

# West Virginia Lottery Commission

900 Pennsylvania Avenue, Charleston, WV 25302



## LVL Retailer Location Transfer Application

3/2020



## Location Transfer Application

### Contact:

\_\_\_\_\_ The ABCA (1-800-642-8208 or 304-356-5500) and update your location on your liquor/beer license. (**Tell them you are doing a “Location Transfer”**).  
*(When moving limited video lottery machines that you own, you will need to change both the current ABCA and limited video lottery licenses to the new location).*

\_\_\_\_\_ The Secretary of State (1-866-767-8683) requesting a change to the location address on your business license.

### WV Lottery will need:

\_\_\_\_\_ \$500 Non-refundable Location Transfer Fee

\_\_\_\_\_ Page 1 – LVL Application

\_\_\_\_\_ Page 2 – Retailer Data Sheet

\_\_\_\_\_ Page 3 – Business Zoning Compliance Form

\_\_\_\_\_ Page 4 – ADA Compliance Form

\_\_\_\_\_ Page 5 - Workers’ Compensation/Unemployment Compensation Exemption form or proof of coverage for both.

\_\_\_\_\_ Lease/Rental Agreement for the location (unless owned by applicant)

**Mail completed application to:  
West Virginia Lottery  
Licensing Division  
P.O. Box 2067  
Charleston, WV 25327-2067**

**WV Lottery Licensing Division  
1-800-982-2274 ext. 278  
1-304-558-0500 ext. 278**



# WEST VIRGINIA LIMITED VIDEO LOTTERY RETAILER LOCATION TRANSFER APPLICATION

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

**1. \$500 Non-refundable Application Fee – Select Method of Payment**

Business/Cashier’s 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: \_\_\_\_\_

F.E.I.N (No Social Security #): \_\_\_\_\_ Workers’ Compensation Policy #: \_\_\_\_\_

3. Previous Licensed Location Address: \_\_\_\_\_

City: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

New Location Address: \_\_\_\_\_ County: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

4. 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 operations. Each new individual listed will be required to complete the Individual Release.

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

POSITION

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

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



# LIMITED VIDEO LOTTERY RETAILER DATA SHEET

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

Business Organization Name: \_\_\_\_\_

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

City/State/Zip: \_\_\_\_\_

Location Phone: \_\_\_\_\_ Location Manager Name: \_\_\_\_\_

Business Owner Name: \_\_\_\_\_ Business Owner Email: \_\_\_\_\_

Business Owner Phone: \_\_\_\_\_ Business Owner Cell: \_\_\_\_\_

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

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

CLOSED:    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_

Operator: \_\_\_\_\_ Operator Phone: \_\_\_\_\_  
(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 of 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 of 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

Comm Solution Verified/Contract Amended by SG

Initial \_\_\_\_\_

Date \_\_\_\_\_



# 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



## 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: \_\_\_\_\_

*For more information or to see where this information originated, visit the U.S. Department of Justice, Civil Rights Division's website at: [www.usdoj.gov/crt/ada/adahom1.htm](http://www.usdoj.gov/crt/ada/adahom1.htm)*



# WEST VIRGINIA LOTTERY EXEMPTION FORM

*\*This form should only be completed when a business has no employees*

<b>Business Name:</b>	
<b>DBA Name:</b>	
<b>Street Address:</b>	
<b>City, State, Zip:</b>	

**If your business has zero employees, your business is exempt from obtaining Workers' Compensation Coverage. All businesses must register with Workforce WV by calling 304.558.2667 to determine if they are exempt from Unemployment Compensation.**

**If you or your business is exempt for one or both of the following agencies, please indicate below.**

	<b>Workers' Compensation</b>
	<b>Unemployment Compensation</b> <i>Unemployment Compensation Division: 304.558.2451 To register: 304.558.2677</i>

**If at any time your business acquires employees, you must disclose this information to the West Virginia Lottery by suppling the appropriate documentation.**

**I attest that all information written on this form is true and correct.**

*Signature:* \_\_\_\_\_ *Date:* \_\_\_\_\_

## **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 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.**

**WEST VIRGINIA LOTTERY**  
**LICENSE DIVISION CONTACT INFORMATION**

Please mail completed applications to:

**West Virginia Lottery**  
**Licensing Division**  
**P.O. BOX 2067**  
**CHARLESTON WV 25327-2067**

Please contact **Marsha Sheets** for questions, concerns or to check the status of your application for all retail locations:  
**Licensing Specialist 304-558-0500 Ext. 278**

For all other licensing questions or concerns you may contact:  
**Elizabeth Webb, Deputy Director 304-558-0500 Ext. 213**

**ADDITIONAL 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.hrc.wv.gov>

WV Lottery Commission  
Legal Division  
304-558-0500 ext. 255

*Your local zoning or business compliance official  
may also be able to assist in answering your ADA questions.*

# PRIVACY NOTICE

## USE OF SOCIAL SECURITY NUMBERS

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**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**]<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 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.<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.

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.

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<sup>1</sup> 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 24% of the prize money.

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