

PO BOX 2067  
CHARLESTON WV 25327

Earl Ray Tomblin  
Governor



wvlottery.com

PHONE: 304.558.0500  
FAX: 304.558.6639

John C. Musgrave  
Director

Dear Applicant:

Thank you for your request for a Limited Video Lottery Application. Please read the information in this letter and the instructions for completing the application. This will better help you to complete the application and to ensure that all information is included.

In addition to completing the forms in the application, please include the following:

**Proof of Worker's Compensation Insurance**

A copy of your Proof of Insurance or Exemption Certificate must be included. If you are not required to have Worker's Compensation Insurance, then you must provide an Exemption Certificate. The Proof of Insurance or Exemption Certificate must contain the dates of coverage and you must supply the name of your insurance agent, his/her address and his/her telephone number.

**If the Worker's Compensation information is not included in your application, your application in its entirety will not be accepted and it will be returned to you.**

Should you have any questions, please contact:  
Kitty Lamb at 304-558-0500, ext. 278.

Thank you.

## Basic Licensing Requirements for Limited Video Lottery

- **You must have an Active Class ‘A’ ABCA license before you apply** for limited video lottery. (ABCA 1.800.642.8208 or 304.558.2481).
- You must have a business license, registered with the **Secretary of State’s office**. (SOS 1.866.767.8683 or 304.558.6000)
- You must have an approved Worker’s Compensation policy or an exemption policy. (304.558.6279)  
*A copy of your Proof of Insurance or Exemption Certificate must be included. The Proof of Insurance or Exemption Certificate must contain the dates of coverage and you must supply the name of your insurance agent, his/her address and his/her telephone number.*
- You must apply with **Unemployment** with or without employees. Contact Unemployment – Status Determination at 304.558.2677.
- You must include with your application a copy of your **West Virginia Business Registration document**.
- You must include a **\$500.00** non-refundable application fee.
- You cannot be within 150 feet of another Lottery location. You cannot be within 300 feet of a church, school, daycare center, or perimeter of a public park, or business that sells petroleum products. 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.
- The information on your application, such as officers/members and percentage owned, must be uniform with the ABCA and the Secretary of State’s office.
- Each officer/member has to be live scanned with 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 a live scan fingerprint session.
- Each officer/member is required to complete an Individual Affidavit (Form C), a Personal Data form (Form D), a WV-ARI-001 (Form G) and attach a legible photocopy of a West Virginia driver’s license.
- One of the qualifications to be eligible for a license found in W.Va. Code §29-22B-504(B) is: 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.
- There are no LVL machines to buy at this time from the West Virginia Lottery. You will have to set up a lease agreement with a licensed operator.
- For a list of Operators, Regulations, the Limited Video Lottery Act, Retailer Application and information in general, please go to our website: [www.wvlottery.com](http://www.wvlottery.com) and click on **Video Lottery** and scroll down to **Limited Video Information**.

**INSTRUCTIONS**  
**Retailer Application Instructions**

**Need** statement disclosing all financing or refinancing arrangements for placement of equipment on premises;

**Need** copies of current or proposed agreements between applicant and a licensed operator or other person for the service and maintenance of equipment by licensed service technicians.

You are required to install a separate dial up telephone line to connect to the controller unit. This line is not to be used for any other purpose or connected to any other device. The number to call to order service is 1.888.780.3965 for Verizon customers and 1.800.921.8102 for Citizens customers.

All applicants for limited video lottery licenses will be reviewed to ascertain they are in good standing with WV Unemployment Compensation Division, and the Workers Compensation Division.

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**Instructions:**

Please show current Active ABCA Class ‘A’ license number on top of each form. This will assist our license division in tracking individual forms.

Enclose cashier’s check or money order payable to WV Lottery for \$500.00. This \$500.00 application fee is **NON-REFUNDABLE**.

Complete all forms enclosed. Any incomplete applications will be returned to applicant and no action will be taken.

