

**EASTERN CAPE  
GAMBLING BOARD**

**APPLICATION FOR TOTALISATOR LICENCE**

## APPLICATION INSTRUCTIONS

1. This application form is to be completed by any person who wishes to apply for a totalisator licence and submit through an email at [compliance@ecgb.org.za](mailto:compliance@ecgb.org.za) and copy [ceo@ecgb.org.za](mailto:ceo@ecgb.org.za).
2. Read this entire form carefully before answering any of the questions. Any incomplete or inaccurate answer may result in no action being taken on the application, or denial of the application and the Chief Executive Officer (“CEO”) shall not be obliged to publish any incomplete or inaccurate Application.
3. Applications shall be prepared in accordance with the guidelines contained in this form and shall be consistent with the following:
  - 3.1 The Eastern Cape Gambling Board (“the Board”) will require the Application to be prepared under the leadership of an experienced and committed Lead Applicant. The Applicant shall identify the Lead Applicant and provide a resolution of the Shareholders/Members of the Applicant as proof of his/her authority;
  - 3.2 The Lead Applicant shall be the only person authorised to make statements or submissions on behalf of and receive instructions for and on behalf of the Applicant;
  - 3.3 Any natural person who is a Shareholder of the Applicant and who has successfully been investigated and issued with a licence or certificate of suitability by the Board within the last five (5) years prior to the submission of this application is not required to complete a PHD form, provided that the natural person attach a duly completed LA 7 form available on our website and a valid SARS (South African Revenue Services) pin;
  - 3.4 Any juristic person who is a Shareholder of the Applicant and who has successfully been investigated and issued with a certificate of suitability by the Board within the twelve (12) months prior to the submission of this application is not required to complete a BHD form provided that the juristic person has complied with all the requirements of the application form, save for the valid SARS pin;
  - 3.5 Any juristic person who is a Shareholder of the Applicant and who has successfully been investigated and issued with a certificate of suitability by another Provincial Licensing Authority, is required to attach a duly completed BHD and to comply with all the requirements of the application form;
  - 3.6 All Persons issued with a national licence by another Provincial Licensing Authority must attach (i) a certified copy of the licence; (ii) a copy of the application submitted to the responsible Provincial Licensing Authority; and (iii) authorisation to release information in the name of the Board. The provisions of Section 31 of the Eastern Cape Gambling Act, 1997 (as amended) (“the Act”) and Section 39 of the National Gambling Act, 2004 (Act No.7 of 2004) will apply to the aforementioned.
4. The premises must be appropriately designated for totalisator licence or gambling activities, as well as any other intended uses outlined in the application. The Applicant shall comply with all the regulatory standards and requirements of the local municipality where it intends to operate gambling activities. The zoning certificate and the special consent (if applicable) shall be provided by the Applicant concerned at least seven (7) days prior to the date of the public hearings and/or consideration of the application by the Board.

5. For the purposes of this application, the below definitions shall apply:
- a) **“Applicant”** a company, duly incorporated in terms of the Companies Act, No. 71 of 2008, and in compliance with section 19 of the Act, who has responded to apply for a Licence by submitting an application for totalisator licence (LA6) and paid the applicable fees;
  - b) **“Lead Applicant”** The Person authorised by the Persons and/or Enterprises constituting the Applicant to sign its Proposal and bind the members of that Applicant;
  - c) **“Licensed Premises”** Physical location or address where the Applicant will operate gambling operations
  - d) **“Local Inhabitant”** A Black Person who is a permanent resident of the Province or whose primary residence is located in the Province;
  - e) **“Local PDI(s)”** means a Black Person who is a permanent resident of the Province or whose primary residence is located in the Province;
  - f) **“Black People”** means Previously Disadvantaged Individuals (PDIs);
  - g) **“PDI(s)”** A generic term which means Africans, Coloureds, Chinese and Indians who are citizens of the Republic of South Africa by birth or descent; or are citizens of the Republic of South Africa by naturalisation: -
    - (a) *occurring before the commencement date of the Constitution of the Republic of South Africa Act of 1993; or*
    - (b) *occurring after the commencement date of the Constitution of the Republic of South Africa Act of 1993, but who, without the Apartheid policy would have qualified for naturalisation before then;*
  - g) **“Province”** the Eastern Cape Province as recognised in section 103(a) of the Constitution;
6. Answer every question fully and truthfully. Do not leave any blank spaces. If a question does not apply to you, indicate N/A (for “Not Applicable”) in response to that question. If there is nothing to disclose about a particular question, write “None”.
7. Sign the Statement of Truth and all Release Authorisation Forms in the presence of a notary public and have both your signatures notarised.

**IMPORTANT NOTICE**

1. You must immediately notify the Eastern Cape Gambling Board of any change of address. All notices regarding this application will be sent to the address that you provide on this form.
2. Any person who applies to the Board for a licence as a totalisator operator is required to submit to searches without a warrant when present on licensed premises pursuant to section 76 of the Eastern Cape Gambling Act, 1997 (as amended) (“the Act”).

## 8. Confidentiality

In terms of section 25 of the Act, any application, representations, responses and further information lodged in terms of sections 20 to 24 of the Act, shall be open to public inspection within fourteen (14) days of their lodgment for a period of 3 months and the period specified in the Act from the date of publication of the section 21 notice by the CEO.

The Board has determined in terms of section 25(2) of the Act, that:

- (a) any document or information relating to the financial capacity of any person participating in an Application, to the names of prospective employees or to the business plans of an Applicant, shall not be open to public inspection: Provided such information can be separated from the remainder of the Application and is marked “confidential”; and
- (b) the identity of any person who lodged representations in relation to an Application shall not be divulged to any other person.

Applicants must give reasons for any information they regard as confidential. In the interests of transparency, honesty and openness, Applicants shall keep to the absolute minimum information to be categorised as confidential.

By submitting application, an Applicant agrees that it shall not be entitled to any information disclosed by another Applicant to the Board which the Board has determined to be of a confidential nature.

The content and details of the evaluation of Applications will remain confidential to the Board. The Board shall be entitled to disclose, in the appropriate manner, confidential information contained in its investigation reports and reasons for approving an Application.

