

BEFORE THE COLORADO LIMITED GAMING CONTROL COMMISSION

STATE OF COLORADO

Case No. DC 92003

DECLARATORY ORDER

IN THE MATTER OF THE PETITION FOR DECLARATORY ORDER OF:

SCOTT D. McDOWELL,

Petitioner.

This matter comes before the Colorado Limited Gaming Control Commission ("Commission") pursuant to the petition for a declaratory order filed by the petitioner with the Division of Gaming on July 13, 1992, pursuant to Regulation 47.1-601 of the Colorado Gaming Regulations.

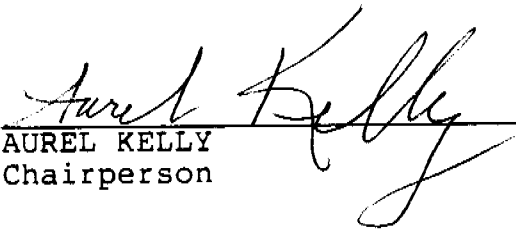
On August 25, 1992 during a regularly scheduled public meeting the Commission discussed how the members of the Commission wished to address the petition. At such time the Commission determined that the petition called for an answer to a purely hypothetical question and that the person wishing the Commission to issue a ruling was not inquiring about the applicability of a law, rule, or Commission order as to that person. For that reason, the Commission determined that the petition should be dismissed.

Therefore, pursuant to Regulation 47.1-602, the petition of Scott D. McDowell is hereby dismissed.

IT IS SO ORDERED.

Dated this 10 day of September, 1992, NUNC PRO TUNC August
25, 1992.

BY THE COLORADO LIMITED
GAMING CONTROL COMMISSION:


AUREL KELLY
Chairperson

AG Alpha No. GA AD FBJDL
AG File No. CLS9203343.CL

Scott D. McDowell & Associates

600 Grant Street, Suite 300
Denver, Colorado 80203
303-861-3015
FAX 303-861-4424

Director
Colorado Division of Gaming
720 So. Colorado Blvd. Suite 540-S
Denver, Colorado 80222

State of Colorado
Colorado Limited Gaming Control Commission

Pursuant to Regulation 47.1-601, I, Scott D. McDowell, of Scott D. McDowell and Associates, attorneys and counselors at law, am an attorney who wishes to acquire sufficient information to advise clients adequately regarding the new Colorado gaming laws and regulations.

I hereby petition the Commission for its declaratory order with respect to the following:

(1) The state statute in question is C.R.S. § 12-47.1-808: "No person may have an ownership interest in more than three retail licenses."

(2) This is a hypothetical question. If one spouse has an ownership interest in three retail licenses, does the other spouse automatically acquire an ownership interest in those licenses, or may the other spouse acquire an interest in one, two, or three additional licenses?

(3) The precise issue to be answered by the declaratory order is:

Whether and under what circumstances a spouse acquires the other spouse's ownership interest in a retail license.

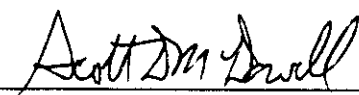
A related question is whether the Commission has adopted any criteria by which spouses are considered separate persons for purposes of this statute.

Dated at Denver, Colorado, this 4th day of June, 1992.

RECEIVED

JUN 04 1992

DEPT. OF REVENUE
GAMING DIVISION



Scott D. McDowell # 6416