



# STATE OF NEW MEXICO RACING COMMISSION

## APPLICATION FOR RENEWAL OF LICENSE TO CONDUCT A HORSERACE MEET

*Notes: Pursuant to NMSA 1978, Section 60-1A-4(A)(1), the NMRC is legislatively authorized to grant, deny, suspend or revoke racetrack licenses. An original application, six (6) copies of this application, and a thumb drive with the complete application must be submitted to the NMRC. See R. 15.2.1.8(J)(6) NMAC.*

*When additional sheets are used to provide information, please identify at the top of the additional sheet(s) what section(s) of the Application and question(s) to which the additional sheet(s) apply. An example of the form of an additional sheet is included in this Application on the final page. If information or documentation related to this application is on file with the Gaming Control Board, advise of that as your response and affirmatively provide the NMRC authority to review that material. Pursuant to NMSA Section 60-1A-8(D), renewal applications are to be filed with the NMRC no later than June 1<sup>st</sup> of each year unless an extension of time is granted by the NMRC.*

### **Information on Who is Completing this Application and Certifying its Validity**

*Note: Pursuant to NMSA 1978, Sections 60-1A-4(B)(3) and 60-1A-8(B), the application packet must contain a notarized statement under oath attesting the information on the application is true and accurate.*

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

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

Phone Number: \_\_\_\_\_

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

### **General Information About Applicant Racetrack**

1. Applicant racetrack's Official Name: \_\_\_\_\_

2. Physical Address: \_\_\_\_\_

3. Mailing Address: \_\_\_\_\_

4. Provide complete list of all names under which Applicant racetrack conducts business: \_\_\_\_\_

5. Name and address of Applicant racetrack's Registered Agent: \_\_\_\_\_  
\_\_\_\_\_

6. Applicant racetrack is structured as:

\_\_\_\_\_ an individual

\_\_\_\_\_ a firm

\_\_\_\_\_ a corporation

\_\_\_\_\_ a partnership

\_\_\_\_\_ an association

\_\_\_\_\_ a limited liability company (LLC)

\_\_\_\_\_ other legal entity (please provide details)

7. If a corporation, specify its form of organization: \_\_\_\_\_  
\_\_\_\_\_

8. If a corporation, is Applicant racetrack either a parent or subsidiary of another corporation?

Parent \_\_\_\_ Subsidiary \_\_\_\_\_ Neither \_\_\_\_\_

If "yes" provide the following information for each entity. *See R. 15.2.1.8(J)(6)(c)(i)-(vi):*

- Year in which corporation was organized, its form of organization and the name of the state under the laws of which it was organized;
- The classes of capital stock authorized, the amount authorized, and the amount of outstanding as of the date not less than 15 days prior to the filing of this Application;
- Briefly outline dividend rights, voting rights, liquidation rights, preemptive rights, conversion rights, and redemption provisions;
- State whether the rights of holders of stock may be modified other than by a vote of a majority or more of the shares outstanding, voting as a class. If "yes" briefly explain;
- If organized as a corporation, provide names of promoters and amount of any assets.

9. Is Applicant racetrack in good standing with the state where it was formed? \_\_\_\_\_

- If "yes," attach proof of good standing which is issued by the state of formation.
- If "no," specifically detail why not: \_\_\_\_\_  
\_\_\_\_\_

10. Applicant racetrack's NM Taxation and Revenue tax identification number: \_\_\_\_\_

11. If Applicant racetrack is a corporation, limited liability company, or partnership, attach certified copies of:

- Articles of Incorporation;
- By-Laws;

- Partnership Agreement(s);
- Articles of organization;
- Operating agreements;
- Other organizing documents, and;
- All amendments, if any, to those documents.