Unless required by law, Applicants shall not issue a news release or make any public announcement pertaining to the details of their Proposals or other Proposals or the Process without prior written approval of the Board.

Any information, relating to the application, received by the Applicants, through the Application process or otherwise, shall be treated in strict confidence.

Applicants, its officers, employees, agents, advisors and representatives shall use this form solely for the purpose of considering, developing and preparing the application and for no other purpose whatsoever. Applicants shall not divulge or distribute any information contained in the application to any third party without the prior written approval of the Board.

Subject to the provisions of the Act, the Board and its advisors undertake to keep confidential all information received from an Applicant which is clearly identified as confidential in the application and which is not excused from confidentiality. It is a condition that the Applicant provides the Board with a written undertaking in the application to indemnify the Board in respect of any losses suffered by the Board in it refusing to disclose the relevant material or data to any person seeking access thereto. Failure to include such an undertaking shall be deemed to be a waiver of the Applicant’s right to exemption from disclosure and shall constitute authorisation to the Board to

provide copies of material/ data forming part of the application to third parties on due request therefor.

#### 9. Fee payments and costs

The non-refundable Application fee for a Licence is **R29,900.00**

An initial investigation deposit of **R100,000.00** in line with Regulation 9 of the Eastern Cape Gambling Regulations, 2017 (Provincial Notice No. 202 of 2020) (“the Regulations”) will be required from the Applicant for a Licence presented with the submission of its Application in respect of the Board’s reasonable fees and expenses to conduct the investigation as contemplated in section 20(5) of the Act (including, but not be limited to, the fees and expenses of the members of the Board). The Board reserves the right to request additional deposits from the Applicant.

All payments must be made by electronic transfer, no cash or cheques will be accepted. The Applicant shall ensure that the funds are cleared into the bank account of the Board, by no later than three (3) days prior to the date of submission. Any Application not accompanied by proof of payment of the above Application fee and investigation deposit will be rejected outright.

#### 10. Validity of Licence

This Licence shall subsist from the date of issue subject to compliance with the Act, the terms and conditions imposed by the Board in terms of the Act, and any applicable legislation.

#### 11. Essential Minimum Requirements (EMR’s)

The Table below covers the EMRs in each of the evaluation areas which must be satisfied. Applicants must submit an application which meets the EMRs listed below and, which responds to all information requested. Applicant shall satisfy the Board that it complies with the EMRs, setting out the relevant information in support of this.

Evaluation area	Essential Minimum Requirement
<b>General</b>	<ul style="list-style-type: none"> <li>o Completion of Appendix B (Affidavit) by all Persons claiming to be PDIs;</li> </ul>
<b>Technical</b>	<p>The Applicant shall attach a technical proposal that shows the integration of the design, sustainability and operational aspects of the licensed activities which entail the following:</p> <ul style="list-style-type: none"> <li>(a) Minimum investment of amount for each branch or agent;</li> <li>(b) Parking Facilities;</li> </ul>
<b>Financial</b>	<p>The Applicant must provide, as a minimum response, the following:</p> <ul style="list-style-type: none"> <li>o Financial projections for the duration of the licence period;</li> </ul>

<b>Legal</b>	<p>The Applicant must provide, as a minimum response, the following:</p> <ul style="list-style-type: none"> <li>○ proof that the Applicant is a company, duly incorporated in terms of the Companies Act, No. 71 of 2008, and in compliance with section 19 of the Act;</li> <li>○ a demonstration of which of the Equity Members are the sponsor members of the Applicant;</li> <li>○ Share certificates of all Shareholders in the Applicant and of all Shareholders in the Equity Members;</li> <li>○ Detailed description of the Sites including, but not limited to an aerial photograph or Google image indicating the Site and the vicinity of places of worship, schools and residential areas;</li> <li>○ Proof from the local authority in the format of a zoning certificate and a special consent (where applicable) that the Site is zoned for a totalisator or gambling activities and the other land uses envisaged in the Application.</li> <li>○ GPS coordinates of the proposed premises;</li> </ul>
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<b>Evaluation area</b>	<b>Essential Minimum Requirement</b>
	<ul style="list-style-type: none"> <li>○ Proof that Applicant will be the sole owner or principal tenant of the premises for the duration of the Licence and must provide the following: <ul style="list-style-type: none"> <li>□ Title deed of the proposed premises;</li> <li>□ Valid and enforceable lease agreement (if applicable);</li> <li>□ Disclosure relating to any litigation, claim (including a land claim) or right relating to the premises;</li> </ul> </li> </ul>

<b>Target Groups</b>	<p>As a public entity, the Board upholds and promotes the principles enshrined in the legislation pertaining to Black Economic Empowerment and as such, will seek to ensure commitment to, adherence and compliance to BBBEE legislative provisions.</p> <p>Therefore, in addition to the other elements of BBBEE requirements the following minimum requirements are obligatory, and the Applicant must provide, as a minimum response, the following:</p> <ul style="list-style-type: none"> <li>○ Applicant equity, including: <ul style="list-style-type: none"> <li>□ a minimum of twenty-six percent (26%) effective economic interest of the total shareholding constituting of PDIs;</li> <li>□ how the equity for the PDI will be funded;</li> <li>□ list of proposed key personnel and management of the Applicant; and</li> <li>□ structure of, membership and positions of the Board of directors of the Applicant and the participation of the PDI Shareholders.</li> </ul> </li> </ul> <p>In the event that the Applicant appoints a separate Totalisator Operator, the Applicant shall demonstrate that at least 26% of the total Management Fee accrues to PDI shareholders and the submission of a written agreement to that effect.</p>
<b>SED</b>	<p>The Applicant must provide, as a minimum response, a commitment to an annual contribution of 1% of its Gross Gaming Revenue to the Board for SED for the duration of the Licence Period.</p>
<b>Additional mandatory requirements</b>	<p>The Applicant must provide the following for the Applicant and all Shareholders with an effective financial interest of five (5) percent or more in the Applicant regardless of dormancy:</p> <ul style="list-style-type: none"> <li>○ Valid SARS pin or tax clearance certificates;</li> </ul>
<b>Evaluation area</b>	<b>Essential Minimum Requirement</b>
	<ul style="list-style-type: none"> <li>○ Business history disclosure (in the case of an Enterprise): Applicants shall complete all information as per Appendix F; and</li> <li>○ Personal history disclosure (in the case of a Natural Person): Applicants shall complete all information as per Appendix G.</li> </ul>

#### **14. Geographic Spread**

Applicants shall outline their strategy to ensure that the public interest is protected. In particular, Applicants shall detail their social responsibility objectives and strategies with regard to problem gambling and its potential negative effects on the community and public safety. Applicants shall provide details regarding the proximity to other gambling establishments, schools, places of worship, shopping centres as well as other educational institutions, to their proposed Site and what steps they intend taking to prevent under 18's gambling.

