

**DRAFT**

**SPECIAL EVENTS/MASS GATHERINGS ORDINANCE**

Prepared:

Revised:

Adopted:

**I. PURPOSE:**

The purpose of this section is to provide for the establishment of a well-defined process through which persons wishing to sponsor, promote, and hold special events and mass gatherings for commercial purposes can be authorized and permitted to do so, provided that such events have been properly planned and organized in a manner that is consistent with the public interest and safety of the citizens of Preston County.

The goals of this ordinance are to:

Establish a well defined application process for the permitting of special events and mass gatherings held for commercial purposes within the County;

Encourage responsible planning prior to the holding of special events and mass gatherings held for commercial purposes within the County;

Provide adequate protection to citizens and property owners who may be adversely effected by such special events and mass gatherings held for commercial purposes;

Recognize the value of such special events and mass gatherings for commercial purposes as it relates to the positive promotion of commerce and tourism within the County, provided that such special events and mass gatherings are properly planned and organized.

**II. APPLICABILITY – SCOPE OF REGULATION:**

**A. Event Location:** The requirements set forth in this ordinance shall only apply to those special events and mass gatherings where the proposed event or mass gathering sites are located outside of the incorporated boundaries of those municipalities within the County. Events or mass gatherings within the boundaries of incorporated municipalities of this County are subject to the terms and conditions of any municipal ordinances.

**B. Commercial Purposes:** The requirements set forth in this ordinance shall only apply to special events and mass gatherings held for commercial profit-making purposes. For purposes of this ordinance, the charging of admission to the event or mass gathering shall be held as evidence of the fact that the event or mass gathering is being held for commercial profit-making purposes.

**C. Excluded Activities:** The requirements set forth in this ordinance are not deemed to be applicable to certain community events and activities. Specifically excluded from the requirements of this ordinance are any governmental sponsored events or gatherings, athletic contests, family or community reunions, religious services, political rallies, or any other noncommercial events.

**D. Included Activities:** Specifically included under the regulatory requirements of this ordinance are musical concerts, festival gatherings, and other events held for commercial profit-making purposes. In all instances, the Preston County Commission may exercise discretionary judgment concerning these events and mass gatherings that are to be included within the scope and requirements of this ordinance.

### **III. DEFINITIONS:**

For purposes of this ordinance, the following definitions shall apply:

**A. Mass Gathering:** Any group of two hundred fifty (250) or more persons assembled together for a concert, festival or other similar purpose. For purpose of this ordinance, this definition shall not apply to any assemblage of persons excluded from the regulatory scope and application of this ordinance as previously defined in Section II. This term shall also not include assembly in any permanent buildings or permanent structures designed, equipped and intended for use by large numbers of people.

**B. Special Event:** Any concert, festival or similar gathering held in an unincorporated area within the County. For purposes of this ordinance, this definition shall not apply to any assemblage of persons excluded from the regulatory scope and application as previously defined in Section II.

**C. Health Department Regulation:** For purposes of this ordinance, this term shall include all applicable provisions of the General Sanitation Rules, Title 64, West Virginia Division of Health, Series 18, effective date July 1, 1999.

**D. Commission:** For purposes of this ordinance shall mean the Preston County Commission.

### **IV. APPLICATION PROCESS:**

#### **A. Application Form:**

Any applicant seeking to organize, sponsor, or hold a special event or mass gathering within the definition of this ordinance, shall be required to tender an application in the form and manner prescribed by the Commission. For this purpose, the attached Application for Special Events Permit is hereby adopted as the form and manner of this application, which may be amended from time-to-time by the said Commission. All applications submitted for review and consideration shall be properly notarized verifying

that the information contained in the application is true and correct.

**B. Receipt and Processing of Application:**

All applications shall be submitted for review and consideration by the Commission whose decision therein shall be made in consideration of the health, comfort and convenience of the general public and the preservation of the general character of the neighborhood or area in which such uses are to be conducted, and not upon the intent of any intended or anticipated communications to or among the participants.

**C. Notice and Public Hearing Requirements:**

Upon the written request of any applicant whose application has been denied, the Commission shall fix a reasonable time for the holding of a public hearing related to the issuance or denial of the permit.

At least thirty days prior to the date set for hearing, the Commission shall publish a notice of the date, time and place of the hearing. This notice shall be given as a Class I legal advertisement in compliance with the provisions of WV Code 59-3-1. The publication area for any such publication shall be Preston County, West Virginia.

