

THE MONITOR

Casino could be held liable in deadly bus crash

Bus coordinators are paid by casinos to recruit patrons



LM Otero

FILE - In this April 11, 2013 file photo, emergency responders work the scene of a bus crash on the George Bush Turnpike, in Irving, Texas. A Dallas County jury Monday, May 2, 2016 awarded damages to relatives of two passengers who died following the casino tour bus crash near Dallas. The survivors will share a multi-million dollar judgment against the Choctaw Nation of Oklahoma. (AP Photo/LM Otero, File)

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By Kristian Hernandez

The Eagle Pass casino where more than 50 people from the Rio Grande Valley were headed Saturday before a bus crash resulted in the death of eight people near Laredo could be held responsible for negligence, attorneys say.

Earlier this month Frank Branson, a Dallas attorney who specializes in high-stakes personal injury cases, won an \$11 million lawsuit against the Choctaw Nation after a 2013 one-vehicle charter bus crash near Irving. Branson represented several bus passengers that were on their way to the Choctaw tribe's casino in Oklahoma, including one of the three victims who died as a result of the crash that also injured more than a dozen people.

“Evidence showed how casinos rely on these buses to bring in business, and the Choctaw Nation was aggressive in its contract negotiations to get the very cheapest price from these bus companies while having little vigilance for safety,” Branson said. “Trial testimony revealed that a charter bus carrying 50 passengers was guaranteed to generate \$15k to \$50k for the casino.”

The bus which departed Saturday morning from the Rio Grande Valley was traveling north on U.S. 83 some 46 miles north of Laredo when the driver struck a curb causing the bus to skid off the road and rollover, according to a witnesses interviewed by attorney John Franz who is representing Mario Zuniga and Lizbeth Rangel, both of La Joya, who were injured during the crash.

“OGA Charters was guilty of negligence in that defendant placed that bus on the road knowing that conditions existed on the bus which made it dangerous for passengers,” reads Franz’s petition filed in the Hidalgo County District Court. “The company driver, in the course and scope of his employment was negligent in his operation of the bus, namely failing to control the speed of the bus; failing to maintain the bus in a safe direction of travel and failing to take appropriate action to control the bus and avoid a rollover in wet and rainy conditions,” states the petition.

The National Transportation Safety Board is leading the investigation into the factors that led to the crash and how the bus company and its vehicles operate, according to spokesman Keith Holloway. NTSB will also investigate the bus’s black box to determine if it contains data that can provide details on what happened, but the investigation could take up to 14 months to complete, Holloway said.

Franz and two other law firms filed petitions in court Monday afternoon asking for access to the bus after NTSB completes their investigation and for all evidence to be conserved for review by their own team of investigators. The three lawsuits currently name OGA Charters as the only defendant but, depending on the evidence, other parties could also be included, according to McAllen attorney Jody R. Mask.

“It’s not just about the bus company. There could be other potential parties that could be responsible,” Mask said during a press conference Tuesday morning. “For instance, was the casino involved in scheduling these charters? Was there a contract between the casino and the charter company?”

Kickapoo Lucky Eagle Casino and Hotel, owned by the Kickapoo Traditional Tribe of Texas, lists five charter bus companies in South Texas that are part of their bus program. OGA Charters is not listed as one of the companies on the website but attorney’s say that if they can prove the casino helped organized the trip they could be found liable for millions of dollars in damages.

S&R Tours of McAllen is one of the five charter companies listed on the Kickapoo Lucky Eagle Texas website which offers patrons a roundtrip, a free-play voucher and free group mystery prizes, in exchange for a minimum of a four-hour stay in the casino.

Irma Requenez, 76, is a bus coordinator who works as a mediator between S&R and the casino. Requenez said she’s been organizing trips to the casino for nearly a decade and has worked exclusively with S&R Tours, which is owned by her daughter and her son-in-law, for the last five years.

“We gather the people and the casino pays us to take them,” Requenez said in Spanish. “I don’t leave my house if I am not guaranteed to make \$1,900.”

Patrons pay the bus coordinators between \$25 to \$30 for boarding the bus, which they are reimbursed in their player's card by the casino once they arrive, according to Requenez.

"If I take 35 people at \$30, which is how I am selling it because it's how it's advertised in the paper by the casino, I don't make the \$1,900, but whatever is missing the casino will give me," Requenez said. "This has to cover all expenses so we are left with about \$900."

The bus coordinator is responsible for paying the charter bus company for the ride. She said her son-in-law is responsible for maintaining the buses which he thoroughly inspects every month. S&R also provides services to local churches, schools and sports teams, but Requenez said casino trips make up about 50 percent of their business.

She said she's organized tours to casinos with other companies, including OGA Charters in the past, and often encounters maintenance issues and older model buses. The OGA bus that crashed Saturday was built in 1998 and, according to the Federal Motor Carrier Safety Administration, the company had 15 violations on record since 2014.

In 2011, OGA was fined for violations involving periodic inspections and pre-employment drug testing of drivers, but had a "satisfactory" rating in May 2014. In 2015, OGA was ordered by Louisiana state inspectors to take one of its buses out of service to fix brake and emergency exit problems on two separate occasions, according to MCSA records.

Requenez recalled the last time she used OGA for one of her tours to Eagle Pass the bus broke down and the owner, Rolando Garza, had to send a second bus to pick them up.

"I can tell you they are good people," Requenez said. "I worked with his uncle for many years, with Pepe Escamilla and with Nico, who is Escamilla's brother. It's a family business and everyone has their own company."

Escamilla Tours is listed in the Kickapoo Lucky Eagle Casino website under their bus program next to S&R Tours. The Kickapoo Traditional Tribe of Texas expressed their condolences Monday for the families of those who died and said it hoped the injured recovered quickly.

Robert Rodriguez, an attorney for the tribe, told the Associated Press the bus was not chartered by the casino and they were still researching what kind of business arrangements, if any, the casino may have with bus companies, but declined further comment.

Kickapoo officials declined comment Tuesday about the woman who organized the tour and her affiliation with the casino. Franz said the tour coordinator was onboard the bus and survived the crash.