

**LICENSE APPLICATION  
FOR  
SATELLITE FACILITY**

462-02-S  
17 Mar 10-40

**VIRGINIA RACING COMMISSION  
MARCH 1994**

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## GENERAL GUIDELINES

The following satellite wagering license application and guidelines are developed to implement the filing of applications pursuant to 59.1-375 and 59.1-377 of the Code of Virginia. The applicant or its designated representative shall execute all sections of this application unless otherwise provided.

1. False or misleading information in a license application, omission of required information or substantial deviation from representation in the application is cause for denial, revocation or suspension of a license or imposition of a fine.

2. The applicant shall provide all information required to be disclosed.

3. The applicant shall provide only information relevant to disclosures required by the Virginia Racing Commission.

4. Upon filing the application, the applicant shall provide the following:

a. A letter of transmittal to the Virginia Racing Commission;

b. An original and 15 copies of the application, in sealed envelopes; and

c. An original and 15 copies of any exhibits and attachments to the application.

5. If the applicant or parties to the application are not already licensed by the Commission, then the applicant shall complete the materials contained in the Appendix and file a disclosure statement on the form attached hereto (original and 15 copies) for itself and for each officer, director, partner, policymaker and owner or holder of 5.0% or more of the legal or beneficial ownership interest in the applicant. If 25.0% or more of the applicant is owned by another entity, disclosure statements shall be filed by the officers, directors, partners and policymakers of the other entity and the owner or holders of 10% or more of the legal and beneficial ownership interest in the other entity. This disclosure shall continue through as many tiers as necessary to disclose the ultimate owners or holders of 5.0% or more of the legal or beneficial ownership interest in the applicant. A person having an interest subject to disclosure in

more than one applicant shall file one set of disclosure statements for each application. Each disclosure statement shall be attached to the application as an exhibit.

6. Upon request of the Virginia Racing Commission, the applicant shall provide copies of any documents used in the preparation of its application or any other documents the commission requests.

7. Each disclosure required in the application shall be provided in printed or typewritten form on 8 1/2 by 11 inch paper.

8. Each page shall be sequentially numbered including exhibits and attachments.

9. All disclosures shall be submitted in the order that they are presented in the application.

10. If the applicant elects not to utilize this application form, then the applicant shall restate the question and the question number, immediately preceding each response.

11. All documents which are part of the application shall be submitted as a bound, single assemblage unless multiple volumes are necessary, with each disclosure section, exhibit or other attachment identified and separated by tabs.

12. An applicant shall provide photographs of any three-dimensional exhibits.

13. If a question is inappropriate or not applicable, indicate "N.A." on the application.

14. If additional forms are required, the applicant may detach the form and make as many copies as necessary.



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(Applicant)

2.4. APPLICANT'S AFFIDAVIT.

The undersigned executes this affidavit of his own free will and with no coercion. The applicant, and to the best of the applicant's knowledge, any partner, officer, director and owner subject to 59.1-375 and 59.1-377 of the Code of Virginia, and any other person with a present, or future direct or indirect financial or management interest in the application meets the qualifications set forth in the Code of Virginia and regulations of the Virginia Racing Commission.

1. That application is made for a license to operate a satellite wagering facility at which pari-mutuel wagering on horse racing is conducted.

2. That the affiant is the agent of the applicant, its owners, partners, members, directors, officers and personnel, and is duly authorized to make the representations in the application on their behalf. Documentation of the authority must be attached. (Identify attached exhibit number.)

3. That the applicant seeks a grant of privilege from the Commonwealth of Virginia, and the burden of proving the applicant's qualifications rests at all times with the applicant.

4. That the applicant consents to inquiries by the Commonwealth of Virginia and the commission members into the financial, character and other qualifications of the applicant by contacting individuals and organizations.

5. That the applicant, its owners, partners, members, directors, officers, and personnel accept any risk of adverse public notice, embarrassment, criticism, or other circumstance, including financial loss, which may result from action with respect to the application and expressly waive any claim which otherwise could be made against the Commonwealth of Virginia, its employees, the commission, staff or agents.

6. That the affiant has read the application and knows the contents; the contents are true to the affiant's own knowledge, except matters therein stated as information and belief; as to those matters, the affiant believes them to be true.