At a public hearing held concerning the issuance of a permit under the provisions of this ordinance, any party may appear in person, by agent or by attorney for purposes of offering comment or objection to the issuance of any permit. Upon the conclusion of any such public hearing, the Commission shall, within a reasonable time thereafter, render a decision on whether to provide for the issuance of this permit. However, following any public hearing held pursuant to the requirements of this ordinance, the Commission may require the applicant to file such additional information as may be required prior to the issuance of any permit.

**D. Judicial Review:**

Any decision rendered or order issued by the Commission related to the issuance or non-issuance of any permit authorized under the provisions of this ordinance shall be subject to judicial review.

**E. Duration of Permit:**

Any permit issued pursuant to this ordinance shall be good only for the period of time specified as the duration of the special event or mass gathering documented in the application. Reoccurring events proposed to be held at the same location will require the submission of separate applications for each such event or gathering proposed.

**F. Validation of Application:**

Upon the receipt of any application for a permit to hold a special event or mass gathering under the requirements of this ordinance, the Commission shall act to validate the information set forth in each application. For this purpose, the Commission may request the assistance of the Sheriff of Preston County in validating the content of each application through investigating the same to be true.

**G. Conditions of Permits Issued:**

The information and representations set forth in the Application for Special Events Permit shall constitute the standards of performance and conditions upon which the permit may be issued.

**H. Applicability of Other Standards:**

All applicants who are issued permits to hold special events or mass gatherings pursuant to the requirements of this ordinance will be responsible for fully complying with any and all other regulatory requirements established by the Division of Health, West Virginia Department of Health and Human Resources, the West Virginia State Tax Division, Department of Tax and Revenue, and any other regulatory agency that may have standards governing the holding of special events and mass gatherings.

**I. Monitoring and Enforcement of Event Standards and Performance:**

All applicants who are issued permits to hold special events or mass gatherings pursuant to the requirements of this ordinance shall be responsible for conducting the event in a manner that is consistent with the representations set forth in the application. The Commission shall receive and document any complaints received concerning the manner in which the event was organized and held. The Commission may request the assistance of the Sheriff of Preston County in monitoring any such events and gatherings. In requesting the assistance of the Sheriff, the Commission may further empower the Sheriff to order the immediate termination of any event that may be operated in a manner that is inconsistent with the conditions specified in the permit.

**J. General Liability Insurance Required:**

No permit shall be issued under the provisions of this ordinance to any applicant who does not intend to obtain general liability insurance coverage in an amount sufficient to indemnify the applicant against loss claims. Depending upon the size and nature of the event, the Commission shall establish the minimum amount of per occurrence and cumulative coverage required to be purchased by the applicant. The applicant shall further ensure that the Commission and the Preston County Sheriff's Department are named as additional insured parties for all losses resulting from the special event or mass gathering.

**V. FEES:**

The following fees are authorized for applications processed and permits issued under the provisions of this ordinance:

**A. Application Fee:**

Upon the filing of an Application for Special Events Permit with the Commission, a non-refundable application fee in the amount of \$500.00 shall be due. No application shall be received or processed until such time as this application fee is paid in full. This application fee shall be applied to off-set and defer those direct expenses involved in validating and processing the application for consideration by the Commission.

**B. Permit Fee:**

Following the receipt, processing and approval of any permit to be issued under the provisions of this ordinance, and prior to the issuance of any permit, the applicant shall pay a permit fee based on the following fee schedule:

<u>Estimated Event Size</u>	<u>Permit Fee</u>
Less than 500 persons	\$ 250.00 + \$_____ for each calendar day after the first full 24 hour period.
More than 500 but less than 1500 persons	\$ 500.00 + \$_____ for each calendar day after the first full 24 hour period.
More than 1500 persons but less than 2500 persons	\$ 750.00 + \$_____ for each calendar day after the first full 24 hour period.
More than 2500 persons	\$1,000.00 + \$ _____ for each calendar day after the first full 24 hour period.

## Application for Special Events Permit

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

\_\_\_\_\_

Applicant's Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Applicant Is:  Individual  Corporation  Government Entity

Non-Profit Organization  Firm  Partnership

Limited Partnership  Co-partnership  Joint Venture

Association  Other (Specify): \_\_\_\_\_

Social Security # (If Individual): \_\_\_\_\_

Federal Taxpayer Identification Number: \_\_\_\_\_

(If Other Than Individual)

West Virginia State Business License No.: \_\_\_\_\_

If other than individual, list name, title/position, address and social security number for all officers, directors, or other persons having beneficial ownership in applicant entity:

NAME	TITLE/POSITION	ADDRESS	SS#
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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAME	TITLE/POSITION	ADDRESS	SS#

Has a production company or other organizational entity been used to provide assistance in the promotion and/or organization of this event:  
 Yes  No

If yes, specify the name and address of the production company or other organizational entity:

