Office, made one or two minor changes this morning, which were technical in nature and really language, and they were submitted to Mr. Daniels. I have not yet spoken to him this morning. I don't foresee as having any difficulty with that whatsoever.

Q. You view them as technical in nature; is that correct?

A. They are insubstantial and minor, that's correct.

Q. With respect to Edwards and Kelcey again, just to get it all in procedural perspective,
did their hiring by you emanate also as a result of these initial meetings that you had with CAPRA and DOT?

A. Yes, sir.

Q. Is that correct?

A. That is correct.

Q. Now, have you attended --

A. May I put that in perspective for a moment, Mr. Adams?

Q. Yes, go ahead.

A. We had theretofore, you'll recall, prior to our last licensing hearing, employed Wilbur Smith and Associates. The work performed by Wilbur Smith and Associates was asked to be reviewed and supplemented and replaced, in fact, by another professional, and the choices given to us by DOT included a list of three respectable transportation consultants, and we chose, without knowing them, Edwards and Kelcey.

Q. And this was, as you said, again, I want to indicate on the record in my question, emanated as a result of these initial meetings that you had with the Department of Transportation and Department of Environmental Protection?

A. That is correct.

Q. Now, there are various meetings
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referenced in the exhibits and the bi-monthlies and
the communications between Mr. Ribis and various
parties that we have been supplied copies of.

Have you been in attendance or has
Mr. Ribis to your knowledge been in
attendance at each and everyone of those
meetings?

A. There have been meetings -- I would, I think
all of the meetings referenced have had a
representative of either myself, Nick or both, or
possibly Mr. Trump.

Q. How many meetings to your knowledge
has Mr. Donald Trump been involved in personally?
A. I don't recall.

Q. More than one?
A. More than one.

Q. And how about Robert Trump?
A. More than one, two or three, maybe.

Q. But, nevertheless, it's your
testimony that you were the primary person put in
charge of this as a result of what happened at last
year's renewal hearing?
A. I have been, I was designated by the Trump
organization to handle this matter, take primary
responsibility of this matter, on the side of the
Trump organization; Mr. Ribis on side of the legal.

Q. You gave some testimony in response to one of Mr. Ribis' last questions about the fact that no improvements, actual improvements had been made, and the reason for the fact that no actual improvements had been made.

Would you say that it is your testimony that was in part based on advice from your counsel, either Mr. Daniels or Mr. Ribis, not to do so?

A. I would say it was in part based on legal advice.

Q. Legal advice that you received?

A. Yes.

Q. And you discussed that with Donald Trump; is that correct, that legal advice?

A. I don't recall whether I discussed that legal advice with Donald Trump.

Q. But if you had to give your legal opinion, you would have agreed with that; is that correct?

A. I would have shared in that legal opinion; yes, sir.

Q. You gave some testimony to your knowledge all parties and/or principles, including
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the Department of Transportation, and the Department of Environmental Protection, have agreed to a settlement of this matter; is that correct?

A. That is my understanding, Mr. Adams, that is correct.

Q. Is that as a result of meetings you actually attended?

A. It's as a result of a meeting I attended that had their counsel there, and I assume counsel could speak for their principles. Yes.

Q. So you're making that statement based on your meetings with their counsel, their lawyers; is that correct?

A. I am making that statement based on my meetings with their lawyers; yes.

Q. What do you foresee happening by way of this matter, if by some chance no settlement agreement is executed on behalf of the Trump organization?

A. I really don't want to get hypothetical. I believe the settlement has been achieved. I don't -- I really can't think beyond that. The settlement has been achieved as far as I'm concerned. That's really all I can focus on.

Q. Let me ask it this way then. Would
you consider that the matter would then principally evolve as opposed to what's going to happen by way of legal proceedings you may take back to Mr. Daniels who's representing you and the other developers?

A. I don't follow your question. I'm sorry.

Q. Would you refer to him for advice as to how to further proceed in this matter?

A. I believe the settlement agreement will terminate the matter entirely.

Q. Well, assuming, let's say, the settlement agreement for some reason is not executed and signed, would you go back to Mr. Daniels, is what I'm getting at?

A. I would certainly seek the advice of Mr. Daniels and Mr. Ribis. But I just can't foresee or conceive the fact of the settlement agreement, which has been signed off by everyone responsible for it, is not completed. I treat it as completed.

MR. ADAMS: I have no further questions at this time.

CHAIRMAN READ: Thank you.

Mr. Sciarra?

CROSS-EXAMINATION

BY MR. SCIARRA:
Q. Mr. Freeman it is your testimony here today that you are or have been directly involved on behalf of the Trump organization with the activities that have occurred this past year with regard to the roadway improvement contract; is that correct?
A. Yes.
Q. You've also testified that Edwards and Kelcey was retained by the joint venturer to perform another traffic study; is that correct?
A. It was retained by three developers acting in concert. I don't know, when you mention joint venture, I don't want to confuse anyone as to whether it was done in a venture format or by three developers acting together in unison for this purpose; the Golden Nugget, Harrah's and ourselves.
Q. And what did Edwards and Kelcey do for these three companies?
A. Edwards and Kelcey performed, and I hope you have it, a full traffic and transportation study and projection and analysis, together with recommendations for the types of improvements necessary to handle all anticipated traffic through the year, I think, two thousand and five or so; the study year that was agreed upon by the state.
Q. Was that the study dated October 8, 1986, do you recall?
A. I'm sorry, I don't know the date of it, sir.
Q. Did Edwards and Kelcey in their study conclude that the two intersections could accommodate future traffic volumes at an at-grade, with simply at-grade improvements, do you recall?
A. Yes, I believe they did.
Q. Is that basically the same conclusion that the Trump organization itself had reached was needed and as was testified here by yourself and other members of the Trump organization last year?
A. It was our belief at that time to it, yes.
Q. So in other words, Edwards and Kelcey's study confirmed what your organization had indicated to the Commission last year was the traffic, the traffic, level of traffic improvements needed at those intersections?
A. I believe what we indicated to the Commission, and I don't have my prior testimony in front of me, may have been slightly different, since the at-grade improvements suggested by Edwards and Kelcey were slightly different from what we had anticipated would be required; theirs was a more
thorough approach. Ours was a kind of guess based upon Wilbur-Smith which hadn't done quite as thorough a study as Edwards and Kelcey eventually did, in my view. They did a very professional study.

Q. They were essentially of the same nature and of the same extent; is that true?
A. Insofar as neither one suggest suggested that separated improvements were required.

Q. Do you recall the cost, was there any cost that Edwards and Kelcey gave for their improvements?
A. I don't recall the cost.

Q. Now, can you tell the Commission what the response of the Department of Environmental Protection and the Department of Transportation was to the Edwards and Kelcey study?
A. I believe that the response was that Edwards and Kelcey, having been designated by the Department of Transportation, initially, as one of the professional firms that we should use in this area, their response was that, it was an excellent study but had certain questions as to anticipated development and certain other questions that they gave us back in specific fashion for further information to be submitted by Edwards and Kelcey,
which was submitted.

