

Limited Video Lottery Operator License Application



West Virginia Lottery Commission

900 Pennsylvania Avenue, Charleston, WV 25302



Limited Video Lottery Operator Application Instructions

Basic Requirements for Limited Video Lottery (LVL) Operator License

- Copy of a business plan demonstrating the Company has the ability to successfully operate a Limited Video Lottery business
- Provide disclosure of all financing or refinancing arrangements for the purchase, lease or other acquisition of video lottery terminals and associated equipment
- Provide a letter of intent, proposed agreement or agreement between the applicant and any licensed Manufacturer for the sale, lease or other assignment to the Operator of video lottery terminals, the electronic computer components of the terminals, the random number generators of the terminals, or the cabinets in which they are housed
- Copy of any purchase agreement(s) for any video lottery terminals
- Copy of any agreement(s)/contract(s) to place the video lottery machines in Limited Video Lottery Retailer establishments
- Copy of current West Virginia Business Registration Certificate
- Proof of workers' compensation coverage
- Proof of general liability insurance coverage for all video lottery terminals in an amount of at least \$1 million per claim
- Provide proof the business is in compliance and in good standing with the WV Unemployment Compensation Division
- An operator may also be a retailer owning up to 10 LVL Retailer locations. The name of the LVL Retailer location(s) and ownership information must match both licenses: LVL Retailer and LVL Operator Licenses
- A person or a member of the applicant's immediate family who has an ownership interest in a business that submits an application for an Operator's, Manufacturer's or Retailer's license may not:
 - Submit an application for another Operator's license as an individual.
 - Serve as an Officer, Director, Member or Partner of a business that submits an application for another Operator's license or,
 - Have an ownership interest in any other business that submits an application for an Operator's license.



How to Apply for a Limited Video Lottery (LVL) Operator License

- Complete the Application; include the fee and all documents required above in *the Basic Requirements for Limited Video Lottery (LVL) Operator License* section.
 - Any incomplete application will be returned to applicant, and no action will be taken.
 - If any component of the application requires a supplemental explanation from you, please include with application.
 - All signatures must be made by an authorized person.
 - Please note that forms may be photocopied for your use. It is suggested you photocopy the forms prior to submitting them.
 - Each Owner, Officer, Executive, Key Personnel, Employee or Agent having power to significantly exercise influence in business operations must submit their fingerprints for the West Virginia Lottery to perform a background check. Appointments can be scheduled at an Identogo location online at <https://uenroll.identogo.com> or by calling 855-766-7746.

Please refer to the service code for Limited Video Lottery: 228RK3

Mail completed application to:

**WV Lottery
Licensing Division
ATTN: Jennifer Cadle
900 Pennsylvania Avenue
Charleston, WV 25302**

Fee: A \$10,000 non-refundable application fee must be paid at the time of application submission. The WV Lottery accepts the following forms of payment: business check, certified check, cashier's check, or money order. The WV Lottery also accepts credit/debit cards made securely on the Lottery website at: <https://business.wvlottery.com/resourcesPayments>. Scroll down to the "Online Payment" section and select "View Link" for the specific license type you are applying for. Please note that when paying online, payments for each license type must be made separately.

For questions concerning your application, please contact :Jennifer Cadle, Lottery Business Support Specialist at 304-558-0500, ext. 1829 or by email at jcadle@wvlottery.com.

For more information, please see our website: <https://business.wvlottery.com/>



PART 5. REQUIREMENTS AND QUALIFICATIONS FOR LICENSURE

§29-22B-501. Types of licenses issued for participation in limited video lottery activities.

(a) The lottery commission may issue four types of limited video lottery licenses, as follows:

- (1) A manufacturer's license;
- (2) An operator's license;
- (3) A limited video lottery retailer's license; and
- (4) A service technician's license.

(b) A manufacturer's license is required for all persons who act as a manufacturer as defined in section 22B-319 of this article. (c) An operator's license is required for all persons who engage in the business of placing and operating video gaming machines on the premises of a retailer. A licensed operator and a licensed limited video lottery retailer who hold a permit issued under part 11 of this article may obtain video lottery terminals only from a licensed manufacturer.

(d) A video lottery retailer's license is required for all persons conducting limited video lottery on their premises. Each person licensed as a retailer shall have and maintain sole and exclusive legal possession of the entire premises for which the retail license is issued.

(e) Each license issued pursuant to this section expires one year from the date of its issuance but may be successively renewed upon the filing and approval of an application for renewal, except as otherwise provided in this article.