Name: \_\_\_\_\_

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

Telephone #: \_\_\_\_\_ Contact Person: \_\_\_\_\_

Advertising and Promotion of Event:

Briefly describe the advertising and promotion that has been done for purposes of making the public aware of this planned event: \_\_\_\_\_

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Has this event been promoted or advertised by:

\_\_\_\_ Television    \_\_\_\_ Radio    \_\_\_\_ Newspaper    \_\_\_\_ Other Print Media

\_\_\_\_ Internet    \_\_\_\_ Posters    \_\_\_\_ Other (Specify): \_\_\_\_\_

Estimated Size of Event:

The estimated attendance at this event is: \_\_\_\_\_ Persons.

This estimate is based on: \_\_\_\_\_

Has advance (pre-event) tickets been sold for this event? \_\_\_\_ Yes \_\_\_\_ No

If yes, estimate the total number of advance ticket sales: \_\_\_\_\_ tickets

Admission Costs:

Will admission be charged for persons to attend this event? \_\_\_\_ Yes \_\_\_\_ No

If yes, specify the ticket costs:

General Admission Cost: ..... \$ \_\_\_\_\_

Advance Admission Cost (If applicable): ..... \$ \_\_\_\_\_

Children's Admission Cost (If applicable): ..... \$ \_\_\_\_\_

Senior Citizens Costs (If applicable): ..... \$ \_\_\_\_\_

Other Admission Charges (If applicable): - Specify

\_\_\_\_\_ ..... \$ \_\_\_\_\_

\_\_\_\_\_ ..... \$ \_\_\_\_\_

Has the State Tax Department been notified about this event for purposes of providing for the remittance of all Consumer Sales Taxes to the State of West Virginia? \_\_\_\_ Yes \_\_\_\_ No

If Yes:

Contact Person Notified: \_\_\_\_\_ Notice Date: \_\_\_/\_\_\_/\_\_\_

Description of Event:

Name of Event: \_\_\_\_\_

This event can best be described as:

\_\_\_ Musical Concert \_\_\_ Fair/Festival \_\_\_ Other (Specify): \_\_\_\_\_

Briefly describe the event as planned: \_\_\_\_\_

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

Duration of Event: The event is scheduled to begin at \_\_\_\_\_ a.m./p.m.  
(Time)

on \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_ and will conclude  
(Day Of Week) (Month) (Date) (Year)

at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_,  
(Time) (Day Of Week) (Month) (Date)

20\_\_\_\_.  
(Year)

Event Schedule – If available, please submit as a separate attachment to this application a copy of the schedule for all planned activities/events (including times, dates, and locations).

Entertainment:

Will musical entertainment be provided during this event? \_\_\_Yes \_\_\_No

If yes, will the musical entertainment be: \_\_\_Live performers \_\_\_Recorded

If yes, music can be classified as: \_\_\_Rock and Roll \_\_\_Country \_\_\_Pop

\_\_\_Bluegrass \_\_\_Other (Specify): \_\_\_\_\_

Please list the names and addresses of the live musical performer(s)/band(s):

Name

Address

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Has the applicant taken steps to ensure that all performers have the ASCAP license in effect for the public performance of legally copyrighted music?

\_\_\_Yes

\_\_\_No

Entertainment – other than musical (Please describe any other entertainment other than musical performances that will be part of this event): \_\_\_\_\_

\_\_\_\_\_

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Sound Amplification:

Will sound amplification be used during this event? \_\_\_Yes \_\_\_No

Please describe the sound amplification system to be used: \_\_\_\_\_

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Location of Event:

This event will be held: \_\_\_Indoors \_\_\_Outdoors \_\_\_Indoors and Outdoors

Describe the exact location within Preston County where this event will be held:

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Property Description: Deed Book # \_\_\_\_\_ Page # \_\_\_\_\_

Map and Parcel Number: \_\_\_\_\_

Who is the owner of the property where the event will be held?

Name: \_\_\_\_\_

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

Telephone #: \_\_\_\_\_ Social Security # \_\_\_\_\_

If the property owner is a person other than the applicant, is there a written agreement/contract between the property owner and the applicant concerning this planned event? \_\_\_\_\_ Yes \_\_\_\_\_ No  
[If yes, attach a copy of this agreement to this application.]

If the property owner is a person other than the applicant, will the property owner share in the proceeds of this event? \_\_\_\_\_ Yes \_\_\_\_\_ No  
[If yes, attach a separate statement disclosing the details of this profit sharing agreement].

Approximate acreage of the site where this event will be held: \_\_\_\_\_ acres.