If any component of the application requires a supplement explanation from you, please include with application.

Please note that **all forms may be photocopied** for your use. It is suggested you photocopy those forms prior to completing each form.

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

You will be notified by the License Division or the Security Division to schedule appointments for fingerprinting.

For more info – see our website: [www.wvlottery.com](http://www.wvlottery.com)

Then click on: **Video Lottery**  
Scroll down to – **Limited Video Lottery Information**

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

To qualify as a fraternal or veteran's club and operate up to 10 video lottery terminals, a retailer must submit a recent letter from the Internal Revenue Service stating that 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)**. Code cite: **29-22B-1101(c)**. You must also submit, with your application, a recent letter of approval from the national office for the tax-exemption as a fraternal/non-profit organization, a copy of your local charter—signed and notarized, and IRS form 8821. On this form you need only complete Section 1 and Section 7, as the remainder of the form has been completed as per IRS instructions.

Persons to be listed in Item 3 on page 1 of the application or revision notice are:

- 1) The CEO
- 2) All officers
- 3) Control persons of the organization.

**Control persons** are defined as those persons who have the authority to direct the management and policies of an applicant. In the past, we have only required the names of the CEO and other officers; however, a recent review of the code requirements has prompted the License Division to require the names and personal data information for "control persons" as well.

All persons listed must complete a Personal Data Form (**Form C**), Individual Affidavit (**Form D**), and an Authorization to Release Information form (**Form G**). If these forms have previously been submitted for any individual listed, you need not complete the forms. Only those officers and control persons who have not previously submitted this information need complete the forms.

If you have questions regarding these instructions, please contact Kitty Lamb in the License Division at 1.800.982.2274, extension 278.

**§29-22B-504. Additional qualifications for an applicant for a limited video lottery retailer's license.**

No limited video lottery retailer's license or license renewal may be granted unless the lottery commission has determined that, in addition to the general requirements set forth in section 22B-502, the applicant satisfies all of the following qualifications:

(1)(A) If the applicant is an individual, the applicant has been a citizen of the United States and a resident of this state for the four year period immediately preceding the application; (See §29-22B-327 below)

(B) 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 (to the extent each of these groups exists with respect to a particular business organization), 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;

(2) The applicant has disclosed to the lottery commission the identity of each person who has control of the applicant, as control is described in section 22B-507;

**§29-22B-327. Resident of this state defined.**

"Resident of this state" means an individual who: (1) Maintains a bona fide full time primary place of abode in this state; (2) is not registered to vote in any other state; (3) if licensed to drive, holds a valid driver's license in this state and does not hold a current driver's license issued by any other state; (4) timely filed personal income tax returns as a resident of this state for the four preceding calendar years (determined by including any authorized extension of time for filing the return)\*\*; and (5) does not claim to be a resident of any other state for any purpose whatsoever.

**§29-22B-507. Persons having control of an applicant for a limited video lottery license.**

The following persons are considered to have control of an applicant:

(1) Each person associated with a corporate applicant, including any corporate holding company, parent company or subsidiary company of the applicant, but not including a bank or other licensed lending institution which holds a mortgage or other lien acquired in the ordinary course of business, who has the ability to control the activities of the corporate applicant or elect a majority of the board of directors of that corporation.

(2) Each person associated with a non-corporate applicant who directly or indirectly holds any beneficial or proprietary interest in the applicant or who the commission determines to have the ability to control the applicant.

(3) Key personnel of an applicant, including any executive, employee or agent, having the power to exercise significant influence over decisions concerning any part of the applicant's business operation.

**\*\*If you were not required to file West Virginia Personal Income Tax for any pertinent years, you must submit an affidavit explaining why.**



## PRIVACY NOTICE OF USAGE OF SOCIAL SECURITY NUMBERS BY THE WEST VIRGINIA LOTTERY

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For persons who are neither 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 winners 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 a statutorily or regulatorily required criminal background investigation. This is an FBI requirement; or
4. You have applied for a lottery license or permit and you have been ask 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.

