



**APPLICATION FOR LICENSE TO
CONDUCT A HORSE RACING MEET**



NEW MEXICO RACING COMMISSION

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Director

APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEET

The New Mexico Racing Commission will begin accepting applications for an additional license to conduct a race meet. This application, including fingerprint impressions, must be completed in accordance with the New Mexico Horse Racing Act and Regulations of the New Mexico Racing Commission (Commission). A copy of the relevant law is attached to this information. If you have any questions regarding the application procedure, you may contact us at 505-222-0704. Please note that with submission of two original notarized application packets, you must also submit a USB flash drive with all application material, as well as the requisite application and background fees. The Commission may request further information from the applicant to clarify or supplement the information provided by the applicant. The Commission may then schedule a date for a hearing on the application to determine the eligibility of the applicant pursuant to the Horse Racing Act.

Pursuant to NMSA 1978, Section 60-1A-11 (F), the burden of proving the qualifications of an applicant or licensee to be issued shall be on the applicant.

You are also advised that upon submission of your application, you should immediately begin the corresponding application procedure required by the New Mexico Gaming Control Board. Information regarding their application is attached to this information, and can also be obtained at www.nmgcb.org. You may also contact New Mexico Gaming Control Board Interim Director, Donovan Lieurance at 505-841-9700.

4900 Alameda NE – Suite A
Albuquerque, NM 87113 • (505) 222-0700 • FAX (505) 222-0713
Web • www.nmrc.state.nm.us

I. APPLICANT INFORMATION

Section 60-1A-4 (B)(2), NMSA 1978

1. State the full name, address and contact information of the applicant.
2. If the applicant is an organization other than an individual, provide the following:
 - a. Type of legal entity: (Examples: corporation, partnership, association, limited liability company);
 - b. Principle place of business for legal service of process;
 - c. Provide the name, address and contact information of the natural person who is authorized to accept service of process on behalf of the applicant;
 - d. Name of the State where legal entity is organized;
 - e. Date legal entity organized;
 - f. Provide the names, addresses and contact information of officers, members of board of directors, partners, managers of the applicant, if any;
 - g. Provide a copy of the applicant's organizational chart; and
 - h. Provide the New Mexico Taxation and Revenue Department tax identification number.
3. Describe any pending legal proceedings to which the applicant or any of its subsidiaries or parent corporations is involved, or of which any of their property is the subject. Include the name of the action; the court file number or identifying information; court or agency in which the proceedings are pending; the date instituted and the principal parties thereto.
4. **The fee for a racing license application is \$5,000, paid directly to the Commission.**

II. SECONDARY LICENSES

Section 60-1A-7, NMSA 1978

1. A person who is actively and directly engaged in the administration of a horse racetrack, whether in a financial, administrative, policymaking or supervisory capacity, shall apply for secondary license issued by the Commission.
2. If an applicant for a racetrack license is a corporation, all officers, directors, lenders or holders of evidence of indebtedness of the corporation and all persons who participate in

any manner in a financial, administrative, policymaking or supervisory capacity are required to apply for a secondary license issued by the Commission.

3. A person who owns or holds, directly, indirectly or beneficially, ten percent or more of the total authorized, issued and outstanding shares of a corporation or other legal entity that is a racetrack licensee is required to apply for a secondary license issued by the Commission.
4. If the applicant for a secondary license is not an individual but is another legal entity, each director; officer; partner; stockholder owning directly, independently or beneficially 10% or more of the stock of a corporate applicant; or policy-making employee of that legal entity must also apply for a secondary license.
5. If a stockholder requiring a secondary license is a corporation, then each stockholder owning directly, independently or beneficially 10% or more of the stock of that corporation must apply for a secondary license.
6. **The fee for a secondary license application is \$500 per person, paid directly to the Commission.**

Identification of Applicants for Secondary License

Primary applicant shall list all persons who will be required to hold a secondary license under this application, and for each person listed, provide full name and all contact information, including addresses, telephone numbers, email addresses.

III. FINANCIAL AND CRIMINAL BACKGROUND INVESTIGATION

Section 60-1A-7, NMSA 1978

1. All applicants (primary license holders and secondary license holders) shall submit to a background investigation.
2. Applicant shall submit **two** fingerprint cards to the Commission for **each applicant**, with one card to be submitted to the New Mexico Gaming Control Board (GCB) for a statewide check and the other card to be submitted to the federal bureau of investigation for a nationwide check.
3. **The cost of the federal background investigation shall be paid by the applicant, directly to the Commission in the amount of \$44 per person.**
4. The cost of the statewide background investigation shall be paid by the applicant, **directly to the GCB. Please review the Business Gaming Application material attached.** Amounts for the license, application and background fees are as follows: \$25,000 non-refundable license fee and a \$25,000 background deposit.

5. The applicant must also complete the GCB Corporate Application of Suitability or, if the applicant is an individual, the GCB Key and Affiliated Person Application. Please review the Business Gaming Application material attached.

IV. FINANCING OF PROPOSED RACING FACILITY

1. Describe how the applicant will finance the construction and operation of the proposed racing facilities.
2. Include the name of any bank, financial institution, individual or third party who is providing funding for any part of the proposed racing facility.
3. Commission staff may request further details of any financing arrangements, depending on the response to this question.

V. INFORMATION RELATED TO PROPOSED HORSE RACE MEET LICENSE

Location of Proposed Racing Facilities

1. Provide a legal description of the proposed site for racing facilities, names and addresses of the titleholders to the real property and names and addresses of all personal holding mortgages or other security interests in the property.
2. If leased, the name and residence of the fee owner of the land or, if the owner is a corporation, the names of the directors and stockholders.

Description of Racing Facilities

3. State the exact dimensions of the track proposed. Submit at least one copy of the architect's drawings showing detail of the proposed construction. If a grandstand is in existence, describe the size and type of construction.
4. State the parking lot capacity and describe the construction and type of parking facilities.
5. State the number and type of construction of stables, other barn areas, forecourt and paddock areas, indicating capacities and fire prevention facilities for all areas.
6. Describe the facilities for owners, trainers, jockeys, grooms and other racing personnel.
7. State the proposal for food and drink concessions.
8. Describe any concessions, clubs or other special facilities, existing or proposed, for patrons.
9. Describe the schedule for completion of the proposed racing facilities and describe the feasibility of meeting that schedule.

Race Meet Information

10. Describe the kind of racing to be conducted.
11. State the beginning and ending dates desired for the race meet and the days during that time period when horse races are to be scheduled.
12. Describe climatic conditions prevalent during the proposed racing season.
13. Describe the proposed pari mutuel operation in general and indicate in particular the terms of the pari mutuel ticket sales.

Public Safety Information

14. Describe the efforts to be made to insure the security safety and comfort of patrons and license holders.
15. State the availability of fire protection and adequacy of law enforcement and police protection.
16. Describe how the proposed racing facility will impact local traffic flows and provide (a) any traffic flow studies done to date or, (b) approvals by any state or local governmental entity approving a proposed traffic flow plan.