12. Identify any individuals, groups, lobbyists, CPAs, consultants, attorneys, or managerial agents of any kind retained or employed by Applicant racetrack to represent the Applicant and/or its regulatory interests in New Mexico, both currently and for the last five (5) years: \_\_\_\_\_

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### **Ownership Interests in Applicant Racetrack**

13. Is Applicant racetrack owned or leased?

Owned \_\_\_\_\_ Leased \_\_\_\_\_

- If leased, provide name and residence of the fee owner(s) of the land: \_\_\_\_\_  
\_\_\_\_\_
- If leased, provide a copy of the lease agreement in effect and any and all modifications or updates to the lease agreement.

14. If Applicant racetrack is a corporation, do any stockholder(s) own 10% or more of stock?

Yes \_\_\_\_\_ No \_\_\_\_\_

- If "yes" provide details on the person's identity and percentage of stock owned.

15. List and detail all changes in ownership which have taken place with Applicant racetrack and/or its parent company since its last application to conduct a race meet: \_\_\_\_\_  
\_\_\_\_\_

16. List all organizational or personal bankruptcies filed in the United States by Applicant racetrack or its investors, parent organization, subsidiary, or affiliate, or any principal: \_\_\_\_\_  
\_\_\_\_\_

### **Specific Information on Racetrack Applicant Governing Board and Management Team**

17. Identify all persons who perform policymaking or managerial functions for applicant racetrack, including but not limited to, the following positions listed below, and whether they have a valid, active NMRC Secondary License, *see, NMSA 1978, Section 60-1A-9*, or will be submitting such application if necessary:

General Manager: \_\_\_\_\_

CFO: \_\_\_\_\_

Director of Racing: \_\_\_\_\_

Other (list job titles and persons' names): \_\_\_\_\_

18. If Applicant racetrack is a corporation, list the names, addresses and contact information of:

- Officers
- Board of Directors members
- Secondary lender affiliates

19. For all Applicant racetracks other than corporations:

- affirmatively state whether any director, executive officer, manager, or stockholder have ever been convicted of any crime and, if so, describe the circumstances of the conviction(s).

### **Financial Information of Applicant Racetrack**

20. List the names and addresses of any and all entities, organizations or individuals that have or will loan or advance money to Applicant racetrack to finance its race meets, including the amount of advance for a loan and the security for advance of a loan. Attach a copy of all such security agreements:

- List all primary lenders of Applicant racetrack to whom it currently owes money, and provide a letter of good standing from each lender to include:
  - o Bank or business name
  - o Band or business name address and phone number
  - o Type(s)/amount(s) of account(s)

21. Is a substantial portion of Applicant racetrack's assets or of the capital stock encumbered by any short-term or long-term debt?

Yes \_\_\_\_\_ No \_\_\_\_\_

- If "yes" explain in full and state the names and addresses of parties holding security interests or promissory notes from Applicant racetrack and the stockholders, where the stock is pledged as security, and outline the terms of and submit copies of the agreements creating the security interests.

22. Is Applicant racetrack current or delinquent in any federal, state, or local taxes?

Federal: Current \_\_\_\_\_ Delinquent \_\_\_\_\_

State: Current \_\_\_\_\_ Delinquent \_\_\_\_\_

Local: Current \_\_\_\_\_ Delinquent \_\_\_\_\_

- If delinquent, provide specifics on what type of tax, the amount of delinquency and the current status of delinquency.