7. That the applicant recognizes all representations in the application are binding on it, and false or misleading information in the application, omission of required information, or substantial deviation from representations in the application may result in denial, revocation or conditioning of a license or imposition of a fine, or any or all of the foregoing.

8. That the applicant will comply with all applicable local, state and federal statutes, regulations and ordinances.

I hereby swear and affirm that of the facts set forth in this application and affidavit and all exhibits and attachments contained herein are true and correct.

this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Further your affiant sayeth not.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City)

\_\_\_\_\_  
(State)

\_\_\_\_\_  
(Zip Code)

COMMONWEALTH OF VIRGINIA

\_\_\_\_\_ COUNTY

\_\_\_\_\_, personally appeared before me and having been duly sworn, stated to me \_\_\_\_\_ the undersigned Notary Public in and for the County of \_\_\_\_\_ State of \_\_\_\_\_ that all of the facts set forth in this application and all exhibits and attachments contained herein are true and correct and that he executed the same voluntarily and with full authority to do this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Seal)

\_\_\_\_\_  
(Notary Public)

My Commission Expires: \_\_\_\_\_

**2.7. DISCLOSURE OF SITE AND FACILITIES.**

An applicant for a license must disclose with respect to the satellite facility:

1. The address of the facility, ownership of the site for the last three years, legal description, mortgagors, proof of title insurance, its size and geographical location, including reference to county and municipal boundaries:

Address of the facility:

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(Street Address)

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(Municipality)

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(County)

Ownership of the site for the last three years:

Present ownership (Supply copy of deed and identify attached exhibit number):

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Prior ownership:

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Legal description:

Mortgagors:

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Proof of title insurance: (Identify attached exhibit number)

Size:

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Geographical location, including reference to county and municipal boundaries:

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2. A site map showing parking facilities, highways and streets adjacent to the facility, and separately showing why any proposed highways and streets adjacent to the facility that are under construction, including their scheduled completion dates. (Identify attached exhibit number.)

3. A description of the satellite facility, including portions of the facility not used for pari-mutuel wagering, giving:

a. Total capacity: \_\_\_\_\_

b. Total number of square feet: \_\_\_\_\_

c. Dimensions of the facility: \_\_\_\_\_

d. Configuration of the viewing, dining and concession facilities with the facility:

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e. Approximate location of mutuel windows and cash security areas:

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f. Description of the wagering equipment, including vendor and manufacturer, if known:

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g. Preliminary architectural plans of the interior and exterior of the facility, if the proposed facility is to be constructed by the licensee:

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**2.8. DISCLOSURE OF DEVELOPMENT PROCESS.**

An applicant for a license may propose to lease, acquire or construct premises for each satellite facility. Such premises may be adjacent to or located within other businesses including but not limited to hotels and restaurants. Further, an applicant for a license must disclose with regard to the development of the satellite facility:

1. If the facility is to be constructed, the total cost of construction of the facility, distinguishing between known costs and projected costs:

Known costs:

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total known cost:	\$ _____

Projected costs:

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total projected cost:	\$ _____

2. Separate identification of the following costs:

- a. Facility design:           \$ \_\_\_\_\_
- b. Site acquisition or rental costs:  
                                  \$ \_\_\_\_\_
- c. Satellite reception and video equipment:  
                                  \$ \_\_\_\_\_
- d. Organizational, administrative, accounting and legal.  
                                  \$ \_\_\_\_\_

3. Documentation of the nature of interim financing and the nature of permanent financing, if any. (Identify attached exhibit number.)

4. Documentation of fixed costs. (Identify attached exhibit number.)

5. The schedule for construction of the facility, giving:
  - a. Acquiring site or leasing the site: \_\_\_\_\_  
(Completion Date)
  - b. Soliciting bids \_\_\_\_\_  
(Completion Date)
  - c. Zoning and construction permit approval \_\_\_\_\_  
(Completion Date)
  - d. Awarding construction contracts \_\_\_\_\_  
(Completion Date)
  - e. Beginning construction \_\_\_\_\_  
(Completion Date)
  - f. Completing construction \_\_\_\_\_  
(Completion Date)
  - g. Training staff \_\_\_\_\_  
(Completion Date)
  - h. Beginning of operation \_\_\_\_\_  
(Completion Date)
6. Schematic drawings (Identify attached exhibit number.)
7. Copies of any contracts, if any, with and performance bonds from the:
  - a. Architect or other design professional (Identify attached exhibit number.)
  - b. Project engineer (Identify attached exhibit number.)
  - c. Construction engineer (Identify attached exhibit number.)
  - d. Contractors and subcontractors (Identify attached exhibit number.)
  - e. Equipment procurement personnel. (Identify attached exhibit number.)

