



Division of Racing

APPLICATION FOR LICENSE TO HOLD OR CONDUCT A RACING MEETING

APPLICATION OF: _____

FOR LICENSE TO HOLD OR CONDUCT A RACING MEETING AT:

_____ FOR CALENDAR YEAR 20__.

Pursuant to the provisions of Chapter 128A of the General Laws of the Commonwealth of Massachusetts, inserted by Chapter 374 of the Acts of 1934, as amended, the Applicant hereby makes application for license to hold or conduct a _____ racing meeting at _____ County of _____.

As used in this application the word “applicant” has the following meanings, respectively: In case of an individual applicant, the applicant. In case of a partnership applicant, all partners, including limited and silent partners. In case of a corporate applicant, all officers, directors, stockholders of record, persons owning the beneficial interest in any stock, subscribers to any stock and persons who voted any of the voting stock at the last stockholders. In the case of an LLC, all members and managers. In the case of a trust, all trustees. In the case of an unincorporated association, all members of the association.

Attached hereto, is a certified check or bank draft payable to the Massachusetts Gaming Commission in the sum of \$ _____ which is the greater of .0013 times the average daily handle for the racing meeting that occurred in 20__ or Three hundred dollars (\$300.00).

Applicant has provided the Massachusetts Gaming Commission with a surety bond issued by surety qualified to do business in the Commonwealth of Massachusetts and approved by the Commission in the amount of \$125,000 in accordance with Section 3(o) of Chapter 128A of the General Laws.

1. The name of the applicant:

2. The post office address of the applicant:

3. Address of principal office:

4. Trade name, if any, under which business is or is to be conducted:

5. The location of the race track where it is proposed to hold or conduct such meeting, including street address, municipality and county.

6. The days on which it is intended to hold or conduct such a meeting, the number of races to be run daily and the minimum purse per race.

7. The hours of each day between which it is intended to hold or conduct racing at such meeting in accordance with c. 128A §2 (5).

8. Name and address of attorney, if any, of the applicant:

9. Applicant is (check one):

- An individual
- A limited partnership
- An unincorporated association
- A general partnership
- A trust
- A corporation
- An LLC
- Other (specify)

10. If applicant is an individual, give name, address, place and date of birth.

Name _____

Residence _____

Place of Birth _____ Date of Birth _____

Submit as **Exhibit 10** three personal references including one of a bank.

11. If applicant is a corporation, LLC, partnership or other business entity:

(a) Submit as **Exhibit 11(a)** the name, place, date of birth and legal residence of each shareholder, member, manager, partner and/or officer of applicant and the office held by each.

(b) Submit as **Exhibit 11(b)** a statement showing:

(1) Class of stock issued or to be issued (designate which)

(2) Par value

(3) Vote per share

(4) Number of shares authorized

(5) Number of shares issued

(6) Number of shares subscribed

(7) Total number of shares and the percentage of shares owned by each shareholder.

(c) If applicant is a foreign corporation, LLC or partnership, submit as **Exhibit 11(c)** a statement listing the state of formation, the entity's qualification to do business in Massachusetts and the name and address of the registered agent for service of process in Massachusetts.

(d) If business entity is an LLC or other organized entity that does not issue stock, submit as **Exhibit 11(d)** a schedule of ownership listing all members/managers and percentage of entity held.

(e) If business entity is a partnership or other organized entity, submit as **Exhibit 11(e)** a schedule listing the partners or others holding an interest and the percentage of the entity held.

(f) Is the beneficial owner of any stock or share of business entity a person other than the owner of record or subscriber?

_____ YES _____ NO

*If the answer to this question is yes, submit as **Exhibit 11(f)** a statement showing:*

- (1) The name of the owner of record, or subscriber
- (2) The name of the beneficial owner
- (3) The conditions under which the owner or subscriber holds and votes or has subscribed for such stock or share of business entity
- (4) Whether applicant has any other obligations or securities authorized or outstanding which bear voting rights whether absolutely or upon any contingency
- (5) The nature of such securities
- (6) The face value or par value
- (7) The number of units authorized
- (8) The number of units issued and outstanding
- (9) The number of units, if any, proposed to be issued
- (10) The conditions or contingency upon which such securities may be voted
- (11) Facts showing whether or not such securities have been voted or entitled to be voted in in the period commencing five (5) years prior to this application.

