

AG: Revote on slot machines at Wichita Greyhound Park would violate law

The Ruffins have pushed for slots at the shuttered Wichita Greyhound Park

Slots at the track would violate state gambling law, contract with Kansas Star Casino, attorney general says

State would be held liable for damages, repaying \$25 million privilege fee



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The prospects for slot machines in Sedgwick County took a hit Friday.

Kansas Attorney General Derek Schmidt issued an opinion that legislation allowing Sedgwick County residents to revote on slots at the Wichita Greyhound Park would breach the Kansas Lottery's contract with the Kansas Star Casino in Mulvane.



The Wichita Greyhound Park today

Little has changed inside the Wichita Greyhound Park since it closed in 2007. A bill in the Kansas Legislature could be the first step in reopening the gaming center, this time with slot machines.

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And the state would be responsible for repaying the casino's \$25 million privilege fee plus interest.

“It is clear that if the State were to take action today, in the absence of enactment of new legislation, to allow placement of (electronic gaming machines) at the Wichita racetrack facility, that action would violate both the contract and state law,” according to the 23-page opinion.

Sedgwick County voters [narrowly rejected](#) placing slot machines in the county in 2007. They rejected a destination casino by a wider margin. Sumner County residents approved a destination casino, leading to the opening of the [Kansas Star Casino](#) in 2011. It is one of three state-owned casinos, with another slated for southeast Kansas.

Over the years, some have pushed for legislation that would allow Sedgwick County voters to again consider allowing slot machines at [Wichita Greyhound Park](#). The track near Park City closed after the 2007 vote.

Schmidt said the courts would likely block any law to allow a revote in Sedgwick County. The casino’s management “would have a strong claim for damages from lost market share due to the state’s illegal operation” of slot machines in Sedgwick County, he added.

State law and the gambling contracts were crafted with the intent that there wouldn’t be other gaming facilities with slot machines in the state until at least 2032.

The Kansas Star paid a privilege fee to be the sole gaming facility in the south-central Kansas gaming zone, made up of Sedgwick and Sumner counties.

Rep. Mark Kahrs, R-Wichita, requested the opinion from Schmidt. On Friday, Kahrs said he was grateful that the opinion “confirmed what I’ve always believed.”

“It should shut down any debate on whether or not there should be a revote in Sedgwick County,” said Kahrs, who opposes gambling. “(A revote) exposes the state to millions of dollars in damages that the state cannot afford.

“And regardless of the extent of what the damages may or may not be, the state should honor its contracts.”

House Speaker Rep. Ray Merrick, R-Stillwell, said he was concerned about the state potentially “losing hundreds of millions of dollars in penalties if those contracts are broken.”

“There was a reason I have stressed a cautious approach to expanded gaming,” Merrick said. “Expanding gaming is not in the best interests of the state.”

The track today

The Wichita Greyhound Park has sat without patrons since Oct. 6, 2007. The results from the last week of racing are still pinned up on a notice board inside the building.

“It looks as though somebody came in, turned off the lights, locked the door and said ‘thanks for coming,’” said Phil Ruffin Jr. on a recent tour of the greyhound park with The Eagle.

His dad, businessman Phil Ruffin, owns the greyhound track. The county owns the land under the park.

The track today is overrun with trees and other vegetation. The scoreboard is in disrepair, worn from years of the elements.

Vandals have broken into the building eight or nine times since 2007, said Jim Erhart, the property manager.

Erhart added that staff have checked up on the property “pretty much” every day since it closed.

Most of the floors are cleared, with the chairs patrons once sat in stacked against the wall.

Ruffin Jr. said the sheer size of the building racked up costs when the public’s interest in greyhound racing began to wane.

“It costs a lot of money to turn on the lights and heat and cool this building,” he said. “It’s a very massive building.”

‘Resurrect racing in Kansas’

Ruffin Jr. said greyhound racing struggled against “stiff competition between the expansion of Native American gaming and now state-run

casinos.”

“The interest in racing just dwindled just because it’s easier for people to go in and play video poker and slot machines,” he said. “This place used to be packed every Saturday night. But ... you could fire a cannon off on Wednesday night and not hit a soul. We were racing to empty seats.”

So the Ruffins have pushed for legislation that would allow slot machines at a reopened greyhound track after a revote in the county. Ruffin Jr. says slots are essential for a reopened track to be profitable.

“We would renovate this building into what’s called a ‘racino’: it’s a racing casino,” Ruffin Jr. said during The Eagle’s tour of the building.

If the track could add 750 slot machines, he said, the Ruffins would rehabilitate and expand the building, plus add a Gilley’s restaurant. The project would be in the neighborhood of \$70 million to \$100 million.

“We want to resurrect racing in Kansas and add slot machines,” Ruffin Jr. said. “That’s all we’ve wanted to do from the very beginning.”

He could not be reached for comment after Schmidt’s opinion on the revote was published Friday.

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