The Local Community

17. State the number of miles from the nearest population center, and describe briefly the transportation facilities serving that population center.
18. Indicate the population of the local area, and the growth trend. Indicate the potential market including tourists, transients and patrons from neighboring areas.
19. Indicate the principal sources of local income, showing the percentage from farming and ranching, industrial, professional services, military and other governmental sources.
20. Describe the effect of competition with other racetracks in and out of the state and with other sports or recreational facilities in the area.
21. Indicate what effect opposition from area residents may have on the economic outlook for the proposed track.

VI. AUTHORITY FOR RELEASE OF INFORMATION

By submitting this application, the applicant hereby authorizes any and all persons or entities, including the New Mexico Gaming Control Board, having information concerning the applicant or this application, either of public record or otherwise, to furnish it to a duly authorized agent of the Commission or to allow the authorized agent of the Commission to view the information. The authorized agent of the Commission shall determine if the information shall be furnished or viewed. The applicant understands that the information released is for official use by the New Mexico Racing Commission and may be disclosed to such third parties as necessary in the fulfillment of official responsibilities. The application for a license is a matter of public record and the applicant may be asked to answer questions in open public meetings of the Commission. I hereby expressly waive, release and forever discharge the State of New Mexico, and its agents, from any and all manner of action and causes of action whatsoever against the State of New Mexico, or its agents, as a result of filing this application for a racing license.

Please note that pursuant to the latest provisions of the gaming compacts between the State of New Mexico and the various New Mexico Indian Tribes and Pueblos, notice shall be given upon the completed submission of an application for a gaming horse racetrack, other than those in existence as of January 1, 2007.

VII. PARENTAL RESPONSIBILITY ACT

Section 40-5A-4, NMSA 1978

A person who submits an application for a license issued by the Commission is not eligible for issuance of the license if they are not in compliance with a judgment and order for support or subpoenas or warrants relating to paternity or child support proceedings. The denial of the application on these grounds may entitle the applicant to a hearing.

**VIII. STATEMENT UNDER OATH BY APPLICANT THAT THE INFORMATION ON
THE APPLICATION IS TRUE**

Section 60-1A-4 (B)(3), NMSA 1978

Section 60-1A-8 (C)

Applicant shall complete a statement under oath, verifying the contents within the application. A sample verification is provided below:

State of New Mexico

County of _____

I, _____, under the penalty of perjury being duly sworn, deposes and says that the above statements are true and correct to the best of my knowledge and belief and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for the refusal to issue or revocation of a state horse racing license and criminal prosecution.

Applicant

Subscribed and sworn to before me this _____ *day of* _____, 20 ____.

Notary Public

My Commission Expires: _____



APPLICATION FOR SECONDARY LICENSE

APPLICATION FOR SECONDARY LICENSE
(Original and license fee of \$500.00 must be submitted for each person)

To: NEW MEXICO STATE RACING COMMISSION
4900 Alameda Blvd. NE
Albuquerque, NM 87113

PERSONAL HISTORY RECORD

Submitted in connection with the application of _____,
(name of primary licensee)

_____ for license to conduct a horse race
(name of secondary licensee)

meet in the state of New Mexico.

If an applicant for secondary license is a corporation, the corporation must complete this form, by each officer corporate officer, director and policy-making employee and by each stockholder owning directly, indirectly or beneficially 10% or more of the stock of the corporation. If such a stockholder is a corporation, then this form must be completed also by the corporation, by each corporate officer, director and policy making employee of that corporation and by each stockholder of that corporation owning directly, indirectly or beneficially 10% or more of the stock.
Horse Racing Act 60-1A-9

1. Your full name _____

Last
First
Middle

 Also known as (maiden name, nickname, aliases) _____
 2. Affiliation sought _____
 Name and location of track _____
 3. Your position, title _____
 4. Home address _____ how long? _____
 5. Mail address, if different _____
 6. Name and address of present employer _____
 What do you do _____ how long employed _____
 7. Home phone _____ Business phone _____
 Social Security Number _____
 8. Date of birth _____ Place of birth _____
 9. U.S. Citizen: Yes _____ No _____ If naturalized, state where, when and give certificate of naturalization number _____
 10. If a foreign national, state what country _____
 Are you living in the U.S. at this time? Yes _____ No _____ if so, state length and type of visa _____ Do you intend to become a U. S. Citizen? Yes _____ No _____ If so, when? _____
 11. Height _____ Weight _____ Eyes _____ Hair _____
 12. Education: Did you complete high school? Yes _____ No _____ if yes, give name and location of school and year of graduation.
- List all schools of higher learning you have attended, setting forth dates, course of study, and degree obtained, if any
- _____
- _____
13. Marital status _____
 Spouse's full name (including maiden name if applicable) _____
 Spouse's date of birth _____ Spouse's place of birth _____
 If spouse's address is different from yours, list here _____
 If spouse works, state name and address of employer and occupation _____
 14. Father's name _____ if living, home address, where and by whom employed, and occupation _____
 15. Mother's name _____ if living, home address, where and by whom employed, and occupation _____

16. List the names of all relatives working in the horse racing or gaming industry, giving relationship, position held, and name and location of employer (unless stated above)

17. Have you ever: (1) pleaded guilty, nolo contendere; or (2) been fined or forfeited bail for any criminal offense, either felony or misdemeanor (except minor traffic violations); or (3) Are criminal charges pending against you in any court in any state? If yes, give particulars concerning offense, plea, time, place and disposition.

18. Are you involved as a part in any current litigation? Yes _____ No _____ If so, complete the following (attached additional sheet if necessary):

Date	Plaintiff	Defendant	Name of Court	Location	Nature of Action	Amount Controversy

19. List ALL cities in which you have lived for the last 15 years, giving street addresses and dates (attach additional sheets if necessary):

20. List ALL former employers and businesses you have engaged in since you became 21 years of age (attach additional sheets if necessary):

City	State	Complete Address	Zip Code	Position	Date From/To

21. List five persons who have known you 5 years or more. (Do not include present or former employers or relatives.)

Name	Occupation	Complete Home Address and Telephone Number	Zip Code	Business Address and Telephone Number
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22. Have you ever held a professional or occupational license in any state, such as race horse owner, trainer, agent, jockey, promoter, manager, certified public accountant, attorney, etc.? Yes _____ No _____ if so, specify including location and years held.

23. Do you breed and race horses? Yes _____ No _____ if yes, have you or do you anticipate racing such horses at a New Mexico licensed track? Yes _____ No _____. If yes, list track(s) _____

24. Have you ever been employed in a gambling enterprise? Yes _____ No _____
If yes:

Name of Enterprise	Address	Position Held	Supervisor	Dates
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25. Have you ever held a financial interest in a licensed racetrack or other gambling venture?
Yes _____ No _____

Provide photograph taken within the Past 12 months, and indicate date taken.