8. Whether the site has been acquired or leased by the applicant:

\_\_\_\_\_ Acquired

\_\_\_\_\_ Leased

If so, the applicant must provide documentation. (Identify attached exhibit number.)

If not, the applicant must state which actions must be taken in order to obtain the site:

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9. Whether present construction planning envisions future expansion of the facility: (Yes or No) \_\_\_\_\_

If so, a general description of the nature of such expansion.

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## 2.9. DISCLOSURE OF FINANCIAL RESOURCES.

An applicant for a license must provide the following with regard to financial resources:

1. Unless the applicant is already the holder of a license from the commission, the applicant shall submit the most recently audited financial statement showing: (Identify attached exhibit number)

a. The applicant's current assets, including investments in affiliated entities, loans and accounts receivable:

b. Fixed assets;

c. Current liabilities, including loans and accounts payable;

d. Long-term debt and equity; and

e. Contingent tax liability; and

f. Statement of income and expenses, and statement of cash flow.

2. Equity and debt sources of funds to develop, own and operate a satellite facility:

a. With respect to each source of equity:

(1) Identification of the source:

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(2) Amount:

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(3) Form:

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(4) Method of payment:

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(5) Nature and amount of present commitment:

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(6) Documentation copies of agreements and actions which the applicant will take to obtain commitments for additional amounts.

b. With respect to each source of debt:

(1) Identification of the source:

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(2) Amount:

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(3) Terms of debt:

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(4) Collateral:

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(5) Identity of guarantors:

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(6) Nature and amount of commitments:

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(7) Documentation, copies of agreements and actions with the applicant will take to obtain commitments for additional amounts.

3. Identification and description of sources of additional funds needed due to cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or other cause.

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2.10. DISCLOSURE OF FINANCIAL PLAN.

An applicant for a license shall submit detailed financial projections for the operation of the satellite facility at the location that includes financing and income, expenses, profits or losses. The applicant shall include projections for purse money, the Virginia Breeders Fund, revenue to the Commonwealth and localities. The applicant shall also include the basis for the projections. (Identify attached exhibit number.)

2.11. DISCLOSURE OF GOVERNMENTAL ACTIONS.

An applicant for a license must disclose whether it is in compliance with all state statutes, local charter provisions, local ordinances, and state and local regulations pertaining to the development, ownership and operation of the satellite facility. If the applicant is not in compliance, the applicant must disclose the reasons why the applicant is not in compliance and summarize plans to obtain compliance.

Is the applicant in compliance with all state statutes, local charter provisions, local ordinances, and state and local regulations pertaining to the development, ownership and operation of its satellite facility? (Yes or No) \_\_\_\_\_

If no, the applicant must disclose the reasons why the applicant is not in compliance:

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Further, the applicant must summarize plans to obtain compliance:

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## 2.12. DISCLOSURE OF MANAGEMENT.

An applicant for a license must disclose with regard to the development, ownership and operation of the satellite facility:

1. A description of the applicant's management plan, with budget and identification of management personnel by function, job description and qualifications for each management position, and a copy of the organization chart. (Identify attached exhibit number.)

2. Management personnel to the extent known and with respect to each:

- a. Legal name, alias(es) and previous name(s);
- b. Current residence and business addresses and telephone numbers;
- c. Qualifications and experience in the following areas:
  - (1) General business;
  - (2) Marketing, promotion and advertising;
  - (3) Finance and accounting;
  - (4) Horse racing;
  - (5) Pari-mutuel wagering;
  - (6) Security; and
  - (7) Operation of satellite wagering facilities.
- d. Description of the terms and conditions of employment and each applicant upon request shall provide to the commission a copy of each form of agreement.

The applicant shall complete the following management disclosure forms for as many managers to the extent known at the time of application.