Q. Do you recall whether or not you're familiar with a, do you recall having reviewed a memorandum from the Department of Environmental Protection that contained an analysis of the Edwards and Kelcey study and that concluded -- this is from a Mr. Harff (phonetic), of the Department of Transportation -- and he concluded that, "We have reason to seriously doubt the adequacy of the applicant's improvement proposals." Do you recall that?

A. Yes.

Q. Do you recall Mr. Harff in his memorandum indicated that the application suffers a number of deficiencies?

A. I do recall that he so stated.

Q. Do you recall that he detailed a series of deficiencies in his response?

A. Those were subjective deficiencies, if I may.

Q. They were, excuse me?

A. Subjective deficiencies. Edwards and Kelcey does not believe that their study was deficient and disagrees totally with Mr. Harff.

Q. What do you mean by subjective
there? Just simply Mr. Harff's?
A. Yes, they are certainly Mr. Harffs. I am saying they disagree theirs is subjective as well, sir.

Q. I don't understand that. Can you explain what you mean by subjective?
A. Yes. I'm saying that two experts in this area, assuming Mr. Harff is an expert -- I don't know him, I met him once or twice -- are disagreeing as to the adequacy of the proposed improvements.

Q. So essentially what happened is that the Department of Transportation, once again, had serious problems with the proposal for simply at-grade improvements for these intersections; isn't that correct?
A. I believe Mr. Harff's letter which you have would so indicate; yes. I'm not sure, by the way, if that's clear as to all intersections and all work. I don't want to testify on behalf of, as a professional traffic engineer; I am not. The better understanding would have to come from Edwards and Kelcey and perhaps Department of Transportation as to what extent they disagreed. In all fairness, I'm not sure I understood totally some of the very technical things that were referred to back and forth between
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1 Department of Transportation and Edwards and Kelcey.
In fact, I'm sure I didn't understand them.

2 Q. What happened after Mr. Harff's criticisms were received?
3 A. My recollection is, Mr. Sciarra, that Edwards and Kelcey submitted further information in an effort to respond to some of the questions raised by Mr. Harff.

4 Q. Do you know whether or not the effort to respond by Edwards and Kelcey was successful?
5 A. They certainly did respond. It was successful in that sense. Whether or not they have convinced Mr. Harff, I don't think they did. I think eventually the Department of Transportation did not agree with the findings of Edwards and Kelcey, and that resulted in the decision by CAPRA to deny our modification request.

6 Q. When was that?
7 A. I'm sorry, I don't have the date, sir. They are on record here in evidence, somewhere.

8 Q. Does April 10th sound right to you?
9 A. Yes. It could be in that area; I don't know, sir.

10 Q. What happened is, as you're
describing it, led ultimately on April 10, 1987, to the Department of Environmental Protection denying the application requested?

A. I think the Department of Environmental Protection, relying upon the Department of Transportation, did not agree with our request for modification, which was supported by the Edwards and Kelcey study. Accordingly, denied the application.

Q. What action did the Trump organization take in response to the denial of the application by the Department of Environmental Protection?

A. Prior to the denial of the application, we had been meeting with representatives of the Attorney General's Office, DOT, CAPRA, in an effort to continue our settlement discussions. That had been going on simultaneously with the modification process. So we were proceeding along both the administrative and the settlement route.

After the -- and those settlement discussions continued, started before the denial and continued through the denial and thereafter, to culminate in where we are today. In order to protect legal rights, we filed an appeal of the denial by CAPRA of
our modification request.

That appeal was filed timely. My understanding is that action under the appeal, based on common and mutual understanding between ourselves and CAPRA, was deferred pending the conclusion of the settlement discussions, which would have culminated finally as recently as yesterday to complete the settlement.

Q. I understand what you're saying is that the appeal is held in abeyance, but it's still pending; is that correct?

A. Yes, I believe so.

Q. Do you know whether or not if the settlement fell through that appeal would be pursued?

A. I really don't want to speculate. I believe the settlement is completed and will not fall through.

Q. Who would make that decision?

A. Well, it is, there are three entities that are involved in this; Harrah's, ourselves and Golden Nugget. It seems more significant at these hearings than it does at their hearings somehow, but ... I assume the decision would be made jointly by the three of us.
Q. Now, what is the, can you explain whether or not, what is the status of the litigation in court involved in this matter?
A. Litigation has been placed on hold essentially. It's being held in abeyance there. I don't know the technical legal word for it in New Jersey, but it's inactive, I guess is the phrase, put on kind of inactive list pending ... and will be terminated as part of the settlement.

Q. It has yet to be dismissed; is that correct?
A. Well, obviously the two go together, sir.

Q. It has not been dismissed?
A. No, it has not been dismissed. It will be dismissed, it will be dismissed upon the formal execution of the settlement agreement, which calls for the delivery of releases and stipulations and whatever, to terminate litigation.

Q. If the settlement agreement is not executed, do you know whether or not the litigation would be pursued?
A. Mr. Sciarra, I don't -- you know, I really don't wish to speculate on what will happen if a settlement which has now been agreed upon is not consummated.
Q. Who would make that decision?
A. The three partners, sir, the three joint venture parties.

Q. At the moment both the appeal of the CAFRA denial of the permit application and the litigation in court is technically still pending in both the court and before the agency; isn't that correct?
A. That is correct, sir.

Q. How long do you anticipate it will take to have this agreement signed?
A. I would say it would be signed very, very shortly. I don't know if that's three days, 22 days, 24 hours, a week, but I do know that we've approved it, we're prepared to sign it right now; counsel for all, including myself and my principles. The counsel for the other side have approved it. I anticipate that could make it close very, very rapidly.

Q. When you say counsel for the other principles, can you be specific and give us their names?
A. Mr. Luciani on behalf of Golden Nugget.

Q. He has approved the agreement?
A. He has approved the agreement; concept and he's reviewing some final changes, as I indicated to
Mr. Adams in my testimony before, there were some changes made this morning. Mr. Luciani and Mr. Daniels and Mr. Whitney, I guess, on behalf of Harrah's.

Q. I'm sorry, who?
A. Mr. Daniels and Mr. Whitney on behalf of Harrah's.

Q. Mr. Daniels represents the group?
A. Mr. Daniels overall but Harrah's is relying, waiting on his completion which he's done, and Mr. Whitney who represents just Harrah's.

Q. So Mr. Daniels represents the group and Mr. Whitney represents Harrah's?
A. Yes, Harrah's.

Q. And both of those gentlemen have agreed to the proposal?
A. That's my understanding, yes.

Q. But they have not agreed to the technical language that has been, changes that you said were made this morning?
A. I said that there were some insubstantial changes, non-material, minor, pick any word that fits that language, changes made this morning that I cannot represent --

Q. What were they?
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A. May I finish?

Q. I'm sorry.

A. -- that I cannot represent have been approved by them because I haven't spoken to them since I've been here this morning.

