

# West Virginia Lottery Commission

900 Pennsylvania Avenue, Charleston, WV 25302



## LVL Retailer License Application

*This Booklet Contains Instructions, Terms and Conditions, And Forms Needed to Become A  
West Virginia Lottery Video Retailer*

## Basic Requirements for Limited Video Lottery Retailer Licensing

- Legislative Rule §179-5-33.4 states that a limited video lottery licensed retailer shall not use words commonly associated with gambling in either its corporation name or its doing-business-as name. For questions concerning your entity and/or DBA name, please contact the WV Lottery License Division and speak with Elizabeth Webb, Manager of Licensing, at 304.558.0500 Ext. 213.
- You must have a valid Class “A” Private Club or Non-intoxicating 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 provide a copy of the lease agreement for the location.
- You must provide proof of Unemployment Coverage with 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 location cannot be within 150 feet of another Limited Video Lottery location, the 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. Nor can it be within 300 feet of a church, school, or day care center. \*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. Your City Hall or County Commission must complete the Zoning Compliance form enclosed.
- 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 Release, Page 3.
- One of the qualifications to be eligible for a license, 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, must 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 a West Virginia income tax return, 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.
- A site controller will be installed by Scientific Games to manage the Video Machines. The Scientific Games equipment will require a counter space available for use that is not less than 24" x 36" x 15" and, a 20 amp electric circuit with at least two (2) outlets within 6' feet of the counter space.
- 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 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.

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.

\$500 Non-refundable application fee must be paid at the time of application submission. The WV Lottery accepts the following forms of payment; business check, certified check, cashier's check, or money order. The WV Lottery also accepts credit/debit card and automated clearing house (ACH) payments made securely on the WV Lottery website. To pay online, please go to [www.wvlottery.com](http://www.wvlottery.com). Once there, select "Customer Service" at the top of the home page, then scroll down and select "Licensing." Once on the Licensing page you will see the online payment options on the upper right side. If paying online, your application must include a copy of the payment receipt showing the transaction ID#.

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  
License Division  
P.O. Box 2067  
Charleston, WV 25327-2067**



WEST VIRGINIA LIMITED VIDEO LOTTERY RETAILER  
INITIAL APPLICATION

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

1. **\$500 Non-refundable Application Fee – Select Method of Payment**

Business/Cashier's/Business Check # \_\_\_\_\_

Money Order # \_\_\_\_\_

Online Payment – Transaction ID # \_\_\_\_\_ (Include copy of receipt with transaction ID#)

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. List all names as required per type of business defined above and 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 Release (page 3).

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

POSITION

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Type of Business or Organization:

**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 if 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 Page 9 for additional information required for fraternal/veteran groups.

ABCA License Number \_\_\_\_\_

\_\_\_\_ Sole Proprietorship      \_\_\_\_ LLP      \_\_\_\_ Partnership or Joint Venture  
\_\_\_\_ LLC      \_\_\_\_ Corporation or Subsidiary      \_\_\_\_ Fraternal/Veteran IRS Tax Exempt

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 Signature

(Seal)

ABCA License Number \_\_\_\_\_

(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 \_\_\_\_\_

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

3. PRESENT EMPLOYER:

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 above.

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 above by the name of the WV Lottery Employee, and a description of the relationship.

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

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

\_\_\_\_\_  
(Date)



# EFT AUTHORIZATION



## LVL RETAILER INFORMATION

- 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 the WV State Treasurer's Office EFT Division at 304.340.5032

If you have questions concerning your Lottery account, please call the 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

**\*THIS FORM IS NOT REQUIRED IF YOU LEASE YOUR MACHINES FROM AN OPERATOR\***

**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: \_\_\_\_\_

Location Phone: (304) \_\_\_\_\_ Location Manager Name: \_\_\_\_\_

Business Owner Name: \_\_\_\_\_ Business Owner Email: \_\_\_\_\_

Business Owner Phone: (304) \_\_\_\_\_ Business Owner Cell: (304) \_\_\_\_\_

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

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

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

Operator: \_\_\_\_\_ Operator Phone: (304) \_\_\_\_\_  
(Operator - Company that supplies your video lottery terminals.)

