



Lakewood
Police Department

Investigations Division
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July 15, 2022

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Reference:

[REDACTED]
[REDACTED]
Lakewood, CO [REDACTED]

Dear Property Owner,

The Lakewood Police Department Special Investigations Unit conducts and undertakes enforcement efforts relating to illegal gambling operations within the city. It has come to our attention that the [REDACTED] at Lakewood, CO [REDACTED] may be operating as an illegal gambling premises in violation of the City's zoning code, and, more importantly, in violation of C.R.S. 18-10-107.

The Special Investigations Unit performed an operation which determined that [REDACTED] is in fact allowing for illegal gambling to take place on the leased premises. Gambling is defined at C.R.S. 18-10-102 as: "Gambling" means risking any money, credit, deposit, or other thing of value for gain contingent in whole or in part upon lot, chance, the operation of a gambling device, or the happening or outcome of an event, including a sporting event, over which the person taking a risk has no control..."

Our investigation determined that [REDACTED] is permitting individuals to risk money on the outcome of games of chance played on gambling devices, and upon the individuals winning, [REDACTED] redeems in cash on the premises. This type of activity is a violation of C.R.S. 18-10-107(1), which reads: "Whoever as owner, lessee, agent, employee, operator, or occupant knowingly maintains, aids, or permits the maintaining of gambling premises commits maintaining gambling premises." C.R.S. 18-10-107(2) goes on to read: "All gambling premises are common nuisances which shall be subject to abatement as provided by law."

The relevant law regarding nuisances as applies to a landlord can first be found at C.R.S. 16-13-303(1)(b), which reads: "Every building or part of a building including the ground upon which it is situate and all fixtures and contents thereof, every vehicle, and any real property shall be deemed a class 1 public nuisance when: [u]sed, or designed and intended to be used, as gambling premises, as defined in section 18-10-105(5) C.R.S., or as a place

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where any gambling device or gambling record, as such terms are defined in section 18-10-102(3) and (7), C.R.S. is kept..."

Additionally, C.R.S. 16-13-314 lays out how a landlord such as yourself can suffer a forfeiture of the real property on which the gambling premises was maintained: "In an action to abate a class 1 public nuisance, if the court finds that such class 1 public nuisance exists and that the same has been conducted, used, or maintained by the owner of a building, place, or any real property seized and closed as a class 1 public nuisance, or that the nuisance has been conducted, used, or maintained by any person with the actual knowledge and consent of the owner, a permanent order of abatement shall be entered as a part of the judgment in the case. The order of abatement shall direct the sheriff to sell such building or place and the ground upon which such building or place is situated or any other real property, to the extent of the interest of such owner therein, at public sale in the manner provided for sales of property upon execution. In no event shall real property that is neither proceeds of nor part of the same lot or tract of land used for the public nuisance act that was the underlying subject matter of the public nuisance action, be subject to seizure and forfeiture, excepting access and egress routes."

Importantly, this letter serves as notice to you as the landlord that your tenant is operating an illegal gambling premises, and if you continue to allow this, it may be viewed as you consenting to the operation of this gambling premises, subjecting you to forfeiture of the real property on which the illegal gambling premises is situated. In addition to this most severe of potential penalties, if such behavior continues to occur at your property, you may face state and municipal criminal charges and penalties.

Upon receiving this letter, please contact me by phone at 303-987-7067 or by email at ricval@lakewoodco.org. If you would prefer, I can meet with you in person to discuss this matter. Thank you for your anticipated cooperation.

Respectfully,

Sergeant Ricky Ray Valdez
Lakewood Police Department
Special Investigations Unit