Q. What are these insubstantial changes that you're referring to?

A. They are insubstantial, sir, their language only.

Q. What are they?

A. Without discussing the entire document, which I would rather not do, because it is not here, it's in evidence to the Commission and the DGE. If I told you, I don't know how to respond to that question. They are merely language clarifications changing no rights of the parties, completely consistent with the understandings and anticipations of the parties.

Q. Now, it's your testimony here that Mr. Trump has approved this agreement; is that correct?

A. That is correct.

Q. Is there anyone else in the Trump organization who would have to approve the agreement?

A. Just myself, I guess on this one, because I
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1 was primarily responsible for it.

2 So yourself and Mr. Trump are the
3 principles for the organization?

4 No, Mr. Trump is the principle.

5 And he's given his approval?

6 He's given his approval.

7 Who are the other principles? Do
8 you know the other principles in the other two
9 organizations that have yet to give there approval?

10 I believe that Mr. Whitney would submit to
11 Dave Hanlon who has been privy to the negotiations
12 thus far. Mr. Hanlon I believe is charged with
13 signing off. And at the Golden Nugget, I believe
14 it's Mr. Steve Wynn.

15 Do you know, it's your testimony
16 that Mr. Hanlon is, that neither Mr. Hanlon nor Mr.
17 Wynn has given there approval?

18 No, sir, I said it's my testimony that I
19 don't know whether they have given there approval or
20 not, but that their approval, I believe, is what
21 their counsel with whom I've been privy are awaiting
22 and are submitting to them for there approval

23 Well, you've talk about approval of
24 concepts and principles versus technical language.

25 Has either Mr. Wynn or Mr. Hanlon given there
approval to the principles or concepts?

A. It's my understanding that Mr., it is my
understanding that all principles have approved in
concept, sir; but I have not spoken directly to
them, I've spoken only to their lawyers.

Q. You don't know?

A. Well, to the extent that one is able to to
trust the response one gets from their lawyers, and I
am, I believe, I believe I do know. If you ask me,
do I have personal direct knowledge, I don't.

Q. Finally, I want to ask you a
question that Mr. Adams asked, again, and that is,
what would the Trump organization, what do you
believe the steps the Trump organization would take
in the event that this settlement is not consummated
and for some reason falls through?

A. I really, really don't wish to speculate
beyond the settlement at this point. I will say that
we've worked very hard to achieve this settlement and
to speculate or to even suggest that there are open
items, when there are none, would be improper on my
part at this point.

Q. One other thing. Is the settlement
simply to your knowledge incorporate at-grade
improvements at these intersections or are there any
above-grade improvements?
A. I would rather not discuss the terms of the settlement in a public area at this point.
Q. Why not?
A. I just don't think it's prudent to discuss the terms of a settlement in a public area at this time. We have submitted the document to the Commission and to the DGE, and I would rather let the document speak for itself.

MR. RIBIS: Just to interpose. We have been requested by Mr. Belsole and Ms. Portiz, in fairness to Mr. Freeman, I have, and I've passed it on to Mr. Freeman, that when we started our discussions, we agreed not to have any public discussion of any discussions, and that has carried through. As recently as yesterday and this morning, again, we were requested not to get into detailed discussions of the agreement, and I think Mr. Freeman is not trying to evade the question but is properly following the guidelines that we commenced negotiations with. Thank you.

BY MR. SCIARRA:
Q. I take it, Mr. Freeman, when the
agreement is signed you could come to the Commission and discuss some of these details; is that true?

A. We will be submitting a full copy of the agreement to the Commission, sir.

MR. SCIARRA: Nothing further.

CHAIRMAN READ: Thank you.

Commissioner Zeitz?

EXAMINATION BY VICE-CHAIR ZEITZ:

Q. Just to follow Mr. Sciarra's last question. Presumably, then, the agreement is perfected finally and executed. Then it's an agreement between the New Jersey Department of Transportation and the New Jersey Coastal Area Facility Review Agency and the joint venture; correct.

A. Yes, sir.

Q. Whatever it says it will say?

A. Absolutely.

Q. It is not an agreement with this Commission?

A. That is correct.

COMMISSIONER ZEITZ: Thank you.

CHAIRMAN READ: Commissioner Burdge?

EXAMINATION BY COMMISSIONER BURDGE:
Q. Mr. Freeman, have you discussed the agreement with the attorneys for the DOT and the DEP?
A. Yes, sir. They have been privy. They have been fully privy to the entire drafting and negotiation and indeed the most recent drafting was done by the Attorney General's Office in conjunction with at attorneys for the DOT and DEP, sir.

Q. Let's talk positive. Let's say this agreement is signed by all parties. Can you tell me when construction would begin?
A. The construction would be undertaken by the Department of Transportation under the terms of the settlement. We would not be doing any physical construction. I think it's anticipated that the construction would begin very rapidly, but it would not be in our control, sir.

Q. Let's say the agreement falls through. I note that Mr. Trump moved a little faster in New York City than the government has in accomplishing a problem they had and brought it about in a shorter period of time than was estimated. Was Mr. Trump ever asked to take on the building of the roadway by the DOT?
A. I don't believe Mr. Trump was ever personally asked to take on the building of the
roadway, sir. I'm not sure I'm following your question, sir.

Q. My concern is that we won't have a roadway in the Summer of 1987. This matter was before us last year. We may not have a roadway for the citizens who live in that area in 1988. I want to know are we going to have one in 1989, 1988 ... this matter has just been dragging on and dragging on. Sometimes when you have private enterprise who get into these matters, they move much quicker than government does.

I would like to know when construction is going to start.

A. I believe that our discussions with the Department of Transportation, Mr. Commissioner, has indicated that they, too, are anxious to start construction. Our obligations is to fund money, are timed as rapidly as they can do and perform the construction, and indeed some of it in advance of that. It's my hope and belief that they will indeed commence construction rapidly and satisfactorily to all concerned. But it would be something that they in their expertise and design would have to determine and not us, sir.

COMMISSIONER BURDGE: No further
CHAIRMAN READ: Ms. Armstrong?

EXAMINATION BY COMMISSIONER ARMSTRONG:

Q. Mr. Freeman, I think you indicated that if the latest draft of the agreement is signed, that the litigation which is presently pending in the Atlantic County Superior Court will be dismissed.

Now, it is my understanding that the City of Atlantic City and the City of Brigantine were interveners in that litigation; is that correct.

A. I think you're right. Yes, I think you're correct.

Q. Has there been any consideration as to how those interveners will factor in terms of dismissal of the suit versus whatever the contract says?

A. I'm not sure that has been considered, Ms. Commissioner.

Q. To the best of your knowledge then, there has not been consultation with representatives of the City of Brigantine or the City of Atlantic City regarding their position on dismissal of the suit in light of this latest draft and proposal?