Dear Retailer:

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 of 150 feet from an existing Limited Video Lottery retailer, perimeter of a public park or 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.
- B. Location must be in excess of 300 feet from a church, school or day care center. 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

ABCA License Number \_\_\_\_\_



**AUTHORIZED TRUCK STOP RETAILER DISCLOSURE**

Business Entity that Owns Truck Stop \_\_\_\_\_

Doing Business As Name of Truck Stop \_\_\_\_\_

Street Address of Truck Stop \_\_\_\_\_

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

Pursuant to Legislative Rule §179-5-2.12.a., I swear and affirm that the Authorized Truck Stop identified above is a facility that:

- 1) Is also a convenience store
- 2) Has separate diesel islands for fueling commercial vehicles
- 3) Has overnight parking spaces for commercial vehicles
- 4) Is open 24 hours, and
- 5) Has at least fifty (50) parking spaces

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 Signature

SEAL:



# 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)



# FINGERPRINT INFORMATION

All Fields Are Mandatory Unless Otherwise Noted

Name (Please Print): \_\_\_\_\_ SSN: \_\_\_\_\_  
LAST NAME FIRST NAME MIDDLE NAME

Alias (Maiden Name): \_\_\_\_\_ Citizenship (Country): \_\_\_\_\_

Home Address: \_\_\_\_\_  
Street Address  
\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Business Name  
\_\_\_\_\_  
Street Address  
\_\_\_\_\_  
City, State and Zip Code

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Gender: \_\_\_\_\_ Race: \_\_\_\_\_ Height: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_

Amputations/Bandages: \_\_\_\_\_

### RELEASE OF INFORMATION

I hereby request a record check be made to find any police record on the herein named individual and by submitting this request, I understand that the submitted information will be retained by the West Virginia State Police in the Automated Fingerprint Identification System. I certify that this is for official business and I am authorizing the West Virginia Lottery to obtain any record found.

**Applicant Notification and Record Challenge:** Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedure for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

Privacy Act Notice: Disclosure of your social security number should only be made if obtained from you in accordance with Section 7 of the Privacy Act of 1974. Your disclosure is voluntary and failure to provide the number will not subject you to penalty. If you choose voluntarily to supply your social security number, it will be used to aid the West Virginia Lottery in the conduct of this criminal background inquiry.

Signature: \_\_\_\_\_  
I attest that all information written on this form is true and correct  
Date: \_\_\_\_\_

ID CHECKED AND VERIFIED

INITIALS OF INVESTIGATOR

OCA#

## **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 Rules: §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.
- 7) Meet all other requirements for licensure.

## **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.**

# APPLICANT CHECKLIST

**An incomplete application will result in delay**

Your completed application must contain the following:

- ⊗ Enclose the following fee by check payable to the West Virginia Lottery:
  - \$500.00 – Application Fee
  
- ⊗ Completed application including the following:
  - Each member must complete an Individual Release Form
  - ABCA License
  - Fingerprint Form
  - Proof of Workers’ Compensation Insurance or Exemption Letter
  - Proof of Unemployment Coverage with Workforce WV
  - WV Tax Business Registration Certificate
  - WV SOS Business License
  - Agreement with the operator for the placement of video lottery terminals
  - Lease/Rental Agreement for the location (unless owned by applicant)
  - Each officer/member is required to be live scanned with the West Virginia Lottery for background check. Please call 1.800.982.2274, ext. 231 or 1.304.558.0500, ext. 231 to schedule a live scan fingerprint session
  - If you own your own LVL Machines, you must complete the EFT form included in the application and include a voided check
  - If you are a Fraternal Organization you must also include the following:
    - 1<sup>st</sup> page of your most recently file IRS 990
    - Recently dated letter of good standing from your state or national organization
    - Legible Copy of your Organizations Charter

