

## Basic Requirements for Limited Video Lottery Retailer Licensing

- You must have a valid Class “A” Private Club or Nonintoxicating Beer License issued by the WV ABCA. Fingerprints obtained by the ABCA for their licensing requirements are not acceptable for use by the WV Lottery.
- You must have a valid business license issued by and registered with the WV Secretary of State’s office.
- You must have an approved Workers’ Compensation policy or valid exemption letter. A copy of your Proof of Insurance or Exemption Letter must be supplied with the completed application.
- You must register with Unemployment Division of Workforce WV.
- You must include with your application a copy of your West Virginia Business Registration Certificate issued by the WV State Tax Department.
- The proposed location cannot be within 150 feet of another Limited Video Lottery location. Your location cannot be within 300 feet of a church, school, daycare center, perimeter of a public park, or business that sells petroleum products capable of being used as fuel in an internal combustion engine. \*NOTE –The WV Lottery does not follow the same guidelines as the ABCA when measuring and determining distance. For more information, please contact the WV Lottery, 304-558-0500 and ask for Limited Video Lottery Security.
- You need to be aware of your city and county zoning laws regarding video lottery. You may contact your City Hall or County Commission for more information.
- Each officer and member must be fingerprinted by the West Virginia Lottery for a background check. After you have submitted your application to the Lottery – call 1.800.982.2274, ext. 231 or 1.304.558.0500, ext. 231 to schedule your fingerprint session. You will be required to be fingerprinted twice, once for ABCA and once for the WV Lottery.
- Each officer and member is required to complete an Individual Affidavit & WV-ARI-001.
- One of the qualifications to be eligible for a license is found in W.Va. Code §29-22B-504(B) is residency: If the applicant is a corporation, partnership or other business entity, the chief executive officer and the majority of the officers, directors, members and partners both in number and percentage of ownership interest, have been citizens of the United States and residents of this state for the four year period immediately preceding the application. Fifty-one percent (51%) of the ownership including the CEO and/or President must pass our residency requirements – meaning they would have filed West Virginia income tax, in a timely manner, for the four years preceding application. The CEO and a majority of the officers (51%), directors and members, both as to number of people and percentage of the business owned, must meet the residency requirements.
- You will be required to install a separate dedicated dial-up telephone line to connect to a site controller at the location. This line is not to be used for any other purpose and may not be connected to any other devices.
- The West Virginia Lottery does not sell video lottery machines. Please contact a licensed operator to inquire about obtaining video lottery terminals.
- For a list of licensed operators’, the Limited Video Lottery Act, Regulations and general information, please visit our website: [www.wvlottery.com](http://www.wvlottery.com)

## Limited Video Lottery Retailer Application Instructions

Provide a statement disclosing all financing or refinancing arrangements for placement of video lottery terminals on premises.

Provide a copy of any current or proposed agreement between applicant and a licensed operator for the placement of video lottery terminals on the applicant's premises. This does not apply to independent retailers' who own permits.

Provide a copy of any current or proposed agreement between the applicant and licensed operator or licensed service technician for the servicing and maintenance of video lottery terminals. This does not apply to an applicant who holds a valid service technician license.

Provide a copy of any current or proposed management agreement between you and any third party regarding these services.

Unless, owned by the applicant, you must provide a copy of the lease/rental agreement for the proposed limited video lottery retail location.

Please write your current ABCA Class 'A' license number in the space provided on the top of each page.

Complete the application in its entirety. Incomplete applications will not be considered and cannot be processed until all required information is received. Forms requiring signatures must be signed in blue ink. Signature stamps are not acceptable.

Please include supplemental information for any component of the application that may require additional explanation.

Please note that all forms may be photocopied for your use. Photocopy the form prior to completing and signing the form.

Please enclose cashier's check or money order payable to WV Lottery in the amount of \$500.00. Please note this is an application fee and is non-refundable.