TOTALISATOR LICENCE APPLICATION

I, \_\_\_\_\_ on behalf of the applicant hereby apply in terms of the Eastern Cape Gambling Act, 1997, for a totalisator licence and confirm being aware of and understanding the provisions of the said Act and Regulations, insofar as they pertain to this application.

Full name of applicant \_\_\_\_\_  
\_\_\_\_\_

Physical business address \_\_\_\_\_  
\_\_\_\_\_

Postal address \_\_\_\_\_  
\_\_\_\_\_

Telephone number \_\_\_\_\_

Telefax number \_\_\_\_\_

E-Mail address \_\_\_\_\_

For and on behalf of the applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
(who warrants his authority)

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Capacity of signatory

APPLICATION FOR TOTALISATOR LICENCE

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Provide current licence number (if applicable):

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Provide previous licence numbers (if applicable):

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NAME AND REGISTRATION NUMBER OF ENTERPRISE

<hr/> <p>*Name as appears on or in the certificate of incorporation, memorandum of incorporation, or other official document. DO NOT ABBREVIATE</p>	

TRADE NAME(S)

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Person to be contacted with reference to these forms:

NAME
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TITLE	TELEPHONE NO. (INCLUDE AREA CODE)
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The principal business address of the enterprise:

STREET LOCATION (NUMBERS/STREET)	CITY	PROVINCE/STATE	POSTAL CODE
COUNTRY	TELEPHONE NO. OF THIS LOCATION (INCLUDE AREA CODE)		
MAILING ADDRESS (IF DIFFERENT)	CITY	PROVINCE/STATE	POSTAL CODE

The addresses from which the enterprise is or will be conducting any business and which the applicant requires to be licensed:

**ADDRESS 1**

STREET LOCATION (NUMBERS/STREET)	CITY	PROVINCE/STATE	POSTAL CODE
COUNTRY	TELEPHONE NO. OF THIS LOCATION (INCLUDE AREA CODE)		
NAME OF OWNER OF PREMISES			
NAME OF ALL LESSORS OR INVESTORS OF PREMISES			
PERSON FROM WHOM APPLICANT LEASES PREMISES OR HAS TOTALISATOR AGENCY AGREEMENTS			



**ADDRESS 2**

STREET LOCATION (NUMBERS/STREET)	CITY	PROVINCE/STATE	POSTAL CODE
COUNTRY	TELEPHONE NO. OF THIS LOCATION (INCLUDE AREA CODE)		
NAME OF OWNER OF PREMISES			
NAME OF ALL LESSORS OR INVESTORS OF PREMISES			
PERSON FROM WHOM APPLICANT LEASES PREMISES OR HAS TOTALISATOR AGENCY AGREEMENTS			

**ADDRESS 3**

STREET LOCATION (NUMBERS/STREET)	CITY	PROVINCE/STATE	POSTAL CODE
COUNTRY	TELEPHONE NO. OF THIS LOCATION (INCLUDE AREA CODE)		
NAME OF OWNER OF PREMISES			
NAME OF ALL LESSORS OR INVESTORS OF PREMISES			

PERSON FROM WHOM APPLICANT LEASES PREMISES OR HAS TOTALISATOR AGENCY AGREEMENTS	

**ADDRESS 4**

STREET LOCATION (NUMBERS/STREET)	CITY	PROVINCE/STATE	POSTAL CODE
COUNTRY	TELEPHONE NO. OF THIS LOCATION (INCLUDE AREA CODE)		
NAME OF OWNER OF PREMISES			
NAME OF ALL LESSORS OR INVESTORS OF PREMISES			
PERSON FROM WHOM APPLICANT LEASES PREMISES OR HAS TOTALISATOR AGENCY AGREEMENTS			

**ADDRESS 5**

STREET LOCATION (NUMBERS/STREET)	CITY	PROVINCE/STATE	POSTAL CODE
COUNTRY	TELEPHONE NO. OF THIS LOCATION (INCLUDE AREA CODE)		
NAME OF OWNER OF PREMISES			
NAME OF ALL LESSORS OR INVESTORS OF PREMISES			

PERSON FROM WHOM APPLICANT LEASES PREMISES OR HAS TOTALISATOR AGENCY AGREEMENTS	

**ADDRESS 6**

STREET LOCATION (NUMBERS/STREET)	CITY	PROVINCE/STATE	POSTAL CODE
COUNTRY	TELEPHONE NO. OF THIS LOCATION (INCLUDE AREA CODE)		
NAME OF OWNER OF PREMISES			
NAME OF ALL LESSORS OR INVESTORS OF PREMISES			
PERSON FROM WHOM APPLICANT LEASES PREMISES OR HAS TOTALISATOR AGENCY AGREEMENTS			

**ADDRESS 7**

STREET LOCATION (NUMBERS/STREET)	CITY	PROVINCE/STATE	POSTAL CODE
COUNTRY	TELEPHONE NO. OF THIS LOCATION (INCLUDE AREA CODE)		
NAME OF OWNER OF PREMISES			
NAME OF ALL LESSORS OR INVESTORS OF PREMISES			

PERSON FROM WHOM APPLICANT LEASES PREMISES OR HAS TOTALISATOR AGENCY AGREEMENTS	

**ADDRESS 8**

STREET LOCATION (NUMBERS/STREET)	CITY	PROVINCE/STATE	POSTAL CODE
COUNTRY	TELEPHONE NO. OF THIS LOCATION (INCLUDE AREA CODE)		
NAME OF OWNER OF PREMISES			
NAME OF ALL LESSORS OR INVESTORS OF PREMISES			
PERSON FROM WHOM APPLICANT LEASES PREMISES OR HAS TOTALISATOR AGENCY AGREEMENTS			

**CATEGORIES OF TOTALISATORS**

State the categories of totalisators in respect of which a licence is sought.