A. It has been our anticipation that the work,
the answer is, I do not believe that there has been
direct consultation with either one; I think you're
correct in that.

There has been consultation
throughout the term of all this negotiation
with the city and with Brigantine, as well.
But the question that you're raising as to
whether or not there has been specific
consultation about the termination of the
lawsuit, I don't believe that has taken
place. It has been my understanding that
the work that will be performed by DOT as
part of the settlement is very consistent
with the work that has been requested
certainly by the City of Brigantine, and
that the mayor of Brigantine, Mr. Kline, has
always stated to us that he places great
reliance upon DOT's expertise in this area,
and DOT will be determining what they will
be building in that area.

Q. I think there were some questions
directed toward you which I think actually applied to
I think a need which has long been recognized, in
light of this whole controversy about the roadway,
but an undisputed need for at least one or two
additional righthand turn lanes out of the City of Brigantine heading over the bridge going back toward Atlantic City.

I think somebody posed a question to you as to why perhaps in light of the fact that there really appears to never have been a disagreement as to the need for that particular roadway improvement, as to why perhaps those improvements were not started during this past year? I think you indicated those improvements could only be done really in the context of an overall agreement or the overall course of litigation. You said that was based at least partially on legal advice.

My specific question is, was there any specific discussion with DOT or CAFRA concerning, and I'm saying discussion by your organization, concerning any attempt to pursue that construction independent of but simultaneously while you were attempting to pursue the modifications of the CAFRA permit?

A. I think all efforts were focused on an overall traffic settlement and an overall traffic
plan that would achieve a good level of service within the entire area.

I don't believe there were any specific discussions about isolating, uncoupling, if you will, one aspect of the plan, performing that, and trying to preserve rights on both sides and all sides as to the rest. I think that was the position that was probably universal among all parties at that time, Ms. Commissioner, that we couldn't focus on trying to -- we were looking for an overall traffic solution. There was dispute as to what was required, what was not, and I'm not a sufficient traffic expert to know for sure that if we do one particular lane, whether it be one or two, that it doesn't have affects on the balance of a plan that is being assembled for the overall traffic in the area. There were several traffic plans that were put forth, the Edwards and Kelcey, DOT disagreed, Wilbur-Smith had a different one as to what improvements. I don't know you can do one without affecting all of the rest physically, as well as the legal issue
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which you alluded to.

Q. I think you indicated, in response
to questioning by one of the attorneys, that the
settlement is achieved as far as your concerned.

I appreciate what you're saying,

but I think the history here requires us all
to be cautious about this. I know
apparently back in March it appeared as
though a substantial settlement had been
reached and there's an exhibit in the file
which is a letter from Mr. Daniels to Mr.
Belsole expressing some distress at the
fact that they thought that a substantial
agreement had been arrived at and apparently
it had not been. So I think that we all
hope there is an agreement here, but I think
it's reasonable to question what if there
isn't.

I think you indicated, in response
to several questions that you do not wish to
speculate on the "what if" the agreement is
not signed.

Can I take it that by that response
that there is at this point in time no
specific contingency plan as to as to "what
if" happens if this agreement is not
executed.

A. That is correct. I am operating on the
assumption that we have settled this matter and I at
the moment have no contingency plan.

Q. Okay. With regard to any aspect of
the roadway improvement, particularly what I'm
getting at, there is no specific contingency plan to
deal with the question of the roadway out of
Brigantine?

A. At this time, that is correct.

COMMISSIONER ARMSTRONG: Thank you.

COMMISSIONER WATERS: I have no

questions.

EXAMINATION BY CHAIRMAN READ:

Q. Mr. Freeman, in response to
questions that Mr. Sciarrara asked, you referred to the
joint agreement by all parties. When he asked you of
specific counsel involved and the principles who
would get to review it before signing it, he named
counsel for Trump organization, Harrah's and Nugget,
and for the overall group, to the extent that they
were also represented on separate counsel that
covered all three.

Could you give us similar
identification of the other signatories of the agreement?
A. For the Department of Transportation?
Q. Whoever else is involved in the agreement.
A. It would be the people who have signed off this agreement. They are Debra Poritz, on behalf of the Attorney General's office; Michael Fichera, on behalf of DOT; and Steve Brower, on behalf of CAFRA; and I hope I'm not leaving anyone out. I don't want to --
Q. We don't want to insult anybody at this moment?
A. I certainly don't want to insult them. Let me check with counsel.

MR. RIBIS: I think Mr. Belsole, also --

THE WITNESS: Would he like his name on that?

MR. RIBIS: I think so. And Mr. Van Dalen, on behalf of CAFRA, in conjunction with Mr. Brower.

THE WITNESS: Okay.

CHAIRMAN READ: Mr. Van Dalen would also be entered, as well as Mr. Brower for
CAFRA?

MR. RIBIS: That's correct.

BY CHAIRMAN READ:

Q. Mr. Belsole's role is for the Attorney General?

A. Yes, sir.

Q. So that the Attorney General's Office, I guess I still haven't gotten the answer, the rest of the question really; who all is involved, will be involved as signatories to the agreement and what principles have to review it for that purpose?

A. I believe the only principle remaining on the state side would be Commissioner Gluck of the Department of Transportation, and Director Weingart on behalf of CAFRA. I'm not sure whether he has completed his review. Those are the two principles on that side that I would be referring to.

Q. They would still be reviewing it. As far as you know, they have not seen the final form. They have agreed in principle but not in final writing?

A. My understanding is that they have agreed to all of the business terms of the settlement, and that they would like to review the final language to make sure their counsel have correctly reflected those
terms.

Q. Although I respect the request coming from counsel for the parties that we should not discuss the individual terms of this agreement, nevertheless, in response to a question Commissioner Burdge put, I gather that it is part of the agreement that the Department of Transportation is to carry forward the construction. Commissioner Burdge asked if Mr. Trump was ever asked to take on construction of the roadway. I noted you answered very carefully that to the best of your knowledge Mr. Trump was not individually personally asked.

Could you expand on that?

A. I did not believe Mr. Trump has ever been asked to perform the state's obligations on the roadway.

Q. I understand that. Has the Trump organization or anybody connected in any way with Mr. Trump been asked by the Department of Transportation or by anyone else in connection with this obligation to take on the actual construction? Having in mind, as Mr. Burdge quite fully pointed out, and as Mr. Trump has pointed out to us on several occasions, he did a superb job in New York, I would like to see a superb job done in the Marina, and I wondered what
his availability or the availability of the organization might be to beat the time and expense of a public body.

A. Your direct question was, has he or anybody been asked to perform that work? The answer is, not to my knowledge.

Q. You did indicate, I think, in your direct testimony, several times over, that the problems and solutions with respect to the construction of the roadway of the three licensees are identical. Again, without going to the question of how it may have been handled in the final draft, it's my recollection that that's not totally accurate, at least that's not the way it's been treated in some of the earlier negotiations. That Nugget has been given some sort of different treatment because, (A), they don't have any building in operation, and I think they have been treated differently with respect to the negotiations; would that be right?