(g) Does the applicant have officers, directors, members or managers who are also officers, directors, members, or managers of any other race track that is or has been licensed by this or any other racing or gaming commission?

_____ YES _____ NO

*If the answer to this question is yes, submit as **Exhibit 11(g)** a list of such officers, directors, members or managers, the race track or gaming facility involved, the date of licensure, the type of license and the jurisdiction in which such race track or gaming facility is located.*

12. (a) Has applicant or any of its officers, directors, members, or managers had a race track or gaming license revoked by order of decree of any Federal or State Court or any State Racing or Gaming Commission?

_____ YES _____ NO

*If the answer to this question is yes, submit as **Exhibit 12(a)** a list of such licensees, the name of the court or commission that revoked the license, the date the license was revoked and the reason for the revocation.*

(b) Have voluntary proceedings in bankruptcy been instituted by, or have involuntary proceedings in bankruptcy ever been brought against applicant or any officer, director, member or manager of applicant?

_____ YES _____ NO

*If the answer to this question is yes, submit as **Exhibit 12(b)** a list describing the name of the person or entity filing for bankruptcy, the type of petition filed in bankruptcy, the date of the filing, the court in which filed and the date of final discharge, or if ongoing, indicate the expected date of final discharge.*

(c) Are there outstanding any unsatisfied judgments, decrees or restraining orders against applicant or any officer, director, member or manager of applicant?

_____ YES _____ NO

*If the answer to this question is yes, submit as **Exhibit 12(c)** a list describing the type of the judgment, the court or other body entering the judgment, the date of the judgment, the person against whom the judgment is entered, the amount of the judgment and the reason why the judgment is unsatisfied.*

13. Does the applicant or any of its officers, directors, members, or managers, have now, or have ever had, any direct or indirect financial or other interest in:

(a) Any harness horse, running horse, or dog racing meeting conducting legalized pari-mutuel wagering?

_____ YES _____ NO

*If the answer to this question is yes, submit as **Exhibit 13(a)** a list describing the name of the officer, director, member or manager having the interest, the type of the interest, the amount of the interest, the name of the entity in which the interest is held, and the location of the entity and the jurisdiction licensing the entity.*

(b) Any application other than this pending before the Massachusetts Gaming Commission?

_____ YES _____ NO

*If the answer to this question is yes, submit as **Exhibit 13(b)** a list of all such applications, the type of application, the date such application was filed, the date the application was granted or rejected or whether the application is currently pending.*

(c) Any application for a racing license or a gaming license which has been denied by the Massachusetts Gaming Commission, the predecessor Massachusetts State Racing Commission or any other State Commission or authority?

_____ YES _____ NO

*If the answer to this question is yes, submit as **Exhibit 13(c)** a list of all such applications, including the jurisdiction in which it was filed, the type of application, the date the application was denied, the name of the applicant, and the reason for such denial.*

(d) Any harness horse, running horse, or dog racing meeting conducting pari-mutuel wagering in a State where pari-mutuel wagering, betting, pool making or gambling was not or is not legalized by State law?

_____ YES _____ NO

*If the answer to this question is yes, submit as **Exhibit 13(e)** a list of such racing meetings, the jurisdiction where the racing meetings are located and the date such racing meetings occurred.*

14. How does applicant control the real property on which the race track is located (indicate by check mark):

- Fee Simple Ownership
- Lease
- Other Authority

(a) If a previous racing applicant, please state any new changes to real property plot plan from previous year. If not a previous racing applicant, submit as **Exhibit 14(a)** the exact description, by metes and bounds, number of acres in premises, a plot plan showing the entire premises with all buildings presently on premises or proposed to be erected on said premises, information showing accessibility by highway, railroad and/or other means of public transportation, population within a 50 mile radius, and distances from principal cities, within said 50 mile radius. If applicant does not control the real property on which the race track is located by fee simple ownership, include the name and address of the fee simple owner or lessor of the real property. If the fee simple owner or lessor is a corporation, LLC, partnership or other business entity, also include a list of the officers, directors, managers, member or other persons with an interest in the fee simple owner or lessor.