If you are utilizing a checking account for your lottery account, you must attach a voided check from the account you are instructing us to use. If you are utilizing a savings account, you must attach a voided deposit slip. **The EFT Form is not needed if you are leasing your machines from an Operator.**

**Mail completed application to: West Virginia Lottery  
P.O. Box 2067  
Charleston, WV 25327-2067**

For questions concerning your application, please call the WV Lottery License Division, Kitty Lamb, 304-558-0500 ext. 278 or James Cox, Deputy Director of Licensing, 304-558-0500 Ext. 213



# WEST VIRGINIA LIMITED VIDEO LOTTERY RETAILER INITIAL APPLICATION

**PLEASE PRINT OR TYPE. ATTACH ADDITIONAL SHEETS AS REQUESTED**

1. Include Non-Refundable Application - \$500.00 Check No. \_\_\_\_\_
2. Business Organization Name: \_\_\_\_\_  
 Doing Business as Name: \_\_\_\_\_  
 Location Phone No. \_\_\_\_\_ Fax No. \_\_\_\_\_  
 Location  
 Address \_\_\_\_\_ City \_\_\_\_\_,  
 County \_\_\_\_\_, State \_\_\_\_\_, Zip \_\_\_\_\_  
 Mailing  
 Address \_\_\_\_\_ City/State/Zip \_\_\_\_\_  
 F.E.I.N (No Social Security Numbers, please) \_\_\_\_\_  
 Worker's Compensation or Exemption Number \_\_\_\_\_
3. Type of Business or Organization:  
 \_\_\_\_\_ Sole Proprietorship \_\_\_\_\_ LLP \_\_\_\_\_ Partnership or Joint Venture  
 \_\_\_\_\_ LLC \_\_\_\_\_ Corporation or Subsidiary \_\_\_\_\_ Fraternal/Veteran IRS Tax Exempt\*\*
4. List all names as required per type of business defined below and also any executive employee or agent having power to significantly exercise influence in business operation. Each individual listed will also be required to complete the Individual Affidavit & WV-ARI-001.

**Sole Proprietorship** – List owner

**Partnership or Joint Venture**– List each general partner, limited partner, or joint venture.

**Corp. or Subsidiary, Association** – List each officer and director (including those of the parent company if subsidiary.) Also list each stockholder, except of publicly owned. If publicly owned, list each stockholder who owns 5% or more stock and percentage of stock owned by each.

**LLC, LLP** – List each member, if member-managed; or Manager, if Manager-managed.

**Fraternal** \*\*– See Number 5 below for additional information required for fraternal/veteran groups.

NAME (Last name, First name, M.I.)

NAME (Last name, First name, M.I.)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**\*\*Additional Information and Required Documents for Fraternal/Veteran Groups.**

Exemption Type: \_\_\_\_ Individual Exemption \_\_\_\_ Group Exemption

Include copy of IRS Exemption Certification, Group Exemption Letter if applicable.

IRS Exemption Classification: \_\_\_\_ 501(c) (8), \_\_\_\_ 501(c) (10), \_\_\_\_ 501(c) (19)

5. Do any persons associated with this business presently hold a WV issued gaming or lottery license? \_\_\_\_ Yes \_\_\_\_ No

If "yes" provide the license number and date issued. \_\_\_\_\_  
\_\_\_\_\_

6. Do any persons associated with this business presently hold a gaming or lottery license issued in another state or country? \_\_\_\_ Yes \_\_\_\_ No

If "Yes" provide the type of license and where issued. \_\_\_\_\_  
\_\_\_\_\_

7. **DISCLOSURE STATEMENT (Read Carefully)**

"I, the undersigned, upon oath, do hereby declare that the foregoing information is true and complete. I authorize the Director, WEST VIRGINIA LOTTERY, to investigate any matter set forth in the lottery application including, but not limited to, financial records, financial sources, State Tax records, and criminal history as necessary for entering into an agreement as a limited video lottery retailer. I will, upon request, execute such additional documents as are required to facilitate this process, including a criminal record check agreement form."

