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**Michigan Office of Racing Commissioner**  
**Application for 2008 Race Meeting License**

Applicants for a race meeting license pursuant to the Horse Racing Law of 1995, as amended, must provide the following information to the Office of Racing Commissioner.

*NOTE: Please do NOT reply, for any question, "Copy on file with the ORC". The application requires an actual copy of the specific document be attached.*

**SECTION I GENERAL INFORMATION**

1. List name(s), address(es) and telephone number(s) of the applicant(s) and principal contact person(s) or representative(s) of the applicant(s). Provide verification of authorization to conduct do business in Michigan (through registration with the Michigan Department of Labor and Economic Growth)
2. If the applicant is a corporation or partnership:
  - (a) Provide the date and place of incorporation/partnership and verification of authorization to conduct business in Michigan via current registration with the Michigan Department of Labor and Economic Growth (DLEG).
  - (b) Provide a list of the names, dates of birth, addresses, telephone numbers, and social security numbers of all corporate directors, officers, registered agent(s), and partners.
  - (c) Attach copies of the current partnership agreement or articles of incorporation, all amendments, and most recent annual report.
  - (d) Provide the name, address, and social security number of each corporate shareholder holding more than 10% of the issued corporate stock.
3. Specify the licensed racetrack with legal address at which the proposed race meeting will be held including all training facilities with their legal addresses. Additionally, provide all the information for the licensed as required in #2.
4. Specify the horse breed(s) for which the applicant desires to conduct live racing at the proposed race meeting.
5. Specify the time period during which the applicant requests to be licensed in 2008.

*NOTE: Under the Horse Racing Law of 1995, as amended, the term of the race meeting license may be for the entire calendar year January 1 through December 31, and need not be limited to the time period during which live racing will be conducted.*

*Simulcasting may only be conducted by the holder of the current race meeting license and simulcast permit from the Racing Commissioner.*

6. Specify the number of days, specific days/dates of the week in a calendar format on which the applicant proposes to conduct live horse racing in 2008 and the number of live horse races proposed for each live racing date allocated to the applicant.
7. State whether the applicant is organized for charitable purposes or for the purpose of distributing its income or profit to charitable organizations.
8. State whether the applicant has a current contract with a certified horseman's organization for the conduct of its proposed 2008 race meeting and, if so, attach a copy of the horsemen's contract, include original agreement(s) plus any addendum (addenda).

*NOTE: The only horsemen's organizations currently certified by the racing commissioner are the Horseman's Benevolent & Protective Association (HBPA); the Michigan Harness Horseman's Association (MHHA); the Northern Michigan Fairs and Racing Association (NMFRA); and the Great Lakes Quarter Horse Association (GLQHA). Other horsemen's organizations may be certified by the Racing Commissioner only if they demonstrate to the satisfaction of the racing commissioner that they meet the requisite criteria for certification under Section 2 (b) of the Horse Racing Law of 1995, as amended.*

## **SECTION II SIMULCASTING INFORMATION**

1. Specify whether the applicant requests or plans to request permission to conduct simulcasting during the term of the proposed 2008 race meeting.

*NOTE: General permission for simulcasting will not be given by the racing commissioner. Simulcasting permission will only be given for the specified dates, specific days of the week, times, and organizations that the meet licensee contracts with for which application is made. If a licensee wishes to substantially change its approved simulcasting program in terms of the dates, times, or simulcast contractors, then the licensee must first request authorization from the Racing Commissioner for its new and/or revised simulcasting program.*

2. If the applicant is requesting permission for simulcasting, specify the date(s), the specific day(s) of the week in a calendar format, time(s) the applicant plans to simulcast, and identify all simulcast companies the applicant intends to contract with or utilize.
3. Verification that the simulcast contract companies that the applicant will contract with for 2008 are authorized to conduct business in Michigan and are registered with DLEG. The applicant must also provide verification that their simulcast contractor(s) is licensed in the jurisdiction that they are headquartered in.

*NOTE: Any substantial changes in the applicant's simulcast program in terms of the dates, times, and/or contractors that it wishes to simulcast must first be approved by the Racing Commissioner.*

### **SECTION III PARI-MUTUEL AND RACETRACK OPERATIONS**

1. State whether the applicant owns or leases the racetrack at which the proposed 2008 race meeting will be conducted. If the racetrack is leased, attach a copy of the current lease agreement and/or documentation evidencing the legal right for the use of the premises on the specified race dates and simulcast application period.
2. Describe in detail any capital improvement(s) that the applicant (or track licensee) plans to make or has made to the racetrack premises for the proposed 2008 race meeting. Specify the budgeted costs and scheduled completion date(s) for the planned capital improvement(s) and the actual cost of the completed capital improvement(s).

NOTE: "Capital improvement(s)" do not include ordinary maintenance or other operating expenses.