§29-22B-502. General qualifications for all types of limited video lottery licenses.

(a) No limited video lottery license or license renewal may be granted unless the Lottery Commission has determined that the applicant satisfies all of the following qualifications:

- (1) The applicant is a person of good character, honesty, and integrity;
- (2) The applicant is a person whose background, criminal record, if any, reputation, habits, and associations, do not threaten to (A) compromise the public interest of the citizens of the state, (B) weaken the effective regulation and control of video gaming, (C) breach the security and integrity of the lottery, or (D) introduce corrupt, unfair, or illegal practices, methods, and activities into the operation of video gaming or the business or financial transactions incidental to the operation of video gaming;
- (3) The applicant has not been convicted of any violation of §29-22B-101 *et seq.*, §19-23-1 *et seq.*, §29-22-1 *et seq.*, §29-22A-1 *et seq.*, §29-25-1 *et seq.* of this code, or any felony related to theft, bribery, or gambling in this or in any other state or foreign country: *Provided*, That the Lottery Commission shall apply §29-22B-502(b) and §29-22B-502(c) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the license being sought;
- (4) The applicant has disclosed to the Lottery Commission the identity of each person who has control of the applicant, as control is described in §29-22B-507 of this code, and those persons satisfy all qualifications required by this section and any applicable qualifications required by §29-22B-503 through §29-22B-506 of this code;
- (5) The applicant has provided a set of fingerprints and has completed and signed the statement provided for in §29-22B-602 of this code;
- (6) The applicant has furnished all information, including financial data and documents, certifications, consents, waivers, individual history forms, and other materials requested by the Lottery Commission for purposes of determining qualifications for a license;
- (b) The Lottery Commission may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the Lottery Commission shall consider at a minimum: (1) The nature and seriousness of the crime for which the individual was convicted;
- (2) The passage of time since the commission of the crime;
- (3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and,
- (4) Any evidence of rehabilitation or treatment undertaken by the individual.
- (c) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the Lottery Commission shall permit the applicant to apply for initial licensure if:



- (1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;
- (2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and
- (3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the Lottery Commission. (d) An individual with a criminal record who has not previously applied for licensure may petition the Lottery Commission at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the Lottery Commission to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The Lottery Commission shall provide the determination within 60 days of receiving the petition from the applicant. The Lottery Commission may charge a fee to recoup its costs for each petition.

§29-22B-503. Additional qualifications for an applicant for an operator's license.

(a) No operator's license or license renewal may be granted unless the Lottery Commission has determined that, in addition to the general requirements set forth in §29-22B-502 of this code, the applicant satisfies all of the following qualifications:

- (1) The applicant has demonstrated the training, education, business ability, and experience necessary to establish, operate, and maintain the business for which the license application is made;
 - (2) The applicant has secured any necessary financing for the business for which the license application is made, and the financing: (A) Is from a source that meets the qualifications of this section; and (B) is adequate to support the successful performance of the duties and responsibilities of the licensee. A licensee shall request commission approval of any change in financing or leasing arrangements at least 30 days before the effective date of the change;
 - (3) The applicant has disclosed all financing or refinancing arrangements for the purchase, lease, or other acquisition of video lottery terminals and associated equipment in the degree of detail requested by the Lottery Commission;
 - (4) The applicant has filed with the Lottery Commission a copy of any current or proposed agreement between the applicant and any manufacturer for the sale, lease, or other assignment to the operator of video lottery terminals, the electronic computer components of the terminals, the random number generators of the terminals, or the cabinets in which they are housed; and,
 - (5) The applicant does not hold any other license under this article, §19-23-1 *et seq.* of this code, §29-22-1 *et seq.* of this code, §29-22A-1 *et seq.* of this code, or §29-25-1 *et seq.* of this code, except that an applicant may also be licensed as a service technician. In addition, an applicant may also be licensed as a limited video lottery retailer: *Provided*, That a licensed operator that also is a licensed retailer may operate limited video lottery terminals as a limited video lottery retailer at no more than 10 locations: *Provided, however*, That the director may authorize the operator to operate limited video lottery terminals as a limited video lottery retailer at more than 10 locations if the applicant provides sufficient justification that such approval is necessary to sustain state revenues without a detrimental impact on public interest, further shows that a qualified retailer is unavailable and a good faith effort to identify a qualified retailer was made prior to the request, and an explanation of other relevant information supporting the request;
- (b)(1) A person or a member of his or her immediate family who has an ownership interest in a business entity that submits an application for an operator's license may not: (A) Submit an application for another operator's license as an individual; (B) serve as an officer, director, member, or partner of a business entity that submits an application for another operator's license; or (C) have an ownership interest in any other business entity that submits an application for an operator's license.
- (2) Business entities that have common owners or common officers, directors, members, or partners may not hold more than one operator's license.

