

BEFORE THE COLORADO LIMITED GAMING CONTROL COMMISSION

STATE OF COLORADO

Case No. DC 95001

DECLARATORY ORDER

IN THE MATTER OF THE PETITION FOR DECLARATORY ORDER OF:

Michael Jones

Petitioner.

This matter comes before the Colorado Limited Gaming Control Commission ("Commission") on February 15, 1995 pursuant to the petition for a declaratory order filed by the petitioner with the Division of Gaming on February 6, 1995.

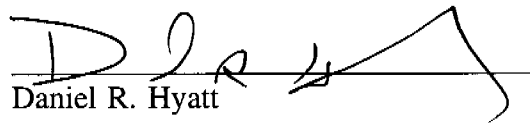
After discussion on the questions presented, the Commission has determined to deny this petition for declaratory order on the basis that it would be inappropriate to entertain this request because this issue is still pending in the Denver District Court (Lorenz vs. State of Colorado, Denver District Court, Case # 94-CV2921). 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 Michael Jones is hereby denied.

IT IS SO ORDERED.

Dated this 15th day of March 1995, nunc pro tunc February 15, 1995.

BY THE COLORADO LIMITED GAMING CONTROL
COMMISSION:


Daniel R. Hyatt
Chairman

State of Colorado
Colorado Limited Gaming Control Commission

Pursuant to the provisions of Regulation 47.1-601, I Michael Jones of P.O. Box 430, Cripple Creek, Colorado am Planning Director for the City of Cripple Creek, Colorado, and hereby petition the Commission for its declaratory order with respect to the following:

(1) The State statute, regulation, rule, order, decision, or determination in question is: 12-47.1-804, Persons prohibited from interest in limited gaming:

(1) NONE OF THE FOLLOWING PERSONS SHALL HAVE ANY INTEREST ,
DIRECT OR INDIRECT, IN ANY LICENSE INVOLVED IN OR WITH LIMITED
GAMING:

(C) ELECTED MUNICIPAL OFFICIALS OR COUNTY COMMISSIONERS
OF THE COUNTIES OF TELLER AND GILPIN AND THE CITIES OF
CENTRAL, BLACK HAWK, AND CRIPPLE CREEK;

(D) CENTRAL, BLACK HAWK, OR CRIPPLE CREEK CITY MANAGER OR
PLANNING COMMISSION MEMBER.

(2) The facts and circumstances which give rise to the issue to be answered by the Commission's declaratory order are: As the Planning Director for the City of Cripple Creek, I must strive to insure that the Planning Commission is comprised of individuals who understand planning issues, including both the intent of the related ordinances and of the economic implications of their decisions. It is also vital to the planning process that the entire community provide input relative to planning issues.

In a small community such as Cripple Creek, the number of qualified, or even interested persons to sit upon a planning commission is generally quite limited alone, but the exclusion of members of the City's most prominent industry from this process not only further limits the potential candidates for Planning Commissioner, but also does not appear to be fair, in my eyes, to those members of the gaming industry who do not hold a monetary interest within that industry, other than as it relates to their employment.

(3) The precise issue to be answered by the declaratory order is: Can a gaming license holder with no financial interest in a Gaming Operator's, Retailer's, Distributor's or Manufacturing License hold public office in Teller or Gilpin Counties or the municipalities of Cripple Creek, Central City or Black Hawk?

Dated at Cripple Creek, Colorado this 7th day of January, 1995.

A handwritten signature in black ink, appearing to read "Michael Jones", is positioned above the printed name.

Michael Jones, Planning Director
City of Cripple Creek
P.O. Box 430
Cripple Creek, Co. 80013