If so, state when and give names and locations of businesses and names and addresses of all partners or business associates. If a corporation, names and addresses of all

stockholders, owning or holding directly,
indirectly or beneficially 10% or more of the
shares of stock issued (attach sheet if
necessary _____

26. Do you now have, or have you ever held, a financial interest in any New Mexico horse racetrack? Yes _____ No _____ If so, when and where?

27. Do you now or have you ever consorted or associated with bookmakers, or touts? Yes _____ No _____ if yes, list names and addresses of such persons.

28. Have you been or are you now a member of or participant in any structured organization or association which supplies for profit illegal goods and services, including, but not limited to, gambling, loan sharking, narcotics and other forms of vice and corruption? Yes _____ No _____

29. Have you ever been convicted or penalized for the violation of any law or regulation with respect to racing in any jurisdiction? Yes _____ No _____ if yes, explain in detail.

30. Have you ever been the subject of any action by an administrative agency, (federal, state or local) which could have or did result in the revocation or suspension of any license or in any other disciplinary action? Yes _____ No _____ if yes, explain in detail.

STATEMENT OF INTEREST IN PRIMARY LICENSE

31. What is the nature of the interest in the primary license that requires you to obtain a secondary license? (e.g. stock, loan, partner, director)

32. If interest is a loan, state nature and amount of loan or advance. _____

33. If interest is in stock or ownership of an entity, state number of shares or percentage owned and class.

Number of Shares	Class	Percentage Owned
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If applicant has not been previously licensed as secondary stockholder licensee, list from whom stock was purchased and acquired.

Name	Address	Shares

**FINANCIAL AND CRIMINAL BACKGROUND TO BE CONDUCTED BY NEW MEXICO
GAMING CONTROL BOARD**

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State of New Mexico

ss.

County of

I, _____, under the penalty of perjury being duly sworn, deposes and says that the above statements are true and correct to the best of his/her knowledge and belief and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for the refusal to issue or revocation of a state horse racing license and criminal prosecution.

The application for a license, which I have submitted, is a matter of public record. Furthermore, I understand that the State Racing Commission will cause an investigation to be made of my background, both personal and financial. Subsequently, I understand that I may be asked to answer questions in open public meetings of the Commission.

I hereby authorize any and all persons having information concerning me, either of public record or otherwise, to furnish it to a duly authorized agent of the State Racing Commission.

I hereby expressly waive, release and forever discharge the State of New Mexico, and its agents, from any and all manner of action and causes of action whatsoever, which I, my administrators or executors can, shall, or may have against the State of New Mexico, or its agents, as a result of my applying for a license to conduct a horse race meeting the State of New Mexico.

Applicant

Subscribed and sworn to before me this _____ day of _____, 200__.

Notary Public

My Commission Expires: _____.



APPLICANT'S INVESTIGATION AUTHORIZATION -AND- REQUEST TO RELEASE INFORMATION

1. I/We, Applicant's Printed Name, hereby authorize the New Mexico Gaming Control Board or its designee ("collectively, "Board") to conduct a complete investigation into my/our personal background, using whatever legal means they deem appropriate. I/We hereby waive any rights of confidentiality in this regard.
2. I/We hereby authorize and request a review, full disclosure, and release of any and all information, materials, and documents concerning me/us requested by the New Mexico Gaming Control Board ("Board"), its agents, or employees, whether the information, materials, and documents are of a public, private, or confidential nature and whether the information, materials, and documents would otherwise be protected from disclosure by any constitutional, statutory or common law privilege.
3. I/We understand that by signing this request, a financial records check will be conducted. I/We authorize any financial institution, financial services company and/or credit reporting agency to release to the Board, its agents, or employees, a complete and accurate record of my/our financial transactions, including but not limited to internal banking memoranda, past and present loan applications, checking account records, savings deposit records, safe deposit box records, securities transactions, credit reports and any other documents relating to my/our personal or business financial records in whatever form and wherever located.
4. I understand that by signing this authorization, a criminal history check will be performed. I authorize the Board to obtain, maintain, and use from any source, any information concerning me contained in any type of criminal history record files, wherever located. I understand that the criminal history record files contain records of arrests that may have resulted in a disposition other than a finding of guilt (i.e., dismissed charges, or charges that resulted in a not guilty finding.) I understand that the information may contain listings of charges that resulted in suspended imposition of sentence, even though I successfully completed the conditions of said sentence and was discharged pursuant to law. I authorize the release of this type of information, even though this record may be designated as "confidential" or "nonpublic" under the provisions of state or federal law.
5. I/We authorize the Board, its agents, or employees to determine the persons or entities to whom this Request is to be presented.
6. I/We understand that the Board, its agents, or employees will conduct a complete and comprehensive investigation to determine the validity of all information gathered. The Board, the State of New Mexico, and the agents and employees of either, will not be held liable for inaccurate information.
7. If this Request is not sufficient to obtain access to certain records, I/we understand that I/we may be asked to sign another appropriate authorization or release and that any failure to do so may be taken into consideration by the Board, its agents, or employees in reviewing my/our application.
8. I/We understand that I/we may revoke this Request in writing at any time and that the Board, its agents, or employees may take the revocation into consideration in reviewing my/our application.
9. Upon receipt by the Board of a written request indicating an application in another jurisdiction for a gaming related license or permit, I/we consent to the disclosure of confidential information compiled by the Board in connection with my Board application to any law enforcement or any regulatory agency in that other jurisdiction, including any other state, the government of the United States, foreign country or Indian Tribe.
10. This authorization, information in the application, and fingerprints will be used to check the criminal history records of the FBI. If you believe any of the information in the FBI report is incomplete or inaccurate, you can apply to change, correct or update the FBI identification record. The procedure to do this is set forth in Title 28, C.F.R. §16.34. In the event you choose to engage in this process, upon written notice to the Licensing Division of the NMGCB, you will be given a reasonable amount of additional time before a decision is made concerning your application.

APPLICANT'S INVESTIGATION AUTHORIZATION -AND- REQUEST TO RELEASE INFORMATION (continued)

11. I/We hereby release, waive, discharge, and agree to hold harmless, and otherwise waive liability as to the State of New Mexico, the Board, and other agents or employees of the State of New Mexico for any damages resulting from any collection, use, disclosure, or publication in any manner, of any material or information acquired during inquiries, investigations, or hearings. I/We hereby authorized the lawful use, disclosure, or publication of this material or information so long as any disclosure is consistent with the confidentiality provisions of the Gaming Control Act and applicable Board rules. If this Authorization and Release is presented to another gaming regulatory agency in any State in which I/We have been granted a permit, license, privilege or any similar authority, I/We hereby authorize and direct that any duly authorized agent or employee of the New Mexico Gaming Control Board be permitted to review and obtain copies of any and all documents, records, or correspondence contained in any licensing file. I/We hereby authorize said agency, to make full and complete disclosure of any and all information including, but not limited to, complaints filed against me, disposition thereof, imposition of discipline, whether private or public, as well as such other information on file or available concerning me. I/We hereby release, waive, discharge, and agree to hold harmless, and otherwise waive liability as to those gaming regulatory agencies that provide any such information to the New Mexico Gaming Control Board.
12. I/We do, for myself/ourselves, my/our heirs, executors, administrators, successors, and assigns, hereby release the providers of the information collected pursuant to this Request, and their agents and employees, from any and all liability arising out of or by reason of complying with this Request.
13. A photocopy of this Request will be considered as valid and effective as the original.