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PERSON FROM WHOM APPLICANT LEASES PREMISES OR HAS TOTALISATOR AGENCY AGREEMENTS	
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NUMBER AND STREET	CITY	PROVINCE	POSTAL CODE

- C. State all addresses, other than those listed above, which the enterprise occupied/held or from which it was conducting business during the last ten (10) years and give the approximate periods of time during which such addresses were occupied/held.

NUMBER AND STREET	CITY	PROVINCE	POSTAL CODE	FROM	TO

## **ITEM 2. DESCRIPTION OF APPLICANT**

- A. Specify the business form of the Applicant

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- B. Submit a copy of the certificate of incorporation and all amendments, the charter, bylaws, memorandum, founding statement or other basic documentation of the Applicant, if any. This document must be labelled ITEM 2-B.

## **ITEM 3. DESCRIPTION OF PRESENT BUSINESS**

On an attachment page labelled ITEM 3, describe the business done and intended to be done by the Applicant and its parent, holding, subsidiary and intermediary companies and the general development of that business during the last five (5) years or the shorter period the Applicant or its parent, subsidiary and intermediary companies may have been engaged in business. This description must include information on matters such as the following:

- A. Competitive conditions in the industry or industries involved and the competitive position of the Applicant, if known.
- B. The principal goods and services provided by the Applicant and its parent, intermediary, and subsidiary companies, the principal markets for those products or services and the methods of distribution.
- C. The importance to the business and the duration and effect of all concessions held.

**ITEM 4. DESCRIPTION OF FORMER BUSINESS**

On an attachment page labelled ITEM 4, describe any former business not listed in response to ITEM 3, which the Applicant or any parent, intermediary or subsidiary company engaged in during the last ten-year period, and the reasons for the cessation of such business. Also indicate the approximate period of time during which each such business was conducted.

**ITEM 5. STOCK DESCRIPTION (COMPANIES)**

Describe the nature, type, terms, conditions, rights and privileges of all classes of voting, nonvoting and other stock issued, or to be issued, by the company, including the number of shares of each class of stock authorised or to be authorised and the number of shares of each class of stock outstanding (i.e. not held by or on behalf of the issuer) as on this date.

ORDINARY SHARES	PAR VALUE	NUMBER
PREFERENCE SHARES	PAR VALUE	NUMBER
OTHER (INCLUDING OPTIONS)		

**VOTING RIGHTS**

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If the rights of holders of any class of stock may be modified other than by a vote, indicate this and explain briefly.

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**ITEM 6. NON-VOTING SHAREHOLDERS**

Furnish the information called for in the table below, in respect of each person or entity holding or having a beneficial interest in any non-voting stock issued by the company.

NAME AND ADDRESS	DATE OF BIRTH	CLASS OF NON-VOTING STOCK HELD	NUMBER OF SHARES HELD	PERCENTAGE OF OUTSTANDING VOTING STOCK


\* This information must be provided as on a date no more than sixty (60) days prior to the date of this application.

Should you require additional space, attach a separate sheet in the same tabular format and label it ITEM 6.

**ITEM 7. QUALIFIERS**

Please indicate all persons or entities in your Applicant that correspond to the sub-items listed below. If any of sub-items A to K do not apply, please indicate N/A (for “Not applicable”) directly on this form.

**NOTE 1: A PERSONAL HISTORY DISCLOSURE FORM MUST BE COMPLETED BY EVERY PERSON NOTED IN SUB-ITEMS A TO D.**

**NOTE 2: A PERSONAL DISCLOSURE FORM OR BUSINESS HISTORY DISCLOSURE FORM MUST BE COMPLETED BY EVERY PERSON NOTED IN SUB-ITEM F AND G.**

**NOTE 3: A PERSONAL HISTORY DISCLOSURE FORM OR BUSINESS HISTORY DISCLOSURE FORM MUST IN ADDITION BE COMPLETED BY EVERY PERSON LISTED IN SUB-ITEM E IF SUCH PERSON DOES NOT FALL INTO SUB-ITEMS A TO D.**

**NOTE 4: THE BOARD MAY, AT ITS DISCRETION ORDER ADDITIONAL PERSONS ASSOCIATED WITH THE ENTERPRISE TO FILE THE APPROPRIATE DISCLOSURE FORM IF IT APPEARS THAT SUCH PERSON SHOULD BE QUALIFIED IN ORDER TO CARRY INTO EFFECT THE PURPOSES OF THE EASTERN CAPE GAMBLING ACT AND THE REGULATIONS THERETO.**

**NOTE 5: IT IS NOT NECESSARY FOR PERSONS REFERRED TO IN NOTE 2 WHO ALSO FALL INTO NOTE 3 TO COMPLETE TWO SETS OF FORMS.**

**NOTE 6: WHERE APPLICATIONS FOR REGISTRATION OF KEY PERSONS OR GAMBLING EMPLOYEES ACCOMPANY THIS APPLICATION -**

- (A) PERSONS SET OUT IN SUB-ITEMS A TO C SHALL APPLY FOR REGISTRATION AS KEY PERSONS.
- (B) PERSONS SET OUT IN SUB-ITEM D SHALL APPLY FOR REGISTRATION AS GAMBLING EMPLOYEES.
- (C) IT SHALL NOT BE NECESSARY FOR PERSONS REGISTERED AS KEY PERSONS TO SIMULTANEOUSLY BE REGISTERED AS GAMBLING EMPLOYEES.
- (D) AN APPLICANT FOR REGISTRATION AS A KEY PERSON OR GAMBLING EMPLOYEE SHALL ONLY NEED TO FILL IN ONE PERSONAL HISTORY APPLICATION FORM I.E. THAT ACCOMPANYING HIS OR HER APPLICATION FOR REGISTRATION AS A KEY PERSON OR GAMBLING EMPLOYEE.