APPLICANT/AUTHORIZED AGENT/TRUSTEE  
OF BUSINESS/ORGANIZATION

\_\_\_\_\_  
Type or Print Name Title

\_\_\_\_\_  
Signature Date

**UNITED STATES OF AMERICA**  
**STATE OF WEST VIRGINIA**  
**COUNTY OF \_\_\_\_\_, to-wit:**

Subscribed and sworn to before me, a Notary Public in and for the County and State aforesaid, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC (Seal)

(Copies of this form should be made for completion by each person associated with Application)



**INDIVIDUAL RELEASE**  
Limited Video Lottery

1. NAME \_\_\_\_\_ MAIDEN NAME \_\_\_\_\_  
HOME PHONE \_\_\_\_\_  
HOME ADDRESS \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_  
\_\_\_\_\_  
SOCIAL SECURITY NUMBER \_\_\_\_\_  
EMAIL \_\_\_\_\_

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2. YOUR RELATIONSHIP TO BUSINESS \_\_\_\_\_  
JOB TITLE \_\_\_\_\_  
PERCENT OF OWNERSHIP \_\_\_\_\_ PERCENT OF STOCK OWNED \_\_\_\_\_

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3. PRESENT EMPLOYER: \_\_\_\_\_

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4. U.S. CITIZEN: YES \_\_\_\_\_ NO \_\_\_\_\_ (If No, attach details)

**Disclosure of WV Lottery Employee Relationship(s):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby authorize any representative of the West Virginia Lottery Commission having this release to obtain information from files or other sources pertaining to the applicant's personal background including, but not limited to, WV State Tax records, police records, credit records, or any other record applicable to the approval of this application. I hereby direct you to release such information as requested. Should there be any question as to the validity of this release, you may contact me as indicated below.

I confirm that I do not have any ownership, control interest, or serve, in the capacity of key personnel for any licensed limited video lottery operator.

Additionally, I confirm that neither I, nor any member of my immediate family, is employed by the WV Lottery. I understand that any connection to employees of the WV Lottery should be disclosed below by the name of the WV Lottery Employee, and a description of the relationship.

\_\_\_\_\_  
(Print Name, Title)

\_\_\_\_\_  
(Signature)

## LVL RETAILER INFORMATION

**THIS FORM IS NOT NEEDED IF YOU LEASE YOUR MACHINES FROM A LICENSED OPERATOR**

1. Lottery ID # (to be assigned) \_\_\_\_\_
2. Retailer Name \_\_\_\_\_
3. Address \_\_\_\_\_
4. City/State/Zip \_\_\_\_\_
5. Telephone Number \_\_\_\_\_

### FINANCIAL INFORMATION

1. Name of Financial Institution \_\_\_\_\_
2. Routing/ABA Number \_\_\_\_\_
3. Denote Checking or Savings       CHECKING                       SAVINGS
4. Account Number \_\_\_\_\_

**Must attach a voided check (checking) or deposit slip (savings) from account noted above.**

I (We) hereby authorize the State of West Virginia, hereinafter called STATE, to initiate debit and/or credit entries into my (our) account indicated above and the Financial Institution named above, hereinafter called DEPOSITORY, to debit and/or credit the same any amounts owed by or due me (us) to/from STATE. This authority is to remain in full force and effect until the STATE has received WRITTEN NOTIFICATION from me (us) to its termination in such time and in such manner as to afford the STATE and DEPOSITORY a reasonable opportunity to act on it.

(Printed Name)	(Authorized Signature)	(Title)	(Date)
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(Printed Name)	(Authorized Signature)	(Title)	(Date)
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If you have questions about completing this form, please call  
 WV State Treasurer's Office EFT Division at 304.340.5032

If you have questions concerning your Lottery account, please call  
 WV Lottery Commission at 800.982.2274 or 304.558.0500 x220

**SEND COMPLETED FORM TO:**

West Virginia Lottery  
 Licensing Division  
 P.O. BOX 2067  
 CHARLESTON WV 25327-2067

**AFFIDAVIT  
COMPLIANCE WITH THE 40-80 RULE**

**Now comes** \_\_\_\_\_, the owner or lawful representative of \_\_\_\_\_, a business or organization applying for a video lottery retailer license under the Limited Video Lottery Act, who after first being duly sworn, affirms that the following information is true:

**That** section 328 [W.Va. Code §29-22B-328] of the *Limited Video Lottery Act* requires that a limited video lottery retailer license holder who **does not have a private club liquor license** must derive at least forty percent of its annual gross receipts at that licensed location from sales of beer to consumers and of such beer sales, at least eighty percent are sales of beer for consumption on the premises;

**That** as a condition of applying for a limited video lottery retailer license, I must provide the West Virginia State Lottery Commission with evidence that my business location qualifies for licensure;

**And that** to comply with the so-called 40/80 rule, I affirm that the checked statement below is true with respect to my business or organization:

- During the most recent twelve consecutive months, the business or organization location to be licensed derived at least forty percent of its annual gross receipts at that licensed location from sales of beer to consumers and of such beer sales, at least eighty percent are sales of beer for consumption on the premises; or
- The business or organization location to be licensed has been in operation less than a year, and it derived at least forty percent of its annual gross receipts at that licensed location from sales of beer to consumers and of such beer sales, at least eighty percent are sales of beer for consumption on the premises for the length of time the location has been in operation; or
- The business or organization location to be licensed is new or just recently opened, and at least forty percent of gross annual receipts at that licensed location will be from sales of beer to consumers and of such beer sales, at least eighty percent will be sales of beer for consumption on the premises

**And Further** this affiant saith naught.

\_\_\_\_\_  
(owner or lawful representative)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(title)

**STATE OF WEST VIRGINIA**

**COUNTY OF** \_\_\_\_\_,

Taken, subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Signature: \_\_\_\_\_

My commission expires: \_\_\_\_\_.

SEAL:



### LIMITED VIDEO LOTTERY RETAILER DATA SHEET

DBA: \_\_\_\_\_ ABCA #: \_\_\_\_\_

Business Organization Name: \_\_\_\_\_

Location Address: \_\_\_\_\_ County: \_\_\_\_\_  
(Physical Address)

City/State/Zip: \_\_\_\_\_

Telephone: (304) \_\_\_\_\_ Alternate Telephone: (304) \_\_\_\_\_

**Business Hours:** MON TUES WED THUR FRI SAT SUN

OPEN: \_\_\_\_\_

CLOSED: \_\_\_\_\_

Operator: \_\_\_\_\_ Phone: (304) \_\_\_\_\_

Operator - Company that supplies your video lottery terminals.

Dear Retailer:

In accordance with the West Virginia Limited Video Lottery Act, a site inspection must be conducted and approved by authorized West Virginia Lottery personnel prior to the installation of video lottery terminals. Below is a list of basic requirements that must be met. For more information contact the WV Lottery, 304-558-0500 and ask for Limited Video Lottery Security.

- A. Location must be in excess 150 feet from an existing Limited Video Lottery retailer. Measurement to be determined by LVL Security.
- B. Location must be in excess 300 feet from a church, school, daycare center, perimeter of a public park, or a place of business that sells petroleum products capable of being used as fuel in an internal combustion engine. Measurement to be determined by LVL Security.
- C. ATM machines may not be located within the immediate gaming area. If the video lottery terminals are in the main area, the ATM must be located in a separate room with a door. If video lottery terminals are in a private room, the ATM must be located outside of that area.

For Lottery use only: **Formerly ABCA #:** \_\_\_\_\_

\_\_\_\_\_ Upgrade \_\_\_\_\_ Downgrade \_\_\_\_\_ to Private Club \_\_\_\_\_ to Tavern \_\_\_\_\_ Other





# BUSINESS ZONING COMPLIANCE

**ZONING COMPLIANCE BY APPLICANT FOR A LIMITED VIDEO LOTTERY RETAILER LICENSE**  
**YOU ARE REQUIRED TO TAKE THIS FORM TO YOUR LOCAL CITY OR COUNTY ZONING OFFICE FOR COMPLETION. PLEASE RETURN THE COMPLETED FORM WITH YOUR APPLICATION.**