Printed Full Legal Name (Last, First, Middle) _____

Signature (Must be notarized by notary public) _____ Date: _____

Spouse's Printed Full Legal Name (Last, First, Middle) _____

Spouse's Signature (Must be notarized by notary public) _____ Date: _____

State of _____)

County of _____)

Subscribed and sworn to before me by _____ and _____

this _____ day of _____, _____.

My commission expires: _____ Signed: _____

[SEAL]

Notary Public



***STATUTORY REQUIREMENTS FOR
GRANTING A LICENSE TO OPERATE A
RACE MEET***

**STATUTORY REQUIREMENTS FOR GRANTING A
LICENSE TO OPERATE A RACE MEET**

1. The Commission is authorized to grant a racetrack license. *See* NMSA 60-1A-4 (A).

2. Pursuant to Section 60-1A-7, NMSA 1978:

A. A person applying for a license pursuant to the Horse Racing Act [60-1A-1 NMSA 1978] shall submit to a background investigation to be conducted by the board. The commission and the board shall adopt rules to coordinate the manner in which the background investigations are conducted. The rules shall at minimum require that:

(1) an applicant for a license or license renewal shall submit two fingerprint cards to the commission, with one card to be submitted to the board for a statewide check and the other card to be submitted to the federal bureau of investigation for a nationwide check;

(2) arrest record information from a law enforcement agency or the federal bureau of investigation and information obtained as a result of the background investigation conducted by the board is privileged and shall not be disclosed to persons not directly involved in the decision affecting the specific applicant;

(3) an applicant shall provide all of the information required by the commission; and

(4) the cost of the background investigation shall be paid by the applicant.

B. An applicant for a license who is denied the license by the commission shall have an opportunity to inspect and challenge the validity of the record on which the denial of the license was based.

3. Pursuant to Section 60-1A-7, NMSA 1978:

A person who is actively and directly engaged in the administration of a horse racetrack, whether in a financial, administrative, policymaking or supervisory capacity, shall hold a secondary license issued by the commission.

B. An application for a secondary license shall be submitted in writing on forms designated by the commission. An applicant shall affirm that information contained in the application is true and accurate. The application shall be signed by the applicant or the applicant's agent, and the signature shall be notarized.

C. If an applicant for a racetrack license is a corporation, all officers, directors, lenders or holders of evidence of indebtedness of the corporation and all persons who participate in any manner in a financial, administrative, policymaking or supervisory capacity are required to hold a secondary license issued by the commission.

D. A person who owns or holds, directly, indirectly or beneficially, ten percent or more of the total authorized, issued and outstanding shares of a corporation that is a racetrack licensee is required to hold a secondary license issued by the commission. If the commission finds that a person who owns or holds, directly, indirectly or beneficially, ten percent or more of the total authorized, issued and outstanding shares of a corporation that is a racetrack licensee is unqualified to be issued a secondary license, the commission shall give notice of its finding to the corporation and to the person owning or holding the interest. The ineligible person shall without delay offer the shares to the corporation for purchase. If the corporation does not elect to purchase the shares, the person owning or holding the interest may offer the interest to other purchasers, subject to prior approval of the purchasers by the commission.

E. A secondary license shall be valid for a period not to exceed three years. The commission may renew a secondary license upon expiration of the term of the license.

F. The fee for a secondary license issued pursuant to this section shall not exceed five hundred dollars (\$ 500). (*Five hundred dollar fee must be submitted with application*)

4. Pursuant to Section 60-1A-4 (B)(2), NMSA 1978, the Commission shall require the following information for each applicant on an application for a license:
 - (i) the full name, address and contact information of the applicant, and if the applicant is a corporation, the name of the state of incorporation and the names, addresses and contact information of officers, members of the board of directors and managers of the corporation;
 - (ii) the exact location at which the applicant desires to conduct a horse race or race meet;
 - (iii) whether the horse racetrack is owned or leased, and, if leased, the name and residence of the fee owner of the land or, if the owner is a corporation, the names of the directors and stockholders;
 - (iv) a statement of the assets and liabilities of the person or corporation making the application;
 - (v) the kind of racing to be conducted;

- (vi) the beginning and ending dates desired for the race meet and the days during that time period when horse races are to be scheduled; and
 - (vii) other information determined by the commission to be necessary to assess the potential for success of the applicant.
- 5. The Commission shall require a statement under oath by the applicant that the information on the application is true. *See* NMSA 1978, § 60-1A-4 (B)(3).
- 6. An application for a racetrack license shall be submitted in writing on forms designated by the commission. An applicant shall affirm that information contained in the application is true and accurate. The application shall be signed by the applicant or the applicant's agent, and the signature shall be notarized. *See* NMSA 1978, § 60-1A-8 (B).
- 7. A racetrack license shall be valid for a period not to exceed one year. The commission may renew a racetrack license upon expiration of the term of the license. *See* NMSA '978, § 60-1A-8 (C).
- 8. An application shall specify the dates and days of the week of the race meet that the applicant is requesting the Commission to approve. *See* NMSA 1978, § 60-1A-8 (E).
- 9. The fee for a new racetrack license issued pursuant to this section shall not exceed five thousand dollars (\$5,000). *See* NMSA 1978, § 60-1A-8 (G). ***(Five thousand dollar application fee must be submitted with application)***
- 10. The Commission may schedule a date for a hearing on the application for a new racetrack license to determine the eligibility of the applicant pursuant to the Horse Racing Act or as needed for determining the eligibility for the renewal of a racetrack license. The applicant shall be notified of the hearing at least five days prior to the date of the hearing. The applicant has the right to present testimony in support of the application. Notice shall be mailed to the address of the applicant appearing upon the application for the racetrack license. Notice of the hearing date, time and location shall be postmarked by United States mail five days prior to the date of the hearing. Deposit of the hearing notice in United States mail constitutes notice. *See* NMSA 1978, § 60-1A-8 (H).
- 11. If, after a hearing on the application, the Commission finds the applicant ineligible pursuant to the provisions of the Horse Racing Act or rules adopted by the Commission, the racetrack license shall be denied. *See* NMSA 1978, § 60-1A-8 (I).
- 12. If there is more than one application for a racetrack license pending at the same time, the Commission shall determine the racing days that will be allotted to each

successful applicant. Upon renewal, the Commission shall determine the racing days that will be allotted to each applicant upon terms and conditions established by the Commission. *See* NMSA 1978, § 60-1A-8 (J).