\_\_\_\_\_  
(Position)

Legal Name: \_\_\_\_\_

Alias: \_\_\_\_\_

Previous Name: \_\_\_\_\_

Current Residence: \_\_\_\_\_

\_\_\_\_\_  
(City) (State) (Zip Code)

Residence Telephone: \_\_\_\_\_  
(Area Code) (Telephone Number)

Business Address: \_\_\_\_\_

\_\_\_\_\_  
(City) (State) (Zip Code)

Business Telephone: \_\_\_\_\_  
(Area Code) (Telephone Number)

Qualifications and experience in general business:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Marketing, promotion and advertising:

\_\_\_\_\_  
\_\_\_\_\_

Finance and accounting:

\_\_\_\_\_  
\_\_\_\_\_

Horse racing:

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Pari-mutuel wagering:

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Security:

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Satellite wagering facilities:

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Attach a description of the terms and conditions of employment and each applicant upon request shall provide to the commission a copy of each form of agreement. (Identify attached exhibit number.)

3. Consultants and other contractors who have provided or will provide management-related services to the applicant and with respect to each:

- a. Full name;
- b. Current address and telephone number;
- c. Nature of services;
- d. Qualifications and experience; and
- e. Description of terms and conditions of each contractor's agreement and a copy of the agreement.

The applicant shall complete the following disclosure form for each of the consultants and contractors who have provided or will provide management-related services to the applicant.

\_\_\_\_\_ Consultant

\_\_\_\_\_ Contractor

Full Name: \_\_\_\_\_

Current Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (City) (State) (Zip Code)

Telephone Number: \_\_\_\_\_

(Area Code) (Telephone Number)

Nature of Services: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Qualifications and experience: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Description of terms and conditions of agreement: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attach copy of the agreement. (Identify attached exhibit number.)

4. Memberships of the applicant, management personnel and consultants in horse racing organizations.

List applicant's memberships in horse racing organizations:

Name Organization

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List management's memberships in horse racing organizations:

Name Organization

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List consultant's memberships in horse racing organizations:

Name Organization

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5. Description of the applicant's marketing, promotion and advertising plans:

Describe plans:

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6. A description of the applicant's plan for concessions, including whether the licensee will operate the concessions and, if not who will?

Will applicant operate concessions? (Yes or No) \_\_\_\_\_

If yes, describe applicant's plan for concessions:

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If no, indicate entity that will operate concessions:

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7. A description of training of the applicant's personnel:

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2.13. DISCLOSURE OF AFFIRMATIVE ACTION PLAN.

An applicant for a license shall develop and disclose a plan to be in compliance with all laws pertaining to discrimination, equal employment and affirmative action; policies regarding recruitment, use and advancement of minorities; policies with respect to minority contracting; and a copy of the Equal Employment Opportunity statement. Such disclosure shall include, but not be limited to, a general policy statement, goals, objectives and strategies for ensuring that the licensee is in compliance with all relevant laws. (Identify attached exhibit number.)

2.14. DISCLOSURE OF LEASE.

If the applicant leases the site of the satellite facility, the applicant shall submit copies of any leasing agreement, and any other arrangements for the use of the facility between the applicant and the owner of the facility.

2.15. DISCLOSURE OF SAFETY AND SECURITY PLANS.

An application for a license must disclose with regard to the development of the satellite facility the emergency services available, the fire, safety and security equipment and procedures, and the security personnel to be employed, a plan for uniform identification of employees, enabling customers to generally identify the function of each except undercover security personnel who shall carry a badge cleared with its local police jurisdiction. The disclosure shall include a description of the internal accounting controls to create cross checks and balances in order to safeguard assets and detect fraud and embezzlement.

2.16. DISCLOSURE OF IMPACT OF THE SATELLITE FACILITY.

An applicant for a license must disclose and document the projected impact of the satellite facility, including:

1. Economic impact, giving:

a. Number of jobs created: \_\_\_\_\_

Permanent or temporary: \_\_\_\_\_

Type of work: \_\_\_\_\_

Compensation: \_\_\_\_\_

Employer: \_\_\_\_\_

Gender: \_\_\_\_\_

Race: \_\_\_\_\_

b. Purchases of goods and services: \_\_\_\_\_

Types of purchases: \_\_\_\_\_

Projected expenditures: \_\_\_\_\_

c. Public investment: \_\_\_\_\_

Private investment: \_\_\_\_\_

d. State tax revenues generated: \_\_\_\_\_

Local tax revenues generated: \_\_\_\_\_

2. Environmental impact:

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3. Impact on energy conservation and development of alternative energy sources:

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4. Social impact on the community in which the facility would be located:

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2.17. DISCLOSURE OF ASSISTANCE IN PREPARATION OF APPLICATION.