Crowd Density:

Based on the estimated attendance and approximate acreage of the site for this event, will at least twenty (20) square feet per person be provided for day time assemblage? \_\_\_\_\_ Yes \_\_\_\_\_ No

Will at least forty (40) square feet per person be provided for overnight assemblage, exclusive of parking areas? \_\_\_\_\_ Yes \_\_\_\_\_ No

The site location where this event will be held is on property currently classified by the Assessor of Preston County as:

\_\_\_ Class II Property (All property owned, used and occupied by the owner exclusively for residential purposes. All farms occupied and cultivated by their owner or bona fide tenants).

\_\_\_ Class III Property (All real property situated outside of municipalities, exclusive of Class II property).

\_\_\_ Class IV Property (All real property situated inside of municipalities, exclusive of Class II property).

Event Parking:

The approximate acreage available for vehicle parking is: \_\_\_\_\_ Acres.

The space provided for vehicle parking will accommodate the parking of approximately: \_\_\_\_\_ Cars.

Will a parking space be available for every four (4) persons in attendance at this event, with a density not to exceed one hundred (100) passenger cars or thirty (30) buses per usable acre? \_\_\_\_\_ Yes \_\_\_\_\_ No

Will traffic control and parking assistance be offered: \_\_\_\_\_ Yes \_\_\_\_\_ No

Describe your plan for the parking of cars and security of vehicles during this event: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe the roadway access (driving instructions) for attendance at this event: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Will parking be permitted along any public roadways? \_\_\_\_\_ Yes \_\_\_\_\_ No

Will applicant enforce illegal parking? \_\_\_\_\_ Yes \_\_\_\_\_ No

Camping:

Will camping be permitted on the site location for this event?  Yes  No

If yes, what will be the approximate number of camping sites at the location of this event?

\_\_\_\_\_ campsites.

If yes, what will be the approximate acreage allotted for camping at the site of this event?

\_\_\_\_\_ acres.

If yes, will separate comfort stations be provided within the proposed camping area that will include water closets, lavatories, and bathtubs/showers?  Yes  No

If yes, will the average campground density at this event location exceed twenty-five (25) campsites per acre?

Yes  No

**[Note: The General Sanitation Rules of the West Virginia Division of Health, Title 64 – Series 18 contain specific standards regulating campgrounds. All applicants for events that will permit camping on the site location of the even will be expected to comply with these specific regulatory requirements].**

If yes, will a fee be charged for camping?  Yes  No

If yes, what is the amount of the fee that will be charged for camping at the event location?

\$ \_\_\_\_\_ per campsite

Sanitation Concerns:

Will toilet facilities be provided during this event?  Yes  No

The toilet facilities to be provided are:

Permanent Facilities  Portable Facilities  Both

The total numbers of separate toilets that will be available are:

Women's Toilets: \_\_\_\_\_ Men's Toilets: \_\_\_\_\_ Handicapped: \_\_\_\_\_

If portable toilets, specify the vendor who will provide for the delivery and removal of these toilet units from the event site:

Vendor: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Telephone: \_\_\_\_\_

Will garbage cans or other disposal receptacles be located on the site of the event? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, specify the quantity and size of the trash cans or other disposal receptacles that will be located on the site of the event:

Number of trash disposal units: \_\_\_\_\_ Size of units: \_\_\_\_\_

Describe the method to be used for the removal of trash from the event site:

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Food Service and Sales:

Will food be available for purchase at this event? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, provide a listing of the vendors who have been authorized to provide for the sale of food at this event:

Food Vendor

Address

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Food Vendor

Address

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Have food vendors been advised of the applicable regulations and permits required for the sale of food by the West Virginia Department of Health?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Has each vendor applied for and received a Temporary Food Service Permit issued by the Preston County Health Department?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Has the Preston County Health Department conducted a site inspection of the event location for purposes of insuring compliance with all applicable health and sanitation rules and regulations?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, specify the date of the required inspection and the person who conducted the on-site inspection:

Inspection Date: \_\_\_\_\_

Inspected By: \_\_\_\_\_

Were there any compliance problems identified as a result of this site inspection? \_\_\_\_\_ Yes \_\_\_\_\_ No

[If there were problems identified as a result of this site inspection, include a separate letter documenting these problems and the steps that have been taken to insure compliance].