(b) Does the applicant have and maintain control of the personal property necessary to operate and maintain the race track, including equipment and have and maintain control over the entire operation?

*Submit as **Exhibit 14(b)** a list describing all agreements relating to the operation and control of all equipment, personal property or other operational matters. This includes any agreement pertaining to operation of food, beverage, parking or other concessions, printing of programs or other materials, equipment leases, and subcontracting of services necessary to maintain and operate the race track. This also includes any financial interests, such as loans, and any agreement that, in the event of a default under such agreement, would have the consequence of creating a change in control of the race track.*

15. Has applicant's entire premises been approved by local authorities in accordance with Section 13A of Chapter 128A of the General Laws?

*Submit as **Exhibit 15** a copy of the applicant's approval. If applicant's premises have not been approved in accordance with c.128A §13A, explain why such approval was not obtained.*

16. Is the applicant delinquent in the filing of any report or the payment of any tax as required by Chapter 128A of the General Laws of the Commonwealth of Massachusetts or delinquent in the filing of any other report or the payment of any other tax required by the laws of the Commonwealth of Massachusetts?

YES NO

*If the answer to the question is yes, submit as **Exhibit 16** list of all delinquencies, the reason for such delinquencies and when all delinquencies will be cured.*

17. Submit as **Exhibit 17** a copy of all executed agreements with representative horsemen's organizations.

18. If license is granted applicant will carry:

(Check)

Workmen's Compensation Insurance	_____	YES	_____	NO
Public Liability Insurance	_____	YES	_____	NO
Jockey Insurance	_____	YES	_____	NO
Drivers' Insurance	_____	YES	_____	NO

Submit as **Exhibit 18** copies of all policies of insurance carried by applicant as well as a statement setting forth all other types of insurance carried for the protection of employees and patrons.

19. Submit as **Exhibit 19** the following information if not a previous racing applicant. If a previous racing applicant, please state any new changes:

(a) Grandstand:

- (1) Seating capacity
 - Box Seats
 - Reserved Seats
 - General Admission
 - Total seating capacity
- (2) Is Grandstand enclosed?
- (3) Is Grandstand heated?
- (4) Is any portion of Grandstand air conditioned?
- (5) Type of construction of Grandstand
- (6) Ground area covered by the Grandstand

(b) Club House

- (1) Seating Capacity
 - Box Seats
 - Reserved Seats
 - General Admission
 - Total seating capacity
- (2) Is Club House enclosed?
- (3) Is Club House heated?
- (4) Is any portion of the Club House air conditioned?
- (5) Type of construction of Club House
- (6) Ground area covered by the Club House

(c) Bleachers

- (1) Seating Capacity
- (2) Type of construction of Bleachers
- (3) Ground area covered by the Bleachers

(d) Parking Space:

- (1) Area
- (2) Automobile capacity
- (3) Is parking area lighted?
- (4) Is parking area treated? And if so how?
- (5) Is parking area numbered?
- (6) Is charge made for parking? And if so how much?
- (7) Are the parking area and walkways cleared of snow and ice?

(e) Number of pari-mutuel ticket windows provided:

Grandstand: _____ Selling: _ Cashing: _
Club House: _____ Selling: _ Cashing: _
Other Locations: _____ Selling: _____ Cashing: _____

(f) Toilet facilities for patrons of each sex in Grandstand, Club House and/or other locations.

(g) System of sewerage disposal. If not connected to main sewerage system give details of system used.

(h) Number of outlets for fresh, pure drinking water for patrons in grandstand, clubhouse and/or other locations.

