

MINUTES

SPECIAL MEETING KANSAS LOTTERY COMMISSION Monday, December 31, 2007

11:15 a.m.

(Continued on Monday, January 7, 2008)

11:15 a.m.

128 North Kansas Avenue
Topeka, Kansas 66603-3638

Call to Order

A special meeting of the Kansas Lottery Commission was called to order on Monday, December 31, 2007, at 11:15 a.m. by Chairperson Harold Nye. The purpose of the special meeting was to consider a request from the Ford County Commissioners to extend the deadline for submitting proposals to the Kansas Lottery Commission for a lottery gaming facility manager in the Southwest Gaming Zone from 5:00 p.m. on December 26, 2007, to 5:00 p.m. on December 27, 2007.

The meeting was conducted via phone with the Commissioners and was open to the public at Lottery headquarters, 128 North Kansas Avenue, Topeka, Kansas. Security Director Gary Herman determined compliance with the *Open Meetings Law*. Minutes were recorded by Mary Metzler, Executive Secretary.

Attendance

Commissioners Present	Commissioners Absent
Harold Nye, <i>Chairperson</i> - Hays	
	Jeanine McKenna - Reading
Joni Franklin - Wichita	
Robert Van Cleave - Overland Park	
Robert Wunsch - Kingman	

Participating

Staff: Ed Van Petten, Executive Director
Keith Kocher, Assistant Attorney General
Gary Herman, Security Director
Sally Lunsford, Director of Communications
Mary Metzler, Executive Secretary

Visitors: A list of signed-in visitors is attached and incorporated by reference to the official minutes. Some unidentified individuals listened to the meeting via conference call.

Special Business:

A written request from the Ford County Commissioners dated December 28, 2007, was presented to the Commission for review prior to the meeting. The Ford County Commissioners requested to extend the time line to submit applications to the Kansas Lottery Commission for a lottery gaming facility manager in the Southwest Gaming Zone from 5:00 p.m. on December 26, 2007, to 5:00 p.m. on December 27, 2007.

The Ford County Commission requested the extension based on one of the applicants, Epic Gaming in the Southwest Gaming Zone, who cited “technical problems with reproduction of its application” as the reason the applicant was unable to meet the 5:00 deadline on December 26, 2007.

A letter of opposition dated December 31, 2007, from Stephen Joseph representing Dodge City Resort and Gaming Company, was received at the Lottery moments prior to the meeting. The letter was emailed to the Commission and since it had not been received by all of the Commissioners prior to the meeting start, Executive Director Van Petten read the letter aloud for the Commissioners.

In addition, Clint Patty, representing Butler National Service Corporation, appeared at the meeting and voiced objections to the request.

Timely applications had been submitted by both opposing parties.

The Commissioners deliberated the issue and determined that they wanted additional information, including legal research, prior to making a decision. As such, **Commissioner Franklin moved to recess and take the matter under advisement until reconvening on Monday, January 7, 2008, at 11:15 a.m. Motion seconded. Meeting recessed at 11:47 a.m.**

Recess: December 31, 2007 - 11:47 a.m.

Reconvened: January 7, 2008 - 11:15 a.m.

The Commission reconvened at approximately 11:15 a.m. on Monday, January 7, 2008. All Commissioners were present at this time.

Commissioner Franklin moved to reconvene at approximately 11:15 a.m. Commissioner McKenna seconded; motion approved.

Director of Gaming Facilities Keith Kocher informed the Commission that additional written documentation had been provided by: (1) Epic Gaming; (2) Stephen Joseph on behalf of Dodge City Resort and Gaming; and (3) Clint Patty on behalf of Butler National. Copies of the documents had been provided to the Commissioners before the meeting reconvened.

Assistant Attorney General Stephen Durrell informed the Commission that they may want to go into an Executive Session prior to taking official action on the matter.

The Commission heard oral arguments from Doug Lawrence, representing Epic Gaming, as well as Clint Patty and Stephen Joseph, who represented the opposition. Commissioner Franklin requested comments from the Ford County Commission. Kim Goodnight of Ford County said that the Ford County Commission had no argument either way.

At 11:45 a.m., Commissioner Franklin moved that the Lottery Commission go into an Executive Session until 12:15 p.m. for the purpose of discussing the Ford County Commission's request, and include Lottery staff members Keith Kocher and Stephen Durrell. Commissioner McKenna seconded; motion approved.

Executive Session

At 12:15 p.m. Commissioner Franklin moved, and Commissioner McKenna seconded, to return to regular session. Motion approved.

Commissioner Franklin expressed gratitude on behalf of the Kansas Lottery Commission to all parties involved in this request. She said there were compelling arguments on both sides. **She then moved that the request to extend the deadline be denied. Commissioner McKenna seconded; motion passed unanimously. Commissioners voting in favor of the motion were: Franklin, McKenna, Wunsch, Van Cleave, and Nye.**

Additionally, Commissioner Van Cleave thanked Lottery staff members for their submission of information.

Adjournment

Commissioner McKenna moved, and Commissioner Franklin seconded to adjourn the meeting. Motion passed. Meeting adjourned at 12:22 p.m.