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<sup>1</sup> Prize winners of more that \$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 else after the applicant has exhausted all appeals, the returns will be taken from the application file and shredded.



PO BOX 2067  
CHARLESTON WV 25327  
(304) 558-0500  
1-800-982-2274

**WEST VIRGINIA  
LIMITED VIDEO LOTTERY  
RETAILER APPLICATION**

Date Received \_\_\_\_\_ Check. \_\_\_\_\_

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

- License fee: **\$500.00 Non-refundable (Enclose with application)**
- Business or Location's  
Organization Name \_\_\_\_\_ Phone No. \_\_\_\_\_  
  
Doing Business As \_\_\_\_\_ Fax No. \_\_\_\_\_  
Location  
Address \_\_\_\_\_ City/State/Zip \_\_\_\_\_  
**Mailing**  
**Address** \_\_\_\_\_ City/State/Zip \_\_\_\_\_  
F.E.I.N (No Social Security Numbers, please) \_\_\_\_\_  
**Worker's Compensation or Exemption Number** \_\_\_\_\_
- Indicate Type of Business or Organization:  
 Sole Proprietorship       LLP       Fraternal/Veterans \*  
 Partnership or Joint Venture       LLC      \*Copy of IRS fraternal exemption certification  
 Corp. or Subsidiary      required.

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** an Individual Affidavit (**Form 'C'**) and a Personal Data form (**Form 'D'**), and WV-ARI-001 (**Form "G"**)

**Sole Proprietorship** – List owner

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

**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 attached instruction sheet for fraternal organizations. *Attachment 1.*

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

1) \_\_\_\_\_

2) \_\_\_\_\_

3) \_\_\_\_\_

4) \_\_\_\_\_

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

5) \_\_\_\_\_

6) \_\_\_\_\_

7) \_\_\_\_\_

8) \_\_\_\_\_



West Virginia Lottery  
LVL Retailer Application  
Page 2

4. Has the business organization or any person listed in Item 3 ever been convicted of any **felony** related to theft, bribery, gambling or involving moral turpitude in this or in any other state or foreign country?  Yes  No

Has the business organization or any person listed in Item 3 ever been convicted of any **felony** violation of article twenty-three, chapter nineteen [Horse & Dog Racing], or articles twenty-two, twenty-two-a, twenty-two-b or twenty-five, chapter twenty-nine [Lottery] of the code of West Virginia?  Yes  No

Has the business organization or any person listed in Item 3 ever been convicted of any **misdemeanor** violation of article twenty-three, chapter nineteen, or articles twenty-two, twenty-two-a, twenty-two-b, or twenty-five, chapter twenty-nine of the West Virginia Code within the past ten years?  Yes  No

5. Has this business/organization or listed individuals ever held or applied for, or presently hold a gaming, liquor, beer or lottery license in West Virginia?  Yes  No  
(If "Yes", list numbers, when issued): \_\_\_\_\_  
\_\_\_\_\_

6. If this is a **change of ownership** please give former business name, effective date and former WV Lottery license number: \_\_\_\_\_  
\_\_\_\_\_

7. If ANY of the following questions are answered "Yes", attach a separate explanation with complete details.

Does/has the Business or Organization:

- A. Ever filed bankruptcy in any state?  Yes  No
- B. Been delinquent in payment of taxes in any state?  Yes  No
- C. Been sued, with judgment resulting in current outstanding claims in any state?  Yes  No
- D. Ever operated under different business name?  Yes  No
- E. Been subject of state or federal criminal investigation or background investigation?  Yes  No
- F. Been denied lottery/gaming license in any state or province?  Yes  No
- G. Have financial interest in a company related to gaming/racing or lottery other than this business?  Yes  No
- H. Hold lottery/gaming license in other states or provinces  Yes  No



8. How long has this Business/Organization been in operation? \_\_\_\_\_ Yrs. \_\_\_\_\_ Mos

9. Primary Business

Bank Name \_\_\_\_\_ Account Number \_\_\_\_\_

Address \_\_\_\_\_ Phone No. \_\_\_\_\_

\_\_\_\_\_

10. 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 STATE 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 \_\_\_\_\_, \_\_\_\_\_.

