

FROM VERMANTO'S BAR & REST

TO ~~THE~~

PA GAMING CONTROL BOARD

MY WIFE & I WISH TO
LET THE GAMING BOARD
KNOW OUR FEELINGS
ABOUT WHERE THE GAMING
LICENSE WOULD DO THE
MOST GOOD. FOR THE
CITY & FOR THE
NORTH SHORE NEIGHBORHOODS

#1 IDEAL LOCATION THE
BEST VIEW OF THE RIVERS

AND OF THE CITY
#2 EASY TO GET TO
FROM ALL DIRECTIONS,
BY CAR BY TRANSIT BY
WALKING BY BOAT

#3 MY WIFE & I HAVE
BEEN IN BUSINESS OVER 20 YRS
ON THE N.S. AND THE
N.S. NEEDS HELP MORE
THE ANY NEIGHBORHOOD IN
THE CITY OR P6H.

THE PEOPLE NEED JOBS THE
BUSINESSES NEED HELP.
THE AREA NEEDS TO BE
BROUGHT BACK THE WAY
THE OLD N.S. USED TO BE.

PLEASE VOTE FOR THE
MAJESTIC STAR
CASINO & FOR THE
MONTHS SHORE DEVELOPMENT
& LETS BRING THE
MONTH SIDE BACK TO
ITS FULL POTENTIAL

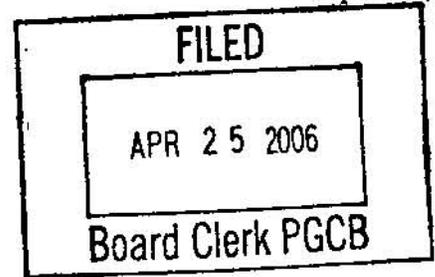
Thank you
Tony & Pat
Verdello

VERDELLO'S BAR & REST

Louis J. Tumminello

TO: Pennsylvania Gaming Control Board
P. O. Box 69060
Harrisburg Pa. 17106

April 22, 2006



FROM: Louis J. Tumminello

SUBJECT: Casino location in Pittsburgh, Pa.

As a professional Limousine driver in Pittsburgh, I have had occasions to take clients both to and from all the areas now being considered for a Casino location.

It is my opinion, that with the current highway network, as well as any additional systems that may be required, the proposal by Don Barden's Majestic Star Casino to locate on the North shore is far the best.

My opinion is based on the current highway system, and the traffic patterns that handle large volumes of traffic for Heinz Field and PNC Park, as compared to the congestion around Mellon Arena, and the limited access to and from Station Square.

I, like all Pittsburgher's are anxiously awaiting your decision, and hope that the opinions from people like myself who will be directly affected will be considered in your decision making process.

Thank you

Buchanan Ingersoll PC
ATTORNEYS

P. Kevin Brobson

May 30, 2006

VIA HAND-DELIVERY

Tad Decker, Chairman
Pennsylvania Gaming Control Board
5th Floor, Verizon Tower
303 Walnut Street
Harrisburg, PA 17101

Re: City of Pittsburgh, Department of City Planning Report

Dear Chairman Decker:

We write on behalf of our client, PITG Gaming, LLC ("PITG"), its principal Mr. Don Barden, and Majestic Star Casino. PITG is one of the three applicants for the Pittsburgh Category 2 gaming license and proposes to build and operate a casino on the North Shore in the City of Pittsburgh, Allegheny County. As you know, the City of Pittsburgh, Department of City Planning ("Planning Department"), has released a 135-page report, purportedly evaluating the strengths and weaknesses of the three applicants' proposals ("Report").

PITG believes that it is important that the Board has a full understanding of the background regarding the Report. With that background in mind, we expect that the Board will understand that, although the Planning Department has created the *appearance* of doing a thorough job of evaluating the three proposals, it did not have access to the detailed or confidential information required and essential to reaching any meaningful conclusions. In short, the Report is disrespectful of the Pennsylvania Gaming Control Board ("Board") and the appropriate, analytical, and thorough process that the Board has established for evaluating the competing proposals. As a result, the Planning Department's conclusions have no meaningful basis in fact.