An applicant must disclose the name, addresses and telephone numbers of individuals and businesses who assisted the applicant in writing of its application and supply copies of all studies completed for the applicant.

Name: \_\_\_\_\_

Business: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (City) (State) (Zip Code)

Telephone Number: \_\_\_\_\_  
(Area Code) (Telephone Number)

Assistance Rendered: \_\_\_\_\_

2.18. PERSONAL INFORMATION AND AUTHORIZATION FOR RELEASE.

In an application for a license, the applicant shall include the following with respect to each individual identified as an applicant, partner, director, officer, other policymaker, or holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of 5.0% or more in the applicant and each individual identified pursuant to subdivisions 2 and 3 of 2.12.

1. Full name, business and residence addresses, and telephone numbers, residence addresses for the past five years, date of birth, place of birth, Social Security number, if the individual is willing to provide it, and two references (Sample forms on Pages 29 and 30); and

2. An authorization for release of personal information, on a form prepared by the commission (as shown on Page 31), signed by the individual and providing that he or she:

a. Authorizes a review by, and full disclosure to, an agent of the Virginia State Police, of all records concerning the individual;

b. Recognizes the information reviewed or disclosed may be used by the Commonwealth of Virginia and the commission to determine individual's qualifications for a license; and

c. Release authorizes providers and users of the information from any liability under state or federal data privacy statutes.

Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

\_\_\_\_\_

(City) (State) (Zip Code)

Business Telephone: \_\_\_\_\_

(Area Code) (Telephone Number)

Residence Address: \_\_\_\_\_

\_\_\_\_\_

(City) (State) (Zip Code)

Home Telephone: \_\_\_\_\_

(Area Code) (Telephone Number)

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Residence Addresses for the Past Five Years:

From: \_\_\_\_\_ To: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

(City) (State) (Zip Code)

From: \_\_\_\_\_ To: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

(City) (State) (Zip Code)

From: \_\_\_\_\_ To: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
(City) (State) (Zip Code)

From: \_\_\_\_\_ To: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
(City) (State) (Zip Code)

From: \_\_\_\_\_ To: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
(City) (State) (Zip Code)

**References:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
(City) (State) (Zip Code)

Telephone: (Area Code): \_\_\_\_\_ (Number): \_\_\_\_\_

How Long Have You Known Reference: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
(City) (State) (Zip Code)

Telephone: (Area Code): \_\_\_\_\_ (Number): \_\_\_\_\_

How Long Have You Known Reference: \_\_\_\_\_

AUTHORIZATION FOR RELEASE OF PERSONAL INFORMATION

I, \_\_\_\_\_  
(Name)

a \_\_\_\_\_  
(Title)

of \_\_\_\_\_  
(Name of Applicant)

hereby authorize a complete review of my background and of the information provided by me in my disclosure statement and the information provided in the applicant's application. In addition, I hereby authorize a complete background investigation to be conducted by the Virginia State Police, Federal Bureau of Investigation, the Virginia Racing Commission, and its agents contractors and assignees of all records concerning me, whether these records are public, non-public, private or confidential. I accept any risk of adverse public notice, embarrassment, criticism, or other circumstance, including financial loss, which may result from action with respect to the application and expressly waive any claim which otherwise could be made against the Virginia Racing Commission, its employees, commission staff or agents. I recognize that the information provided and discovered may be used by the Virginia Racing Commission, its employees, members, staff and agents in order to evaluate both the applicant and my fitness and qualifications for participation in the applicant's license under 59.1-375 and 59.1-377 of the Code of Virginia; and I further release authorized providers and users of any such information from any liability under state or federal privacy laws.

\_\_\_\_\_  
(Signature)

Subscribed and sworn to before me:

on this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_  
Notary

**APPENDIX**

**2.5. DISCLOSURE OF OWNERSHIP AND CONTROL.**

1. The applicant must disclose the type of organizational structure of the applicant:

- Individual
- Business corporation
- Nonprofit corporation
- Partnership
- Joint Venture
- Trust
- Association
- Other

If other, describe: \_\_\_\_\_

2. If the applicant is an individual, the applicant must disclose the individual's:

Legal name: \_\_\_\_\_

United States citizen (Yes or No): \_\_\_\_\_

Any aliases and business or trade names currently or previously used:

\_\_\_\_\_

Copies of all state and federal tax returns for the past five years. (Identify attached exhibit number.)

