

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. 245
1-304-558-0500 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.



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, 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 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



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: _____