As background, by fax on Friday afternoon, February 10, 2006, followed by mail received on Monday, February 13, 2006, the Planning Department contacted PITG with an "urgent matter." The Planning Department made a detailed request for information, in many cases demanding the same information required and requested by the Board. The Planning Department gave PITG only six (6) business days (until February 21, 2006) to respond to this "urgent" request for information. A copy of the Planning Department's letter is attached.

May 30, 2006

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Beyond the fact that this request by the Planning Department provided PITG with no meaningful time to respond, PITG was especially troubled that the Planning Department was creating a parallel application review and evaluation process and apparently usurping this exclusive role of the Board. PITG was also concerned about providing this information to the Planning Department *in advance* of the Board's scheduled public hearings on April 18 -19, 2006, in Pittsburgh, as it seemed just plain wrong for the Planning Department to be moving its unauthorized process ahead of the Board's efforts.

As PITG continued to evaluate how best to respond to the Planning Department's request, we were very concerned about confidentiality. On February 20, 2006, PITG received a written reply from Patrick B. Ford, Director of the Planning Department, confirming PITG's concerns about confidentiality: "I am informing you that *we cannot guarantee that the information we use in the study of the casino sites will remain confidential.*" (Emphasis added.) A copy of that e-mail is attached.

For all of these reasons, PITG wrote to Mr. Ford on February 20, 2006. Included with that letter was a copy of the Executive Summary of PITG's proposal and an invitation to attend the Board's April 18-19, 2006 public hearings in the City of Pittsburgh to learn more about PITG's proposal. Beyond that, however, PITG provided no further information, and it advised Mr. Ford that PITG has the utmost respect for the concern for confidentiality and independent review established by the Board's review process. PITG did not want to do anything that would undermine the Board's mission or its obligations. A copy of PITG's letter is attached.

It was quite troubling to read this week in both the Pittsburgh Post-Gazette and the Pittsburgh Tribune-Review that, according to the Planning Department's Report, the "Harrah's plan . . . is rated highest in all six categories except for transportation" and that "Don Barden's Majestic Star on the North Shore did not rate best in any category analyzed." Nowhere in the press coverage or even in the Planning Department's Report is there a recognition that the Report was done without the benefit of the information needed to make any meaningful determination, favorable or unfavorable, with regard to PITG and the Majestic Star Casino—information that has been and will continually be made available to this Board as the *exclusive*, legally-authorized body to make such determinations in the interest of the citizens of the Commonwealth.

Our client has tremendous respect for the Board and the process that has been established. It understands not only the process but the timeline, and has not and will not succumb to pressures to circumvent that process, such as those pressures imposed upon it by the Planning Department. In PITG's view, the integrity of this Board's review process should not be compromised in the interest of local political expediency.

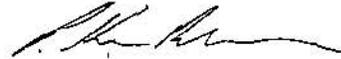
May 30, 2006

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PITG's decision to honor the Board's process and submit only a small amount of information to the Planning Department in response to its inquiry, however, requires us to ensure that the record before the Board clearly reflects that this "135-page report" by the Planning Department has been completed without the information required to draw any conclusions based upon facts, and, therefore, we respectfully ask that the Board treat the Report for what it is—*i.e.*, the unsubstantiated conclusions of a group that is willing to issue a "supposed" authoritative report without a proper factual basis and without making appropriate disclosures of the lack thereof.

We respectfully welcome your comments on this matter at your earliest convenience.