20. Submit as **Exhibit 20** a detailed statement of security measures which will be employed for the protection of patrons, employees, occupational licensees and horses and the control of traffic within the premises and on roads leading to and from the said premises. This statement should include but not be confined to:

- (a) Number of uniformed police officers to be on duty each day inside the track;
- (b) Whether such police officers will be regular police officers or special officers;
- (c) Number of uniformed police officers detailed to traffic within the premises and on roads leading to and from the premises before, during and after racing hours;
- (d) Number of plain clothes officers or detectives assigned within the track proper;
- (e) System to be used for the detection and suppression of illegal gambling within the premises of the applicant;
- (f) System to be used in the detection and barring of pick-pockets, touts and other undesirable characters;
- (g) Name of person who will be in charge of security within the track proper;
- (h) Name of person who will have supervision of traffic control within the premises of the applicant and will act as liaison between the applicant and local police authorities in the control of traffic outside of the premises of the applicant;
- (i) Name of police authority that has been consulted in setting up security measures within the track and the control of traffic within and outside of the premises of the applicant.
- (j) System used to protect money received by the track, including security systems protecting the cash room and measures taken to ensure that all wagering equipment is working properly and free from tampering.

- 21.** Submit as **Exhibit 21**, a description of the following:
If a previous racing applicant, please state any new changes from the previous year:
- (a) Size of Track
 - (b) Number of Chutes
 - (c) Number of Stables
 - (d) Number of Stalls
 - (e) Number of Tack Rooms
 - (f) Number of Tack Rooms Heated
 - (g) Number of Shower baths in stable area
 - (h) Toilet facilities in stable area
 - (i) Fire protection in stable area including:
 - Number of sprinklers
 - Number of fire alarm boxes
 - Other fire protective measures in stable area
 - (j) A detailed statement of measures which will be employed in the policing of the stable area. This statement should include but not be confined to:
 - (1) Is stable area enclosed? If so, describe method of enclosure
 - (2) Number of gates to enclosure, where located and method of control;
 - (3) System of passes to be issued to persons employed in stable area;
 - (4) Method to be followed in allowing persons in and out of stable area;
 - (5) Number of uniformed police officers to be assigned to the stable area indicating the number in daytime hours and nights;
 - (6) Number of plain clothes officers or detectives to be assigned to the stable area, days and nights;
 - (7) Name of person who will be in charge of policing in the stable area.
 - (k) Recreation room
 - (l) Track Kitchen, including seating capacity
 - (m) Size of jockey or driver's room and equipment available including number of shower baths, toilets, hot-boxes, etc.
 - (n) List of other accommodations, facilities or services in stable area.
 - (o) List any other accommodations, facilities or services for the benefit of the patrons attending.
- 22.** Submit as **Exhibit 22** the trade name of any of the following equipment used at the track- date of purchase or the date of present contract or lease and expiration date of said contract:
- (a) Pari-Mutuel Equipment
 - (b) Starting Gate
 - (c) Photo Finish Camera
 - (d) Film Patrol
 - (e) Timing Devices
 - (f) Inter-communication system
 - (g) Public Address System
 - (h) Closed Circuit Television System
 - (i) Horse Shoe Board
 - (j) Scales

- 23.** Submit as **Exhibit 23**
If a previous racing applicant, please state any new changes from the previous year:
- (a) A copy of applicant's employee handbook
 - (b) A copy of all of applicant's policies and procedures regarding internal controls including but not limited to those policies that deal with the handling of money, or the placing of wagers both in person and via telephone or other methods
 - (c) A copy of applicant's audit committee and compliance committee charters as well as a list of the audit and compliance committee members and their relationship to the applicant
 - (d) Any other policies that indicate that applicant meets general industry standards for business and financial practices, procedures, and controls.
- 24.** Submit as **Exhibit 24** a copy of the applicant's most recent audited financial statements, most recent audited or unaudited quarterly financial statement, an audited profit and loss statement for the applicant's most recent fiscal year, a statement showing the total gross receipts for the past five calendar years received by each concessionaire operating at the race track and the amount paid to the applicant. If the receipts to the applicant are based on other than the gross receipts, explain how the receipts are calculated. Also include a description of any interest held by the applicant or any officer, director, member, manager, majority shareholder or partner in any concessionaire.
- 25.** Submit as **Exhibit 25** a statement setting forth the reasons why the applicant believes that the dates applied for will be beneficial to the public, the Commonwealth, the applicant and the Commonwealth's thoroughbred or Standardbred owners and trainers and Massachusetts based vendors and suppliers.
- 26.** Submit as **Exhibit 26** the following information:
- (a) Actual amount of purses paid in the last calendar year
 - (b) Estimated amount of purses to be paid in the next calendar year
 - (c) Actual handle generated by applicant on its live races in the last calendar year (all sources)
 - (d) Direct employment numbers attributable to applicant in the last calendar year as evidenced by the number of people who received a Form W-2 and / or Form 1099 MISC and direct employment numbers of employees who are citizens of the Commonwealth
 - (e) Indirect employment numbers attributable to applicant in the last calendar year as evidenced by statements from sub-contract companies (such as concession workers, security guards, tote personnel, etc.) as to employees assigned to applicant's facility
 - (f) Number of occupational licenses attributable to applicant in the last calendar year
 - (g) Amount of tax revenue and other revenues paid to the Commonwealth in the last calendar year including total Massachusetts income tax withheld from employees, Massachusetts sales taxes paid to the Commonwealth, Massachusetts corporate taxes actually paid or payable for the most recent fiscal year, and real estate taxes, as evidenced by appropriate source documents such as Forms W-2, M941, sales tax remittance forms, etc.
 - (h) Total pari-mutuel revenue generated and paid to the Commonwealth in the last calendar year including state commissions, assessments, association license fees, occupational license fees, fines, penalties and miscellaneous revenues, other than unclaimed wagers, paid to the Massachusetts State Racing Commission and Massachusetts Gaming Commission.

