



## **Institutional Investor Background Application**

### **Instructions**

The following instructions apply only to an institutional investor that has acquired between a 0.5% and 15% beneficial interest in the securities of company that is subject to investigation by the Kansas Racing and Gaming Commission (KRGCC) pursuant to K.A.R. 112-101-1 (gaming manager), K.A.R. 112-102-1 (supplier), or other law.

No applicant for certification shall provide false or misleading information on any application form or to any commission staff. The applicant should respond to the questions on the forms to the best of the applicant's knowledge. Any material omission is grounds for denial.

Each applicant and licensee has the duty to comply with all requirements of the Kansas Expanded Lottery Act and K.A.R. 112-100-1 *et. seq.*

#### **INSTITUTIONAL INVESTOR:**

As used in this application, an "institutional investor" means any of the following:

- A retirement fund administered by a public agency for the exclusive benefit of federal, state, or local public employees.
- An investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80).
- A collective investment trust organized by banks under Part Nine of the rules of the Comptroller of the Currency.
- A closed end investment trust.
- A chartered or licensed life insurance company or property and casualty insurance company.
- A banking, chartered, or licensed lending institution.
- An investment adviser registered under the Investment Advisers Act of 1940 (15 U.S.C. 80).
- Any other entity the commission determines constitutes an institutional investor.

#### **FORM COMPLETION AND FILING:**

The *Institutional Investor Background Application* (Form 550-10) must be completed by both the gaming manager or supplier company that is subject to investigation by the KRGCC and by an authorized representative of a company meeting the above definition of an institutional investor.

A completed original plus three copies of the *Application for Institutional Investor Background Application* (Form 550-10) and associated exhibits shall be returned to the KRGCC by the gaming manager or supplier applicant. The form and associated exhibits should not be sent directly to the KRGCC by the institutional investor applicant.

The form must be completed in its entirety, including the verification of responses. If the company has nothing to report on a specific item, indicate "NONE" in the space provided. Failure to answer any question truthfully will result in denial of this application.

All information on the *Institutional Investor Background Application* form shall be typed or printed legibly in **black ink**, except initials and signatures. The applicant must use **blue ink** when signing, dating or initialing any page of the form. All forms must be properly signed and notarized.

Each completed application is not an open record under Kansas law.



**Kansas Racing and Gaming Commission**  
700 SW Harrison, Suite 500  
Topeka, KS 66603-3754  
(785) 296-5800

## INSTITUTIONAL INVESTOR LEVEL BACKGROUND APPLICATION

**Applicants must submit an original and three copies of all forms and attachments to the Kansas Racing and Gaming Commission.** All information on the enclosed forms shall be typed or printed legibly in **black ink**, except initials and signatures. The applicant must use **blue ink** when signing, dating or initialing any page of the application. All forms must be properly signed and notarized. No applicant shall provide false information on any application form or to any commission staff.

This form and associated exhibits must be returned to the KRGC by the gaming manager or supplier applicant. The form and associated exhibits should not be sent directly to the KRGC by the institutional investor applicant.

### SECTION 1: GAMING MANAGER OR SUPPLIER INFORMATION (To Be Completed by the Gaming Manager or Supplier Applicant)

Please provide the following information about the facility manager or supplier seeking certification under the Kansas Expanded Lottery Act.

**Name of enterprise.** Do not abbreviate. List the name as it appears on the certificate of incorporation, charter, by-laws, partnership agreement or other documents.

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NAME

**Compliance officer.** Provide the following information for the compliance officer or designate a single person that will act as the contact point for matters concerning compliance and certification.

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NAME

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TITLE

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MAILING ADDRESS

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PHONE

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FAX NO. (IF AVAILABLE)

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EMAIL

**SECTION 2: INSTITUTIONAL INVESTOR APPLICATION INFORMATION**

**(To Be Completed by the Institutional Investor)**

**Institutional Investor Applicant.** The following is required to be completed by an institutional investor that has acquired between a 0.5% and 15% beneficial interest in the securities of company that is subject to investigation by the Kansas Racing and Gaming Commission pursuant to K.A.R. 112-101-1 (gaming manager), K.A.R. 112-102-1 (supplier), or other law.

\_\_\_\_\_  
APPLICANT NAME

\_\_\_\_\_  
ANY D/B/A NAMES

\_\_\_\_\_  
STREET LOCATION (NUMBER/STREET) CITY STATE ZIP

\_\_\_\_\_  
PHONE FAX NO. (IF AVAILABLE) EMAIL

**Institutional Investor Type\*** (check the appropriate box):

- Public retirement fund administered by a public agency
- An investment company
- Collective investment trust
- A closed end investment trust
- A life, property or casualty insurance company
- A banking, chartered, or licensed lending institution
- An investment adviser
- Other (describe) \_\_\_\_\_

\* see the attached instructions on Form 550-11 for more information on each item

**Institutional Investor Business Form** (check the appropriate box):

- Sole Proprietorship
- Partnership
- C-Corporation
- S-Corporation
- Limited Liability Company
- Limited Partnership
- Trust
- Other (describe) \_\_\_\_\_

### **SECTION 3: EXHIBITS**

**(TO BE COMPLETED BY THE INSTITUTIONAL INVESTOR)**

The applicant must provide the following. Please identify associated exhibits by letter.