A. I think only intersay, only among our side, I think vis-a-vis the state the problems are identical.

Q. They are treated all the same?

A. Yes, vis-a-vis the state. Intersay, and
without disclosing too much more of the agreement.

Intersay they may not --

Q. I'm going back to the earlier materials and questioning the accuracy of your statement.

A. I'm sorry?

Q. I'm going back to the earlier material submitted to us and questioning the accuracy.

A. Certainly they do not have an extent casino. One could say that they perhaps should have some different desires and views. On the other hand, their obligations and their rights are essentially identical to ours.

Q. I'm not sure that I understood your answers to be consistent between the answers that you gave to Mr. Ribis on your direct testimony and the answers you gave to Commission Armstrong with respect to her questions on the severability of the work to be done.

I understood you to say, in response to your direct testimony, the question from Mr. Ribis, that the Department of Transportation had declined your offer to do some work earlier than the agreement
because of their desire to have the whole work treated in a single agreement. I understood you to say more recently to Commissioner Armstrong that it was the question of advice of counsel and really no consideration being given to severability. Those seem to be inconsistent.

A. I don't intend them to be inconsistent. Let me clarify.

You will recall at our last hearing a year ago there were discussions and matters put in evidence, whereby we had offered to do certain interim improvements of some kind, and the response from DOT at that point was that we could not do that without assurance that we would be doing, we would agree to do the balance of the separated improvements as well. So I think that position which preceded even our last hearing, kind of carried through. That, I think, is what I was responding to in Mr. Ribis' questioning. I think it is consistent with my answer to Commissioner Armstrong, in that it really didn't come up again during the more recent period.
Q. I understand your reluctance not --
I forget who was asking the question, I think
possibly Mr. Adams, but I think Mr. Sciarra also
asked a question -- and I understand your reluctance
to try to name a specific date by which the agreement
might be fully executed. I think from our point of
view, it's a very important thing, because, quite
frankly, until that agreement is executed, I don't
conceive that we're really maybe not as well off as
we were last year when we were looking back to an
earlier agreement that we thought was still going to
be carried out.

Realistically, give us a ballpark,
what do you think is the earliest it might
be fully executed? I'm not talking about
agreed to by everybody orally, I'm talking
about a fully executed agreement, nearest
date and most remote, realistically.

A. Mr. Chairman, I think, my belief, my
personal belief is that it will and should be done
within a week. I do believe that. The document is
substantially drawn. The language has been approved
to the point where we're making changes, as I
indicated in my response to Mr. Sciarra, that they
are merely language changes and not substance at all.
CHAIRMAN READ: As a lawyer I wonder about language changes.

THE WITNESS: So do I. On the other hand, I'm saying that it's at that level of change and not at the level of anything more to discuss than that level of change. I personally believe it will be done within a week. I can foresee no reason why it should not be done. I know that Mr. Sciarra stood up and indicated that we should defer this hearing and licensure until indeed it is done.

CHAIRMAN READ: We'll make that decision.

THE WITNESS: I understand. I'm sure you will, sir. It's my fear that type of approach is the only thing that could interfere with it being done, that parties could sometimes then believe they have a different bargaining posture. Subject to that not happening, I do believe it will be done within a week.

CHAIRMAN READ: Thank you. Mr. Zimmerman?

MR. ZIMMERMAN: No questions.
CHAIRMAN READ: Any more redirect?

MR. RIBIS: Nothing further.

MR. ADAMS: No further questions, Mr. Chairman.

CHAIRMAN READ: Any question from any Commissioner?

MR. SCIARRA: I just have one more, Mr. Chairman.

MR. SCIARRA: Sciarra.

CROSS-EXAMINATION

BY MR. SCIARRA:

Q. Commissioner Armstrong, Mr. Freeman, indicated the undisputed need for the improvements to the roadways going out of Brigantine. I believe, as you'll recall, there was substantial testimony at the hearing last year about the traffic congestion and traffic problems as a result of the absence of the failure to make those improvements.

I wanted to know, and I'll ask you this on behalf of the Trump organization, whether or not anyone in the Trump organization, whether you are or anyone else in the Trump organization may be aware of the number of traffic accidents and injuries and deaths to motorists that have occurred
on the roadways going out of Brigantine in this past year.

A. I personally am not aware of the number of accidents.

Q. You don't know?

A. The number of accidents? I'm afraid I don't, sir.

Q. Do you know whether or not you or anyone in the Trump organization would know of the number of traffic accidents and injuries and/or deaths to motorists that would have occurred on those roads as a result of congested traffic conditions in that area?

A. I don't know. Certainly, there has certainly been evidence and studies done as to what the needs are, and that's a part of all we've been working on thus far for the last year since I've seen you last. I certainly don't know the exact number of injuries there or particular place. I can't respond to you intelligently. I'm sorry.

Q. Do you have any information related to accidents and injuries?

A. I personally do not.

Q. You do not?

A. I personally do not.
MR. SCIARRA: I have nothing further.

CHAIRMAN READ: Thank you.

Any further questions from anyone for Mr. Freeman?

If not, thank you, Mr. Freeman.

THE WITNESS: Thank you, Mr. Chairman.

(Witness excused.)

MR. RIBIS: I have a short witness, Mr. Miller. I would like to have a few boards I would like to bring out. If that's okay with you to do it at this time.

CHAIRMAN READ: Fine. Let's get that one out of the way then.
Q. Is it anticipated in the future, if Mr. Trump is successful in acquiring the Resorts B stock, what you would be focusing on at that time, in conjunction with your casino-hotel work, with Mr. Trump?

A. It is truly my anticipation to do so.

Q. Could you explain to the Commission what you'll be doing if that comes about, in addition to the work at the casinos.

A. With the acquisition of the Resorts?

Q. Yes.

A. I would expect, we haven't gotten into too many discussions with it yet, but I would fully expect we would get right into there to see that the project continues to move along in the proper direction for a timely completion.

Q. What about the housing aspects, have you discussed that element of low and middle-income housing?

A. Oh, yes, we've discussed that.

Q. Is that going to be one of your responsibilities?

A. Yes, it will be.

Q. From an in-house, working in-house for Mr. Trump?
Q. Specifically referring to what has been marked as A-27 in evidence, could you describe for the Commission what that rendering shows.

A. All right. The rendering you are looking at here is the result of about a year's planning work that we've had undergone since about this time last year, for an expansion of the -- what you see here is the present Castle facility with the tower, the rainbow and the title and the base of the tower, as you would approach it from the entrance to the project.

We are showing here a major expansion with a tower of about 12 stories from the ground, that would be perpendicular to the one of the high rise existing tower, that would provide somewhere approximately of about a hundred room suites.