27. Include as **Exhibit 27** a master list of requested simulcast imports. A new form (“Licensee Request for Simulcast Import”) MUST be completed for EACH signal and submitted to the Commission no later than November 29 of each calendar year. Approval letters from the host racetrack’s regulatory authority and both representative horsemen’s groups must be on file with MGC by the close of business on the day prior to the first day of import.
28. Include as **Exhibit 28** a master list of requested simulcast export outlets with this application. Such list should identify all secondary, satellite, and/or guest sites serviced by the primary outlet. In addition, a new form (“Licensee Request for Simulcast Export”) MUST be completed for each signal and submitted to the Commission, along with an approval letter from the applicant’s representative horsemen’s group, no later than 30 days before the first scheduled day of the live race meet.
29. Include as **Exhibit 29** a request for authorization for a system of account wagering in accordance with 205 CMR 6.20: General Account Wagering. The request shall include information related to any planned, non-monetary, incentive programs and account security plans. If a service provider is used, include copies of any and all agreements between the service provider and the applicant regarding the services to be provided by the service provider to the applicant in respect to the applicant’s account wagering operations
30. **Qualifiers and Suitability**

In evaluating this application, the Commission will consider whether the Applicants are persons likely to conduct racing in accordance with approved practices and in a manner consistent with the public safety, health, morals, and welfare. See Bay State Harness Horse Racing & Breeding Ass’n, Inc. v. State Racing Comm’n, 342 Mass. 694, 699–700 (1961).

Further, in accordance with G.L. c. 128A, § 3(i) the Commission must consider “the interest of members of the public in racing competition honestly managed ...”

With the above principles in mind, please complete a Business Entity Disclosure form and/or a Multijurisdictional Personal History Disclosure form with Massachusetts Supplement for each Qualifier as so designated by the Licensing Division.

31. General Conditions

- (1) Approval of a race meeting by the Commission does not establish the Commission as the insurer or guarantor of the safety or physical condition of the association's facilities or purse of any race.
- (2) By submitting this application, applicant agrees to indemnify, save and hold harmless the Commission from any and all liability arising from unsafe conditions at the applicant’s premises and default in payment of purses.
- (3) Applicant shall provide the Commission with a certificate of liability insurance as required by the Commission.
- (4) Applicant shall maintain in an approved depository, those amounts deducted from the pari-mutuel handle for distribution for the purposes specified in the Ch. 128A, 128C, and Commission rules.
- (5) Applicant and its managing officers are jointly and severally responsible to ensure that the amounts retained from the pari-mutuel handle are distributed according to the Ch. 128A, 128C, and Commission rules and not otherwise.
- (6) Applicant and its managing officers shall ensure that all purse monies, disbursements and

appropriate nomination race monies are available to make timely distribution in accordance with Ch. 128A, and Commission rules.