**NOTE 7: WHERE APPLICATIONS FOR REGISTRATION AS KEY PERSONS OR GAMBLING EMPLOYEES BY PERSONS REFERRED TO IN SUB-ITEMS A TO D DO NOT ACCOMPANY THIS APPLICATION, EACH APPLICANT FOR REGISTRATION AS A KEY PERSON OR GAMBLING EMPLOYEE SHALL SUBMIT A SECOND PERSONAL HISTORY DISCLOSURE FORM WITH HIS OR HER APPLICATION FOR SUCH REGISTRATION. A**

All officers of the Applicant.

- B All directors or trustees of the Applicant.
- C In the case of a Close Corporation, all members of such Close Corporation.
- D All employees of the enterprise who will accept bets from members of the public.
- E All beneficial owners of more than 5% of the outstanding voting securities of the enterprise, whether such owners are themselves legal or natural persons.
- F All persons who will accept bets as a totalisator and agent for the Applicant;
- G All natural persons employed by persons contemplated in paragraph F who deal with the public in taking such totalisator bets.

**NOTE 8: IF AN APPLICANT IS LISTED AS AN OWNER IN SUB-ITEM E ABOVE, THE APPLICANT MUST COMPLETE A SEPARATE BUSINESS ENTITY DISCLOSURE FORM**

For every person or entity noted in SUB-ITEMS 7A to C and 7E above, please provide the information requested in the following form:

NAME	DATE OF BIRTH	HOME ADDRESS	TITLE, POSITION OR ASSOCIATION WITH THE ENTERPRISE	% OF OWNERSHIP (**)


\*\* Include number of share held and class of stock, if applicable.

**ITEM 8. OUTLINE OF OWNERSHIP**

If item 7 notes any enterprise as holding any stock, holding a partnership interest or holding any other ownership interest in the applicant, prepare a flowchart which illustrates the fully diluted ownership of the applicant as an attachment labelled ITEM 8. List all parent, holding or intermediary companies so that the flowchart reflects the stock, partnership or ownership interest as being held by a natural person(s) and not another enterprise(s). If the ultimate parent company is publicly traded and no natural person controls more than 5% of the publicly traded stock, indicate this fact in a footnote to the flowchart.

**ITEM 9. FORMER OFFICERS AND DIRECTORS**

Furnish the information indicated below for each person not listed in response to item 7, who has held position as an officer/director or trustee of the enterprise or in the case of a close corporation, a member of such close corporation, over the last ten (10) years:

NAME	DATE OF BIRTH	LAST KNOWN ADDRESS	POSITION AND DATES HELD	REASON FOR LEAVING






**ITEM 12. BONUSES, PROFIT SHARING, RETIREMENT, DEFERRED REMUNERATION AND SIMILAR PLANS**

On an attachment page labelled ITEM 12, describe all existing bonuses, profit sharing, pension, retirement, deferred remuneration and similar plans, or those to be created by the Applicant. The description must include, but not be limited to:

- A. Title of name of the plan.
- B. Identity and address of the trustee of the plan or the person administering such plan.
- C. Material features of the plan.
- D. Methods of financing the plan.
- E. Identity of each class of person who is participating or will participate in the plan.
- F. Approximate number of persons in each class.
- G. Amounts distributed under the plan to each class of person during the last fiscal year, if the plan was in effect during that period of time.

**ITEM 13(i). SECURITIES OPTIONS\* (CORPORATE ENTITIES)**

Describe in detail any options existing or to be created in respect of securities issued by the corporation. The description must include, but is not limited to, the title and amount of securities subject to option, the year or years during which the options were or will be granted, the conditions under which the options were or will be granted, the consideration for granting the option and the year or years, the terms under which option holders became, or will become, entitled to exercise the options, and when such options expire.

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\* *For the purposes of this application, "option" means right, warrant or option to subscribe to or purchase any securities issued by the corporate entity.*

**ITEM 13(ii)**

Identify all persons holding the options described in item 13(i) in a reasonable manner that does not infringe the privacy of the data subject and include the market value of the options at the time of issue.

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**ITEM 14. DESCRIPTION OF LONG-TERM DEBT**

Describe the nature and terms and conditions of all outstanding bonds, loans, mortgages, trust deeds, notes, debentures or other forms of indebtedness issued or executed (including loans made by shareholders), or to be issued or executed by the Applicant, which mature more than one year from the date of issue or which, according to their terms, are renewable for a period of more than one (1) year from the date of issue, given the purpose for which it is processed, it is adequate, relevant and not misleading.

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**ITEM 15. HOLDERS OF LONG-TERM DEBT**

Furnish the information indicated in the table below for each person or entity holding any outstanding bonds, loans, mortgages, trust deeds, notes debentures or other forms of indebtedness executed or issued by the Applicant, which mature more than one (1) year from the date of issue or which, according to their terms, are renewable for a period of more than one (1) year from the date of issue.

NAME AND ADDRESS	DATE OF BIRTH	TYPE AND CLASS OF DEBT INSTRUMENT HELD	AMOUNT IN RANDS OF DEBT HELD (Both original amount and current balance)


**ITEM 16. OTHER INDEBTEDNESS AND SECURITY DEVICES**

Describe the nature, type and terms and conditions of all outstanding loans, mortgages, trust deeds, pledges, lines of credit, or other evidence of indebtedness or security devices utilised by the Applicant, other than those described in response to items 14 and 15.

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**ITEM 17. HOLDERS OF INDEBTEDNESS**

Furnish the information indicated in the table below in respect of each holder of any outstanding loan, mortgage, trust deed, pledge or other evidence of indebtedness or security device described in response to Item 16.

