

MPUMALANGA GAMING BOARD



APPLICATION FOR CERTIFICATE OF SUITABILITY

Name of Applicant: _____

Application Date: _____

Signature _____

BUSINESS ENTITY DISCLOSURE FORM - GAMING

APPLICATION INSTRUCTIONS

- (i) This application form is to be completed by any person who has been identified as a qualifier for a Certificate of Suitability application or is otherwise directed to file an application by the Mpumalanga Gaming Board.
- (ii) 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.
- (iii) A complete copy of the Certificate of Suitability application must be submitted with the original. The application will be deemed incomplete and not processed if a copy is not included.
- (iv) For purposes of this application, “enterprise” shall be defined to include any corporation, association, operation, firm, partnership, trust or other form of business association, as well as any sole proprietor or natural person.
- (v) Answer every question completely and truthfully. Do not leave any blank spaces. If a question does not apply to you, indicate “Not Applicable” in response to that question. If there is nothing to disclose as to a particular question, state “None” in response to that question.
- (vi) All entries on this form, except signatures, must be typed or block printed in ink. If your application is not legible, it will not be accepted.
- (vii) Initial each page of this form in the space provided, once you have checked your answers and are sure they are complete and correct.
- (viii) If you need additional space to answer any question(s), use the blank page provided at the end of this form. Be sure to indicate the number(s) of the question(s) you are answering if you use this additional space.
- (ix) 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

You must immediately notify the Mpumalanga Gaming Board of any change of address. All notices regarding this application will be sent to the address which you provide on this form. Changes of address should be forwarded to:

Street Address

Mpumalanga Gaming Board
First Avenue
White River
1240
Fax No: (013) 750 8097
Tel No: (013) 750 8000

Postal Address

Private Bag X9908
White River
1240

Signature _____

NOTICE

Information supplied to the Board or otherwise obtained by them is confidential and shall not be revealed, except in the course of the necessary administration of the Mpumalanga Gaming Act, or upon the lawful order of a court of competent jurisdiction. Nevertheless, an applicant or licensee exempts the Mpumalanga Gaming Board and its instrumentality and agents from any liability for any damages resulting from any disclosure or publication in any manner.

An applicant for, or holder of, a licence or registration under the Mpumalanga Gaming Act, 1995 (Act 5 of 1995) is subject to inspections, searches and seizures as authorised by the Act and by the regulations of the Board. More specifically, Section 27 of the Act empowers the Board to gather such information from any source or person regarding the suitability of their applicant to hold a licence and the suitability of the premises in respect of which the application has been made.

Section 25(a) provides that the prescribed application fee is payable to the Board on the submission of an application.

Section 25(b) of the Mpumalanga Gaming Act, 1995 provides that any person who submits an application to the Board under Section 24 shall be liable for and pay to the Board all reasonable direct expenses incurred by the Board to conduct the necessary investigations referred to in Section 27.

Receipt of Notice

Acknowledged on Behalf of _____
(NAME OF ENTERPRISE)

Date: _____

Signature: _____

Name: _____

Capacity / Position: _____

Signature _____

BUSINESS ENTITY DISCLOSURE FORM - GAMING

APPLICATION FOR CERTIFICATE OF SUITABILITY

1. APPLICATION DETAILS

1.1 Please indicate the industry segment or segments to which services are provided:

- Casino's Bingo Operators Manufacturers
 Route Operators Sites Maintenance & Suppliers of gaming equipment

1.2 Provide a short description of all services rendered.

1.3 Attach a copy of the contract(s) entered into for purposes of this application. This document should be labelled as 1.3.

2. APPLICANT DETAILS

2.1 NAME OF ENTERPRISE*

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*Name as appears on the certificate of incorporation, charter, by-laws, partnership agreement or other official document. **DO NOT ABBREVIATE.**

2.2 TRADE NAME(S)

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2.3 Person to be contacted in reference to these forms:

NAME	
TITLE	TELEPHONE NO. (INCLUDE AREA CODE)

2.4 The principal business address of the enterprise:

STREET LOCATION (NUMBER/STREET)	CITY	PROVINCE	POSTAL CODE
COUNTRY	TELEPHONE NO. OF THIS LOCATION (INCLUDE AREA CODE)		

Signature _____

2.5 The address from which the enterprise is or will be conducting any business as part of an agreement with a licensee.

STREET LOCATION (NUMBER/STREET)	CITY	PROVINCE	POSTAL CODE
COUNTRY	TELEPHONE NO. OF THIS LOCATION (INCLUDE AREA CODE)		

3. OTHER NAMES AND ADDRESSES OF THE ENTERPRISE

3.1 List all other names under which the enterprise has done business over the last ten years, and give approximate time periods during which such names were in use.