**Liability Matters, Liability Protection of Applicant Racetrack, Protection of Patrons and Licensees**

23. Describe any pending legal proceedings in which Applicant racetrack or any of its subsidiaries and/or parent corporation is involved, or of which any of their property as the subject. Specify the name of the court or agency in which the matters are pending, the date instituted, and the principal parties involved.
24. List all instances in the last five (5) years where Applicant racetrack, or any parent organization, subsidiary or affiliate, or any principal has/have been a party in a court action regarding activities associated with their duties with Applicant racetrack with respect to racing or that call into question for integrity of Applicant racetrack, including:
- Every instance where Applicant, or any parent organization, subsidiary or affiliate, or any principal has/have been a party to litigation over business practices, disciplinary actions over a business license, or refusal to renew a license;
  - Every instance where Applicant, or any parent organization, subsidiary or affiliate, or any principal has/have been a party to proceedings in which unfair labor practices, discrimination, or violation of government regulations pertaining to racing or gaming law was an issue, or bankruptcy proceedings;
  - Every instance where Applicant, or any parent organization, subsidiary or affiliate, or any principal has/have failed to satisfy judgments, orders, or decrees; and
  - Every instance where Applicant, or any parent organization, subsidiary or affiliate, or any principal has/have been delinquent in filing tax reports or remitting taxes.
25. List all of Applicant racetrack's insurance policies in force and coverage amounts specific to each one. Provide complete copies of each of the policies which include coverage amounts. *(Note: all policies must be submitted annually.)*
26. Detail Applicant racetrack's strategic plan to be proactive in an effort to prevent contagious equine diseases and biosecurity measures to be put into effect in the event of such an outbreak including permanent quarantine facilities.
27. Does Applicant racetrack have a written policy on how to respond to an active shooter situation?
- Yes \_\_\_\_\_ No \_\_\_\_
- If "yes," provide a copy of that policy.
  - If "no," explain why there is no such policy.
28. Does Applicant racetrack have a written policy on how to a natural disaster which addresses lock down of facility and evacuation of facility?
- Yes \_\_\_\_\_ No \_\_\_\_
- If "yes," provide a copy of that policy.
  - If "no," explain why there is no such policy.

29. Does Applicant racetrack contract with an outside security firm or hire and employ security personnel?

Contract with Outside Firm \_\_\_\_      Employ Security Personnel \_\_\_\_

- If security is contracted, provide a copy of that agreement/contract.

30. Identify the specific individual(s) in charge of security, their job titles and duties and how long they have worked at Applicant racetrack.

31. Do employees of Applicant racetrack working in security positions undergo training related to their work?

Yes \_\_\_\_\_ No \_\_\_\_

- If "yes," provide information on what type of training they receive, what entity or person provides such training, what is the duration of the training and how often does it take place.
- If "no," explain why not.

32. Provide specific details about availability of fire protection, law enforcement and police protection services to Applicant racetrack.

33. Provide specific details about procedures in place to ensure the security and safety of patrons and licensees:

Yes \_\_\_\_\_ No \_\_\_\_

- If "yes" submit a copy of all such policies and procedures.
- If "no," explain why there is no written policies and procedures.

34. Does Applicant racetrack have some type of track warning system which covers the entire racing oval?

Yes \_\_\_\_\_ No \_\_\_\_

- If "yes" please provide details.
- If "no," explain why not.

35. Does Applicant racetrack have a written policy and/or specific procedures it follows for excluding licensees from its facilities?

Yes \_\_\_\_\_ No \_\_\_\_

36. During your last completed race meet, did Applicant racetrack exclude any licensees as permitted by NMSA 1978, Section 60-1A-28.1(B)?

Yes \_\_\_\_\_ No \_\_\_\_

- If "yes," provide the total number(s) of licenses excluded and a summary of the reason(s) why.

- If "no," provide an explanation why not.
- If "yes," pursuant to 15.2.2.8(V)(2) NMAC, did you provide the NMRC with a copy of the correspondence advising the licensee(s) of their exclusion?

Yes \_\_\_\_\_ No \_\_\_\_\_

- If "no" provide an explanation why not.

### **Information About Applicant Racetrack's Concessionaries**

*Note: New Mexico law NMSA Section 60-1A-10 requires all concessionaries and their employees must individually obtain occupational licenses from the New Mexico Racing Commission.*

37. Provide the name and contact information for Applicant racetrack's totalisator system and attach a copy of the contract in place.

38. List the names, addresses, and contact person(s) for all other NON-food and drink concessionaries and detail the types of services provided by them.

<u>Name/Address</u>	<u>Contact Person(s)</u>	<u>Service(s) Provided</u>
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39. Provide details of Applicant racetrack's food and drink concessions, clubs and special facilities or accommodations for patrons:

- List the names and addresses of food and drink concessionaries and the terms of those concession contracts.