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

\_\_\_\_\_  
NOTARY PUBLIC

(Seal)



Class 'A' ABC License No. \_\_\_\_\_

**West Virginia Lottery  
CORPORATE AFFIDAVIT  
Limited Video Lottery  
Retailer's Application**

To Whom It May Concern:

I hereby authorize any representative of the West Virginia Lottery Commission bearing this release, or transmitting a copy same, to obtain information from files or other sources pertaining to the applicant's personal background including, but not limited to: police records, academic, athletic, medical, credit, or any other records. I hereby direct you to release such information upon the request of any duly authorized representative of the West Virginia Lottery. This release is executed with the full knowledge and understanding that the information is for the official use of the West Virginia Lottery. I hereby release you, the institution or establishment which you represent including its officers, employees, or related personnel, both individually and collectively, from any and all liability for damages of whatever kind, which may result to the applicant's heirs, family or associates because of compliance with this authorization and request to release information, or any attempt to comply with it. Should there be any question as to the validity of this release, you may contact me as indicated below.

**(Circle One)** I hereby swear or affirm that this corporation **HAS** or **HAS NOT** been convicted of any violation of the State Racing Act, the State Lottery Act, the Racetrack Video Lottery Act, the Limited Video Lottery Act or the Limited Gaming Facility (Casino) Act, or of any felony related to theft, bribery, gambling, or involving moral turpitude in this or in any other state or foreign country. (Please attach any explanation if necessary.)

I understand that any untruthful or misleading answers are causes for the rejection of the application.

NOTARY

APPLICANT

State of \_\_\_\_\_

Corporate Name \_\_\_\_\_

County of \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Taken, Subscribed, and Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Phone No. \_\_\_\_\_

F.E.I.N. \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
(Notary Public Signature)

\_\_\_\_\_  
Authorized Signature

My Commission Expires:

\_\_\_\_\_  
(Notary Seal)

**FORM A**

Rev. 12/2/10





Class 'A' ABC License No. \_\_\_\_\_

**West Virginia Lottery  
Individual Affidavit  
Limited Video Lottery  
Retailer's Application**

To Whom It May Concern:

I hereby authorize any representative of the West Virginia Lottery Commission bearing this release, or transmitting a copy same, to obtain information from files or other sources pertaining to the applicant's personal background including, but not limited to: police records, academic, athletic, medical, credit, or any other records. I hereby direct you to release such information upon the request of any duly authorized representative of the West Virginia Lottery. This release is executed with the full knowledge and understanding that the information is for the official use of the West Virginia Lottery. I hereby release you, the institution or establishment which you represent including its officers, employees, or related personnel, both individually and collectively, from any and all liability for damages of whatever kind, which may result to the applicant's heirs, family or associates because of compliance with this authorization and request to release information, or any attempt to comply with it. Should there be any question as to the validity of this release, you may contact me as indicated below.

**(Circle One)** I hereby swear or affirm that I **HAVE** or **HAVE NOT** been convicted of any violation of the State Racing Act, the State Lottery Act, the Racetrack Video Lottery Act, the Limited Video Lottery Act or the Limited Gaming Facility (Casino) Act, or of any felony related to theft, bribery, gambling, or involving moral turpitude in this or in any other state or foreign country. (Please attach any explanation if necessary.)

I understand that any untruthful or misleading answers are causes for the rejection of the application.

