

Colorado Limited Gaming Control Commission

Minutes of Public Session

January 16, 2025

PUBLIC SESSION

I. Call to Order

Chair Armstrong called the January 16, 2025, meeting of the Colorado Limited Gaming Control Commission to order at 9:21 a.m. MST in person at the Division of Gaming Office at 1707 Cole Blvd., Suite 300, Lakewood, CO 80401, and virtually via Zoom. Commissioners George and Hyland were present in person, Commissioners Tipton and Hyland were present via Zoom, and a quorum existed.

Officials & Administrators in Attendance

Kevin Armstrong, Chair

John Tipton, Commissioner/Vice-Chair via Zoom

Kevin Hyland, Commissioner via Zoom

Ahilya George, Commissioner

Phil Workman, Commissioner

Michael Phibbs, Senior Director, Specialized Business Group

Christopher Schroder, Director

Kirsten Gregg, Chief of Investigations

Allen Hiserodt, Chief of Sports Betting

Kenya Collins, Director of Administration via Zoom

Bradford Jones, Senior Assistant Attorney General

Torrey Samson, Senior Assistant Attorney General

Paul Hogan, Chief Auditor

J. Wolff, Agent in Charge, Central City/Black Hawk

Dane Albin, Agent in Charge, Cripple Creek

John Madruga, Agent in Charge, Background Unit

Andrew Fulton, Agent in Charge, Sports Betting

Michael Payne, Table Games Chair

Breanne Nolan, Executive Assistant, Secretary to CLGCC

EXECUTIVE SESSION

The Commission voted unanimously to go into the Executive Session pursuant to sections 24-6-402(3)(a)(III), 44-30-521(1)(a), 44-30-526(1)(d), and 44-30-1507 of the Colorado Revised Statutes to review confidential background licensing reports that were scheduled for consideration in the Public Session.

The Executive Session was called to order at 9:27 a.m. MST.

PUBLIC SESSION

The Public Session was called back to order by Chair Armstrong at 10:44 a.m. MST.

II. Approval of Licensing Actions

The Commission voted unanimously to approve the Change of Ownership of the Retail, Master, and Manufacturer/Distributor Licenses for Kings, Queens, and Jacks, LLC d/b/a Saratoga Casino Black Hawk. The Retail, Master, and Manufacturer/Distributor Licenses will expire two years from their current dates of expiration.

The issuance of the above Master license does not concurrently grant approval to entities or individuals with whom this licensee has entered into, or considered entering into contracts for sports betting operations or internet sports betting operations; nor does it preclude any entities or individuals from being called forward by the Division to conduct a comprehensive background investigation regarding their suitability to operate in Colorado.

The Commission voted unanimously to approve the Renewal of the Manufacturer/Distributor licenses for F&E/Financial Equipment Company, Inc., Konami Gaming, Inc., and AGS, LLC. The Manufacturer/Distributor Licenses will expire two years from their current dates of expiration.

The Commission voted unanimously to approve the Renewal of the Operator Licenses for Konami Gaming, Inc. and AGS, LLC. The Operator Licenses will expire two years from their current dates of expiration.

The Commission voted unanimously to approve the Renewal of the Vendor Major License for MediaTroopers Inc. The Vendor Major License will expire two years from its current date of expiration.

Discussion was had between the Commission and Senior Assistant Attorneys General Bradford Jones and Torrey Samson regarding a separate motion that would be made for the renewal of the Vendor Major license for Overdrive Marketing, Inc. Vice-Chair Tipton requested additional information about the licensee's personal taxes, as well as financial statements from the business that were to be reviewed by a Certified Public Accountant. He requested that the Senior Assistant Attorneys General collect the aforementioned information and that the matter be tabled for up to sixty days.

The Commission voted unanimously to table the Renewal of the Vendor Major license for Overdrive Marketing, Inc. up until the regularly scheduled CLGCC meeting on March 20, 2025, and for Overdrive Marketing, Inc. to provide the following information: the sole owner's personal taxes and the review of the licensee's financial statements by a Certified Public Accountant. The current Vendor Major license for Overdrive Marketing, Inc. would be administratively continued until the March, 20, 2025, meeting of the Colorado Limited Gaming Commission.

In accordance with Commission Policy 24-01, the Commission voted unanimously to approve the Renewal of the Vendor Minor Licenses listed in the Consent Agenda in the January 2025 public packet. The Vendor Minor Licenses will expire two years from their current dates of expiration.

III. Opportunity for the Public to Address the Commission

The Chair gave anyone from the public an opportunity to address the Commission on any item not appearing in the agenda. No members of the public came forward.

IV. Consideration of Limited Gaming Financial Statements for November 2024

The Commission voted unanimously to approve the Statement of Gaming Revenues, Gaming Taxes, and Expenditures (unaudited) for the five months ending on November 30, 2024, and to authorize its distribution.

V. Consideration of Division Sports Betting Financial Statement for November 2024

The Commission voted unanimously to approve the Statement of Sports Betting Revenues, Taxes, and Expenditures (unaudited) for the five months ending on November 30, 2024, and to authorize its distribution.

VI. Consideration of Colorado Limited Gaming Rule 12

The Commission voted unanimously to open the rulemaking hearing on Colorado Limited Gaming Rule 12.

Georgia McBride, Chief Technology Officer, and John Modeck, Technical Systems Manager were sworn in and gave the presentation on Rule 12. There was discussion between the Commission and Georgia McBride regarding the field trial process for Rule 12. Commissioner Hyland asked if there was an issue with listing the Division's website link in the rule, as the web link could change. Senior Assistant Attorney General Jones explained that the Attorney General's office recommended that website citations be included as an administrative requirement and when the website link was changed, the rule would be brought forward and amended to include the corrected link.