The applicant agrees, if a license is issued, to abide by and comply with the provisions of Chapters 128A and 128C of the General Laws now in effect or as hereafter amended and any rules and regulations heretofore or hereafter promulgated by the Massachusetts Gaming Commission. The applicant agrees that that if a license is granted, it will become the duty of the applicant as long as the license shall remain in effect, to file with the Massachusetts Gaming Commission such reports as may be required by Chapters 128A and 128C of the General Laws now in effect or as hereafter amended and such rules and regulations as it has adopted or may hereafter adopt, and to make such payments as may be required by law, and for failure so to do, the licensee shall incur the penalties set forth in Chapters 128A and 128C of the General Laws, or in such rules and regulations as said Massachusetts Gaming Commission has adopted or may hereafter adopt.

The applicant agrees to comply with all federal, state or local laws, rules, regulations or ordinances, now in effect or hereafter adopted applicable to applicant's activities allowed under a license granted by the Commission.

The applicant agrees that any construction on the premises covered by a license granted by the Commission shall be subject to the inspection of Commission and to that end further agrees that the Commission, its agents, representatives or employees, shall have access to the same during construction, and further agrees to so construct in strict accordance with such plans and specifications as may hereafter be approved by the Commission and to pay for the cost and expense incurred for the study and approval of the plans and specifications and inspection of the construction by said Massachusetts Gaming Commission. The applicant agrees that all buildings erected or to be erected on the premises here involved may be inspected by the Massachusetts Gaming Commission and their duly authorized agents, representatives or employees at any time, with or without prior notice to applicant.

Applicant agrees that all exhibits, statements, plans reports, papers, etc. submitted with the application are made a part hereof and are incorporated into this application as if set forth herein in full.

Applicant states under penalty of perjury that the answers provided in this application are true and correct. Applicant agrees that any license which may hereafter be granted is predicated upon statements and answers herein contained and that if the Commission determines that any information provided herein is false or misleading said license may be revoked.

Applicant:

By:

Date:

WITNESS:

WITNESS:

ATTEST:

Secretary (Affix Corporate Seal)

AFFIDAVIT BY INDIVIDUAL APPLICANT

Commonwealth of Massachusetts, County of _____.

_____, being duly sworn, upon ____ oath deposes and says that: The answers, statements and declarations made in the foregoing application are true.

Subscribed and sworn to before me this ____ day of _____.

_____ Signature of Affiant

_____ Signature of officer administering oath

_____ Title of such officer

AFFIDAVIT BY CORPORATE APPLICANT

Commonwealth of Massachusetts, County of _____.

_____, being duly sworn, upon ____ oath deposes and says that:

1. She/he is the _____ of the corporation named as the applicant and signed the foregoing application.
2. She/he was duly authorized by the Board of Directors of said corporation to sign said application in its name and in its behalf.
3. She/he has read and fully understands all of the questions pertaining to such applicant corporation and that all of the foregoing answers, statements and declarations made thereto are true.

Subscribed and sworn to before me this ____ day of _____.

_____ Signature of Affiant

_____ Signature of officer administering oath

_____ Title of such officer

AFFIDAVIT BY PARTNERSHIP APPLICANT

Commonwealth of Massachusetts, County of _____.

_____, being duly sworn, say on their respective oaths that:

1. They are the partners of the partnership named as the applicant in the foregoing application.
2. They have read and fully understand all of the questions pertaining to such applicant partnership and are authorized by all of said partners to make this affidavit.
3. That all of the foregoing answers, statements and declarations made thereto are true.

Subscribed and sworn to before me this ____ day of _____.

_____ Signature of Affiant

_____ Signature of officer administering oath

_____ Title of such officer

AFFIDAVIT BY LIMITED LIABILITY COMPANY APPLICANT

Commonwealth of Massachusetts, County of _____.

_____, being duly sworn, upon ____ oath deposes and says that:

1. _____ is the _____ of the Limited Liability Company named as the applicant and signed the foregoing application.
2. _____ was duly authorized to sign said application in its name and in its behalf.
3. _____ has read and fully understands all of the questions pertaining to such applicant and that all of the foregoing answers, statements and declarations made thereto are true.

Subscribed and sworn to before me this ____ day of _____.

Signature of Affiant

Signature of officer administering oath

Title of such officer