NOTARY

APPLICANT

State of \_\_\_\_\_

Name \_\_\_\_\_

County of \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Taken, Subscribed, and Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Phone No. \_\_\_\_\_

Date of Birth \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
(Notary Public Signature)

Authorized  
Signature \_\_\_\_\_

My Commission Expires:

\_\_\_\_\_  
(Notary Seal)





# 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)

\_\_\_\_\_  
(Printed name)

\_\_\_\_\_  
(Authorized signature)

\_\_\_\_\_  
(Title)

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

If you have questions about completing this form, please call  
WV State Board of Investments EFT Division at **304.340.1569**

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  
PO 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)

**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 \_\_\_\_\_.

To: The West Virginia State Tax Commissioner

**Authorization to Release Information**  
**(Individual)**

Name of taxpayer \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

City, Town, Post Office \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

West Virginia Identification No. or Social Security No. \_\_\_\_\_

\*If you filed a joint return with another individual, you must provide both social security numbers and names that were on the Personal Income Tax forms.

\_\_\_\_\_ SSN \_\_\_\_\_ Name

The above named taxpayer does hereby waive the confidentiality provisions of West Virginia Code §11-10-5d and/or §11-1A-23 to the following extent:

**1. Persons to whom information may be released:**

Name Lottery Official Enforcing Limited Video Lottery Requirements Capacity \_\_\_\_\_

Address WV Lottery Commission \_\_\_\_\_

**2. Effective period of this waiver:**

\_\_\_\_\_ authorization terminates \_\_\_\_\_  
month day year

\_\_\_\_\_ until my liability for West Virginia taxes is liquidated.

(other; explain) After Limited Video Lottery Application Process Terminates. \_\_\_\_\_

**3. Taxes and/or credits to which this waiver applies:**

	W.Va. Code Art.		W.Va. Code
_____ Beer Barrel Tax	11-16	_____ Severance Tax	11-13A
_____ Business and Occupation Tax	11-13	_____ Soft Drink Tax	11-19
_____ Business Franchise Tax	11-23	_____ Telecommunications Tax	11-13B
_____ Business Investment and Jobs Expansion Credit (Super Credit)	11-13C	_____ Use Tax	11-15A
_____ Business Registration Tax	11-12	_____ Wine Liter Tax	60-8
_____ Cigarette Tax	11-17	_____ Charitable Raffle Boards & Games	47-23
_____ Consumers Sales & Service Tax	11-15	_____ Solid Waste Fee	20-5F
_____ Corporate Net Income Tax	11-24	_____ Corporate License Tax	11-12C
_____ Employers Withholding Tax	11-10	_____ Minimum Severance Tax on Coal	11-12B
_____ Estate Tax	11-11	_____ Health Care Provider Taxes	11-27
_____ Gasoline & Special Fuel Excise Tax	11-14	<input checked="" type="checkbox"/> All of the above applicable to the taxpayer.	
_____ Inheritance Tax	11-11	_____ Property Taxes	
_____ Motor Carrier Road Tax	11-14A	_____ OTHER	_____
_____ Personal Income Tax	11-21		

**4. Information to be released: (describe specifically)**

Summary and historic payment and liability information \_\_\_\_\_

**5. Reason(s) why information is to be released:**

Licensure background check.

This waiver will be effective only to the extent explained above and any other release of information is not permitted without additional authorization. Additionally, information will be released only to the extent necessary to comply with this request for information, and will not be disclosed if the Tax Commissioner determines that such disclosure would seriously impair administration of this State's tax laws.