The Chair gave anyone from the public and opportunity to address the Commission on Colorado Limited Gaming Rule 12. No members of the public came forward to testify.

The Commission voted unanimously to close the public comment portion of the rulemaking hearing.

Following deliberations, the Commission voted unanimously to approve the amendments to Colorado Limited Gaming Rule 12, as presented.

The Commission voted unanimously to close the rulemaking hearing on Colorado Limited Gaming Rule 12.

Commissioner Hyland exited the meeting at 11:08 a.m. MDT and was absent for the remainder of the action items. Senior Assistant Attorney General Jones explained that a quorum still existed because the remaining four Commissioners were present.

VI. Consideration of Colorado Limited Gaming Rules 8 & 21

The Commission voted unanimously to open the rulemaking hearing on Colorado Limited Gaming Rules 8 & 21.

Michael Payne, Table Games Chair, was sworn in and gave the presentation on Rules 8 & 21. It was noted that in Rule 8, Regulation 30-899.29(1)(D) the phrase "...cards form a hand..." would be changed to "...cards from a hand..." in the finalized version of the rule.

The Chair gave anyone from the public an opportunity to address the Commission on Colorado Limited Gaming Rules 8 & 21. No members of the public came forward to testify.

The Commission voted unanimously to close the public comment portion of the rulemaking hearing.

Following deliberations, the Commission voted unanimously to approve the amendments to Colorado Limited Gaming Rules 8 & 21, as amended, with the addition of changing the word "form" in Rule 8, 30-899.29(1)(D) to "from."

The Commission voted unanimously to close the rulemaking hearing on Colorado Limited Gaming Rules 8 & 21.

VIII. Consideration of No Limit Games LLC Petition to the Colorado Limited Gaming Control Commission for Declaratory Order Pursuant to Regulation 30-601

Chair Armstrong relinquished the floor to Senior Assistant Attorneys General Bradford Jones and Torrey Samson. They gave an overview of No Limit Games LLC's Petition to the Colorado Limited Gaming Control Commission for Declaratory Order. Following their presentation, Senior Assistant Attorneys General Jones and Samson recommended that the Commission enter executive session to receive legal advice on this matter and the relevant laws.

The Commission voted unanimously to enter executive session pursuant to sections 24-6-402(3)(a)(II), of the Colorado Revised Statutes to receive legal advice regarding No Limit Games LLC's Petition to the Colorado Limited Gaming Control Commission for Declaratory Order and the applicable laws, including sections 24-4-101, *et seq.*, 18-10-101, *et seq.*, 18-10.5-101, *et seq.*, Section 9 of Article 18 of the Colorado Constitution and Gaming Regulations 30-601 through 30-603.

The executive session was called to order at 11:25 a.m. MST.

The public session resumed at 11:59 a.m. MST.

Vice-Chair Tipton stated that after reviewing the Petition from No Limit Games LLC and considering the role of the Colorado Limited Gaming Control Commission, he did not believe the Commission had any jurisdiction or authority to address the matter. He asked that Senior Assistant Attorneys General Jones and Samson notify the petitioner that the Commission did not have the authority to give an opinion on the matter and that the CLGCC was not the correct body to address.

Commissioner Workman concurred with Vice-Chair Tipton.

Commissioner George agreed that the Commission did not have jurisdiction over the matters addressed in the petition.

The Commission voted unanimously to decline/dismiss No Limit Games LLC's Petition to the Colorado Limited Gaming Control Commission for Declaratory Order because the requested

order would not terminate the controversy or remove an uncertainty as to the application of section 18-10.5-102(6)(a), C.R.S., to No Limit Game LLC's YouBux Kiosks, and directed counsel for the Commission to memorialize the Commission's decision in a written order to be reviewed, approved and signed by Commissioner Tipton on behalf of the Commission as a whole.

IX. Consideration of Organizational Matters

Approval of Minutes

The minutes from the December 19, 2024, public session of the Colorado Limited Gaming Control Commission was approved as presented.

Directors Updates

Michael Phibbs, Senior Director of the Specialized Business Group, and Michael Arrington, Chief Strategy Officer, Department of Revenue, gave a presentation and demonstration regarding the mobile Driver's License program in Colorado. They detailed that airports across the United States had implemented the system and explained how age verification worked on the application. They also gave a demonstration using the mDL application and its associated readers. Senior Director Phibbs stated that the Central City DOG office move was currently at an impasse and he and Executive Director Heidi Humphries were attending meetings to resolve the lease issues. He closed his remarks and stated that the DOG investigator uniforms were still awaiting patch application.

Christopher Schroder, Director Division of Gaming stated that the Responsible Gaming Grant Applications would be considered by the Commission at the February 20, 2025, meeting.

Annual Commissioner Training Update

Senior Assistant Attorney General Bradford Jones explained that Commissioner George had received and completed the annual Commissioner training that was recorded at the November 2024 meeting of the Colorado Limited Gaming Control Commission.

X. Opportunity for the Industry Members to Address the Commission

The Vice-Chair extended an opportunity for any members of the gaming industry to address the Commission regarding any current issues or events. No members of the gaming industry came forward.

XI. Adjournment

The Commission voted unanimously to adjourn the January 16, 2025, meeting of the Colorado Limited Gaming Control Commission at approximately 12:25 p.m. MST.

Breanne Nolan, Secretary to the Colorado Limited Gaming Control Commission