

## **DOWNGRADE TO BEER LICENSE**

\_\_\_\_\_ Call the ABCA 1-800-642-8208 or 304-558-2481

### **WV Lottery will need:**

\_\_\_\_\_ Page 1 & 2 of the LVL Application

\_\_\_\_\_ Page 3 – Limited Video Lottery Retailer Data Sheet

\_\_\_\_\_ Page 4 – Business Zoning Compliance Form

\_\_\_\_\_ Page 5 – 40-80 Compliance Affidavit

\_\_\_\_\_ Page 6 – ADA Compliance

WV Lottery License Division  
1-800-982-2274 Ext. 278 or ext. 245  
1-304-558-0500 Ext. 278 or ext. 245



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.)

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

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

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

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

\_\_\_\_ 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)



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

**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:



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