Very truly yours,



P. Kevin Brobson

cc: Ray Angeli, Member
Mary DiGiacomo Colins, Member
Jeffrey W. Coy, Member
Kenneth T. McCabe, Member
Joseph W. "Chip" Marshall III, Member
Sanford Rivers, Member
Ann LaCour Neeb, Executive Director



CITY OF PITTSBURGH
DEPARTMENT OF CITY PLANNING

James LeFresne
Vice President - Project Development
Majestic Star Casino, LLC
163 Madison, Suite 2000
Detroit, MI 48226

8 February, 2006

Dear Mr. LeFresne:

The Department of City Planning is in the process of reviewing your application for a license to operate a casino in the City of Pittsburgh. This review will include a thorough review of your submission, staff site visits, and independent research. The goal of our process is to select the casino proposal that will bring the greatest benefit to the City of Pittsburgh. Once staff has identified this casino, the Director of City Planning will present his findings to the Mayor.

While we have already obtained some information detailing your proposal, our review is extremely thorough and requires more information than what has already been submitted. The attached data request includes information that we would like you to provide, so that we can better evaluate the details of your proposal. We have also included a list of criteria categorized by site, design, transportation, and socioeconomic impact. We will be using these criteria to rank proposals and identify qualities of development that are important to the City. While we understand that you are still early in the design process, we would like you to provide us with as much information and data as possible. This information will enable us to better evaluate the criteria listed on the attached pages. Any information that you can provide will help us to better evaluate your proposal; missing information will result in lost points in the eventual ranking.

Because of the urgency of this matter, I would appreciate a response to this request on or before February 21, 2006. While you are free to call me at any time, the contact in our office for this review process is Lena Andrews. Her phone number is 412-255-2287 and she would be happy to answer any questions that you have.

Thank you very much for your cooperation.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Patrick B. Ford".

Patrick B. Ford, Director
Department of City Planning
City of Pittsburgh

cc: Stuart Anderson, IBI Group

Casino Proposal Data Request

We would like the following information to assist us in our analysis. The more detailed the information that you are able to provide, the better we will be able to understand and rank your proposal. Criteria that are important to the City of Pittsburgh are listed, by category, on the two pages following this list.

Design

- A list of all members of your design team with qualifications
- Contextual plans and elevations of the proposed development/s
- Architectural renderings of the proposed development/s
- Maintenance plans for building and landscaping
- Measures taken to make building environmentally friendly
- Building materials

Site

- A detailed site plan, including location and orientation of casino, other facilities, and phased developments.
- Information regarding lighting, landscaping, parking, signage, open space, and public art.
- Measures taken to mitigate environmental impacts of development (i.e. stormwater management, waste management, energy consumption)

Traffic

- As of this date your traffic and parking impact submissions are incomplete with respect to the study area and scope of work. (Please read the attached letter to applicants dated December 2, 2005) Documents submitted to date will be reviewed based on previous criteria contained in our Form-B1, a Technical Guidance Letter given to all applicants previously, and the additional criteria listed below.

Socioeconomic Impact

- Economic Impact Analysis, including:
 - Estimate of construction expenditures (in phases of development)
 - Estimate of operational expenditures (in phases of development)
 - Detailed development pro forma
 - Detailed operating pro forma
 - Job creation estimate and methodology (dividing jobs into operational and construction)
- Plans regarding employee wages and training
- Information regarding all community give-backs
- Detailed information regarding non-casino components of plan

Broader questions:

Do you have plans to construct a temporary facility?

Casino Proposal Evaluation Criteria

Design

- Compatibility with site context in land use, scale, appearance, and materials
- Makes maximum use of the site's development potential
- Density of development is similar to density of surrounding environs or desirable density.
- Inclusion of other non-gaming uses
- Minimizes the visual impact of on-site parking
- Design approach is bold, contemporary and innovative
- Street facades are active, inviting and visually connected to the interior
- Uses institutional and corporate quality building materials
- Contains monumental and memorable public spaces that connect to the exterior
- Clear and legible interior spatial organization and circulation
- Design team is experienced in design of gambling and entertainment development
- Design team has achieved public awards for design excellence
- Participation of MBE/WBE and local firms
- Proposed design conforms to light performance standards
- Includes an environmentally friendly building design
- Lighting and signage makes location visible but does not detract from surrounding area.
- Utilities are efficiently located and designed