If a site inspection of the event location has not been completed by the Preston County Health Department, has contact been made to request this required inspection? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, specify the date and time at which this inspection is to be conducted:

Scheduled Inspection Date: \_\_\_\_\_ Scheduled Inspection Time: \_\_\_\_\_

Insurance Coverage:

Has the applicant purchased general liability insurance coverage for this event?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, specify the insurer through which the liability coverage is provided:

Insurers' (Company) Name: \_\_\_\_\_

Insurers' Address: \_\_\_\_\_

Insurers' Telephone Number: \_\_\_\_\_

Name and Telephone of Local Agent:

Agents' Name: \_\_\_\_\_

Agents' Telephone Number: \_\_\_\_\_

Specify the name of the principal insured:

Name: \_\_\_\_\_

Specify the name(s) of any additional insured:

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Specify the policy number that has been assigned to this coverage:

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

Specify the maximum liability coverage available under the terms and conditions of this policy:

\$ \_\_\_\_\_

[Note: Please attach a copy of the policy or any guaranteed binder that has been issued to cover this special event].

Emergency Medical Services:

Will emergency medical services be made available by the applicant on the site for this event?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

On the site for this event, specify the number of locations from which emergency medical services will be provided:

\_\_\_\_\_ Location(s)

Specify the type and number of medical service providers that will be made available on the site for this event:

Type of Provider

Number of Personnel

Emergency Medical Service Attendant	_____
Emergency Medical Technician (EMT) - Basic	_____
Emergency Medical Technician – Paramedic	_____
Licensed Practical Nurse (LPN)	_____
Registered Nurse (RN)	_____
Other Nurse Practitioner	_____
Physician’s Assistant	_____
Physician (MD or DO)	_____
Other Providers (Specify):	_____

_____	_____
_____	_____

Specify the names, addresses and applicable license/certificate numbers for those medical service providers who will be assigned to provide on-site medical coverage for this event:

<u>Provider’s Name</u>	<u>Address</u>	<u>License/Cert. #</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Will medical services be made available at all times through the entire duration of this event?

\_\_\_\_\_ Yes      \_\_\_\_\_ No

Will on-site ambulance services be made available at all times for the transportation of persons requiring further medical treatment by off-site medical providers?

Briefly describe your plan to triage persons requiring additional medical services from the event site to the outside healthcare facilities:

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Security for Event:

Will a security company be employed to provide for the security of this event?

\_\_\_\_\_ Yes \_\_\_\_\_ No

[If no, provide a separate statement documenting the manner in which the security needs of this event will be met]

If yes, provide the name, address, and contact person for this security company:

Company Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

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

Contact Person: \_\_\_\_\_

Is there a written agreement or contract for the delivery of security services at this event?

\_\_\_\_\_ Yes \_\_\_\_\_ No

[If there is a written security agreement or contract, include a copy of the document with this event application].

Is this security company licensed to do business in the State of West Virginia?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

Is this security company bonded and/or insured?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

How many security officers/personnel will be present throughout this event?

\_\_\_\_\_ Officers/Personnel\*

\*[If staffing levels will vary, provide a schedule that represents the actual number of security personnel that will be physically present at the event site at all times].

Will the security personnel for this event be:

\_\_\_\_\_ Armed      \_\_\_\_\_ Unarmed      \_\_\_\_\_ Both

Will the security personnel for this event be uniformed or dressed in a manner that will distinguish them as being security personnel for this event?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

If yes, briefly describe the manner of dress that will distinguish them as being authorized security personnel:

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Will entry to and egress from this event be controlled by security personnel?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

If yes, briefly describe your event plan and policy for controlling entry to and egress from the event site (e.g. return passes, alcohol check points, etc.):

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Will communications be available/provided for security personnel?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, specify the type of communications equipment that will be used:

\_\_\_\_\_ Walkie-Talkie \_\_\_\_\_ Radios \_\_\_\_\_ Cell Phones \_\_\_\_\_ Other

Have you contacted and met with any state, county or local law enforcement agencies to advise them of the details of this event?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, specify the law enforcement agencies that have been contacted to review and discuss the details of this event:

Law Enforcement Agency

Contact/Meeting Date

_____	_____
_____	_____
_____	_____
_____	_____



If yes, what measures will be taken to prevent underage consumption or other abuses involving the presence of alcoholic beverages?

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If no, what measures will be taken to further insure that alcoholic beverages will not be consumed on the premises of this event (i.e. cooler checks, signage, etc.)?

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Describe the measures that will be taken to police and discourage the use of illegal drugs on the site of this event:

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Certification of Application

I do affirm and certify that the information contained in this Application for Special Events Permit is true and correct to the best of my knowledge and belief. As the applicant for this permit, I do authorize the Preston County Commission or their authorized representative to conduct an investigation into all information contained in this application for purposes of verifying the same to be true.

\_\_\_\_\_  
Date of Application

\_\_\_\_\_  
Signature of Applicant

Notary

Subscribed and sworn before me, in said County and State, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
Official Seal

DRAFT