3.2 State all other addresses currently occupied/held by the enterprise and all addresses from which the enterprise is currently doing business.

NUMBER AND STREET	CITY	PROVINCE	POSTAL CODE

4. DESCRIPTION OF ENTERPRISE

4.1. Specify the business form of this enterprise (i.e. company, close corporation, partnership, trust, joint venture, sole proprietorship or otherwise).

4.2. Submit a copy of the certificate of incorporation, certificate to commence business, articles of association, memorandum of association, founding statement, memorandum of understanding, charter, by-laws, partnership agreement, trust agreement or other basic documentation of the enterprise and all amendments, whichever are applicable. This document must be labelled as 4.2.

Signature _____

5. SHARES / MEMBERSHIP INTEREST

Provide a list of all natural and juristic persons, owning 5% or more shares / membership interest:

Name	ID No. / Registration No.	% Interest

A Personal History Disclosure form must be completed by every person noted above.

6. CRIMINAL HISTORY

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

DEFINITIONS:

For the purpose of this question:

- A “Charge” includes any indictment, complaint, information, summons, or other notice of the alleged commission of any “offence”.
- B. “Offence” includes all felonies, crimes, disorderly persons’ offences, and petty disorderly offences.

INSTRUCTIONS: 1.

Answer “yes” and provide all information to the best of your ability EVEN IF:

- A. The enterprise did not commit the offence 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:

- A. The records relating to the charges have been expunged by court order; AND
- B. Attach a copy of the expungement order to this application, labelled as 6.

“Has the enterprise, 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	NAME AND ADDRESS OF LAW ENFORCEMENT AGENCY OR COURT INVOLVED	NATURE OF CHARGE OR COMPLAINT	DATE OF CHARGE OR COMPLAINT	DISPOSITION (ACQUITTED, CONVICTED, DISMISSED, ETC)	SENTENCE

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

Signature _____

7. TRADE REGULATIONS AND SECURITIES JUDGEMENTS

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

Yes	
No	

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

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

Should you require additional space, attach a separate sheet in the same tabular format and label it 7.

8. INSOLVENCY PROCEEDINGS & APPOINTED RECEIVER, AGENT OR TRUSTEE

8.1. Has the enterprise, its parent 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 over the last ten year period?

Yes	
No	

IF YES, PROVIDE DETAILS.

8.2. Has the enterprise, its parent or any affiliated company sought relief under any provision of any Bankruptcy Act or any state insolvency law over the last ten-year period?

Yes	
No	

IF YES, PROVIDE DETAILS.

Signature _____

8.3. Has any receiver, fiscal agent, trustee, recognition trustee, or similar officer been appointed, over the last ten-year period, by a court for the business or property of the enterprise or its parent, holding, affiliate or subsidiary companies?

Yes	
No	

If the response to 8.3 is in the affirmative, complete the table below.

NAME OF PERSON APPOINTED	DATE APPOINTED	COURT	REASON

Should you require additional space, attach a separate sheet in the same tabular format and label it 8.3.

9. EXISTING LITIGATION

As an attachment labelled ITEM 25, describe all existing civil litigation at equity and law to which the enterprise or any subsidiary is currently a part, 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 shall 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.

10. LICENCES

10.1. Has the enterprise 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 the response to item 10.1 is in the affirmative, complete the table below.

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

Should you require additional space, attach a separate sheet in the same tabular format and label it 10.1.

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

Yes	
No	

Signature _____

If the response to Item 10.2 is in the affirmative, complete the table below.

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

Should you require additional space, attach a separate sheet in the same tabular format and label it 10.2

11. CONTRIBUTION AND DISBURSEMENTS OF ENTERPRISE

11.1 Over the last five-year period, has the enterprise, any director, officer, partner, or employee or any third party acting for or on behalf of the enterprise offered any bribes or kickbacks to any employee, company or organisation to obtain favourable treatment?

Yes	
No	

IF YES, PROVIDE DETAILS.

11.2 Over the last five-year period, has the enterprise, any director, officer, partner, or employee or any party acting for or on behalf of the enterprise offered any bribes or kickbacks to any government official, domestic or foreign, to obtain favourable treatment?

Yes	
No	

IF YES, PROVIDE DETAILS.

11.3. Over the last five-year period, have enterprise 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.

Signature _____

- 11.4 Over the last five-year period, has enterprise 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.