§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.
- (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.

§29-22B-706. Additional duties of operators.

In addition to the general duties imposed on all licensees in section 22B-701 of this article, an operator shall:

- (1) Acquire video lottery terminals by purchase, lease or other assignment only from licensed manufacturers;
- (2) Acquire no video lottery terminals in excess of the number they are authorized to operate in this state as stated in the permit issued under part 11 of this article;
- (3) Contract with limited video lottery retailers for a secure location for the placement, operation and play of the video lottery terminals;
- (4) Pay no compensation of any kind to any limited video lottery retailer or give or transfer anything of value to any limited video lottery retailer, that is in addition to the consideration stated in the written agreement between the operator and the limited video lottery retailer, which may be not less than forty percent nor more than fifty percent of the amount of net terminal income received by the operator in connection with the video lottery terminals at that location;
- (5) Pay for the installation and operation of commission approved telephone lines to provide direct dial-up or on-line communication between each video lottery terminal and the commission's central control computer;
- (6) Purchase or lease and install computer controller units and other associated equipment required by the commission for video lottery terminals owned or leased by the permittee;
- (7) Permit no person to tamper with or interfere with the operation of any video lottery terminal;
- (8) Ensure that telephone lines from the commission's central control computer to the video lottery terminals located at the approved location are at all times connected, and prevent any person from tampering or interfering with the operation of the telephone lines;
- (9) Ensure that video lottery terminals are placed and remain placed in the specific places within the approved restricted access adult-only facility that have been approved by the commission. No video lottery terminal in a restricted access adult-only facility may be relocated within the restricted access adult-only facility without the prior written approval of the commission;
- (10) Assume financial responsibility for proper and timely payments by limited video lottery retailers of all credits awarded to players in accordance with legislative rules promulgated by the commission;
- (11) Enter into contracts with limited video lottery retailers to provide for the maintenance and repair of video lottery terminals and associated equipment only by licensed service technicians, and to provide for the placement of video lottery terminals pursuant to the provisions of this article;
- (12) Conduct no video lottery advertising and promotional activities;
- (13) Install, post and display prominently within or about the approved location signs, redemption information and other material as required by the commission;
- (14) Maintain general liability insurance coverage for all video lottery terminals in an amount of at least one million dollars per claim;
- (15) Promptly notify the commission in writing of any breaks or tears to any logic unit seals;
- (16) Assume liability for all amounts due to the commission in connection with any money lost or stolen from any video lottery terminal;
- (17) Comply with all applicable provisions of this article and rules and orders of the commission; and,
- (18) Maintain a separate bank account into which the operator shall deposit the gross terminal income from all of the operator's video lottery terminals.



Limited Video Lottery Operator Financial Information Required for License Application

The following information is to be submitted directly through a secure portal to Suttle & Stalnaker PLLC. To establish a portal for your company, please contact:

Diane Flint	(304) 343-4126	<u>dflint@suttlecpas.com</u>
Chris Lambert	(304) 343-4126	<u>clambert@suttlecpas.com</u>

- Compiled Financial Statements with footnotes for three most recent years
- Quarterly financial statements
- If company is a start-up and has no prior activity, then a projected financial statement for the three most recent years of activity
- Copy of company's three most recent years of Federal Income Tax Returns
- Copy of company's three most recent years of State Income Tax Returns
- Copy of three most recent years Personal Federal Income Tax Return for each Owner, Officer or Member
- Copy of three most recent years Personal State Income Tax Return for each Owner, Officer or Member



Limited Video Lottery Operator Application

PLEASE PRINT OR TYPE. ATTACH ADDITIONAL SHEETS AS REQUESTED

1. Operator Application Fee (Non-Refundable) - \$10,000 Check# ____ / Online Payment ____
2. Business/Organization Name _____
- Doing Business As _____
- Location Address _____ City/State/Zip _____
- Phone No. _____ Fax No. _____
- Corporate Contact _____ Email _____
- Mailing Address _____ City/State/Zip _____
- F.E.I.N _____ Business Registration No. _____

3. Indicate Type of Business or Organization:

____ Sole Proprietorship ____ LLP ____ Partnership or Joint Venturer

____ LLC ____ Corporation or Subsidiary

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 parent company if subsidiary). Also list each stockholder, except if publicly owned. If publicly owned, list each stockholder.