3. State the names, addresses, and telephone numbers of the Totalisator Company and their representative(s) responsible for providing totalisator services for the proposed 2008 race meeting. Attach copies of all contracts with totalisator companies in effect during the proposed 2008 race meeting. Verification that the company is authorized to conduct business in Michigan and registered with DLEG must be included.
4. Provide documentation (most recent inspection report) that the racetrack is in compliance with local fire and safety ordinances, building codes, and any current orders of the racing commissioner requiring improvements, additions, or corrections to the racetrack premises, fixtures, or equipment. If the racetrack is not in compliance with any of the foregoing, state what steps have been taken or are planned to be taken to bring the racetrack into compliance, and state expected date of full compliance. If a municipality has cited the applicant or track licensee for fire, safety, or building code violations, within the past year, attach copies of the citations and state whether the alleged violations are contested or admitted. If contested, explain the basis for contesting the alleged code violations, and attach any pleading or other documentation filed by the applicant or track licensee in answer to the alleged code violations. If admitted, state whether the alleged violation has been corrected. If not corrected, state expected date of correction.
5. Describe in detail all security measures the applicant will provide to ensure the safety of all persons and horses on the grounds of the race meeting, and to protect and preserve the integrity of all horse racing, pari-mutuel wagering, and

simulcasting conducted at the proposed race meeting. Please provide details of any pari-mutuel wagering monitoring, tote security, and tote system testing that has been completed.

6. Describe in detail all forms of straight and multiple pari-mutuel wagering and commission (takeout) rates for each specific form of wager to be offered to the public during the proposed race meeting (e. g. Perfecta - 20%, Trifecta - 25%, et al).
7. Describe the applicant's financial capacity, past experience, and general business experience related to the conduct of live horse racing, simulcasting, and pari-mutuel wagering activities.
8. Specify the name of the bank depository, account, and specific account number(s) established by the applicant for deposit of funds due and payable to the horsemen's purse pools during the proposed race meeting.
9. Describe in detail the applicant's promotion and advertising plan and budget for the proposed race meeting.
10. Include name(s), address(es) and phone number(s) of all companies contracted to do business in restricted areas, including, but not limited to, photo finishing companies, voucher machines contractors, companies providing electric timing devices, etc. Include verification that they are authorized to do business in Michigan (current registration with DLEG or copy of assumed name certificate from the county the business is physically located) and name of contact person/resident agent for each company.

#### **SECTION IV REQUIRED NARRATIVE STATEMENTS**

1. Evaluate the expected competitive effects, with respect to attendance, handle, and horse supply that the applicant's proposed race meeting will have among the other proposed race meetings at existing racetracks in the state.
2. State the approximate number and source(s) of horses needed for live racing dates and races requested by the applicant for its proposed race meeting. Specify what other race meetings in and around the state have historically depended upon the above described horse supply for their race meetings. Demonstrate how the above-described horse supply will be available and adequate for the live racing dates requested for the applicant's proposed race meeting(s).
3. Provide evidence of continued community support for the applicant's proposed race meeting.

## SECTION V REQUIRED AFFIDAVIT

1. Attach the applicant's affidavit affirming under oath the following:
  - (a) That the applicant intends to use all live racing dates and simulcasting dates for which application is made to conduct pari-mutuel wagering on the results of live and simulcast horse races and will make a continuing good faith effort throughout the duration of the proposed race meeting to program and conduct at least 9 live horse races on each live racing date allocated to the applicant;
  - (b) That the applicant will fully comply with the requirements of the race meeting license for which application has been made;
  - (c) That the applicant will conduct the requested race meeting(s), consisting of live racing and approved simulcasts, in compliance with the Horse Racing Law of 1995, as amended, the racing commissioner's rules and orders, the federal interstate horse racing act and all other pertinent state and federal laws;
  - (d) That the applicant will adhere to all aspects of the Horse Racing Law of 1995, as amended, specifically as it relates to pari-mutuel wagering activity on live, imported and exported races.
  - (e) That the applicant shall maintain an interest bearing account for all funds due horsemen's purse pools, and shall timely deposit such funds in the account and credit all interest earned by the account to and for the horsemen's purse pools, pursuant to and in strict compliance with the requirements of Sections 14(7), 15(2), 17(3), 18(4)(5)(6) and 19 of the Horse Racing Law of 1995, as amended;
  - (f) That the applicant waives any rights that the applicant may have under the interstate horse racing act of 1978, 15 U. S. C. 3001 et seq., to restrict or prevent any interstate simulcasts by other race meeting licensees in the state;
  - (g) If the applicant is located in a city area, that the applicant will make simulcasts of the applicant's live horse races available to other race meeting licensees more than 12 miles away from the applicant's race meeting; and will charge all other licensees in the state the same fee for receiving the applicant's simulcast signals, which shall not exceed 3% of the amount wagered on the simulcast races received from the applicant;
  - (h) If the applicant is located in a city area, that the applicant will receive all available simulcasts from other city area licensees more than 12 miles away from the applicant's race meeting location and pay the fee charged

by the sending licensee;

- (i) If the applicant is located in a city area, that the applicant gives permission to all other licensees in the state to receive interstate simulcast races of a different breed for which the applicant is licensed to conduct live horse racing.
- (j) If the applicant is located outside a city area, that the applicant will receive all available inter-track simulcasts from city area licensees
- (k) That the applicant already has or will have all necessary equipment, personnel, and contracted goods and services to conduct the requested simulcast program in compliance with the requirements of state and federal law, and will not send or receive any simulcasts approved by the Racing Commissioner unless and until such necessary equipment, personnel, and contracted goods and services are in place and operational;
- (l) That the applicant will promptly forward to the Racing Commissioner all copies and summaries of all contracts that it enters into to either transmit or receive simulcast race signals, all such contracts must be provided to the racing commissioner prior to receiving any remuneration from said contract; and,
- (m) That the applicant will promptly submit to the racing commissioner verified documentation of its cost of sending its simulcast race signal out of state.

*NOTE: The application shall be in written form. Any information submitted as part of the application may also be in an electronic format usable by the Office of Racing Commissioner (e.g., Word or Excel, if available in that format to the applicant.*