

BEFORE THE COLORADO LIMITED GAMING CONTROL COMMISSION
STATE OF COLORADO

Case No. DC 95005

STIPULATION

IN THE MATTER OF THE PETITION FOR DECLARATORY ORDER OF:

Richard A. Beck,
Gilpin Hotel Casino,

Petitioner.

This matter comes before the Colorado Limited Gaming Control Commission ("Commission") on the petition for declaratory order of Richard A. Beck ("Beck"), who is Operations Manager of the Gilpin Hotel Casino ("Gilpin") in Black Hawk, Colorado. Pursuant to §12-47.1-302(b), C.R.S., and Gaming Commission Rule 602, 1 CCR 207-1. Beck and the Colorado Division of Gaming ("Division") stipulate to the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The Gilpin was cited by Division agents for failing to mark its floor to establish the casino's compliance with the Gaming Commission's Rule 313, 1 C.C.R. 207-1 ("Rule 313").
2. Rule 313 provides that, "The licensed premises must be clearly marked as such so that the patrons of each retail gaming establishment can readily discern the licensed premises."
3. Division personnel interpret this regulation to require a physical marking on the floor covering in order to distinguish between licensed and non-licensed premises.
4. On July 13, 1995, Beck filed this Petition in order to clarify that there are means other than those mandated by the Division to comply with Rule 313 and that the Gilpin's alternative did comply with that rule.
5. The Gilpin interprets Rule 313 to permit a casino to post maps within or near licensed premises, depicting the location of gaming and non-gaming areas. Further, the Gilpin posts a notice adjacent to each such map stating:

Shaded areas on this floor plan of the Gilpin Hotel Casino represent those areas licensed for limited gaming activities. Any person conducting or participating in limited gaming must stand or sit within the licensed area as indicated on this map, under the rules of the Colorado Limited Gaming Control Commission.

6. The Commission considered whether to entertain Beck's Petition at its meeting of October 23, 1995, and determined to do so, scheduling it for hearing on November 17, 1995.

CONCLUSIONS OF LAW

1. The Division's interpretation does not exclude other interpretations of Rule 313 that meet the requirements and serve the policy objectives of this regulation, as to the licensed premises being "clearly marked as such."

2. The Gilpin's interpretation of Rule 313 is substantially consistent with the Commission's objective of notifying gaming patrons of the limits of the licensed premises, under the following conditions:

CONDITIONS OF STIPULATION

1. Gilpin shall generate computer-derived maps for each floor of the casino which shall be of a scale that is a minimum of 3/32 of an inch to a foot, or as otherwise approved by the Division. The maps shall assure accuracy of square footage calculations, and visibly distinguish gaming areas from non-gaming areas. Gilpin shall retain the original maps on file for inspection by the Division.

2. Gilpin shall prominently post copies of the computer-derived, scaled maps for each floor of the casino, which copies shall measure at least 8 1/2 by 11 inches. On each floor, no fewer than one (1) computer-derived map for every one thousand (1,000) square feet of gaming area, or fraction thereof, will be posted within or adjacent to the gaming area of that floor.

3. The following notice will be printed on or posted adjacent to each of the posted floor maps.

Shaded areas on this floor plan of the Gilpin Hotel Casino represent those areas licensed for limited gaming activities. Any person conducting or participating in limited gaming must stand or sit within the licensed area as indicated on this map, under the rules of the Colorado Limited Gaming Control Commission.

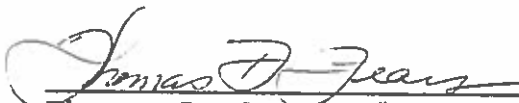
4. Gilpin will continue enforcement, through casino security personnel, of the prohibition on patrons engaging in limited gaming if such patrons are not located in licensed premises.

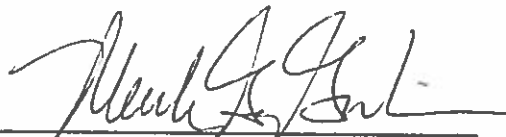
5. Gilpin will notify the Division in writing of material changes in the location of gaming devices, changes in the number of square feet used for gaming purposes on any floor of the casino, and changes in the boundaries of gaming areas. Upon making such changes to the licensed premises, Gilpin will also promptly correct the computer-derived maps on display and on file within the casino and shall, within twenty (20) days, secure and post new, accurate computer-derived maps depicting the changes made. Gilpin shall promptly transmit copies of the corrected computer-derived map(s) to the Division.

RESPECTFULLY SUBMITTED this 17th day of November, 1995.

COLORADO DIVISION OF GAMING

RICHARD A. BECK


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ORDER

The Commission, having reviewed the proposed stipulation between the Petitioner Richard A. Beck, Operations Manager of the Gilpin Hotel Casino, and the Division of Gaming, and being fully apprised in the premises, does hereby accept said stipulation, and enters it as an order of the Commission.

ORDERED AND ENTERED this 17th day of November 1995.

COLORADO LIMITED GAMING
CONTROL COMMISSION


by DANIEL HYATT
Chairman

CERTIFICATE OF SERVICE


This is to certify that I have duly served the within STIPULATION, upon all parties herein by depositing copies of same in the United States mail, postage prepaid, Denver, Colorado, this 20 day of November, 1995, addressed as follows:

Richard A. Beck
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Black Hawk, CO 80422

Mark Grueskin
Isaacson, Rosenbaum, Woods & Levy
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