LLC, LLP – List each member

On the following chart list all names as required per type of business defined above for each owner, officer, executive, key personnel, employee or agent having power to exercise significant influence over decisions concerning any part of the applicant's business operation.

Each individual listed will also be required to complete an Individual Affidavit and Personal Data Form.



Please complete the chart below identifying the company's ownership:

Owner/Partner Name (Last name, First name, M.I.)	Position	Percentage of Ownership

A change in ownership is required to be reported to the Licensing Division prior to any transaction pursuant to W.Va. Code §29-22B-701(8):

Notify the commission in writing of any proposed change of ownership or control of the license holder and of all other transactions or occurrences relevant to license qualification and receive commission approval prior to any change of ownership or control of a licensed manufacturer, operator or limited video lottery retailer.

*Failure to comply with this statute may subject you to a civil penalty up to \$10,000 and/or suspension or revocation of your license as determined by the State Lottery Commission.

4. 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



5. How long has this Business/Organization been in operation? _____ Years _____ Months

6. Bank Name _____ Account Number _____

Address _____ Phone No. _____

7. Are all taxes, fees, and obligations to local, state, and federal governments current?

_____ Yes _____ No (**If No, attach explanation**)

8. DISCLOSURE STATEMENT (Read Carefully)

"I, the undersigned, upon oath, do hereby declare that the foregoing information is true and complete. I understand that untruthful or misleading answers are cause for denial of the application and/or termination of any lottery license granted, and may be subject to prosecution under the Limited Video Lottery Act, Chapter 29, Article 22B, of the West Virginia Code. I authorize the Director of the West Virginia Lottery to investigate any matter set forth in the lottery application including, but not limited to, financial records, financial sources, Federal Tax records, State Tax records and criminal history as necessary for entering into an agreement as a Limited Video Lottery Operator. I will, upon request, execute such additional documents as are required to facilitate this process, including a criminal record check agreement form. I further certify that I am an owner, officer, executive, key personnel, employee, or agent having the power to exercise significant influence over decisions concerning any part of the applicant's business operation. Furthermore, I have the authority to sign and act for the Limited Video Lottery Operator making this application."

_____	_____	_____	_____
Type or Print Name	Title	Authorized Signature of Applicant	Date

STATE OF _____

COUNTY _____,

Taken, subscribed and sworn before me this ____ day of _____, 20 ____.

Notary Signature: _____ **SEAL:**

My commission expires: _____



FINANCIAL DISCLOSURE FORM
Corporation, Association, LLC, LLP, Trust
PLEASE PRINT OR TYPE – THIS FORM MAY BE COPIED AS NEEDED

1. Name of Business: _____

DBA (Doing Business As) _____

2. Relationship to business:

___ Owner ___ Officer ___ Executive ___ Key Personnel ___ Employee ___ Agent

Date of Incorporation: _____ State of Incorporation: _____

3. Primary Banking Institution for this Business/Organization

Banking Mailing Address: _____

Phone: _____ Fax: _____

4. Secondary Banking Institution

Banking Mailing Address: _____

Phone: _____ Fax: _____

5. List Names of Other Banking Institutions Used by this Business/Organization:



WV Lottery Limited Video Lottery Operator's Application

INDIVIDUAL AFFIDAVIT

To Whom It May Concern:

I hereby authorize any representative of the West Virginia Lottery Commission bearing this release, or transmitting a copy of same, to obtain information from files or other sources pertaining to the applicant's personal background including, but not limited to: federal and/or state income tax records, police records, 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 by 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.

(SELECT ONE) I hereby swear or affirm that I **HAVE or HAVE NOT** been convicted of any violation of the State Lottery Act, State Racing Act, the Racetrack Video Lottery Act, Limited Video Lottery Act, the Tables Games Act, the Limited Gaming Facility Act, the Sports Wagering Act and the Interactive Wagering Act or of any felony related to theft, bribery, or gambling in this or in any other state or foreign country. (Please attach any explanation if necessary.)

Additionally, 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.

Disclosure of WV Lottery Employee Relationship(s):

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

(Print Name, Title)

(Signature)

(Date)

STATE OF _____

COUNTY _____,

Taken, subscribed and sworn before me this __ day of _____, 20____.