Site

- Compatible with broader planning and local community objectives for the area
- Visible and easily located by those not familiar with Pittsburgh
- Accessibility to and from site
- Takes advantage of adjacent amenities and services
- Facility can generate customers for adjacent businesses
- Allows for phased expansion of gaming space and non-gaming uses
- Contributes to the removal of blight and deterioration
- Enhances prospects for further appropriate development of adjacent sites
- Addresses hydrologic, vegetative, and heat related issues
- Addresses impact on city infrastructure and resources
- Potential to leverage development of new public amenities and infrastructure
- Site is enhanced by landscaping

Traffic

- Convenient regional highway access
- Convenient local access by car
- Accessible by public transit
- Accessible to pedestrians
- Provides adequate parking on or adjacent to site
- Provides adequate space for bus, taxi, and other common carrier loading and unloading
- Minimizes potential for traffic congestion

Socioeconomic

- Maximizes job creation and ensures jobs are quality jobs
- Leverages additional investment in the City of Pittsburgh
- Provides meaningful service sector job training for Pittsburgh residents
- Aggressively recruits Pittsburgh residents as employees and vendors
- Implements enforceable diversity plan with meaningful goals and oversight
- Maximizes ability to market to suburban and overnight visitor gamers
- Promotes visitor spending off of casino floor and outside casino walls

-
- Enhances convention, tourism, hotel, retail and restaurant activity
 - Creates synergy with other Pittsburgh entertainment, sports, and gaming venues and activities
 - Utilizes existing Pittsburgh restaurant/bar/retail vendors in the casino complex
 - Provide a strategy and resources to minimize and ameliorate policing burden to City
 - Provide a strategy and resources to minimize and ameliorate emergency medical services burden to City
 - Address with private funding all necessary infrastructure improvements
 - Plan to fund programs and/or a special service district to aid nearby communities
 - Community relations liaison and plan, with adequate resources to interface with neighbors
 - Demonstrated history of community involvement and consideration of community concerns
 - Plans to identify and assist in treatment of problem and pathological gamblers

MEMORANDUM

TO: Thomas E. O'Brien, PE
Stuart Anderson, PE
Matthew J. Radinovic, PE
Michael A. Andrewsh, PE
Cynthia A. Jampole, PE

GAI Consultants
IBI Group
HRG
Wilbur Smith Associates
Trans Associates

FROM: Sidney Kaikai, AICP
City Planning Dept.

DATE: December 2, 2005

SUBJECT: Casino Gaming Traffic and Parking Study Scope of Work

This memorandum is to further clarify the Department of City Planning's traffic and parking impact study requirements and expectations regarding casino gaming development in the city.

In separate meetings with each of you and your clients, we discussed the City's expectations, including broad outlines of a scope of study for a casino gaming facility, based on two technical guidance documents; Form-B1 and a paper narrative of the expected scope of work. In each meeting I explained the general parameters of the scope of study, including study area, data collection and analysis, and final report and recommendations.

However, because of time constraints expressed by each of you for submitting a completed report to the State Gaming Advisory Board by the December 28 deadline, I laid out two alternatives for meeting the City's requirements. Either conduct a comprehensive traffic and parking impact study before the State deadline, (which some of you felt was infeasible due to time constraints and the holiday season) or conduct limited data collection and analysis, and prepare a summary report for the Gaming Board, bearing in mind that once the license is issued, a more comprehensive study will be required for our Planning Commission's review and approval. I indicated that either option would be acceptable for our purposes. For some of you, it may not be possible giving the time and data collection constraints mentioned earlier to finish this work before December 28 and still satisfy the City's requirements, and this was explained clearly to all of you. If you have not done so already, please send your completed Form-B1 to me as soon as possible.

If you have any further questions please refer them to me at 412-255-2224 or via email at sidney.kaikai@city.pittsburgh.pa.us.

