
Section C-Part 2 (Key Persons, see Appendix OAR Chapter 177, attached)

Below, list the *name and title* of all other **KEY PERSONS** involved with your business (immediate family members who work in or for the business, managers, management contractors):

Name (please print)

Title

Example: Robert E. Taylor

Family member/bartender/dishwasher

If you need more space to list **Key Persons**, attach an additional sheet

IF ANY OF THE FOLLOWING QUESTIONS ARE YES, PLEASE ATTACH A SEPARATE PAGE WITH DETAILS

Have you as a business/organization or individual ever filed business/personal bankruptcy?

YES _____ NO _____

Does the business/organization owe any past taxes, fees, or obligations to local, state, or federal government?

YES _____ NO _____

DISCLOSURE STATEMENT (READ CAREFULLY)

I, the undersigned, upon an oath do hereby declare that the forgoing information is true, correct, and complete. I understand that untruthful or misleading answers may be cause for denial as a Key Person as defined in OAR Chapter 177-040-0000 (7) (m) (See Appendix attached).

TYPED OR PRINTED NAME

TITLE

SIGNATURE OF OFFICER/OWNER

DATE

APPENDIX

Oregon State Lottery-OAR CHAPTER 177

Division 40-Retailer Contract

177-040-0000 Definitions

KEY PERSON DEFINITIONS

(7) “**Key person**” means:

(a) Corporations: For any corporation, including a subsidiary of a parent corporation:

(A) Stockholders: Any stockholder of a corporation who owns 10% or more of the outstanding stock in such corporation.

(B) Directors: Any director of a corporation who owns or controls 3% or more of the voting stock in such corporation.

(C) Officers: Any officer of a corporation.

(b) Private Clubs: For a private club as described in ORS 471.175(8):

(A) The treasurer.

(B) Any officers, directors, or trustees who oversee or direct the operation of the food, beverage, Lottery, or other gambling-related activities of the private club, and

(C) Each manager in charge of the food, beverage, Lottery, or other gambling-related activities of the private club.

The provisions of paragraphs (7)(a)(A), (B), and (C) of this rule do not apply to private clubs.

(c) Trusts: The trustee and all persons entitled to receive income or benefit from the trust.

(d) Associations: The members, officers, and directors.

(e) Partnerships and Joint Ventures: All of the general partners, limited partners, or joint venturers.

(f) Limited Liability Companies: Any manager of the limited liability company, and any members of the limited liability company whose investment commitment or membership interest is 10% or more in the limited liability company.

(g) Layered Ownership: If the parent company, general partner, limited partner, joint venturer, stockholder, member or manager of a limited liability company is itself a corporation, trust, association, subsidiary, partnership, joint venture or limited liability company, then the Director may require that the applicant provide disclosure for such entity as if such entity were a key person itself.

(h) Family Members: Immediate family members as required in ORS 461.300(2)(b)(G) and (H).

(i) Sole Proprietors: The sole proprietor, if the retailer is a sole proprietor.

(j) Managers:

(A) General: A person, regardless of title, who acts or who has real or apparent authority to act on behalf of the owner in most matters concerning the operation of the owner’s business during all business hours, or who routinely performs all of the following duties:

(i) The hiring and firing of employees;

(ii) Making purchasing decisions relating to the buying of supplies and inventory; and

(iii) Conducting banking functions for the business.

(B) Exception: This definition does not include a “shift manager” or a “convenience store manager” unless otherwise qualified under this rule.

(C) Examples: The following are examples of managers who are key persons under this definition:

(i) General Manager: A person who operates the business for a corporate or absentee owner.

(ii) Area Manager: A person who operates multiple locations or supervises multiple store managers.

(k) Landlord: A landlord who receives 40% or more of the retailer’s Lottery commissions as a part of lease payments or rent, or any landlord who the Director finds, based on reasonably reliable information, exerts influence over the operation of the retailer’s business.

(l) Contractual Relationship: Any person who has a lease, contract, or other agreement with the applicant or retailer or anyone else, to provide food service or to manage or operate any part of the business in a Video LotterySM retailer’s premises other than as an employee.

(m) Control Person: Any reference to a “control person” of a retailer in OAR Chapter 177, a Lottery retailer contract, or Lottery form in effect or in use on or after the effective date of this rule shall be deemed to refer to a “key person” as defined in this section.

(8) “**Personal disclosure**” means those documents and information that are part of the application which relate to a natural person’s personal, criminal, and financial background, and associations with other people.

(9) “**Mediation**” has the meaning as defined in ORS 36.110(4).

(10) “**Mediator**” means a person who performs mediation.

(11) “**Multi-State Retail Chain**” means a retailer, including an applicant, who:

(a) Operates five or more retailer locations within the State of Oregon and one or more retail locations outside of the State of Oregon, all of which engage in similar business activities;

(b) Has common ownership and control over each location; and

(c) Sells no Oregon Lottery® games except traditional lottery games within the State of Oregon.

(12) “**Public Company**” means a retailer, including an applicant, who is a business entity that offers securities registered for sale by the federal Securities and Exchange Commission to the general public and sells no Oregon Lottery® games except traditional lottery games within the State of Oregon.

Stat. Auth.: OR Const. Art. XV, Sec. 4(4)

Stats. Implemented: ORS 461.300

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