NAME AND ADDRESS	DATE OF BIRTH	TYPE OF DEBT INSTRUMENT HELD	AMOUNT IN RANOS OF DEBT HELD (Both original amount and current balance)

**ITEM 18. FINANCIAL INSTITUTIONS**

Furnish the information indicated in the table below in respect of each bank, savings and loan association or other financial institution, whether domestic or foreign, in which the Applicant

has or has had an account over the last ten (10) years, regardless of whether such account was held in the name of the enterprise or a nominee of the enterprise or was otherwise under the direct or indirect control of the Applicant.

NAME AND ADDRESS	TYPE OF ACCOUNT(S)	ACCOUNT NUMBER	PERIOD OF TIME ACCOUNT HELD (FROM/TO)

#### **ITEM 19. CONTRACTS AND SUPPLIERS**

Furnish the information indicated in the table below in respect of all persons with whom the Applicant has contracts or agreements valued at R50 000 or more, or from whom the enterprise has received R50 000 or more in goods or services in the past six (6) months.

Employment contracts need only be listed if, according to their terms, they exceed one year's duration.

NAME	ADDRESS	NATURE OF CONTRACT OR GOODS OR SERVICES SUPPLIED

#### **ITEM 20. STOCK HELD BY ENTERPRISE**

Furnish the information indicated in the table below in respect of each company in which the Applicant holds stock:

NAME AND ADDRESS OF COMPANY	TYPE OF STOCK HELD	PURCHASE PRICE PER SHARE	NUMBER OF SHARES HELD	PERCENTAGE OF OWNERSHIP EXCEEDING 5%


**ITEM 21. INSIDER TRANSACTION (CORPORATE ENTITY)**

Furnish the information indicated in the table below for each change, within the last five (5) years preceding this application, in the beneficial ownership of the equity securities of the corporate entity on the part of any person who is indirectly or directly a beneficial owner of more than 5% of any class of equity security of the corporation, or who is, or was, a director or an official of the corporation within that period. [Include changes resulting from (a) a gift, (b) a purchase, (c) a sale, (d) the exercise of an option to purchase, (e) exercise of an option to sell, or (f) another transaction.]

DATE OF TRANSACTION	NATURE OF TRANSACTION	PARTIES TO TRANSACTION (INCLUDE POSITIONS)	NUMBER OF SECURITIES INVOLVED

**ITEM 22. CRIMINAL HISTORY**

The next question requests information about any offences the Applicant may have committed or charges against it. Prior to answering this question, carefully study the definitions and instructions which follow.

**DEFINITIONS:** For the purposes of this question:

- (a) “Charge” includes any indictment, complaint, information, summons, or other notice relating to the alleged commission of any “offence”.
- (b) “Offence” includes all felonies, crimes, disorderly persons’ offences, and petty disorderly offences.
- (c) “Obstruction” includes or means any juristic or natural person who hinders, obstructs or unlawfully influence the ECGB or any person acting on behalf of the ECGB’s duties and functions under POPI.

**INSTRUCTIONS:  
EVEN IF:**

1. Answer “yes” and provide all information to the best of your ability
  - (a) The enterprise did not commit the offence with which it was charged;
  - (b) The charge was dismissed;
  - (c) The enterprise was not convicted, or
  - (d) The charges or offences happened a long time ago.
2. Answer “no” IF the records relating to the charges have been expunged by court order.
3. Attach a copy of the expungement order to this application, labelled ITEM 22.

“Has the Applicant, its owners, officers, directors or any of its subsidiaries ever been indicted, charged with or convicted of a criminal or disorderly person’s offence or been a party or named as an indicted co-conspirator in any criminal proceeding in the Republic of South Africa or any other jurisdiction?”

✈ Yes

✈ No

If yes, complete the table below:

NAME OF CASE AND CASE NUMBER	NATURE OF CHARGE OR COMPLAINT	DATE OF CHARGE OR COMPLAINT	NAME AND ADDRESS OF LAW ENFORCEMENT OR COURT INVOLVED	OUTCOME (ACQUITTED), CONVICTED, DISMISSED, ETC.)	SENTENCE


**ITEM 23. TRADE REGULATIONS AND SECURITIES JUDGEMENTS**

Has the Applicant ever had a judgement, consent, decree or consent order pertaining to a violation or alleged violation of trade regulations or securities laws, or similar laws of any country, entered against it?

Yes

No

If yes, provide the information in the following tabular form:

NAME AND CASE AND DOCKET NUMBER	NAME AND ADDRESS OF COURT OR AGENCY	NATURE OF JUDGEMENT, DECREE OR ORDER	DATE ENTERED

**ITEM 24. INSOLVENCY PROCEEDINGS AND APPOINTED RECEIVER, AGENT OR TRUSTEE**

A. Has the Applicant or its parent company or any affiliated company had any petition under any provision of any Bankruptcy Act or under any state insolvency law filed by or against it in the last ten (10) years?

→ Yes

→ No

IF YES, PROVIDE DETAILS:

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B. Has the Applicant or its parent company or any affiliated company sought relief under any provision of any Bankruptcy Act or any state insolvency law in the last ten (10) years?

→ Yes

→ No

IF YES, PROVIDE DETAILS:

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C. Has any receiver, fiscal agent, trustee, recognition trustee or similar officer been appointed, in the last ten (10) years, by a court for the business or property of the Applicant or its parent, holding affiliate or subsidiary companies?

→ Yes

→ No

IF YES, COMPLETE THE TABLE BELOW:

NAME OF PERSON APPOINTED	DATE APPOINTED	COURT	REASON

**ITEM 25. EXISTING LITIGATION**

On an attachment page labelled ITEM 25, describe all existing civil litigation at equity and law to which the Applicant or any subsidiary is currently a party, whether in this Province or in another jurisdiction. Do not include any case for monetary damages in litigation in which the damages may not be expected to exceed R100 000. This description must include the title and case number of the litigation, the name and location of the court where it is pending, the identity of all parties to the litigation, and the general nature of all claims being made.

**ITEM 26. LICENCES**

A. In the last ten (10) years, has the Applicant ever had any licence or certificate issued by a government agency in the Republic of South Africa or any other jurisdiction, denied, suspended or revoked?

