

West Virginia Lottery Commission

900 Pennsylvania Avenue, Charleston, WV 25302



LVL Retailer

**Corporate Buyout or Change of
Ownership Application**

ABCA License Number _____



WEST VIRGINIA LIMITED VIDEO LOTTERY RETAILER
CORPORATE BUYOUT or CHANGE OF OWNERSHIP
APPLICATION

If the applicant is a corporation, partnership or other business entity, the chief executive officer and/or President and the majority of the officers, directors, members and partners, both in number and percentage of ownership, must be United States citizens and must have filed their state income tax in a timely manner for the four-year period immediately preceding filing the application. Qualifications to be eligible for a limited video lottery license are found in W. Va. Code § 29-22B-504.

PLEASE PRINT OR TYPE. ATTACH ADDITIONAL SHEETS AS NEEDED

1. **\$250 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 _____

FEIN: _____ Workers' Compensation or Exemption #: _____

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. **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 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.

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

5. Do any persons listed in response to question three (3) presently hold a West Virginia issued limited video lottery license?

Yes No If "yes," provide the information in the chart below.

	Business Name/DBA Name	Location	License Number
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

* If you are an operator owning or acquiring a retail establishment you are bound by the duties of a retailer as set forth in West Virginia Code §29-22B-1 *et seq.* and West Virginia Code of State Rules §179-5-1 *et seq.*

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," attach a separate document indicating 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 of the WEST VIRGINIA LOTTERY or his or her designee, 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
BUSINESS/ORGANIZATION

_____	_____
Type or Print Name	Title
_____	_____
Signature	Date

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____. (Seal)

My commission expires _____

Notary Signature _____

ABCA License Number _____



INDIVIDUAL RELEASE

Limited Video Lottery

1. FULL NAME _____ PRIOR LAST NAME(S) _____

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 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.

A copy of this release may serve as an original.

(Print Name, Title)

(Signature)

(Date)



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: _____



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.

SEND COMPLETED FORM TO:

West Virginia Lottery
Licensing Division
PO Box 2067

If you have questions concerning your Lottery account, please call the WV Lottery Commission at 800.982.2274 or 304.558.0500 ext 220.

Charleston WV 25327-2067

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



Instructions and Requirements for Operator/Owned Locations

Pursuant to West Virginia Code §29-22B-503 *et seq.*, an Operator may also be licensed as a limited video lottery retailer in compliance with the following:

1. An Operator can own up to 10 limited video lottery locations.
2. The owner(s) listed on the limited video lottery retailer application must be the same owner(s) listed on the Operator license.
3. Provide documentation showing the purchase of the limited video lottery location(s).
4. The retailer license must be in the Operator's Business name.
5. All other requirements must be met 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 regard 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

Documents Required	
Completed Corporate Buyout/Change of Ownership application	Must be completed in its entirety.
\$250 Fee (Non-Refundable)	Business Check, Money Order, Official Bank Check
ABCA License *1	Contact the ABCA (1-800-642-8208) and change/add the members/officers to your ABCA license. Tell them it is a Corporate Buyout.
WV Secretary of State Business License *2	Contact the Secretary of State (1-866-767-8683 or 304-558-6000) and change/add the members/officers to your business license.
Corporate Letter	Stating the minutes and re-distribution of stock in the corporation, signed by the member/officers, and notarized.
Bill of Sale	Seller and Buyer need Notary, Number of Permits, Business Entity being purchased, DBA Name, and Effective Date, including building. Bill of Sale listing all assets and all debts. (Include Rider – Will the debt and liability stay with seller?)
ADA Compliance	Complete Form
Voided check or deposit slip *3	Part of the Electronic Fund Transfer (EFT)
Building Lease Agreement	Lease/Rental Agreement for the location (state if owned by applicant.)
WV Tax Business Registration Certificate *4	The certificate with the West Virginia seal in the background.
Workers' Compensation Insurance or Exemption Letter *5	Proof of Coverage or Contact the Insurance Commission for an exemption letter (no employees)
Unemployment Coverage Letter from Work Force WV *6	Call the Unemployment Compensation office for this letter.
Individual Release Form and Fingerprint Information Form (each member/officer) *7	Each officer/member is required to be live scanned with The West Virginia Lottery for a background check. <i>When you contact the Security Division to schedule an appointment, you may be asked to provide a "control number." Your control number is the last 5 digits of your ABCA Class A license number. You are required to be fingerprinted twice: Once for ABCA and once for The West Virginia Lottery.</i>

(*1) WV ABCA 900 Pennsylvania Ave Charleston, WV 25302	(*2) Secretary of State State Capitol - Suite 157-K 1900 Kanawha Blvd. E Charleston, WV 25305	(*3) WV State Treasurer's Office Grace Gilmore State Capitol Bldg. 1, Rm E-145 1900 Kanawha Blvd Charleston, WV 25305	*7 WVL - Fingerprint Information Jonie DeBruyn, Security 900 Pennsylvania Ave Charleston, WV 25302
304-356-5500 1-800-642-8208 Fax: 304-957-0306	304-558-6000 1-866-767-8683	304-340-1569 Fax: 304-558-4179	304-558-0500, Ext. 231 E-Mail: jdebruyn@wvlottery.com
(*4) WV Tax Department 1124 Smith Street Charleston,	(*5) Workers' Compensation Coverage	(*6) Unemployment Compensation 1321 Plaza East Shopping Ctr. Charleston, WV 25330	*Charleston Monday through Friday, 9 am. – 4pm <i>(no appointment necessary, it is suggested to call first.)</i> *Northern panhandle, call Chuck Bourne 304-280-4949. *Local law enforcement agency - 2 fingerprint cards required to be mailed to the address above with the Fingerprint Information Release form. * If fingerprints are on file with the WVL, an updated Fingerprint Release form is needed to update the record.
304-558-3333 1-800-982-8297	Contact your insurance Company	304-558-2451 To register, contact <u>Status Determination</u> 304-558-2677	

Please contact Marsha Sheets, Licensing Specialist, for questions regarding the Licensing process at 304-558-0500 or 1-800-982-2274, Ext. 278.

PRIVACY NOTICE

USAGE OF SOCIAL SECURITY NUMBERS

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**]¹ 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.²

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.

¹ 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.

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