Cc: Susan Golomb Director City Planning
Patrick Hassett Assistant Director City Planning
Robert Reppe Zoning Administrator City Planning

PITG GAMING, LLC

February 20, 2006

Mr. Patrick B. Ford
Director
Department of City Planning
City of Pittsburgh
200 Ross Street
Fourth Floor
Pittsburgh, PA 15219

Dear Mr. Ford:

Thank you for your letter of February 8 to Mr. James LeFresne of Majestic Star Casino regarding your request for additional information pertaining to the application of PITG Gaming, LLC, for a Category 2 license to develop and operate a slots casino in Pittsburgh.

As you know, the application process under the Pennsylvania Race Horse Development and Gaming Act (often referred to as Act 71) is a comprehensive and complex statewide process governed by the Pennsylvania Gaming Control Board, which has exclusive authority over this process. In accordance with the requirements set forth in this process, PITG Gaming submitted comprehensive and thorough written detail to the Board in support of its application on December 28, 2005.

Through an existing provision of Act 71, local governments receive 'local impact' information and the opportunity to comment on proposed facilities that may affect their region and constituents. Indeed, PITG Gaming provided this local impact information to the City of Pittsburgh, the Pittsburgh Public Schools and Allegheny County on December 21, 2005. PITG plans to make a detailed presentation during the public hearings on April 18-19 and will present much of the information contained in this local impact report as well as other important features and benefits of our proposal. We are confident that our presentation will demonstrate why our application is the best solution for Pittsburgh and why it should receive the support of Mayor O'Connor.

Moreover, I'm sure you can also appreciate our sensitivity to the application review process and the rigorous procedures set forth by the Gaming Control Board. While we welcome the City's interest and support of PITG Gaming's application, we must also respect the concern for confidentiality and independent review established in the Board's review process. As you also know, confidentiality is of the utmost concern in this review process, and Act 71 recognizes the sensitive nature of the application information. PITG Gaming regards the proprietary nature of our application information to be of the utmost importance which, together with the Gaming Control Board's confidential review

Mr. Patrick B. Ford – Page 2
February 20, 2006

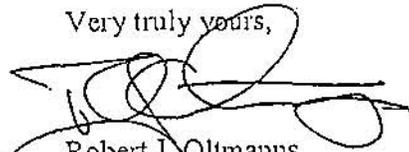
process, places on us a burden of responsibility to safeguard the integrity of this information.

In addition we have some concerns that your request for additional information could be viewed by the Gaming Control Board as a process for review and selection by the City of Pittsburgh that is separate from the Act 71 process. Though PITG Gaming welcomes the opportunity to work with the City of Pittsburgh and other local governments, it is unclear to us how this process might impact on the Gaming Control Board's review of our application. For these reasons, PITG Gaming must respectfully decline your request for additional information outside of the Act 71 process. We are, however, pleased to enclose for your review and consideration a copy of the Executive Summary of our application, which contains much of the information called for in your request.

In the meantime, we hope you will attend the public hearings on PITG Gaming's application proposal and that you will leave those hearings convinced, as we are, that this proposal will bring the greatest benefit to the City of Pittsburgh.

Thank you.

Very truly yours,



Robert J. Oltmanns
Skutski & Oltmanns
and Team Member, PITG Gaming LLC

cc: James LcFresne, The Majestic Star Casino, LLC
Steven Lemberg, The Majestic Star Casino, LLC

Jim LeFresne

From: Ford, Patrick
Sent: Monday, February 20, 2006 9:55 AM
To: Jim LeFresne
Subject: OFFICE POLICY--Casino Studies
Importance: High

Good Morning Mr. LeFresne!

As the Department of City Planning continues to study the applications, and other information related to the proposals, I am informing you that we cannot guarantee that the information we use in the study of the casino sites will remain confidential.

As a result, if there is anything you have given us that you are not prepared to become public at some time in the future, I will return it to you immediately. Also, if there is any information that we asked for, that you are not prepared to become public, do not send it to us.

We will prepare our study based on the information we have in our office.

I have informed the other casino representatives of this policy.

Please call me to discuss.

Thank you!

Patrick B. Ford, Director
Department of City Planning
City of Pittsburgh