13. A person shall not have a direct, indirect or beneficial interest of any nature, whether or not financial, administrative, policymaking or supervisory, in more than two horse racetracks in New Mexico. For purposes of this subsection, a person shall not be considered to have a direct, indirect or beneficial interest in a horse racetrack if the person owns or holds less than ten percent of the total authorized, issued and outstanding shares of a corporation that is licensed to conduct a race meet in New Mexico, unless the person has some other direct, indirect or beneficial interest of any nature, whether or not financial, administrative, policymaking or supervisory, in more than two licensed horse racetracks. *See* NMSA 1978, § 60-1A-8 (K).
14. A determination made by the Commission of a matter pursuant to this section shall be final and not subject to appeal. *See* NMSA 1978, § 60-1A-8 (N).
15. Pursuant to NMSA 1978, § 60-1A-11 (A), a license shall not be issued or renewed unless the applicant has satisfied the Commission that the applicant:
 - (i) is of good moral character, honesty and integrity;
 - (ii) does not have prior activities, criminal record, reputation, habits or associations that:
 - (iii) pose a threat to the public interest;
 - (iv) pose a threat to the effective regulation and control of horse racing; or
 - (v) create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of horse racing, the business of operating a horse racetrack or the financial activities incidental to operating a horse racetrack;
 - (vi) is qualified to be licensed consistent with the Horse Racing Act
 - (vii) has sufficient business probity, competence and experience in horse racing as determined by the Commission;
 - (viii) has proposed financing that is sufficient for the nature of the license and from a suitable source that meets the criteria set forth in this subsection; and
 - (ix) is sufficiently capitalized pursuant to standards set by the Commission to conduct the business covered by the license.
16. The burden of proving the qualifications of an applicant or licensee to be issued or have a license renewed shall be on the applicant or licensee. *See* NMSA 1978, § 60-1A-11 (F).
17. A determination by the Commission of a matter pursuant to this section shall be final and conclusive and not subject to appeal. *See* NMSA 1978, § 60-1A-11 (G).

18. A New Mexico-licensed horse racetrack that is within a radius of eighty miles of any other New Mexico-licensed horse racetrack with a race meet in progress may only conduct pari-mutuel wagering on imported horse races if there is a written agreement between the two racetrack licensees allowing pari-mutuel wagering on imported horse races during the period of time that the live horse races are taking place. *See* NMSA 1978, § 60-1A-16 (F).
19. Gaming machines on a racetrack gaming operator licensee's premises may be played only on days when the racetrack is either conducting live horse races or simulcasting horse race meets. On days when gaming machines are permitted to be operated, a racetrack gaming operator licensee may offer gaming machines for operation for up to eighteen hours per day; provided that the total number of hours in which gaming machines are operated does not exceed one hundred twelve hours in a one-week period beginning on Tuesday at 8:00 a.m. and ending at 8:00 a.m. on the following Tuesday. A racetrack gaming operator licensee may offer gaming machines for play at any time during a day; provided that the total hours of operation in each day from just after midnight of the previous day until midnight of the current day does not exceed eighteen hours. A racetrack gaming operator licensee shall determine, within the limitations imposed by this subsection, the hours it will offer gaming machines for operation each day and shall notify the Gaming Control Board in writing of those hours. *See* NMSA 1978, § 60-2E-27 (E).

REGULATORY REQUIREMENTS FOR GRANTING A LICENSE TO OPERATE A RACE MEET

20. An association shall apply to the Commission for a license and racing dates not later than June 1st for all proposed racing meets and dates to be run in the succeeding calendar year. Applications shall not be received or amended after this date except by approval of a majority of the Commission. The application must contain the information required by statute and the Commission. After the request is filed, the Commission may require the association to submit additional information. The Commission may limit, condition or otherwise restrict any license to conduct horse racing or a horse race meeting in the state of New Mexico. *See* NMAC 15.2.1.8 (I)(1).
21. The burden of proof is on the association to demonstrate that its receipt of a license to conduct a race meet and the allocation of the race dates will be in the public interest and will achieve the purposes of the Act. *See* NMAC 15.2.1.8 (I)(2).
22. In issuing licenses for race meetings and allocating race dates under this section, the Commission may consider the following factors: public interest, health of the industry, safety and welfare of participants, and the criteria for licensure to conduct a race meet set forth in the act and in these rules. *See* NMAC 15.2.1.8 (I)(3).

23. Pursuant to NMAC 15.2.1.8 (I)(4), prior to approving an application for a new license for a horse racetrack, other than the licenses in existence as of January 1, 2007, or an application by a licensed horse racetrack to move its racing and gaming facilities to a new location, the Commission shall solicit and consider the views on the application by the Indian tribes, nations and pueblos in the following manner:

(i) provide written notice to all federally recognized Indian tribes, nations or pueblos that are authorized by law to enter into a gaming compact with the state of New Mexico under the Indian Gaming Regulatory Act, 25 U.S.C. Section 2701 et seq., ("Indian Tribes") that such an application has been filed with the Commission within fifteen (15) days of such filing and provide a copy of all non-confidential documents submitted by an applicant to an Indian tribe upon request, at the Indian tribe's expense;

(ii) allow Indian tribes forty five (45) days to respond to the application by submitting written comments to the Commission prior to holding any public hearing at which final action on the application may be considered; such comments shall be immediately forwarded to the applicant by the Commission, but no later than fifteen (15) days prior to holding any public hearing at which final action on the application may be considered; the views of the Indian tribes may include, but are not limited to, the following:

(i) potential economic impact of approval of said license on a specific Indian tribe's government or gaming facility, including impact on revenue sharing with the state of New Mexico; the number of miles from the nearest tribal gaming facility; the potential impact on the nearest tribal gaming facility's market share; and the potential impact on the Indian tribe's income from gaming facilities;

(ii) identification of other significant impacts on the Indian tribe;

(iii) any public hearing at which final action on the application may be considered must be at least fifteen (15) days after the forty five (45) day comment period for Indian tribes set forth above;

(iv) the Commission shall consider and evaluate the Indian tribes' views prior to taking any final action on the application; to "consider and evaluate" means to think about carefully and seriously;

- (v) the above procedures for notification to Indian tribes shall not apply to the annual renewal of a horse racetrack license

24. Pursuant to NMAC 15.2.1.8 (I)(6), all applicants for an initial license to conduct horse racing or a horse race meeting in the State of New Mexico shall submit the following information to the Commission in the form of a verified application, including an **original and six (6) copies**.