→ Yes

→ No

IF YES, COMPLETE THE TABLE BELOW:

TYPE OF LICENCE OR CERTIFICATE	NAME AND LOCATION OF GOVERNMENT AGENCY	ACTION TAKEN	DATE	REASON


B. Has the Applicant ever applied, in any jurisdiction, for a licence, permit or other authorisation to participate in lawful gambling operations (including casino gambling, horse racing, dog racing, pari-mutuel operation, lottery, sports betting etc.).

➔ Yes

➔ No

If the response to Item 26B is yes, complete the table below:

NAME AND ADDRESS OF LICENSING AGENCY	DATE OF APPLICATION	OUTCOME (GRANTED, DENIED, PENDING)	TYPE OF GAMBLING ACTIVITY	IF ISSUED, GIVE APPROPRIATE NUMBER AND EXPIRY DATE

**ITEM 27. CONTRIBUTION AND DISBURSEMENTS OF ENTERPRISE**

A. In the last ten (10) years, has the enterprise, any director, officer, or employee or any third party acting for or on behalf of the Applicant offered any bribes or kickbacks to any employee, company or organisation to obtain favourable treatment?

➔ Yes

➔ No

IF YES, PROVIDE DETAILS:

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B. In the last ten (10) years, has the Applicant, any director, officer or employee or any party acting for or on behalf of the Applicant offered any bribes or kickbacks to any government official, either domestic or foreign, to obtain favourable treatment?

→ Yes

→ No

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IF YES, PROVIDE DETAILS:

C. In the last ten (10) years, have the Applicant funds been donated or loaned for the purpose of opposing or supporting any government, political party, candidate or committee, either domestic or foreign?

→ Yes

→ No

IF YES, PROVIDE DETAILS:

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D. In the last ten (10) years, has the Applicant property been donated or loaned for the purpose of opposing or supporting any government, political party, candidate or committee, either domestic or foreign?

→ Yes

→ No

IF YES, PROVIDE DETAILS:

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E. In the last ten (10) years, has the Applicant made or granted any loans, donations or other disbursements to directors, officers or employees for the purpose of reimbursing such individuals for political contributions, either foreign or domestic?

→ Yes

→ No

IF YES, PROVIDE DETAILS:

F. In the last ten (10) years, has the Applicant maintained any bank account or any account in the name of a nominee for the company or close corporation?

→ Yes

→ No

IF YES, PROVIDE DETAILS:

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G. In the last ten (10) years, has the Applicant maintained any numbered account or any account in the name of the Applicant?

→ Yes

→ No

IF YES, PROVIDE DETAILS:

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H. List the names and addresses of any present or former directors, officers or employees or third parties who would have knowledge or information concerning the questions affirmatively answered under F and G above.

→ Yes

→ No

IF YES, PROVIDE DETAILS:

**ITEM 28. FINANCIAL STATEMENTS**

- A. Attach, as an appendix to this form, copies of all audited or reviewed financial statements prepared in the last three (3) years with regard to the Applicant and label them ITEM 28A. Include any holding company exception taken to such statements, and management’s response thereto.
- B. If the Applicant does not normally have its financial statements audited, attach as an appendix to this form all unaudited financial statements prepared in the last three (e) years with regard to the Applicant. (If the Applicant has neither audited nor unaudited financial statements prepared, please note this below this paragraph. Label it ITEM 28B.)

**ITEM 29. ANNUAL REPORTS**

Attach, as an appendix to this form, a copy of all annual reports of the Applicant which have been submitted to shareholders, members or other persons over the last three (3) years.

**ITEM 30. QUARTERLY REPORTS**

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Attach, as an appendix to this application, a copy of all quarterly financial statements prepared by or for the Applicant, if any, since the last annual report noted in Item 30.

**ITEM 31. INTERIM REPORTS**

Attach, as an appendix to this form, a copy of all reports prepared following the occurrence of any of the following events: Change in control of the Applicant, acquisition or disposal of assets, bankruptcy or receivership proceedings, changes in the Applicant's independent auditors, or other material events.

**ITEM 32. REPORTS OF ACCOUNTANTS**

Attach, as an appendix to this form, a copy of all reports and correspondence, other than those previously included in this application, submitted in the last three (3) years by independent auditors for the enterprise, which pertain to the issue of financial statements, managerial advisory services, or internal control recommendations.

**ITEM 33. FINANCIAL STRENGTH**

Applicants shall provide as an appendix hereto:

- A. The three (3) most recent audited or reviewed AFS (whichever is legally applicable) for all Enterprises and AFS or tax returns for Persons holding more than an effective 5%

- shareholding in the Applicant, and an interim report if this is more recent than the most recent AFS.
- B. The three (3) most recent audited or reviewed AFS (whichever is legally applicable) for all Enterprises and AFS or tax returns for Persons contracting to the Applicant (e.g. entertainment, hotel).
  - C. For all dormant Enterprises, an auditor's confirmation of dormancy or a confirmation that the Enterprise is not subject to any undisclosed or contingent liabilities.

**ITEM 35. FINANCING STRUCTURE AND ACCESS TO CAPITAL RESOURCES**

Applicants shall, as an appendix hereto:

- A. For all companies having a direct holding in the applicant, specify the nature, terms and conditions of all debt financing and details of all other financial commitments, including letters of commitment from financiers for the full debt requirements.
- B. Provide names of contactable representatives of all financiers of the applicant, financially responsible shareholders and members and empowerment vehicles.
- C. Provide the proposed capital structure of applicant.
- D. Specify whether any of the project capital expenditure is based on cash flows from the gambling business, and detail secondary sources of funding if the primary cash flows fail.
- E. Specify and schedule the ultimate source of all funding for the gambling business.
- F. Give comprehensive details of commitments for intended funding or funding of previously disadvantaged individual shareholders' contribution to equity, including sources, terms and conditions relating to it.

**ITEM 36. SUITABILITY OF GUARANTEES**

Applicants shall as an appendix herein specify whether any party other than financially responsible shareholders or members of the applicant have committed a deposit, line of credit or any other form of guarantee for the financing of the business and detail the terms and conditions of the guarantees, particularly in relation to the control of the applicant.