**Specific Information About Applicant Racetrack's  
Most Recent Completed Race Meet**

40. How many races in total were run: \_\_\_\_\_

- Quarterhorse races: \_\_\_\_\_
- Thoroughbred races: \_\_\_\_\_

41. Average field size: \_\_\_\_\_

- Quarterhorse races: \_\_\_\_\_
- Thoroughbred races: \_\_\_\_\_

42. Average overnight purse per race: \_\_\_\_\_

- Quarterhorse races: \_\_\_\_\_
- Thoroughbred races: \_\_\_\_\_

*For questions 43 through 52, provide information on your most completed race meet AND your previous race meet.*

43. Total overnight purses paid in most recent and previous race meet:

Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_

- Quarterhorse races: Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_
- Thoroughbred races: Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_

44. Total number of starts in most recent and previous race meet:

Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_

- Quarterhorses: Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_
- Thoroughbreds: Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_

*For question 45, utilize the following formula to determine the correct percentage:*

- *Total Number of Catastrophics divided by total number of starters times 1,000;*

45. Percentage of catastrophics per 1000 starts in most recent and previous meet:

Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_

- Quarterhorses: Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_
- Thoroughbreds: Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_

46. Total pari-mutuel live handle in most recent meet and previous meet:

Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_

- Quarterhorse races: Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_
- Thoroughbred races: Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_



47. Average pari-mutuel live handle wagered per race in most recent meet and previous meet:  
 Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_  
 • Quarterhorse races: Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_  
 • Thoroughbred races: Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_
- 
48. Total amount contributed towards the Equine Testing Fund for previous race season in most recent meet and previous meet: Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_
- 
49. Cost of insurance premium for jockey and exercise rider coverage in most recent and previous race meet: Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_
- 
50. Total amount paid for 20% of net take for purses under NMSA Section 60-2E-47(E)(2) in most recent and previous race meet: Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_
- 
51. Total amount paid in 10% New Mexico Breed Award money in most recent race meet and previous race meet: Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_
- 
52. Total amount of purse money paid in the most recent and previous race meets' stakes schedule:  
 Recent meet: \_\_\_\_\_ Previous meet: \_\_\_\_\_

### **Information About Applicant Racetrack's Facility**

*Note: If there are changes, provide those in detail. Do not leave any questions blank.*

53. County of municipality in which racetrack is located: \_\_\_\_\_
54. Legal description of racetrack location: \_\_\_\_\_
55. Is land on which Applicant racetrack sits leased? Yes \_\_\_\_\_ No \_\_\_\_\_  
 • If "yes" attach a copy of the current lease.
56. Names and addresses of title holder(s) of real property where racetrack is located:  
 \_\_\_\_\_
57. Names and addresses of all persons holding mortgages or other security interests in the property:  
 \_\_\_\_\_
58. Provide details about mortgage and security interests in real property: \_\_\_\_\_  
 \_\_\_\_\_
59. Exact dimensions of Applicant's racetrack: \_\_\_\_\_  
 • Include a photograph or schematic of Applicant racetrack.

60. Describe the historic climate conditions prevalent during Applicant racetrack's requested race meet: \_\_\_\_\_

61. Describe the effects of competition from other racetracks in and outside of New Mexico and with other sports or recreational facilities in the area: \_\_\_\_\_  
\_\_\_\_\_

62. Provide details about all completed and/or in-progress new construction, remodeling or other updates to Applicant racetrack's facilities and structures which have taken place since its last application: \_\_\_\_\_  
\_\_\_\_\_

- If improvements were made, from what source(s) did Applicant racetrack receive the capital for the investment in the facility?
- Identify fully each source of funding, including any loans, loan guarantees, or commitment letters from all individuals or entities.
- If Applicant racetrack is investing its own capital, detail how was that capital accumulated.