- (i) The name of the applicant and indicate whether it is an individual, firm, association, partnership, corporation or other legal entity.
- (ii) The names, residences, and nationalities of individual applicants or members of a partnership, association or firm.
- (iii) If the applicant is a corporation, the following information must be furnished, and if the applicant is a parent or subsidiary of another corporation, the following information must be furnished for each entity.
 - (i) The year in which the corporation was organized, its form of organization and the name of the state under the laws of which it was organized. Articles of incorporation and bylaws must also be submitted.
 - (ii) The classes of capital stock authorized, the amount authorized, and the amount outstanding as of the date not less than fifteen (15) days prior to the filing of the application.
- (iv) The name and address of each person who owns of record or is known by the applicant to own beneficially, ten (10) percent or more of any class of capital stock. This can be indicated as name and address; class of stock owned; type of ownership whether of record or beneficial; amount owned; percent of the class of stock.
- (v) Outline briefly the dividend rights, voting rights, liquidation rights, preemptive rights, conversion rights, and redemption provisions. If the rights of holders of such stock may be modified other than by a vote of majority or more of the shares outstanding, voting as a class, so state and explain briefly.
- (vi) If organized as a corporation within the past five (5) years, furnish the names of the promoters, the nature and amount of anything of value received or to be received by each promoter directly or indirectly from the applicant and the nature and amount of any assets, services, or other consideration therefore received or to be received by the applicant.
- (vii) List the names of all directors and executive officers and all persons chosen to become directors or executive officers. Indicate all other positions and offices held by each such person, and the principal

occupation during the past five (5) years of each person to become a director or executive officer. For the purposes of this subparagraph, "executive officer" means the president, vice-president, secretary and treasurer, and any other person who performs policy-making, supervisory, administrative, or financial functions for the applicant.

- (viii) Describe in detail the financial arrangements, which have been made for acquisition and operation of racing facilities, including the nature and source of any funds or other property, real or personal, which may be used in this connection.
- (ix) Identify in detail the source(s) and terms of any loans, loan commitments, lines of credit, pledges, stock subscriptions, and any other source of funds which may be used in the acquisition or operation of racing facilities.
- (x) State in detail the terms of any proposed purchase of stock or assets in a current licensee.
- (xi) State whether a substantial portion of the assets or of the capital stock is encumbered by any short-term or long-term debt. Explain fully and state the names and addresses of parties holding security interests or promissory notes from the applicant and the stockholders, where the stock is pledged as security, and outline the terms of and submit the agreements creating the security interests.
- (xii) Applicants must submit balance sheets and profit and loss statements for each of the three fiscal years immediately preceding the application, or for the period of organization if less than three years. If the applicant has not completed a full fiscal year since its organization, or if it acquires or is to acquire the majority of its assets from a predecessor within the current fiscal year, the financial information shall be given for the current fiscal year.
- (xiii) Applicant must submit with application a current financial statement for each director, executive officer, manager, and stockholders owning ten (10) percent or more of the outstanding shares in any corporate applicant.
- (xiv) All financial information shall be accompanied by an unqualified opinion of a duly licensed certified public accountant, or if the opinion is given with qualifications, the reasons for the qualifications must be stated.
- (xv) For applicants other than corporation, list the names and addresses of all executive officers and managerial officers. Indicate positions and offices held by each person named and their principal occupation(s) during the past five years.
- (xvi) State whether any director, executive officer, manager, or stockholder has ever been convicted of a crime and describe the circumstances of the convictions.
- (xvii) Describe any pending legal proceedings to which the applicant or any of its subsidiaries or parent corporations is involved, or of which any of their property is the subject. Include the name of the court or

agency in which the proceedings are pending, the date instituted and the principal parties thereto.

- (xviii) State in complete detail whether the applicant, or any director, executive officer, stockholder or manager has owned an interest in or has been employed by any firm, partnership, association or corporation previously licensed to conduct a race meeting in any jurisdiction.
- (xix) State actual legal description of a proposed site for racing facilities, names and addresses of the titleholders to the real property and names and addresses of all personal holding mortgages or other security interests in the property.
- (xx) State the number of miles from the nearest population center, and describe briefly the transportation facilities serving that population center.
- (xxi) State the exact dimensions of the track proposed. Submit at least one copy of the architect's drawings showing detail of the proposed construction. If a grandstand is in existence, describe the size and type of construction.
- (xxii) Describe the efforts to be made to insure the security safety and comfort of patrons and license holders.
- (xxiii) State the availability of fire protection and adequacy of law enforcement and police protection.
- (xxiv) State the parking lot capacity and describe the construction and type of parking facilities.
- (xxv) State the number and type of construction of stables, other barn areas, forecourt and paddock areas, indicating capacities and fire prevention facilities for all areas.
- (xxvi) Describe the facilities for owners, trainers, jockeys, grooms and other racing personnel.
- (xxvii) State the arrangements for food and drink concessions indicating the names and addresses of concessionaires and the terms of the concession contracts.
- (xxviii) Describe any concessions, clubs or other special facilities, existing or proposed, for patrons.
- (xxix) Indicate by actual dates the racing days requested by applicant.
- (xxx) Indicate the kind of racing to be conducted.
- (xxxi) Describe the proposed pari mutuel operation in general and indicate in particular the terms of the pari mutuel ticket sales.
- (xxxii) Describe climatic conditions prevalent during the proposed racing season.
- (xxxiii) Indicate the population of the local area, and the growth trend. Indicate the potential market including tourists, transients and patrons from neighboring areas.
- (xxxiv) Indicate the principal sources of local income, showing the percentage from farming and ranching, industrial, professional services, military and other governmental sources.

(xxxv) Describe the effect of competition with other racetracks in and out of the state and with other sports or recreational facilities in the area.

(xxxvi) Indicate what effect opposition from area residents may have on the economic outlook for the proposed track.

25. Pursuant to NMAC 15.2.1.8 (I)(9), the Commission in addition to any other legally sufficient reason, may disapprove, deny, refuse to renew, suspend, or revoke a license to conduct horse racing or a horse race meeting in the State of New Mexico if any person having any direct or indirect interest in the applicant or in the licensee, or any nature whatsoever, whether financial, administrative, policy-making or supervisory:

- (i) has been convicted of a felony under the laws of New Mexico, the laws of any other state or the laws of the United States, unless sufficient evidence of rehabilitation has been presented to the commission;
- (ii) has been guilty of or attempted any fraud or misrepresentation in connection with racing, breeding or otherwise, unless sufficient proof of rehabilitation has been presented to the commission;
- (iii) has violated or attempted to violate any law or regulation with respect to racing in any jurisdiction, unless sufficient proof of rehabilitation has been presented to the commission;
- (iv) has consorted or associated with bookmakers, touts or persons of similar pursuits, unless sufficient proof of rehabilitation has been presented to the commission;
- (v) is consorting or associating with bookmakers, touts or persons of similar pursuits;
- (vi) is financially irresponsible as found or determined by the commission; or,
- (vii) is a past or present member of or participant in organized crime as such membership or participation may be found or determined by the Commission.