<b>WV ABCA</b> 900 Pennsylvania Ave Charleston, WV 25302	<b>Secretary of State</b> State Capitol - Suite 157-K 1900 Kanawha Blvd. E Charleston, WV 25305	<b>WV State Treasurer’s Office</b> <b>Grace Gilmore</b> State Capitol Bldg 1, Rm E-145 1900 Kanawha Blvd Charleston, WV 25305	<b>WV Tax Department</b> 1124 Smith Street Charleston, WV 25301
304-356-5500 1-800-642-8209 Fax: 304-957-0306	304-558-6000 1-866-767-8683	304-340-1569 Fax: 304-558-4179	304-558-3333 1-800-982-8297
<b>Workers’ Compensation Coverage</b>	<b>WV Insurance Commission</b> 900 Pennsylvania Ave Charleston, WV 25302	<b>Unemployment Compensation</b> 1321 Plaza East Shopping Ctr. Charleston, WV 25330	
Contact your insurance Company	To obtain an Exemption Certificate 304-558-6279 Ext. 1247	304-558-2451 To register, contact <b>Status Determination</b> 304-558-26777	



**WEST VIRGINIA LOTTERY**  
**LICENSE DIVISION CONTACT INFORMATION**

Please mail completed applications to:

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

Please contact **Marsha Sheets** for questions, concerns or to check the status of your application for all non-fraternal/non-veteran retail locations:  
**Licensing Specialist 304-558-0500 Ext. 278**

Please contact **Gina Edwards** for questions, concerns regarding Corporate Buyouts and Location Transfers for all non-fraternal/non-veteran retail locations:  
**Licensing Specialist 304-558-0500 Ext. 245**

For questions, concerns or to check the status of fraternal/veteran applications please contact:  
**Melissa Belcher, Senior Licensing Specialist 304-558-0500 Ext. 233**

For all other licensing questions or concerns you may contact:  
**Elizabeth Webb, Licensing Manager – Licensing Division 304-558-0500 Ext. 213**

**ADDITIONAL 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/>

WV 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.*

# PRIVACY NOTICE

## USAGE OF SOCIAL SECURITY NUMBERS

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**This form is included to notify you of our privacy practices and no action is required on your part.**

With the exception of Lottery Commissioners, Lottery officers or Lottery employees, the West Virginia Lottery will only ask you for your social security number in the following circumstances:

1. You claim a lottery prize of \$600 or more directly from the Lottery, either by mail or personally at our Charleston or Weirton office. Your social security number is also your tax identification number, and the Internal Revenue Code requires that this prize payment be reported to the IRS along with the winner's tax identification number [ Form **W-2G**]<sup>1</sup> or
2. You are a sole proprietor of a business, a partner in a business, or the shareholder of an incorporated business that is a lottery retailer or sales agent, and the Lottery must prepare an IRS [Form **1099**] to report sales commissions received by you along with a tax identification number if that number is also a social security number [Form **1099**]; or
3. You are applying for a lottery license or permit and you must allow the Lottery to capture your fingerprint images to be transported to the FBI's National Criminal Information Center [**NCIC**] for criminal background investigation required by statutory or regulatory authority. This is an FBI requirement; or
4. You have applied for a lottery license or permit and you have been asked to send copies of one or more years of your federal income tax returns in order to determine your credit worthiness for a table games license.<sup>2</sup>

Disclosure of your social security number should only be made if obtained from you in accordance with Section 7 of the Privacy Act of 1974. Your disclosure is voluntary and failure to provide the number will not subject you to a criminal or civil penalty.

When the West Virginia Lottery obtains your social security number, it will use the number for the purpose(s) cited above. The Lottery will not sell or share this number with any other person or entity, and will decline to make it available in response to any freedom of information request. Only government entities that are authorized to receive and use social security numbers by law will gain access, other than when outside access is ordered by a competent court of record.

If you have any questions or concerns about this privacy notice, or if you wish to submit a complaint regarding the Lottery's privacy policy, please contact the Legal Division at (304) 558-0500 ext. 255.

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<sup>1</sup> Prize winners of more than \$600 who are unable or unwilling to submit their tax identification number are subject to federal income tax "back-up withholding" of 28% of the prize money.

<sup>2</sup> Either after the license is issued to the applicant, or after the applicant has exhausted all appeals, the returns will be taken from the application file and shredded.