63. Provide details on the facilities' parking lot capacity: \_\_\_\_\_  
\_\_\_\_\_

64. Provide details regarding the total number of and type(s) of construction of stables, other barn areas, and paddock areas:

- Specify the available capacities for each of those areas.
- Specify the fire prevention plans and equipment in place for each of those areas.

65. Provide details regarding how stables are assigned: \_\_\_\_\_  
\_\_\_\_\_

- Are any individuals or groups or classes of individuals given a preference in the assignment of stables? Yes \_\_\_\_\_ No \_\_\_\_\_
- If "Yes" describe in detail how those preferences work: \_\_\_\_\_  
\_\_\_\_\_

66. Provide details on the facilities provided for jockeys, grooms and other racing personnel: \_\_\_\_  
\_\_\_\_\_

67. Provide details regarding Applicant racetrack's pari-mutuel operations, indicating in particular the terms of pari-mutuel ticket sales: \_\_\_\_\_  
\_\_\_\_\_

## Information About Applicant Racetrack's Requested Upcoming Race Meet

68. For the upcoming race meet, Applicant racetrack requests the following race dates:

<u>Month</u>	<u>Days of the Month</u>	<u>Total Days Requested Per Month</u>

- Number of races each day Applicant racetrack proposes to run:

Sunday: \_\_\_\_\_

Monday: \_\_\_\_\_

Tuesday: \_\_\_\_\_

Wednesday: \_\_\_\_\_

Thursday: \_\_\_\_\_

Friday: \_\_\_\_\_

Saturday: \_\_\_\_\_

- Total of days requested for upcoming race meet: \_\_\_\_\_

69. Detail the following:

- The beginning date of the meet: \_\_\_\_\_
- The end date of the meet: \_\_\_\_\_
- Date on which live racing will take place: \_\_\_\_\_
- Dates on which stable areas will be open and closed: \_\_\_\_\_

70. Provide previous race meet's purse schedule as it was at the end of the previous meet, and what Applicant racetrack proposes for upcoming race meet:

71. Does Applicant racetrack plan on having day or night racing?

Day \_\_\_\_\_ Night \_\_\_\_\_

- What is the post time for the first race? \_\_\_\_\_

72. Submit a schedule of proposed simulcast signals to be sent and received by Applicant racetrack during the calendar year covered by the requested license: \_\_\_\_\_

*Note: Any and all contracts between Applicant racetrack and organization(s) representing the horsemen that will govern simulcasting rights and obligations, and any and all contracts between Applicant racetrack and simulcasting networks shall be made available to the NMRC for inspection upon request.*

73. Detail the types and number of exotic wagering and take out rates Applicant racetrack proposes to offer and on which races for each day.

*Note: "Exotic wagering" includes the sale of pari-mutuel tickets other than win, place or show tickets.*

\_\_\_\_\_

74. Provide details regarding the denominations of pari-mutuel tickets to be sold for specific types of wagers: \_\_\_\_\_

\_\_\_\_\_

75. Detail the methods and equipment used to visually record races, including specifics on the types and quality of recording equipment to be used: \_\_\_\_\_

\_\_\_\_\_

### ACKNOWLEDGMENT OF RECORD

State of New Mexico

County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_

*Name of the person making the acknowledgement*

as \_\_\_\_\_ of \_\_\_\_\_

*Authorized title*

*Name of party, company, or other individual,  
on behalf of whom record was executed*

\_\_\_\_\_  
*Signature of notarial officer*

\_\_\_\_\_  
*Title of notarial officer*

*(Affix Notary stamp)*

My commission expires: \_\_\_\_\_

**Example of Form for Additional Sheets for Answers to Application for  
Renewal of License to Conduct a Horserace Meet**

*Note: Please make sure your additional sheets are in the following example form. If a question contains bullet points, start each of those answers with a bullet point.*

**Applicant Racetrack Name:** \_\_\_\_\_

**Question Number:** 70

*(This is where the first answer would go).*

- *(This is where the answer to the first bullet point would go).*
- *(This is where the answer to the second bullet point would go).*