- 11.5 Over the last five-year period, has the enterprise made/granted any loans, donations or other disbursements to directors, officers, partners, or employees for the purpose of reimbursing such individuals for political contributions, either foreign or domestic?

Yes	
No	

IF YES, PROVIDE DETAILS.

- 11.6 Over the last five-year period, has the enterprise maintained any bank account or any account in the name of a nominee for the enterprise?

Yes	
No	

IF YES, PROVIDE DETAILS.

- 11.7 Over the last five-year period, has the enterprise maintained any numbered account or any account in the name of the enterprise?

Yes	
No	

IF YES, PROVIDE DETAILS.

12. FINANCIAL STATEMENTS

Attach, as an appendix to this form copies of all financial statements prepared in the last two years with regard to the enterprise and label them 12. Include any holding company exception taken to such statements, management's response thereto and any accounting officer's report or audit opinion expressed in such statements (whichever are applicable).

13. ORGANISATIONAL CHART

Provide as an appendix hereto, an organisational chart of the enterprise which includes position descriptions and the names of persons holding such positions. Also provide the full names, addresses, telephone numbers and Identity numbers* of all directors and/or managers of the enterprise. This document should be labelled as 13.

**Identity numbers include RSA D Document numbers, passport numbers, work permit numbers, SSN numbers, etc.*

14. CLEARANCE CERTIFICATE

Provide as an appendix to this form a Tax Clearance Certificate issued by the South African Revenue Services and label the item 14.

15. AFFIDAVITS AND SIGNATURES

Pursuant to the regulations of the Board, this form must be sworn to or affirmed, signed and dated before a person legally competent to take an oath or affirmation who shall himself date the signature of the affiance and indicate the basis of his authority to take oaths and affirmations.

Each of the following persons must complete an affidavit attesting to the truth of the information in this form:

15.1 If the enterprise is a company, the Managing Director or any officer so authorised to affirm.

15.2 If the enterprise is a close corporation, the Managing Member or any officer so authorised to affirm.

15.3 If the enterprise is a corporation, the president or any officer so authorised to affirm;

15.4 If the enterprise is a partnership, each of the partners. If a limited partnership, by each of the general partners only;

15.5 If the enterprise is any other business form, organisation or association, the chief executive officer or any other officer so authorised to affirm;

15.6 If the enterprise is a sole proprietorship, the natural person who is the proprietor.

Each affidavit required must be identical to the model which appears on the next page of this form.

Signature _____

AFFIDAVIT

PROVINCE OF _____

COUNTRY OF _____

I, _____, hereby acknowledge that I am aware that the Board may deny a licence 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
(NAME)

made by me on behalf of _____
(NAME OF ENTERPRISE)

are true. I am aware that if any of the foregoing statements made by me are wilfully false, I will be subject to the penalty attendant upon perjury.

DATE

SIGNATURE

NAME

TITLE OR POSITION

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

NOTARY

SEAL OF AUTHORITY OF NOTARY

Signature _____

16. RELEASE AUTHORISATION-NOTICE

Each enterprise must have the attached “Release Authorisation” properly signed, dated and notarised. The attached “Notice” must also be acknowledged by a proper signature and date.

Each document must be signed by the following person:

- 16.1 If the enterprise is a company, the Managing Director or any officer so authorised to affirm.
- 16.2 If the enterprise is a close corporation, the Managing Member or any officer so authorised to affirm.
- 16.3 If the enterprise is a corporation, the president or any officer so authorised to affirm;
- 16.4 If the enterprise is a partnership, each of the partners. If a limited partnership, by each of the general partners only;
- 16.5 If the enterprise is any other business form, organisation or association, the chief executive officer or any other officer so authorised to affirm;
- 16.6 If the enterprise is a sole proprietorship, the natural person who is the proprietor.

Signature _____

RELEASE AUTHORISATION

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

On behalf of _____

I, _____, have authorised

the Mpumalanga Gaming Board to conduct a full investigation into the background of the said enterprise.

Therefore, you are hereby authorised to release any and all information pertaining to the said enterprise, documentary or otherwise, as requested by any employee or agent of the Mpumalanga Gaming Board, provided that he or she certifies to you that the said enterprise has an application pending before the Mpumalanga Gaming Board or that the said enterprise is currently a licensee or registrant required to be qualified under the provisions of the Mpumalanga Gaming Act.

This authorisation shall supersede or countermand any prior request or authorisation to the contrary.

A photostat copy of this authorisation will be considered as effective and valid as the original.

DATE

SIGNATURE

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

NOTARY PUBLIC

Signature _____