To:            The Building Official of the Municipality of \_\_\_\_\_:  
        The Building Official of the County of \_\_\_\_\_:  
        The Clerk or Recorder of the Municipality of \_\_\_\_\_:  
        The County Clerk/Administrator of the County of \_\_\_\_\_:

**Take Notice:**

- West Virginia Limited Video Lottery Act [W.Va. Code §29-22B-1902(b)] says:

*The provisions of this article preempt all regulations, rules, ordinances and laws of any county or municipality in conflict herewith: Provided That nothing herein shall invalidate any zoning law, or Sunday closing law under article 61-10-1, et seq., of this code.*

- The following individual, business, fraternal organization, or veterans' organization is applying to the State Lottery Commission for a limited video lottery retailer license within your jurisdiction:

Business Name:	
Street Address:	
County:	
City:	State:
Zip Code:	

- Please confirm there is (yes) \_\_\_\_\_/is not (no) \_\_\_\_\_ a zoning ordinance(s) that specifically would prohibit limited video lottery gaming on the premises, or that the limited video lottery gaming on the premises constitutes an allowed non-conforming use of the property under W.Va. Code Chapter 8A.

If you checked yes, please indicate the law, regulation, rule, ordinance or code prohibiting the use of limited video lottery machines at this location. \_\_\_\_\_.

I, \_\_\_\_\_, do hereby certify this is a true city/county zoning confirmation for this "Business Zoning Compliance Form" for the Applicant applying for a Limited Video Lottery Retailer License which was served on this the

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Authorized signature for jurisdiction



### West Virginia Lottery Limited Video Lottery ADA Compliance

Upon information or belief, WV Lottery games at this location are accessible to customers with disabilities as required by the Americans with Disabilities Act. \_\_\_\_ Yes \_\_\_\_ No

Name of Location \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

ABCA Number: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

*For more information or to see where this information originated, visit the U.S. Department of Justice, Civil Rights Division's website at: [www.usdoj.gov/crt/ada/adahom1.htm](http://www.usdoj.gov/crt/ada/adahom1.htm)*

## FREQUENTLY ASKED QUESTIONS ABOUT ADA

- Q: Are there limitations on the ADA's barrier removal requirements for existing facilities?  
A: Yes. Barrier removal need be accomplished only when it is "readily achievable" to do so.
- Q: What does the term "readily achievable" mean?  
A: It means "easily accomplishable and able to be carried out without much difficulty or expense."
- Q: How do I determine what **is** readily achievable?  
A: Determining if barrier removal is readily achievable is a case-by-case judgment. Because removing common barriers can be simple and inexpensive in some cases and difficult and costly in others, the regulations for the ADA provide a flexible approach to compliance. Factors to consider include: (1) the nature and cost of the action; (2) the overall financial resources of the site involved; (3) the number of persons employed at the site; (4) the effect on expenses and resources; (5) legitimate safety requirements necessary for safe operation; and (6) if applicable, the relationship with any parent corporation.
- Q: What are examples of the types of modifications that would be readily achievable in most cases?  
A: Examples include the simple ramping of a few steps, the installation of grab bars where only routine reinforcement of the wall is required, and similar modest adjustments.
- Q: Will businesses need to rearrange furniture and display racks?  
A: Possibly. For example, bars may need to rearrange tables in order to permit access to wheelchair users.
- Q: Does the ADA require existing buildings and newly constructed facilities to meet the same standards?  
A: No. The ADA establishes different requirements for existing facilities and new constructions.
- Q: If an area of my store is reachable only by a flight of steps, would I be required to add an elevator?  
A: Usually, no. The readily achievable standard does not require barrier removal that requires burdensome expense, and in most cases, installing an elevator would qualify as a burdensome expense.
- Q: I have a portable ramp that we use for deliveries – can't I just use that?  
A: Yes, you could, but only if the installation of a permanent ramp is not readily achievable. If you use a portable ramp, it should be properly secured and staff should be trained in its safe use.
- Q: What if I'm not able to remove barriers at this time due to my financial situation? Does that mean I'm relieved of current responsibilities?  
A: No, when you can demonstrate that the removal of barriers is not readily achievable, you must make your goods and services available through alternative methods, if such methods are available and readily achievable. Keep in mind that barrier removal is a continuing obligation that changes as your circumstances change.
- Q: When barrier removal is not readily achievable, must alternative steps be taken without regard to cost?  
A: No, only readily achievable alternative steps must be undertaken.
- Q: Must my business have handicapped-accessible restroom facilities?  
A: Not as far as your license with the West Virginia Lottery is concerned. **The Lottery is only interested in making sure that your lottery games are accessible to disabled persons.** That does not mean that as a private citizen you do not have other obligations under the ADA, such as accessibility to your restrooms, but it does mean that the Lottery is not required to assure your compliance in regards to those other obligations in order to grant or renew a license.
- Q: I have removed all barriers that are readily achievable, but there are still barriers to my lottery games. Can I honestly say that I am in compliance with the ADA?  
A: **Yes. If you have removed all barriers that are readily achievable, then you are ADA-compliant, and may so answer on your license form.**