Notary Signature: _____

SEAL:

My commission expires: _____



WEST VIRGINIA LOTTERY

EXEMPTION FORM

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

Business Name:	
DBA Name:	
Street Address:	
City, State, Zip:	

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 from one or both of the following agencies, please indicate below.

☐	Workers' Compensation
☐	Unemployment Compensation Unemployment Compensation Division: 304.558.2451 To register: 304.558.2677

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

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

Signature: _____

Date: _____

PERSONAL DATA FORM

PLEASE SUBMIT THIS FORM FOR EACH INDIVIDUAL AS NOTED IN THE INSTRUCTIONS
PLEASE PRINT OR TYPE – ATTACH ADDITIONAL SHEETS IF NEEDED

Business Name _____	Phone _____
Street Address _____	City/State _____ Zip _____
Mailing Address _____	City/State _____ Zip _____
Your Full Name _____ Maiden Name _____	
Street Address _____	City/State _____ Zip _____
Email Address _____	Phone _____
Date of Birth _____	Driver's License # _____ State _____
Spouse's Name _____ Maiden Name _____	
Street Address _____	City/State _____ Zip _____
Date of Birth _____	Driver's License # _____ State _____

Relationship to Business: Owner _____ Partner _____ Principal _____ Officer/Director _____ Other _____

If Partnership, what type: General _____ Limited _____ LLC _____ Partnership % Owner _____ Stockholder % Held _____

Present Employer: (if different than above) _____ Hours per Week for Business Above _____

U.S. Citizen: _____ Yes _____ No (if no, attach details) WV Resident: _____ Yes _____ No

List all relatives employed by the WV Lottery: _____ N/A

If any of the following questions are answered "yes", please attach separate sheet with complete details. Have You:

Ever been convicted of a felony or fraud or crime related to gambling or theft?	_____ Yes	_____ No
Ever been sued or have outstanding claims or judgments?	_____ Yes	_____ No
Ever filed bankruptcy in WV or the U.S.?	_____ Yes	_____ No
Ever sustained substantial loss with a significant insurance payment?	_____ Yes	_____ No
Ever been investigated by a state or federal investigative agency?	_____ Yes	_____ No

Disclosure Statement

I, the undersigned do hereby certify that I have not knowingly made a false statement of material fact on this application. I understand that untruthful or misleading answers are cause for denial of the application and/or termination of any Lottery license. I authorize the West Virginia Lottery and/or the West Virginia State Police to investigate any or all matters set forth in the License Application. I understand that additional information may be requested of me in regard to this application and I waive rights of causes of action that I may have against the West Virginia Lottery or the West Virginia State Police.

Type or Print Name _____ Title _____

Signature _____ Date _____

NOTARY

State of/Country of _____ County of/City of _____. Taken, subscribed and sworn
before me this day of _____, 20 _____.

My Commission Expires: _____ Notary Signature: _____

(NOTARY SEAL)

OCA# _____

Fingerprint Information

All Fields are mandatory unless otherwise noted.

Name (Please Print): _____ SSN: _____
Last Name First Name Middle Name

Alias (Maiden Name): _____ Citizenship (Country): _____

Phone : _____ Email: _____

Home Address: _____
Street Address City State Zip Code

Business Name: _____

Business Address: _____
Street Address City State Zip Code

Date of Birth: _____ Place of Birth: _____

Date Submitted Fingerprints: _____

***The WV Lottery will no longer retain fingerprint records on file. When a background review is requested, each individual must contact IdentGO to resubmit their fingerprints.**

RELEASE OF INFORMATION

I hereby request a record check be made to find any police record on the herein named individual and by submitting this request. I understand that the submitted information will be retained by the West Virginia State Police in the Automated Fingerprint Identification System.

I certify that this is for official business, and I am authorizing the West Virginia Lottery to obtain any record found.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedure for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

Privacy Act Notice: 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 penalty. If you choose voluntarily to supply your social security number, it will be used to aid the West Virginia Lottery in the conduct of this criminal background inquiry.

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

Signature: _____ Date: _____



PRIVACY NOTICE

USAGE OF SOCIAL SECURITY NUMBERS

This form is included to notify you of our privacy practices, 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;
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 are required to undergo a criminal history review. Your fingerprints will be captured by IdentoGO and submitted to the FBI's National Criminal Information Center (NCIC) for a background check, as mandated by federal law and regulation. This is a requirement established by the FBI.

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 jurisdiction.

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 at Ext. 1801.

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 24% of the prize money.