**ITEM 37. MANAGEMENT AND ACCESS TO EXPERTISE AND EXPERIENCE OF APPLICANTS**

Applicants shall provide an organizational chart of the applicant which includes position descriptions and the names of persons holding such positions and details of their access to operating expertise in terms of:

- A. Their experience in managing and operating the business of a totalisator and demonstrate how this experience and expertise will be applied.
- B. The persons (including all directors, executives, principal officers, associates and consultants) associated with the entities who will be responsible for the operation of the totalisator business.

- C. The relationship between themselves and such persons.
- D. The agreements governing these relationships.
- E. Any consultants contracted to perform specific tasks.
- F. Any proposed commitment or participation in other significant totalisator operations that have been entered into or are being contemplated over the next two years.
- G. The applicant shall outline in broad terms internal controls planned to be incorporated in the totalisator operations which shall be consistent with internationally accepted standards. (The Board will adopt certain minimum requirements for internal controls to be incorporated in all totalisator operations in the Eastern Cape, which shall be consistent with internationally accepted standards.)

**ITEM 38. STRATEGY AND OBJECTIVES**

Applicants shall:

- A. State the overall mission of the totalisator business and define its business and geographic area of operations.
- B. Describe the projected business environment, including external forces, which are expected to impact upon the business.
- C. State the critical objectives of the totalisator business and the critical success factors for the achievement of each of the objectives (i.e. activities that need to be performed well to achieve the stated objectives). Also, applicants shall state the significant business risks which threaten the achievement of the stated objectives.
- D. Describe the corporate strategy adopted to achieve the objectives and the key performance indicators that will be used to monitor the achievement of the critical success factors.

**ITEM 39. SITE LOCATION AND SIZE**

- A. Applicants shall describe the overall design of each of the proposed premises from which the applicant intends to conduct totalisator operations in terms of:
  - i its size and prominence in terms of location and visibility; and ii nearby land uses.
  - iii Proximity to other gambling establishments
- B. Site and locality plans, including a floorplan of the premises indicating those portions on which totalisator activities shall be conducted and which need to be licensed, shall be provided.
- C. Plans or maps showing how the totalisator business fits into surrounding areas are to be provided.

- D. Details shall be provided regarding the current ownership of the premises. Evidence of pre-contracts guarantees or options regarding site availability shall be provided, together with any potential legal (e.g. potential land restitution claims) or physical impediments to site occupation and development.
- E. A copy shall be provided of any lease agreements for the lease of the premises.
- F. The current status of negotiations in respect of land and/or buildings, if applicable, shall be disclosed.
- G. Local authority comments on land rights shall be provided.
- H. The Board's development and design objectives for totalisator premises will best be achieved by premises that provide for all facilities to be of a quality standard sufficient to satisfy the expectations of local citizens. This would include adequate public facilities.
- I. Applicants should summarise how their totalisator business on those premises is likely to impact on the surrounding neighborhood environment and land uses.

**ITEM 40. DECLARATION**

Pursuant to the regulations of the Board, this form must be sworn to or affirmed by the Applicant or an authroised representative of the Applicant.

**DECLARATION**

I, \_\_\_\_\_ the

authorized representative of the Applicant hereby acknowledge that I am aware that the Board may deny a licence or registration to any applicant that supplies information to the Board which is untrue or misleading as to a material fact pertaining to the qualification criteria.

Further, I hereby swear (or affirm) that the foregoing statements made by me on behalf of the Applicant are true. I am aware that if any of the foregoing statements made by me are willfully false, I will be subject to the penalty attendant upon perjury.

**ITEM 41. RELEASE AUTHORISATION - NOTICE**

Each Applicant or representative thereof must acknowledge the release of information and notice below.

A copy of the resolution by the company or close corporation authorising the person referred to above must be attached hereto.

### **RELEASE AUTHORISATION**

To All Courts, Probation Departments, Selective Service Boards, Employers, Education Institutions, Banks, Financial and other Such Institutions, and all Government Agencies - State, Provincial and Local, without exception, both foreign and domestic.

On behalf of the Applicant,

I, \_\_\_\_\_, have

authorised the Eastern Cape Gambling Board to conduct a full investigation into the background of the said Applicant.

Therefore, you are hereby authorised to release any and all information pertaining to that Applicant, either documentary or otherwise, as requested by any employee or agent of the Eastern Cape Gambling Board, provided that he or she certifies to you that Applicant has an application pending before the Eastern Cape Gambling Board or that that Applicant is currently a licence holder or registrant required to be qualified under a provision of the Eastern Cape Gambling Act, 1997 , or has an application pending before the Eastern Cape Gambling Board.

This authorisation supersedes or countermands any prior request or authorisation to the contrary.

### **NOTICE**

1. Information supplied to the Board or otherwise obtained by it is confidential and may not be revealed, except in the course of administrating the Eastern Cape Gambling Act, 1997 or upon the lawful order of a court of competent jurisdiction. Nevertheless, an applicant or a licence holder or registrant exempts the Eastern Cape Gambling Board and its instrumentality and agents from liability for any damages resulting from any disclosure or publication in any manner.
2. An applicant for, or holder of, a licence or registration under the Eastern Cape Gambling Act, 1997, is subject to inspections, searches and seizures as authorised by the Act and by the Eastern Cape Gambling Regulations 1998 (Provincial Notice No. 202 of 2020) ("Regulations"). More specifically, section 4(1) of the Act empowers the Board to gather information from any source or person regarding the suitability of the applicant to hold a licence or be registered and the suitability of the premises in respect of which the application has been made.
3. In terms of Regulation 9, any person who submits an application to the board for registration shall be liable for and pay to the board all expenses incurred by the board in investigating the applicant : Provided that in the case of employee registrations, the employer shall pay the investigating expenditure but the employee will be liable to the employer for one half of the expenses should he leave the employ of the employer within six (6) months.

Receipt of notice acknowledged on behalf of Applicant:

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(NAME)