## **CONTACT INFORMATION**

United States Department of Justice  
Civil Rights Division  
800-514-0301  
<http://www.ada.gov/>

West Virginia Human Rights Commission  
1321 Plaza East Room 108A  
Charleston, WV 25301-1400  
Phone: 304-558-2616  
Toll Free: 1-888-676-5546  
<http://www.wvf.state.wv.us/wvhrc/>

W.V. Lottery Commission  
Contact: Danielle Boyd, Esq.  
304-558-0500 ext. 255  
[dboyd@wvlottery.com](mailto:dboyd@wvlottery.com)

*Your local zoning or business compliance official  
may also be able to assist in answering your ADA questions.*

**A B C A**

**1-800-642-8208**

**304-356-5500**

**Fax: 304-957-0306**

**900 Pennsylvania Avenue**

**Charleston, WV 25302**

**Secretary of State**

**1-866-767-8683**

**304-558-6000**

**WV Tax Department**

**304-558-8651**

**1-800-982-8297**

**Workers' Compensation**

**Contact your insurance company**

**Unemployment Compensation**

**304-558-2451**

**To register, contact Status Determination**

**304-558-2677**

**WV State Treasurer's Office**

**Grace Gilmore**

**304-340-1569**

**Fax: 304-558-4179**

## **Additional Instructions and Requirements for Fraternal/Veterans Organizations**

Pursuant to WV Code §29-22B-1101(c) you may qualify as a Fraternal or Veteran group and may operate up to 10 video lottery terminals if you satisfy the following requirements:

- 1) Provide a letter dated within the previous 12 months from the Internal Revenue Service stating the organization is either a fraternal benefit society that is exempt from federal income tax under section **501(c)(8)** of the Internal Revenue Code; a domestic fraternal society that is exempt from federal income tax under section **501(c)(10)**, or a veterans' organization that is exempt from federal income tax under section **501(c)(19)**.
- 2) Provide documentation indicating if your organization is covered under an individual or group exemption.
- 3) You must also provide a letter of good standing dated within the last 12 months from the state or national governing body.
- 4) Provide a copy of the most recently completed IRS Form 8821, Tax Information Authorization.
- 5) Provide a legible copy or photograph of the local unit, chapter or lodge charter that shows the date the charter was issued. In compliance with WV Lottery Interpretive Rule: §179-7-2.1 and §179-7-2.4 the local unit, chapter or lodge must have been chartered on or before January 1, 2001. Organizations with a local charter issued after January 1, 2001 may only operate up to five video lottery terminals.
- 6) Provide a copy of the most recently completed IRS Form 990. Must have been completed within the previous two years. If covered under a group exemption, provide copy of the IRS group exemption showing the subordinate unit, chapter or lodge is named.
- 7) Meet all other requirements for licensure.

If you have questions concerning these instructions and requirements, please contact Kitty Lamb, WV Lottery License Division: 304-558-0500 Ext. 278