- a. A description of the securities in the facility manager or supplier that the applicant holds. Please include the number of securities, the total number of securities existing in the class owned, and the date those securities were acquired.
- b. The name, address, telephone number, and social security number or federal tax identification number of each person, including officers and directors, or their equivalent, who has the power to direct or control the institutional investor's holdings of voting securities.
- c. A list of the institutional investor's affiliates.
- d. All regulatory agencies with which the institutional investor or any affiliate that owns voting securities files periodic reports, and the name, address, and telephone number of the person, if known, to contact at each agency regarding the institutional investor.
- e. All criminal or regulatory sanctions imposed during the preceding 10 years and any administrative or court proceedings filed by any regulatory agency during the preceding 10 years against the applicant institutional investor, its affiliates, any current officer or director, or any former officer or director. The applicant only needs to provide information regarding a former officer or director as it relates to actions arising from or related to events during the former officer or director's term with the applicant.
- f. A copy of proxy policy, if any, adopted with respect to the voting shares owned by the institutional investor of a publicly traded intermediary or holding company of a gaming applicant or licensee.
- g. A copy of the institutional investor's most recent 13D or 13G (and any amendments thereto) filed with the United States Securities and Exchange Commission concerning any voting securities.
- h. A copy of any filing made pursuant to 15 U.S.C. § 18a with respect to the acquisition or proposed acquisition of voting securities.

**SECTION 4: ACKNOWLEDGEMENT**

**(TO BE COMPLETED BY THE INSTITUTIONAL INVESTOR)**

I understand that failing to answer these questions completely and truthfully may be the basis for action to be taken against the gaming certification of this business entity, including fines, suspension, and/ or revocation;

I understand that if this business entity is granted a gaming certification, I agree, as the authorized representative of the business entity that the business entity described in this disclosure, and its representatives, employees and agents, will be familiar with and comply with the provisions of the Kansas expanded lottery act, commission regulations, and laws of the United States and the State of Kansas and subdivisions thereof;

I authorize agents of the Kansas racing and gaming commission to search without warrant the person, personal property or work premises of all representatives, employees or agents of the business entity while within a Kansas lottery gaming facility or adjacent facilities;

I will require all such representatives, employees or agents of the business entity to submit to a breath or urine test, or both, immediately upon request by any authorized representative of the commission for the purpose of determining whether or not they may be under the influence of alcohol or any controlled substance;

I understand and agree that refusal to submit to a breath or urine test, or both, immediately upon request may result in suspension of the business entity's gaming certification;

I authorize all reporting agencies to release to the commission, or its agents, any information requested by them for completion of the background investigation and processing of the entity's application; and

I understand that providing false information or failing to provide complete information on this application will justify the commission in assessing a fine, refusing to issue, denying, suspending, or revoking of the certification.

\_\_\_\_\_ (Initial here if you understand and agree)

**AFFIDAVIT**

STATE OF \_\_\_\_\_:

SS:

COUNTY OF \_\_\_\_\_:

I, \_\_\_\_\_, as a duly authorized representative of \_\_\_\_\_, the institutional investor applicant, state that the applicant has no present involvement in and has no intention of influencing or affecting the affairs of \_\_\_\_\_, the gaming applicant or licensee, or any of its intermediaries or holding companies and will give the commission 30 days notice if I intend to become involved in or influence or affect such affairs in the future; however, I shall be permitted to vote on matters put to the vote of the outstanding security holders.

I agree to notify the commission in writing of any material purchase, sale, or any acquisition or disposition of any security described herein. The term "material" shall mean any sale or purchase that results in a change of ownership that would cause the institutional investor to drop below the 0.5% or exceed more than 15% of the securities of the publicly traded intermediary or holding company. Said notification shall occur within 30 days of the date of the consummated transaction. The notification will also include the date of transaction, number of shares or units transacted and the nature of transaction.

I agree to provide, upon request, any information and documentation as may be required by the commission to establish and determine the identity, eligibility, suitability, and qualifications of the applicant or any other person associated with the applicant.

I state that this application, as amended and supplemented and as of the time of filing with the commission, is in full compliance with the commission's requirements.

I understand that any material change from the information in this form may affect my standing as an institutional investor.

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED REPRESENTATIVE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TYPE, STAMPED OR PRINTED NAME

\_\_\_\_\_  
TITLE OR POSITION

**NOTARIZATION OF THIS SIGNATURE IS REQUIRED BEFORE A KANSAS LICENSE OR CERTIFICATE MAY BE ISSUED**

Before me, \_\_\_\_\_, a notary public in the state of \_\_\_\_\_, personally  
*Notary Public (printed)* *State*

appeared and acknowledged the execution of the foregoing instrument as his/her voluntary act and deed.

Witness, my hand and notary seal, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
*Day* *Month* *Year*

by \_\_\_\_\_  
*Notary Public (Signature)*

(SEAL)