

VI. APPLICANT INFORMATION

K. CONFLICTS OF INTEREST

The Board desires to ensure that there is no real or perceived conflict of interest at any time during the RFA process. Submit as Exhibit VI. K. a description of any relationship or affiliation of the Applicant, the Manager or any of their respective Affiliates that currently exists or existed in the past five (5) years with any member, employee, consultant or agent of the Board or the Commission that is a conflict of interest or may be perceived as a conflict of interest during the RFA process. Further, if any such conflict should arise during the term of the RFA process, the Applicant shall notify the Board, in writing, of such conflict.

The Board shall make the final determination as to whether any activity constitutes a conflict of interest pursuant to this provision. The Board's decision shall be final and without recourse; however, the Board will not make any such decision without providing the Applicant or the Manager, as applicable, with an opportunity to present comments.

If an Applicant does not identify any direct or indirect conflict of interest, or perceived conflict of interest, the Applicant shall state that no conflict or perceived conflict of interest exists with respect to its proposal. If the Applicant identifies a conflict of interest or perceived conflict of interest, the Applicant shall disclose the conflict and the steps the Applicant will take to resolve such conflict.

The Applicant, the Applicant Party and their Affiliates are unaware of any actual or perceived conflict of interest involving the Applicant or its parent entities or their subsidiaries or affiliates. We do however, want to note the following:

- In 2010, a subsidiary of Penn National Gaming Inc, the ultimate 50% owner of the Applicant, did submit to the New York Lottery an Application for Video Lottery Gaming Agent to operate a video lottery facility at Aqueduct Racetrack. Another applicant was ultimately chosen for this opportunity. This is beyond five years ago and we do not believe this prior application presents any real or perceived conflicts of interest.
- Penn National Gaming, Inc. and its subsidiaries currently and for many years in the past have engaged the law firm of Taft, Stettinius & Hollister, LLP (formerly Shefsky & Froelich) for various legal services primarily related to its Illinois casino properties. We understand that this firm is also providing legal services for the New York State Gaming Commission. It is our understanding that the New York State Gaming Commission has properly vetted this firm for any potential conflicts with their use and has ensured that the appropriate safeguards and segregation of duties are in place to avoid any real or perceived conflicts of interest.
- In 2011, Penn National Gaming Inc. engaged Christiansen Capital Advisors to perform a New Mexico gambling market assessment. Additionally, in 2010/2011 Penn engaged this firm to provide financial analysis services related to a Cherokee County, Kansas project. We understand that this firm is providing financial analysis services for the New York State

Gaming Commission. The work performed for Penn National in each instance described above was for discrete projects and no ongoing relationship exists with this firm; therefore, we believe no conflict exists.

- Currently, the daughter of one of the Cordish principals, Joseph S. Weinberg, is employed as a summer intern at the law firm of Taft, Stettinius & Hollister, LLP. The daughter has informed the firm of her relationship to Mr. Weinberg and the existence of this Application; she is not involved in handling any matter involved with the New York Gaming Commission or any matters involving applications before that body.