3. If the applicant is a corporation, the applicant must disclose the applicant's:

a. Full corporate name: \_\_\_\_\_

Any trade names currently or previously used: \_\_\_\_\_

\_\_\_\_\_

b. Jurisdiction of incorporation: \_\_\_\_\_

Date of incorporation: \_\_\_\_\_

c. The date the applicant began doing business in the Commonwealth of Virginia: \_\_\_\_\_

A copy of the applicant's certificate of authority to do business in Virginia. (Identify attached exhibit number.)

d. Copies of the applicant's articles of incorporation and bylaws. (Identify attached exhibit number.)

All state and federal corporate tax returns for the past five years. (Identify attached exhibit number.)

e. The general nature of the applicant's business: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

f. Whether the applicant is publicly held as defined by the rules and regulations of the Securities and Exchange Commission: (Yes or No): \_\_\_\_\_

g. The classes of stock of the applicant. As to each class, the number of shares authorized, number of shares subscribed to, number issued, number outstanding, par value per share, issue price, current market price, number of shareholders, terms, position, rights and privileges must be disclosed. (Identify attached exhibit number.)

h. Whether the applicant has any other obligations or securities authorized or outstanding which bear voting rights either absolutely or upon any contingency (Yes or No): \_\_\_\_\_

If yes, the applicant must disclose the nature thereof, face or par value, number of units authorized, number outstanding, and conditions under which they may be voted. (Identify attached exhibit number.)

- i. The names, in alphabetical order, and addresses of the directors and, in a separate list, officers of the applicant. The number of shares held of record directly or indirectly by each director and officer as of the application date of each class of stock, including stock options and subscriptions, and units held of record or beneficially of other obligations or securities which voting rights must be disclosed. (Identify attached exhibit number.)
- j. The names, in alphabetical order, and addresses of each recordholder as of the date of application or beneficial owner of shares, including stock options and subscriptions, of the applicant or units of other obligations or securities which bear voting rights. As to each holder of shares or units, the number and class or type of shares or units must be disclosed. (Identify attached exhibit number.)
- k. Whether the requirements of the Securities Act of 1933 and Security and Exchange Act of 1934, as amended, and Securities and Exchange Commission rules and regulations have been met in connection with issuance of applicant's securities: (Yes or No): \_\_\_\_\_

The applicant must provide copies of the most recent registration statement and annual report filed with the Securities and Exchange Commission. (Identify attached exhibit number.)

- l. Whether the securities registration and filing requirements of the applicant's jurisdiction of jurisdiction have been met: (Yes or No): \_\_\_\_\_

The applicant must provide a copy of the most recent registration statement filed with the securities regulator in that jurisdiction. (Identify attached exhibit number.)

- m. Whether the securities registration and filing requirements of the Commonwealth of Virginia have been met: (Yes or No) \_\_\_\_\_

If not the applicant must disclose the reasons why:

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The applicant must provide copies of all securities filings with Virginia's State Corporation Commission during the past five years. (Identify attached exhibit number.)

4. If the applicant is an organization other than a corporation:

a. The applicant's full name: \_\_\_\_\_

Any aliases, business or trade names currently or previously used:

\_\_\_\_\_  
\_\_\_\_\_

b. The jurisdiction of organization of the applicant:

\_\_\_\_\_

c. The date the applicant began doing business in Virginia:

\_\_\_\_\_

d. Copies of any agreements creating or governing the applicant's organization and all of the applicant's state and federal tax returns for the past five years. (Identify exhibit number.)

e. The general nature of the applicant's business:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. The names, in alphabetical order, and addresses of any partners and officers of the applicant and other persons who have or share policymaking authority. As to each, the applicant must disclose the nature and extent of any ownership interest, direct or indirect, including options, or voting interest, whether absolute or contingent, in the applicant. (Identify attached exhibit number.)

- g. The names, in alphabetical order, and addresses of any individual or other entity holding a record or beneficial ownership interest, direct or indirect, including options, as of the date of the application, or other voting interest, whether absolute or contingent, in the applicant. As to each, the applicant must disclose the nature and extent of the interest. (Identify attached exhibit number.)