26. The Commission may deny an application to conduct a horse race meet if the granting of the application would not be in the public interest or because it would not protect the health of the horse racing industry. See NMAC 15.2.1.8 (I)(3).

**NEW MEXICO BUSINESS GAMING
APPLICATION**

(Revised February 2007)

**New Mexico Gaming Control Board
Complete application on WWW.NMGCB.ORG**



New Mexico
Business Gaming
Application

(REVISED FEBRUARY 2007)

New Mexico Gaming Control Board

4900 Alameda Blvd. NE
Albuquerque, NM 87113
Phone: (505) 841-9700
Fax: (505) 841-9725
WEB: WWW.NMGCB.ORG

STATE OF NEW MEXICO

GAMING CONTROL BOARD

4900 Alameda Blvd NE
Albuquerque, NM 87113-1736
Phone (505) 841-9700
FAX (505) 841-9725



A MESSAGE FROM THE DIRECTOR:

Dear Applicant:

Thank you for your interest in becoming a gaming business operating in New Mexico.

The licensing or certification process you will be undergoing is a rigorous one designed to support the Gaming Control Act's purpose of ensuring that the citizens of New Mexico can enjoy gaming in a fair and honest environment. The information requested in this application is very extensive, but only by qualifying and regulating carefully those who become involved in gaming can we protect the public interest. We take our regulation of the industry very seriously, starting with the investigation of applications for gaming license and certifications.

During the licensing or certification process, we will conduct a thorough investigation of your business's background, as well as all the persons affiliated with your business. The results of this investigation will be presented to the Gaming Control Board, which will consider your application for the privilege of conducting business in our state.

I wish you all the best in your endeavors in New Mexico. The Gaming Control Board staff and I look forward to working with you.

GAMING LICENSE AND CERTIFICATION DEFINITIONS

MANUFACTURER'S LICENSE is required for all persons who manufacture, fabricate, assemble, produce, program, refurbish or make modifications to any gaming device for use or play in New Mexico or for sale, lease, or distribution outside of New Mexico from any location within the state. This does not include licensed operators or retailers making incidental repairs on machines leased or distributed by them.

DISTRIBUTOR'S LICENSE is required for any person who sells, leases or distributes gaming devices to a gaming operator in New Mexico; who is the first receiver of gaming devices in the state; or who imports gaming devices into New Mexico, excluding Operator Licensees.

GAMING OPERATOR'S LICENSE is required for any person who conducts gaming in New Mexico on non-Indian land. There are Nonprofit Operator Licenses and Racetrack Operator Licenses

CERTIFICATION OF FINDING OF SUITABILITY is required for certain persons who are directly or indirectly involved with licensees, such as those doing business on the licensee's premises or as otherwise set forth in 15 NMAC 1.5.16.

APPLYING FOR YOUR Business Gaming License

1

OBTAIN YOUR APPLICATION

Applications can be obtained from:

New Mexico Gaming Control Board
4900 Alameda Blvd. NE
Albuquerque, NM 87113-1736

Or from website at:

www.nmgcb.org

2

FILL OUT YOUR APPLICATION

Items you must provide:

- Application forms (*completed & signed*)
- Supporting documentation as specified on the attached Application Instructions Checklist

3

SUBMIT YOUR APPLICATION

Deliver to:

New Mexico Gaming Control Board
4900 Alameda Blvd. NE
Albuquerque, NM 87113-1736

Make check or money order payable to **New Mexico Gaming Control Board**

4

**ONLY UPON THE RECEIPT OF A COMPLETE
APPLICATION WILL THE REVIEW PROCESS BEGIN**

☐ 1 APPLICATION FULLY COMPLETED IN BLACK INK

Type or clearly print an answer to every question. If a question does not apply to you, indicate so with an N/A. If you are unsure if a question applies to you or what information the form is asking you to provide, contact the Gaming Control Board office to seek clarification. If the available space is insufficient, continue on a separate sheet and precede each answer with the appropriate title.

☐ 2 ALL FORMS SIGNED & ATTACHED

The following accompanying forms must be signed and returned with the application:

- ☐ Affirmation & Consent
- ☐ Investigation Authorization/Authorization to Release Information
- ☐ Applicant's Request to Release Information (leave top line of form blank)
- ☐ Tax Information Authorization for Disclosure - Internal Revenue Service
- ☐ Tax Information Authorization for Disclosure - New Mexico Taxation and Revenue Department

☐ 3 ALL REQUESTED INFORMATION ATTACHED

The following information must be attached, if applicable:

- ☐ All applicable information requested on pages 1 through 15 of the application
- ☐ Trade Name Registration if applicable
- ☐ Certificate of authority to do business in the state of New Mexico if incorporated outside NM
- ☐ Copy of Articles of Incorporation, including amendments and restated articles
- ☐ Articles of Organization, including amendments
- ☐ Bylaws
- ☐ Organizational minutes and/or other corporate records reflecting ownership and election of officers
- ☐ Partnership Agreement, including amendments
- ☐ Trust Agreement, including amendments
- ☐ If a corporation, biennial reports and SEC filings for past 3 years and meeting minutes from past 12 months
- ☐ If partnership, list of the amount and date of each capital contribution of any partner to the applicant
- ☐ For manufacturers and distributors, a description of the business and a list of the make and types of machines to be manufactured or distributed
- ☐ Organizational chart listing Key Applicants & positions being held for gaming operations, along with their duties & responsibilities

NOTE: The Gaming Control Board reserves the right to request additional information and documentation throughout consideration of this application.

☐ 4 APPLICATIONS FOR AFFILIATED PERSONS ATTACHED

Submit Key & Affiliated Person Application forms for any person holding 5% or more effective ownership interest in either a privately held company or publicly traded corporation and/or officers, directors, partners, general partners, limited partners, trustees, beneficiaries and key executives, whether they have an ownership interest or not. In addition, submit Key & Affiliated Person Application forms for any other persons, as directed by the application and supplemental forms.

☐ 5 APPLICATION FEES AND BACKGROUND DEPOSIT

Submit appropriate license, application and background fees.

- ☐ Manufacturer: \$10,000 nonrefundable license fee; \$10,000 background deposit.
- ☐ Distributor: \$5,000 nonrefundable license fee; \$5,000 background deposit.
- ☐ Operator (racetrack): \$25,000 nonrefundable license fee; \$25,000 background deposit.
- ☐ Certification of Finding of Suitability: \$100 nonrefundable fee.

*New Mexico law requires applicants to fund the cost of their background investigations. Investigative fees are based on a rate of \$50 per hour for time spent during investigations, and charges for all out-of-pocket expenses incurred during the investigation, such as travel costs and costs to reproduce documents. Excess background deposits will be refunded upon issuance of license. Actual investigation fees and costs in excess of deposits must be paid to the Board within 30 days of notice of actual fees and costs.