Sitting below, which would be the major element of the expansion, would be a large ballroom of about 18,000 square feet, with all of the support facilities for all kinds of events, conventions, exhibits, banquets and entertainment types of functions.
It would be placed exactly on the same level as the third floor that has all of the qualified public facilities, the restaurants and lounges and so forth and, as the casino is located. It comprises something like 250,000 square feet in expansion to the project. As you may recall, it was a part of a master building program when the project was originally approved before this Commission.

Q. Have you estimated the cost of these improvements and the construction time schedule?

A. We have not gotten down into precise costs, but we're talking in the area of 40 to $50 million dollars.

Q. And the time, when is construction anticipated to commence?

A. Well, we just had meetings on this. We're committed to start construction October 1st.

Q. How long would the construction period be?

A. It would be my estimate that we would be looking at 15 to 18 months for the total program.

Q. Now, referring to Exhibit A-28.
F. Miller - direct

1 Could you just describe for the Commission what that exhibit shows?
2
3 A. Yes. Just very briefly, it's hard to visualize, the graphic area you see here that is non-colored, represents the existing facility along the third level.

4 Brigantine Boulevard runs by the rear here. Huron would be down here with the Marina facility on the other side.

5 You are looking at the promenade along the casino and the main atrium.

6 The blue indicates the expanded area at the rear where we have this very large flexible type of a ballroom facility that can be sub-divided with several prefunction areas, with kitchen support around it, serving off of the back of the house functions here.

7 The tower facility would extend right over this portion where you see all of the columns, and would tie into the present cprps of service facilities, elevators and the such, of the existing tower.

8 Q. This is Exhibit A-29. Would you explain what that is, this section of the diagram?
1 A. This is a diagramatic section, which simply relates the areas, the blue again being the ballroom, and with the present restaurant casino floor, it would tie right out through the rear, extending about 120 feet, 20 feet in height with coffers about 24 feet in height, giving a very decent type of ballroom space. This would be the tower with the eight levels above for the guest rooms.

2 Q. Have additional meetings rooms been added to the facility as part of this expansion?

3 A. Yes. Due to the height of the ballroom, that is necessary for such a large space, we had the opportunity within the building structure to tie, also, into the fourth floor which, as you may know, is essentially a meeting and exhibition type of floor. We would make the connection in and we would add several, five or six other meeting room areas to the meeting and exhibition category.

4 Q. Over the past year, Mr. Miller, have you been involved in the ongoing projects at the facility and the improvements made at the facility?

5 A. Yes, very much so.

6 Q. Could you quickly describe for the Commission what has been done and the type of capital expenditures that have been ongoing in the facility
over the past year?

A. Yes, I can. I would say almost immediately since the facility became licensed with Mr. Trump, we proceeded immediately, and I think within a four to six month period, completed a health facility there. I believe that facility was at a cost of between three quarters and one million dollars. We then proceeded into a a series of additional restaurant facilities, first with expansion of the coffee shop area, which is found to be very desirable. That was completed, I believe, late 1985 or early 1986.

The year 1986 involved several restaurant completions in the facility beginning with an ice cream parlor, which I believe was completed in the Spring or Summer of 1986. We went immediately into a sort of a quite bar and restaurant facility on the fourth floor. That necessitated and we did get approval through the Commission here for a deletion of some meeting rooms in there, and I think there was a waiver involved in that, with the promise and the commitment that we would provide a new ball room, which we did on the fourth floor, under a time schedule to have it completed
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- ham and cabbage
  - Corn beef and cabbage
  - Stuffed cabbage
  - Potatoes and stuffed potatoes
  - Soda bread

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under a time schedule to have it completed
somewhere before the end of 1986, which I believe was done, and that included a deli type of restaurant facility, also, on the fourth floor.

There were some miscellaneous things done through those periods of time. The total expenditure, I think, ran approximately $18 million for those facilities.

Q. Now, we're looking at Exhibit A-31. Could you explain to the Commission what that exhibit shows?

A. Yes, I would like to. This exhibit that you see here is one of the conceptual sketches that our office has been working on towards the point of getting into the program of the upgrading of the Farley S. Marina Center.

We are showing here in this drawing a facility that would represent a two-story addition as a replacement to the present Marina building. As you perhaps are aware, that building is precisely on the center line with the Marina facility itself and at the entrance of Trump Castle.

We think it's important to show
this overhead connection for the traffic flow between the facility at the third floor, where we have restaurants and lounges and so forth, directly on center line across, connecting up with the second level of the Marina, that would be a wonderful seafood type of restaurant, which would have a very good marina-type relationship.

The ground floor level of this would provide for public lavatories, visitors' facilities and some retail areas, they would be interconnected with elevators and such.

We think it would provide a wonderful type of gateway down Huron Avenue for both the Marina and the Trump's Castle facility.

Q. In addition to those, the work you just described, is there additional work which is required in the Marina itself?
A. Yes. The upgrading of the facilities, the docks, the piers, the pilings, parking facilities, lighting and some landscaping, is part of that program.

Q. As part of the agreement to manage
the Marina that Mr. Trump has entered into with the State of New Jersey, what is the approximate amount of those improvements which will be done to the Marina?

A. I believe that's in the area of $11 million.

Q. When do you anticipate that the construction of these improvements will commence?

A. Well, we're proceeding right now with the design work. It is our hope to make a major effort in the improvements of the dock facilities over the winter months. So that by the next season, there would be a substantial improvement there.

MR. RIBIS: Thank you.

I have no further questions.

CHAIRMAN READ: Mr. Adams?

MR. ADAMS: No questions Mr. Chairman.

CHAIRMAN READ: Mr. Sciarra?

MR. SCIARRA: No questions.

CHAIRMAN READ: Mr. Zeitz?

EXAMINATION BY VICE-CHAIR ZEITZ:

Q. Mr. Miller, that expansion project, a hundred additional hotel suites and expansion of public spaces, does that include any addition to the 2,900 spaces garage now part of the project?
Examination by Vice-Chair Zeitz

A. No, I don't believe it does.

Q. So there won't be any addition required in terms of parking capacity for the facility to complete that?

A. To the best of my knowledge, this project has all of its city approvals, of which, of course, included the traffic study and so forth. It did get approval.

Q. You say that this phased expansion was envisioned in the original concept of the project when -- let me withdraw that and try that again? This phase of the project, this expansion was contained within the concept when the project was first constructed?

A. Yes, it was; not in the precise context of this, there have been some adjustments, but in a general manner under Hilton there was a master plan proposed and approved by the city.

Q. Well, the developer of the project, which was Hilton Corporation, built a 2,900 space garage, did it not?

A. I believe it's around that number; yes, sir.

Q. And Hilton presented a phased construction program to eventually reach the peak of two thousand hotel rooms.
Examination by Vice-Chair Zeitz

Do you know whether or not the garage was designed to handle the maximum hotel room development of the project? If you know.