5. If a nonindividual record or beneficial holder of an ownership or other voting interest of 5.0% or more in the applicant is identified pursuant to subdivisions 3, i or j, or subdivisions 4, f and g, the applicant shall disclose the information required by those subdivisions as to record or beneficial holders of an ownership or other voting interest of 5.0% or more in that nonindividual holder. The commission shall have the right to inquire for further disclosure of the applicant as it deems necessary. When an applicant is unable to provide the information required, it shall explain fully and document its inability to do so. (Identify attached exhibit number.)

6. Whether the applicant is directly or indirectly controlled to any extent or in any manner by another individual or entity: (Yes or No) \_\_\_\_\_

If yes, the applicant must disclose the identity of the individual or controlling entity:

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The applicant must provide a description of the nature and extent of control:

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7. Any agreements or understandings which the applicant or any individual or entity identified pursuant to this section has entered into regarding ownership or operation of the applicant's satellite wagering facility, and copies of any such agreements in writing. (Identify attached exhibit number.)

8. Any agreements or understandings which the applicant has entered into for the payment of fees, rents, salaries, or other compensation concerning the proposed satellite facility by the applicant, and copies of any such agreements in writing. (Identify attached exhibit number.)

9. Whether the applicant, any partner, director, officer, other policymaker, or holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of 5.0% or more has held or holds a license or permit issued by a governmental authority to own or operate a horse racing facility, pari-mutuel wagering facility or any other form of gambling or has a financial interest in such an enterprise or conducts any aspect of horse racing or gambling. If so, the applicant must disclose the identity of the license or permit holder, nature of the license or permit, issuing authority, and dates of issuance and termination. (Identify attached exhibit number.)

## 2.6. DISCLOSURE OF CHARACTER INFORMATION.

Unless the applicant for a license is already a licensee or holder of a permit from the commission, the applicant shall disclose and furnish particulars whether the applicant or any individual or other entity identified pursuant to sections 2.5. or 2.12. of this regulation or a lease holder of the site of the facility has:

1. Been charged in any criminal proceeding other than a traffic violation (Yes or No): \_\_\_\_\_

If yes, the applicant must disclose:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Nature of the Charge: \_\_\_\_\_

Date charged: \_\_\_\_\_

Court: \_\_\_\_\_ Disposition: \_\_\_\_\_

2. Had a horse racing, gambling, business, professional, or occupational license or permit revoked or suspended or renewal denied or been a party in a proceeding to do so: (Yes or No) \_\_\_\_\_

If yes, the applicant must disclose:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date of Commencement: \_\_\_\_\_

Circumstances: \_\_\_\_\_

Disposition: \_\_\_\_\_

3. Been accused in an administrative or judicial proceeding of violating a statute or regulation relating to horse racing or gambling: (Yes or No) \_\_\_\_\_

If yes, the applicant must disclose:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date of Commencement: \_\_\_\_\_

Circumstances: \_\_\_\_\_

Disposition: \_\_\_\_\_

4. Been charged in an administrative hearing or judicial proceeding of violating a statute or regulation relating to unfair labor practices or discrimination: (Yes or No) \_\_\_\_\_

If yes, the applicant must disclose:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date of Commencement: \_\_\_\_\_

Circumstances: \_\_\_\_\_

Disposition: \_\_\_\_\_

5. Begun an administrative or judicial action against a governmental regulator of horse racing or gambling:

If yes, the applicant must disclose:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date of Commencement: \_\_\_\_\_

Forum: \_\_\_\_\_

Circumstances: \_\_\_\_\_

Disposition: \_\_\_\_\_

6. Been subject of voluntary or involuntary bankruptcy proceedings: (Yes or No): \_\_\_\_\_

If yes, the applicant must disclose:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date of Commencement: \_\_\_\_\_

Forum: \_\_\_\_\_

Circumstances: \_\_\_\_\_

Date of Decision: \_\_\_\_\_ Disposition: \_\_\_\_\_

7. Failed to satisfy any judgment, decree or order of an administrative or judicial tribunal: (Yes or No) \_\_\_\_\_

If yes, the applicant must disclose:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Circumstances: \_\_\_\_\_

\_\_\_\_\_

8. Been delinquent in filing a tax return required or remitting a tax imposed by any government: (Yes or No) \_\_\_\_\_

If yes, the applicant must disclose:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Circumstances: \_\_\_\_\_

\_\_\_\_\_