This waiver must be signed by the taxpayer. If this waiver is by a corporation, it must be signed by the president, vice president, treasurer, assistant treasurer, chief accounting officer or any other officer duly authorized so to act. In the case of a partnership, as defined for federal income tax purposes, this waiver shall be signed by a partner or any employee of the partnership duly authorized so to act. The fact that an individual's name is signed on the waiver shall be prima facie evidence that such individual is authorized to sign the waiver on behalf of the corporation or partnership.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Capacity

\_\_\_\_\_  
Date

State of West Virginia,  
County of \_\_\_\_\_, to-wit,

This day appeared before me, the undersigned notary public, \_\_\_\_\_ who acknowledge under oath the signature above.  
(Applicant)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

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



**LIMITED VIDEO LOTTERY  
RETAILER  
PRELIMINARY-SITE-SURVEY CHECKLIST**

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

Applicant's Name(s): \_\_\_\_\_

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

City/State/Zip: \_\_\_\_\_ Telephone: (304) \_\_\_\_\_

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

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

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

CLOSE: \_\_\_\_\_

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

Dear Retailer/Fraternity:

In accordance with the West Virginia Limited Video Lottery Act, a site survey must be conducted and approved by authorized West Virginia Lottery personnel prior to the installation of video lottery terminals. Below is a list of requirements that must be met.

**TO BE COMPLETED BY RETAILER**

**Yes No**

A. Are there any **PETROLEUM** (i.e. gasoline) products sold on premises?  
(Capable of being used as fuel in an internal combustion engine.) \_\_\_\_\_

B. **ATM** at Establishment? \_\_\_\_\_

Is it located inside the gaming area? \_\_\_\_\_

C. 150' to be determined by Security personnel. \_\_\_\_\_

D. 300-Foot (Title 179 Interpretive Rule) from a church, school, daycare center, the perimeter of a public park, or a business that sells petroleum products? \_\_\_\_\_

<p>For lottery use only: <b>Formerly ABCA #:</b> _____</p> <hr/> <p>_____ Upgrade    _____ Downgrade    _____ to Private Club    _____ to Tavern    _____ Other</p>
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**West Virginia Lottery  
Limited Video Lottery  
ADA Compliance**

**Upon information or belief, 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:** \_\_\_\_\_

## FREQUENTLY ASKED QUESTIONS

- 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 case 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.Va. Lottery Commission  
Contact: Kate Casto, Esq.  
304-558-0500 ext. 354  
[kcasto@wvlottery.com](mailto:kcasto@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**

**558-2481**

**Fax 558-5474**

(pass K-Mart in Kanawha City,  
turn left at Massey)

