

BEFORE THE COLORADO LIMITED GAMING CONTROL COMMISSION

STATE OF COLORADO

Case No. DC92001

ORDER

IN THE MATTER OF THE PETITION FOR DECLARATORY ORDER OF:

Lots of Luck, Inc.
Petitioner

This matter comes before the Colorado Limited Gaming Control Commission ("Commission") pursuant to the petitioner for a declaratory order filed by the petitioner with the Division of Gaming on January 15, 1992.

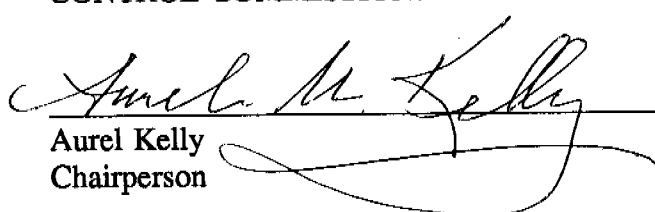
After discussion of the questions presented, the Commission has determined that the petition should be dismissed and that the questions presented should not be answered. This action is taken pursuant to Regulation 47.1-602 of the Colorado Gaming Regulations promulgated pursuant to section 24-4-105 (11), C.R.S (1988).

THEREFORE, the petition for declaratory order filed by Lots of Luck, Inc. is hereby dismissed.

IT IS SO ORDERED.

Dated this 12 day of February, 1992.

BY THE COLORADO LIMITED GAMING
CONTROL COMMISSION:


Aurel Kelly
Chairperson

STATE OF COLORADO

COLORADO LIMITED GAMING CONTROL COMMISSION

Pursuant to the provisions of Regulation 47.1-601, we, Joan K. Snyder, of 1644 S. Routt Way, Lakewood, Colorado, 80232, and Bob D. Wing, of 209 W. Bennett, Cripple Creek, Colorado, 80813, are officers and directors of Lots of Luck, Inc., a Colorado corporation which owns gaming real estate and is an Applicant for a gaming license; and hereby PETITIONS the Commission for its Declaratory Order with respect to the following:

1. The State statute, regulation, rule, order, decision, or determination in question is:

Petitioner believes that C.R.S. §12-47.1-302(1)(k) and (p) are the governing statutes with respect to an issue of whether the gaming statutes, rules, regulations, orders, and decisions give the Commission authority to make a determination that lease documents signed by prospective licensees are inadequate for purposes of gaming licensure.

2. The facts and circumstances which give rise to the issue to be answered by the Commission's Declaratory Order are:

(a) Petitioner owns real property in the gaming district of the City of Central, State of Colorado.

(b) On or about July 23, 1991, Petitioner's directors signed the document which is attached hereto as Exhibit 1. Said document purports to be a "Central City Lease for Casino".

(c) The purported lessee under Exhibit 1 represented to Petitioner that Exhibit 1 was merely "an agreement to agree", and that more complete documentation of the parties' agreements would be prepared by the purported lessee for signature by the parties. The purported lessee has failed and refused to prepare an appropriate lease document or any other documents.

(d) The Petitioner/Applicant has filed an application for retail gaming license. The Division has requested personal information on the purported lessee; however, the purported lessee has refused to provide such information.

(e) The purported lessee assigned his rights to a Colorado corporation without granting Petitioner its right of first

refusal as provided in Exhibit 1.

(f) Petitioner has determined that it does not desire to lease its real estate to the purported lessee named in Exhibit 1.

(g) Petitioner believes that Exhibit 1 is void and unenforceable for many reasons, and that it is inadequate for purposes of gaming licensure due to the following reasons:

(1) it lacks sufficient specificity to define the parties' rights and obligations to one another;

(2) it does not sufficiently delegate duties with respect to compliance with gaming laws, rules, and regulations;

(3) it does not adequately define acts constituting a breach of the agreement;

(4) it does not specify procedures for termination in the event of violation of gaming laws; and

(5) it does not adequately define the financial interests involved in the venture with respect to the purported lessee in view of his assignment of his rights under Exhibit 1.

3. The precise issue to be answered by the Declaratory Order is:

(a) Do the gaming statutes, rules, regulations, orders, and decisions give the Commission authority to make a determination that required documents signed by prospective licensees are inadequate for purposes of gaming licensure? Petitioner believes that C.R.S. §12-47.1-302(1)(k) and (p) are the governing statutes with respect to this issue.

If the first issue is answered in the affirmative, then a second issue is as follows:

(b) Is the document attached hereto as Exhibit 1 adequate documentation of a proposed lease arrangement for licensure of Applicant and the purported lessee as a retail gaming operator?

DATED at Idaho Springs, Colorado this 15th day of January, 1992.

LOTS OF LUCK, INC.,
a Colorado corporation

By: Joan K. Snyder
Joan K. Snyder, its President

Address:
c/o P. O. Box 656
Idaho Springs, CO 80452