- ☐ Check or money order payable to: **NEW MEXICO GAMING CONTROL BOARD**

☐ 6 DELIVER APPLICATION

Deliver application to New Mexico Gaming Control Board, 4900 Alameda Blvd. NE, Albuquerque, NM 87113-1736.

**Multi Jurisdictional
PERSONAL HISTORY DISCLOSURE FORM**

**New Mexico Gaming Control Board
Complete form on WWW.NMGCB.ORG**

MULTI JURISDICTIONAL

PERSONAL HISTORY DISCLOSURE FORM

MULTI JURISDICTIONAL PERSONAL HISTORY DISCLOSURE FORM

This application is designed to allow applicants for casino/gaming qualification to complete one form that is acceptable to several jurisdictions. The questions contained in this form have been designed to satisfy the variety of filing and informational requirements of the different jurisdictions that have agreed to accept this form as an application for qualification.

Each jurisdiction accepting this form may require unique information and documentation that is not requested in this standardized form. Prior to completing this form, you should contact the appropriate agency in the jurisdictions where you are seeking qualification, licensure or approval and obtain copies of any documentation or forms that are supplemental to this standardized form. In addition, copies of this multi jurisdictional form and all supplemental forms used by the jurisdictions accepting this form may be found on the Internet at www.iagr.org

APPLICATION INSTRUCTIONS

PLEASE READ ALL INSTRUCTIONS CAREFULLY BEFORE COMPLETING THIS FORM.

I. COMPLETING THIS FORM:

- a. You must make accurate statements and include all material facts. Any misrepresentation, or the failure to provide requested information, may result in the denial of your application.
- b. Read each question carefully prior to answering. Answer every question completely. Do not leave blank spaces. If a question does not apply to you, indicate "Does Not Apply" in response to that question. If there is nothing to disclose in response to a particular question, indicate "None" in response to that question. Failure to provide a response to every question could result in the rejection of your application.
- c. All entries on this form, except initials and signatures, must be typed or printed in block lettering using dark ink. If your application is not legible, it will not be accepted.
- d. You must use blue ink to personally initial, date and identify the gaming agency to which your application is being submitted in the space provided on the bottom of each page of the form.
- e. If the space available is insufficient to respond to a question, you are to supply the required information on an attachment page and clearly identify which question you are answering. The blank page on page 65 may be used to provide this additional information. You must use blue ink to personally initial, date and identify the gaming agency to which your application is being submitted at the bottom of each of these attachment pages.
- f. If you make any modification to the pre-printed questions or information contained in this form, your application will be rejected. Once your application is accepted, it becomes the property of the gaming agency with which it has been filed and will not be returned.

Initials _____ Gaming Agency _____ Date _____

Page 2

II. BE SURE TO:

- a. Attach a recent (within the past six months) color photograph of yourself in the space provided on page 5.
- b. Sign the Statement of Truth form on page 66 in the presence of a notary public, justice of the peace, commissioner for declarations or other person legally authorized to notarize your signature.
- c. Check to ensure that you have placed your initials, the date, and identified the gaming agency to which you are applying, on the bottom of each page of this form in the space provided and on any attachment pages.

III. BEFORE YOU SUBMIT THIS FORM TO THE GAMING AGENCY TO WHICH YOU ARE APPLYING, BE SURE THAT:

- a. You have reviewed the particular gaming agency's filing instructions for the type of license, approval or qualification that you are seeking.
- b. You have included all required attachments listed in this form.
- c. The Statement of Truth form is notarized on the original application.
- d. Every question has been answered completely.
- e. You retain a completed copy of your application package for your own records.
- f. You have completed any ancillary forms for the individual jurisdictions.

IV. TIPS FOR COMPLETING THIS FORM:

- a. Keep a blank copy of the form. When you need to update information, you can use the appropriate pages from the blank form to provide the information.
- b. Once all questions have been answered, make sufficient copies for all jurisdictions where you will file your application. Note that you should do this BEFORE the form is signed, dated and notarized. Since each jurisdiction must receive an application containing original signatures, it is advisable to make copies before signing the form.
- c. Keep an unsigned copy of your completed application. Should you need to file with another jurisdiction at some point in the future, you can then update the information rather than complete the form all over again.
- d. Be sure to use blue ink where you sign, initial, date and identify the gaming agency where you are filing your application. Using blue ink will make it clear to the jurisdiction where you are filing that your application is to be considered an original and not a photocopy.

Principal/Key Employee Form

NM Supplement to the Multi-Jurisdictional Personal History Disclosure Form

**New Mexico Gaming Control Board
Complete form on WWW.NMGCB.ORG**



PRINCIPAL/KEY EMPLOYEE FORM

NEW MEXICO SUPPLEMENT TO THE MULTI-JURISDICTIONAL
PERSONAL HISTORY DISCLOSURE FORM

INSTRUCTIONS

NEW MEXICO GAMING IS GOVERNED BY THE NEW MEXICO GAMING CONTROL ACT AS SET FORTH IN §60-2E-1 - 60-2E-62 NMSA ("ACT")

Unless otherwise provided in the Act and Rules, each Key Executive shall complete the Multi-Jurisdictional Personal History Disclosure Form and the Key Executive Form New Mexico Supplement to the Multi-Jurisdictional Personal History Disclosure Form.

The following guidelines are applicable to any natural person who is a Key Executive as defined in the Act and Rules. Pursuant to the Act, a Key Executive is defined as "an executive of a licensee or other person having the power to exercise significant influence over decisions concerning any part of the licensed operations of the licensee or whose annual base compensation exceeds (\$250,000.00)".

1. Key Executive Form – New Mexico Supplement To The Multi-Jurisdictional Personal History Disclosure Form ("NM Supplement")

This form is for each natural person who is a Key Executive and shall be completed in addition to the Multi-Jurisdictional Personal History Disclosure Form.

One original paper form containing all required attachments must be sent to the New Mexico Gaming Control Board 4900 Alameda Blvd NE, Albuquerque, NM 87113-1736 Attn: Licensing. The appropriate fees shall be included.

2. Application Fees

All applicable fees shall be submitted with the application. The application fee is non-refundable. The investigative deposit fee will be used by the Board to process and investigate the Key Executive application. Any remaining funds will be refunded to the issuer of the original payment.

There may be additional costs and expenses incurred by the Board in its processing and investigation of the Key Executive applicant. The applicant will be sent an invoice which must be paid to the Board.

Fees shall be paid by Money Order or Check made payable to the "New Mexico Gaming Control Board". Cash or Credit Cards will not be accepted by the Board.

Key Executive - \$100.00

**New Mexico law requires applicants to fund the cost of their background investigations. Investigative fees are based on a rate of \$50 per hour for investigations and charges for all out-of-pocket expenses incurred during the investigation, such as travel costs and costs to reproduce documents. This investigative cost will be billed to the licensed entity.*