**SOS**

**1- 866-767-8683**

**558-6000**

Fax 558-8381

**TAX 558-8651**

**1-800-982-8297**

**Brickstreet**

**1-866-45BRICK or**

**1-866-452-7425**

**558-6279 ext 1202**

**UC 558-2451**

to register contact **Status**  
**Determination: 558-2677**

**Treasury 340-1569**

**Grace Gilmore**

**558-4179 fax**

## COMPANIES THAT CURRENTLY HOLD AN OPERATOR'S LICENSE

UNDER THE LIMITED VIDEO LOTTERY ACT

Updated 02/22/2010

Operator	Address	Contact	Phone
A-1 Amusement, Inc.	PO Box 5297 Vienna, WV 26105	Kimberly A. Ullman	304-422-0026
Action Amusements, LLC	43 Elwood Street Martinsburg, WV 25404	Brent Jackson	304-264-8685
Action Gaming, Inc.	68 18th Street Wheeling, WV 26003	David Shriver Joseph T. Dobkin	304-232-5100
Advanced Lottery Technologies LLC	90 Mozelle Street Keyser, WV 26726	Lee Wesson	304-788-2703 800-203-8743
Ajax Amusement Machines, Inc.	305 Aikens Center Martinsburg, WV 25404	Diana Harbaugh	304-262-0087
Al's Novelty & Coin Machine Co.	111 Virginia Avenue Wheeling, WV 26003	Alfonso M. Zambito	304-232-1016
Bat's, Inc.	P.O. Box 7743 Huntington, WV 25778	Todd Gregory	304-417-3268
Blue Diamond LLC	1774 Winchester Ave. Suite #1 Martinsburg, WV 25405	James K. Hutzler, Jr.	304-267-6951
Buck's, Inc.	P.O. Box 2386 Clarksburg, WV 26302	David R. Gross	304-623-4244
Clay Music Corporation	P.O. Box 396 Belle, WV 25015	Tommy D. Clay	304-926-6411
Coin Op Vending Corp.	93 Edgington Lane Wheeling, WV 26003	Beth Prather	304-242-0002
Derrick Video, LLC	1330 6th Street Charleston, WV 25302	Jerry W. Derrick Jeff Gassaway Area	304-346-2617 304-923-8023 304-364-5015 800-322-5919
Dustyn Enterprises	P.O. Box 861 Barboursville, WV 25504	J. D. Booten	304-733-3911
Ellifritz Amusement Co.	1593 Tyrone Rd. Morgantown, WV 26508	Dewey Ellifritz	304-292-3220
Game Room Amusements, Vending & Sales, Inc.	1645 St. Andrews Drive Hedgesville, WV 25427	James D. Tucker	304-274-3699
Jack's Amusements	P.O. Box 9029 Fairmont, WV 26555	Jack M. Falbo	304-534-5000
K & K Music Company	209 Ragland Rd. Beckley, WV 25801	James R. Kiser	304-253-5634
LeeJay Amusement	4 Martins Square Williamstown, WV 26187	Richard A. Smith	304-375-9163 304-375-9165
Mountaineer Music, LLC	807 West Washington Street Charleston, WV 25302	David K. Miller	304-343-1789

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Updated 02/22/2010

Ohio River Amusement Co.	275 Penco Road Weirton, WV 26062	Christopher Sauvageot	304-224-2067
Ohio Valley Amusement Company dba Mountaineer Coin & Gaming	231 Jefferson Avenue Moundsville, WV 26041	Tom Tucker	304-843-1862
Poke, Inc.	1312 15th Street Huntington, WV 25701	Charles R. Thomas	304-523-1219
Progressive Video Lottery, Ltd.	PO Box 1588 Morgantown, WV 26507	James E. Bryan	304-292-3791
Random World, Ltd.	P.O. Box 1561 Bluefield, WV 24701	Sandra C. White	304-327-9309
S&B Gaming LLC	P.O. Box 130 Enterprise, WV 26568	James Scudere	304-694-0147
Shaffer Amusements Co., LLC	140 East Pike St Clarksburg, WV 26301-2163	Martin Shaffer	304-622-8019
Southern Amusement Co., Inc.	P.O. Box 1380 Logan, WV 25601	Joe C. Ferrell Glen Ables	304-752-1161 800-752-7773
Trans-Allegheny Enterprises, LLC	P.O. Box 3310 Parkersburg, WV 26103	Thomas H. Fittro	304-422-6170
Valley Coin Machine Company	PO Box 640 Short Creek, WV 26058	Joseph J. John, Esq.	304-547-0054
Vast Vending Inc.	P.O. Box 1238 Crab Orchard, WV 25827	Jason Steele	304-255-7734
Viking Vending Services LLC	PO Box 262 Arthurdale, WV 26520	Bo Ward	304-282-3900
Viking Video & Music	425 Sixteenth Street Dunbar, WV 25064	Champ Kerns	304-768-1685
Warden Amusement, Inc.	P.O. Box 117 MacArthur, WV 25873	Gary E. Warden	304-683-4086
Welch LVL Video Service LLC	1715 7th Street Parkersburg, WV 26101	Harold K. Price, Jr.	304-428-5251
Wheeling Coin, LLC	2829 Eoff Street Wheeling, WV 26003	Anthony Sparchane Lee Glessner	304-233-3599
Woodward Video, LLC	184 Sherwood Drive Bridgeport, WV 26330	Bryan Woodward Thomas "Randy" Shuman	304-842-1850
Worldwide Gaming, LLC	530 Fairmont Avenue Fairmont, WV 26554	Steve Holbert	304-366-5150