A. No I do not.

COMMISSIONER ZEITZ: Thank you.

CHAIRMAN READ: Commissioner Burdge?

COMMISSIONER BURDGE: No questions.

CHAIRMAN READ: Ms. Armstrong?

COMMISSIONER ARMSTRONG: No questions.

CHAIRMAN READ: Commissioner Waters?

COMMISSIONER WATERS: No questions.

CHAIRMAN READ: Mr. Zimmerman?

MR. ZIMMERMAN: No questions.

CHAIRMAN READ: Anything further for anybody for Mr. Miller?

Mr. Miller, thank you.

THE WITNESS: Thank you, sir.

([Witness excused.])

CHAIRMAN READ: That's it as far as you're concerned?

MR. RIBIS: I have nothing further.
Examination by Vice-Chair Zeitz

We would rest.

CHAIRMAN READ: I would suggest
then that we take a break at this time and
come back in an hour.

(There is a luncheon recess at 1:15 p.m.)
A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

(Commencing at 2:50 p.m.)

(All five Commissioners are present.)

CHAIRMAN READ: If we can come back to order, please.

It is my understanding that we have finished, Mr. Ribis, with all of your witnesses. You do not anticipate calling any more?

MR. RIBIS: That's correct, Mr. Chairman.

CHAIRMAN READ: Mr. Adams?

MR. ADAMS: We have no witnesses at this time, Mr. Chairman.

CHAIRMAN READ: Mr. Sciarra?

MR. SCIARRA: None, Mr. Chairman.

CHAIRMAN READ: In that event, I would assume we are, our normal course of events, ready to come to closing arguments or presentations.

I would comment before any decision is made with respect to that, that I thoroughly recognize and respect the concern that Mr. Freeman expressed when he was on the stand as to any possible delay for the
purpose of waiting until the agreement is fully signed. I think that's a very real risk and concern and, as I said, I fully recognize it. On the other hand, we have not seen and there has not been introduced into the record anything with respect to the final contract or agreement -- when I say we haven't seen anything, we've seen drafts, seen some modifications, we've seen some inked notations as to more recent changes -- I'm not sure we had the ones as of this morning or not -- but it's an incomplete agreement; there are no signature lines, no closing -- what we do have is incomplete.

Quite frankly, I would like to see at least that. Obviously it would be highly preferable if it were fully signed, but, as I've indicated, that might make things very difficult and some people, whoever, might perceive that this was a bargaining chip, if we did put a definite limitation that we wouldn't consider final licensure until such time as a fully executed agreement is presented to us.

I would like to suggest, therefore,
that we delay at this time coming to a final decision until such time as we do have an opportunity to see what purports to be the final agreement, preferably a signed one, if it's available.

In view of the time factors that Mr. Freeman did suggest seemed possible, and in view of the fact that the Trump interest will be appearing before us on Wednesday, June 10th at our open public meeting at that time, that it might be convenient to carry final decision in the matter until that time. It would not inconvenience them, as far as an additional appearance, and it might work out very well, because that meeting is here in Lawrenceville and we can address it in that sort of a context.

If it's been signed and we have such an agreement available before us, fine, we can take that into consideration. If it hasn't been signed, we'll look at it in the context of that and why it hasn't been signed and the whole picture in that fashion; presumably we would have the agreement in final form at that stage, at
least agreed to by virtually all of the parties, if not by all, all of them preferably.

However, if we do handle it in that fashion, I think it does present counsel with something of a decision that has to be made.

The record would be kept open for the receipt of that additional exhibit. In that posture, I don't know whether counsel would want to close until the record itself is closed. I leave that up to you at this time. It's your decision. I would guess you would want to hold it open, but we can handle it either way that you may choose.

MR. RIBIS: I think we could proceed with closings and I really have a full platter on the 10th, as you know, with what's coming up. I think it would be unfair under those circumstances, well knowing what we have coming up on the 10th, and the short string you have placed me on for responding to those papers in the joint petition, I would preferably sum up today and make my comments today. I personally
feel that it's unfortunate that we find ourselves in this position, but I am prepared to move ahead and sum up, and I would believe that the record should be closed but for the one item that the Commission seems to --

CHAIRMAN READ: If the record is open, Mr. Ribis, it's open for all purposes.

MR. RIBIS: Then I would like to sum up.

CHAIRMAN READ: I would not under those circumstances enforce other counsel, if they choose not to. That might influence your decision. I gather Mr. Ribis would like to close.

Mr. Adams, any comments?

MR. ADAMS: Mr. Chairman, I would certainly like an opportunity to consult with Director Parrillo on this. I would be inclined, in light of your comments, however, to hold off on the Division's closing at this point.

CHAIRMAN READ: Mr. Sciarra?

MR. SCIARRA: Mr. Chairman, my closing is based on what's been presented so
far. So if I did close, it would be based on the evidence that's been presented at this juncture. Obviously if there is additional evidence to be presented at a later date, it might warrant some comment and might change the nature of my arguments at this point. But with that in mind, I'm prepared to make some remarks on the evidence that's been presented today.

CHAIRMAN READ: Fine. Well, why don't we take a brief break, Mr. Adams, give you an opportunity to consult and let us know what decision you come to as promptly as you can.

MR. ADAMS: I would appreciate that, Mr. Chairman.

CHAIRMAN READ: Five minutes or so, ought to do it?

MR. ADAMS: Yes, he's in the building.

CHAIRMAN READ: Fine.

(Brief recess at 2:57 p.m.)

(Hearing reconvened at 3:07 p.m.)

(All five Commissioners are present.)

CHAIRMAN READ: If we can come back
to order then.

Mr. Adams.

MR. ADAMS: Thank you, Mr. Chairman.

I've had an opportunity to discuss the matter with Director Parrillo. At this point, again, I'll emphasize, in light of your comments, we would take the opportunity of postponing our closing until that June 10th date.

CHAIRMAN READ: Mr. Ribis, it's still your choice. I gather we're not going to hear other closings at this time, unless the Advocate wants to close on a limited basis.

MR. RIBIS: I obviously am in a position that's very unfortunate. I think it's unfortunate because of a lot of time, effort and hard work that has gone into the contract negotiations with DOT and CAPRA and the Attorney General's Office. I think it's unfortunate from the standpoint that the impressions which are left in this room today are, I think, are inappropriate under the proofs. I think that I have no choice but not to close because, why would I close
if the Division of Gaming Enforcement who
precedes me in summation and the Public
Advocate are not closing?

I think that it puts -- the factors
which have gone into getting the settlement
to this point and the conditions of my
casino license don't relate to the issue at
hand. I regard the deferral as detrimental
and potentially detrimental to the
settlement that has been negotiated over a
long period of time. I really don't desire
it --

CHAIRMAN READ: Is being
negotiated, Mr. Ribis.

MR. RIBIS: It's not being
negotiated. It's not being negotiated, it
has been negotiated. It has been settled.

