

WEST VIRGINIA AMUSEMENT & LIMITED VIDEO LOTTERY ASSOCIATION  
P.O. Box 2549  
Charleston, WV 25329  
August 17, 2016

By email to: [klamb@wvlottery.com](mailto:klamb@wvlottery.com), [jmyers@wvlottery.com](mailto:jmyers@wvlottery.com) and  
[dboyd@wvlottery.com](mailto:dboyd@wvlottery.com)  
By Hand Delivery and U.S. Mail

RECEIVED  
AUG 17 2016  
WV LOTTERY

West Virginia Lottery  
900 Pennsylvania Avenue  
P.O. Box 2067  
Charleston, WV 25327

ATTN: Kim Lamb

Dear Ms. Lamb,

I am writing on behalf of the West Virginia Amusement & Limited Video Lottery Association, comprised of both licensed LVL operators and retailers, who together hold a likely majority of LVL permits issued by the Commission.

The Association is writing to file written comments with respect to the proposed changes to the Commission's legislative rule 175-9, to change the distance of a gas station from LVL to 150 feet, and to permit LVL in certain truck stops.


As noted in the proposed rule, there are currently between 750 and 1000 LVL terminals not in play, due largely to the fact that there is an insufficient number of locations in which to place them. This deficiency has been caused by the tightening of restrictions at both the state and local levels, making it almost impossible in many instances for retailers to open new locations. This has been costly both to LVL businesses and to the state.

The Association supports both changes proposed by the Commission. As discussed by the Lottery, the reduction from 300 feet to 150 feet was contained in a bill passed by the Legislature and vetoed by the Governor for entirely unrelated reasons. With respect to truck stops, the Association applauds the Commission for this proposal that will enhance revenue, almost all of which is likely to come from out of state players.

While fully supporting the proposed changes in the legislative rule, the Association urges the Commission to consider changes to the interpretive rule establishing distances from various entities. The Association believes that this rule should be reformed both with respect to distances and how they are calculated, as well as clarification on enforcement.

Thank you for the opportunity to provide these written comments.

Sincerely,

  
Anthony J. Sparachane  
President



P.O. BOX 2067  
CHARLESTON, WV 25327

PHONE: 304-558-0500  
1-800-WVA-CASH

Earl Ray Tomblin  
Governor

John A. Myers  
Acting Director

August 19, 2016

**Anthony J. Sparachane, President  
West Virginia Amusement and Limited Video Lottery Association  
PO Box 2549  
Charleston, WV 25329**

Dear Mr. Sparachane,

I write in response to the comments we received from you during the comment period for the proposed amendments to the Limited Video Lottery Rule; we are grateful for your participation and input in this process.

Upon review, it appears that the recommended amendments in addition to those proposed by the Lottery would require statutory changes which exceed the scope of the Lottery's rule-making authority. Therefore, we have not amended the rule to include the additional changes.

More specifically, the method of measuring locations is designated in statute by W.Va. Code § 29-22B-1202(a)(1), which states, "a measurement of the distance between two premises must be taken between the nearest exterior wall of each premises"; this is applicable to measuring all distances including those clarified by the Lottery's Interpretive Rule. Additionally, your comment about "clarification on enforcement" was interpreted in conjunction with your request for amendments relating to how distances are calculated; otherwise, the Lottery believed it lacked specificity to make additional modifications on enforcement. While your input is valued, we do not believe we have the authority to alter the way measurements are taken because of this provision.

If you have additional questions please feel free to contact my legal counsel, Danielle Boyd, at 304-558-0500 extension 293. Again, we appreciate your input and thank you for submitting your comments.

Sincerely,

John A. Myers  
Acting Director

**Kim Lamb**

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**From:** jim knowles <jknowles7@gmail.com>  
**Sent:** Monday, August 15, 2016 10:50 AM  
**To:** Kim Lamb; John Myers  
**Subject:** Truck Stops

**RECEIVED**  
**AUG 15 2016**  
**WV LOTTERY**

Kim,

Regarding VLT's in Truck Stops I feel you and Mr. Myers should consider adding additional machines from five to ten. There are not many truck stops in West Va so the ones that meet your requirements obviously have a high traffic count and usually have a lot of truckers stopping and staying the night at these locations. With that being said how can the Truck Stop and Lottery capitalize on just five machines ? If you look at the State of Louisiana for example, their truck stops can have up to fifty machines and they all do quite well.

I think it's great the Lottery is looking to allow machines in Truck Stops but I do hope you consider adding a few more with what I suggested. Especially for higher volume locations such as what we're dealing with. If you simply look at some of the higher volume fraternal clubs that have ten machines there is no comparison to a five machine location.

Please let me know if I can help in any way, I'm full of ideas.

Sincerely,

Jim Knowles  
Randomworld Limited  
(304) 327-9309



P.O. BOX 2067  
CHARLESTON, WV 25327

PHONE: 304-558-0500  
1-800-WVA-CASH

Earl Ray Tomblin  
Governor

John A. Myers  
Acting Director

August 19, 2016

James Knowles  
Randomworld Limited  
Via Email: [jknowles7@gmail.com](mailto:jknowles7@gmail.com)

Dear Mr. Knowles, *Jim*

I write in response to the comments we received from you during the comment period for the proposed amendments to the Limited Video Lottery Rule; we are grateful for your participation and input in this process.

Upon review, it appears that the recommended amendments in addition to those proposed by the Lottery would require statutory changes which exceed the scope of the Lottery's rule-making authority. Therefore, we have not amended the rule to include the additional changes.

More specifically, the number of video lottery terminals is specifically designated as five per location or ten for qualifying fraternal or veterans' organizations in W.Va. Code § 29-22B-1101(c). While your input is valued, we do not believe we have the authority to alter the number of machines at Authorized West Virginia Truck Stops because of this provision.

If you have additional questions please feel free to contact my legal counsel, Danielle Boyd, at 304-558-0500 extension 293. Again, we appreciate your input and thank you for submitting your comments.

Sincerely,

John A. Myers  
Acting Director