

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

CHARLESTON

EXECUTIVE ORDER NO. 21-03

By the Governor

WHEREAS, the Limited Video Lottery Act prohibits the advertising of video lottery; and
WHEREAS, the statutory prohibition was enacted to ensure an environment free of outdoor video lottery advertising; and
WHEREAS, an increasing number of licensed limited video lottery retailers are using names and/or symbols associated with gambling on outdoor signs and advertising through use of their corporate names and registered names in a manner that directly or indirectly violates this statutory prohibition; and
WHEREAS, the State Lottery Commission has filed amendments to its original legislative rule to further clarify that the use of gambling names and/or symbols on exterior/outdoor signage and in media advertising is illegal; and
WHEREAS, these amendments, if approved by the Legislature, would not take effect until the late spring of 2004; and
WHEREAS, it is not in the best interest of this State and its citizens that improper and illegal advertising of limited video lottery gaming continue; and
WHEREAS, it is necessary that the citizens of this State receive appropriate remediation at the earliest date.

NOW THEREFORE I, BOB WISE, pursuant to the authority vested in me as the Governor of West Virginia, do hereby **ORDER** that:

1. The Director of the Lottery Office, in order to curtail improper and illegal advertising activities by licensed limited video lottery retailers, shall give notice to all limited video lottery retailers and operators that compliance with the provisions of this Executive Order will be enforced effective January 1, 2004.
2. Licensed limited video lottery retailers may continue to choose any business name as permitted by the guidelines of the Secretary of State, other than a name using the words "video lottery." If, however, a licensed limited video lottery retailer wishes to operate video lottery terminals under its license, on and after January 1, 2004, it shall not use a name that contains any word or wording commonly associated with video lottery and/or gambling/gaming, including, but not limited to, "casino," "slots," "royal flush," "poker," etc., or use symbols commonly associated with video lottery and/or gambling/gaming in any advertising, promotional materials, or on any exterior/outdoor signage. This Order does not preclude use of the legal name of the licensee inside the establishment if it cannot be seen from outside the building.
3. Any licensed limited video lottery retailer that does not comply with this policy by January 1, 2004 shall have its license suspended, pursuant to W.Va. Code § 29-22B-402(12), until it is in compliance with the policy.
4. Non-complying licensed limited video lottery retailers may also be subject to any other penalties and/or sanctions available by law.
5. Notice of this policy shall be sent to all licensed limited video lottery retailers and operators by November 1, 2003 in order to give adequate time for retailers that are in violation to take corrective actions without penalty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol, in the City of Charleston, State of West Virginia, this the twenty-ninth day of October, in the year of our Lord, Two Thousand Three, and in the One Hundred Forty-First year of the State.

(Original Signed)
GOVERNOR
(Original Sealed)
By the Governor

(Original Signed)
SECRETARY OF STATE
(Original Sealed)