If there's any question about that,
I'm sure --

CHAIRMAN READ: We don't have
anything to be presented to us in the record
at this moment.

MR. RIBIS: I'm not sure what could
be presented in the record other than --

CHAIRMAN READ: That's exactly what
I just said.

MR. RIBIS: -- other than what you have called an executed contract. That we don't have, obviously. But I do believe that counsel for the state has indicated clearly that the matter is settled, supplementing our discussions today, I have spoken to Ms. Portiz again, and I don't believe that from the state agency point of view, which I believe would be the major concern of this Commission, that there's any question that the terms of the settlement have been agreed upon by the agencies, DOT and CAFRA, by the applicant here today, by the other representatives of the other casinos.

Also, I must say that the suggestion that it's not settled will be or could be detrimental to the ultimate resolution of the matter. That's what concerns me. As I've stated that before. I think Mr. Freeman alluded to it in his testimony. And it is of personally great concern to me, because the fact is negotiations have finished.
As you know, in any settlement, documents go through various forms. It started back in March with the initial proposal. It has continued through counterproposals, responses to counterproposals; to the settlement document you see here today.

That is at a time --

CHAIRMAN READ: But there is no settlement document that we see here today, Mr. Ribis.

MR. RIBIS: There is a settlement document that I have supplied Commission staff, which included all of the revisions up until 9:30 this morning when it was telecopied here from the representative from Debra Poritz.

CHAIRMAN READ: There is not one word in the record. The problem I have with the position that you have taken, and that I indicated with respect to wanting testimony here today, is that we have to look at the record before us.

MR. RIBIS: I understand that. I think in some way the Commission's position
puts us in the position of guaranteeing action by an applicant and a former licensee which we do not have control of.

CHAIRMAN READ: Not at all. We understand that.

MR. RIBIS: We're willing to --

CHAIRMAN READ: Mr. Ribis, we have not asked for that at all. If it's possible and available and you can give it to us, fine. If it isn't available on that basis, give us that and that's fine. We'll consider it at that time. This is not anything that's dependent on that. We will consider it on the 10th of June. I would point out to you that last year the license hearing concluded on the 11th of June. Your license doesn't expire until the 19th. If we sit down on the 10th of June and we hear where we stand at that time and we have additional materials to consider at that time, you're a day ahead of where you were last year. You've got nine days before your license expires. If there's anything to be adjusted at that time, we'll consider it at that time.
I'll tell you right now in case there is any question in your mind, I'm not sure, depending on what we get, with respect to this material, that I'm prepared to come to a conclusion on the 10th of June. We'll sit at that time and consider it.

COMMISSIONER ZEITZ: Mr. Chairman, can I comment that it seems to me that, I appreciate Mr. Ribis' concerns. If we reach that kind of a pass -- I'm trying to dance around this. If we reach that kind of a pass on the 10th of June, obviously everything we've heard today, either counts for or not good faith efforts.

There's an undercurrent plus what we've heard that indicates that the state agencies are generally in total satisfaction with this agreement. Certainly we know that TCA is. If for any reason a perfected and executed copy doesn't enter the record here and the reasons for that lay elsewhere, that would be something that would be considered, I'm sure, would be understood in the general weighting of all of the evidence and where this has all gotten to at this point.
That's deliberately vague, but ... 

CHAIRMAN READ: Any further comment from the Commission?

Anything further to be brought to us at this time?

We do have an open public meeting scheduled for tomorrow, which will be held. We have another matter that we were going to consider at 10 o'clock promptly before this matter came on, if we had gone forward. So we will meet tomorrow morning here. In any event -- let me just say, if all questions are resolved and you would like to come before us before the 10th of June, then we can advertise a public meeting to accommodate that, we're perfectly free to do it and I would be glad to try to accommodate any such request.

I spoke specifically at returning this matter until the 10th of June because I was aware of the fact that the parties were going to be before us at that time. I guess, Mr. Sciarras, you didn't plan to be here at that time, but I think the Division and the Trump organization were going to be here.
In any event, I made that suggestion as a matter of accommodation simply as a convenience to the parties. If you would like to have it before that time, and we're in a position to do it, we'll be glad to advance the time schedule.

MR. RIBIS: We're already noticed Monday and Tuesday, also. I think if something occurs between now and then, we'll inform the Commission and the Division of that, so that we don't have to drag the matter out until later.

MR. ADAMS: Yes.

CHAIRMAN READ: Maybe it would be better to adjourn it until Tuesday at this stage, we can always adjourn it on Tuesday until the 10th if that's appropriate.

MR. ADAMS: Absolutely, Mr. Chairman. I would agree.

CHAIRMAN READ: Mr. Ribis, you don't think there's a chance just mechanically of having it signed before Tuesday, would you guess?

MR. RIBIS: Excuse me. I'm sorry. I'm listening.
(Brief pause.)

CHAIRMAN READ: When you're ready, let me know.

MR. RIBIS: I've been requested to note for the record that this identically was presented to the Commission in a prior licensing application. Its handling of that in the eyes of counsel and its client deems different here than it was a week or so ago. At which time the representations of counsel for Harrah's were sufficient and the statement of Harrah's counsel were sufficient regarding the status of negotiations and the good faith efforts --

CHAIRMAN READ: The licensing conditions with respect to Harrah's were different, too, Mr. Ribis.

MR. RIBIS: That is correct. I don't see a license condition which relates to the execution of an agreement. What I see are three conditions which require good faith efforts.

CHAIRMAN READ: That's exactly what I'm talking about. You want to press the point?
MR. RIBIS: I don't want to press
the point. I think I've made my statement.
At this time, I would request that the
matter be adjourned until Tuesday.

CHAIRMAN READ: Thank you. We will
stand adjourned then until Tuesday June 2nd
at 10 o'clock here, with the understanding
that if we do not have any additional
materials or if there's nothing further to
be brought to us at that time, that the
meeting at that time will be pre-emptory and
presumably we'll adjourn. For purposes of
this time, we will plan to reassemble here
on Tuesday, the 2nd.

We stand adjourned.

(Meeting adjourned at 3:16 p.m. to reconvene
at 10:00 a.m., Tuesday, June 2nd, 1987.)
CERTIFICATION

I, Gregory T. DiDonato, Certified Shorthand Reporter and Notary Public of the State of NEW JERSEY, do hereby certify that the foregoing is a true and accurate transcription of my Stenographic Notes in the matter of:

APPLICATION OF TRUMP’S CASTLE ASSOCIATES FOR RENEWAL OF THEIR PLENARY CASINO LICENSE.

held at the place and on the date hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney nor counsel for, nor related to or employed by, any of the parties to the action in which this hearing was taken.

AND FURTHER that I am not a relative or employee of any of the parties or attorney or counsel employed in this case, nor am I financially interested in the case.

Dated: May 28, 1987

Gregory T. DiDonato
Certified Shorthand Reporter
#541