



**DAVE YOST**

OHIO ATTORNEY GENERAL

Charitable Law Section  
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December 13, 2023

Campbell Gard Post No. 1069 Veterans of Foreign Wars of The United States  
465 Patterson Boulevard  
Fairfield, Ohio 45014

Via Kiteworks E-Mail to Daniel Long at [vfw1069@gmail.com](mailto:vfw1069@gmail.com)

Re: **Notice of Intent to Reject and Opportunity for Hearing**

Board Members and Game Operators:

Enclosed is a Notice of Intent to Reject and Opportunity for Hearing. Please read it carefully as the information contained within concerns Campbell Gard Post No. 1069 Veterans of Foreign Wars of The United States's bingo license. Be advised if you would like to request a hearing on this matter, **you must do so within 30 days of the service of this Notice.**

Thank you for your time and attention to this matter.

Very respectfully yours,

DAVE YOST  
Ohio Attorney General

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Daniel W. Fausey  
Section Chief  
Ohio Attorney General's Office  
Charitable Law Section  
30 E. Broad Street, 25th Floor  
Columbus, Ohio 43215  
(614) 466-3181

Enclosure

**OHIO ATTORNEY GENERAL  
CHARITABLE LAW SECTION**

IN THE MATTER OF:

December 13, 2023

Campbell Gard Post No. 1069 Veterans of Foreign Wars of The United States  
465 Patterson Boulevard  
Fairfield, Ohio 45014

EIN: 31-0523562

Bingo License No.: 0308-48

**NOTICE OF INTENT TO REJECT AND OPPORTUNITY FOR HEARING**

**INTRODUCTION & JURISDICTION**

Notice is hereby given that, pursuant to Ohio Revised Code (“O.R.C.”) Section 2915.08(F), the Attorney General intends to reject the 2023 Bingo License Application submitted by Campbell Gard Post No. 1069 Veterans of Foreign Wars of The United States (“VFW #1069”). In accordance with the provisions of O.R.C. Sections 119.06 and 119.07, you are hereby notified that you are entitled to a hearing.

VFW #1069 has held bingo license no. 0308-48 since at least 2011. The organization has been authorized to conduct bingo for subsequent years since then. On or about May 31, 2023, VFW #1069 filed a 2023 bingo license application. It updated the application on August 10, 2023.

VFW #1069 was issued a 2023 Temporary Permit on May 31, 2023. The issuance of the Temporary Permit does not grant any rights to VFW #1069 other than those granted in R.C. 119.06 and does not prohibit the Attorney General from rejecting VFW #1069’s bingo application. O.R.C. 2915.08(D).

The Internal Revenue Service revoked VFW #1069’s 501(c)(19) federal income tax-exempt status on or about May 15, 2023.

**Notice is hereby given that the Attorney General intends to reject the 2023 Bingo License Application submitted by VFW #1069 for the following reasons:**

**COUNT 1**

Only a “charitable organization” may apply for a license to conduct bingo and, if licensed, actually conduct bingo. R.C. 2915.08(A)(1); R.C. 2915.07(A).

To qualify as a “charitable organization” that is eligible to apply for a license and conduct bingo, VFW #1069 must be exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code or be a volunteer rescue service organization, volunteer firefighter’s organization, veteran’s organization, fraternal organization, or sporting

organization that is exempt from federal income taxation under subsection 501(c)(4), (c)(7), (c)(8), (c)(10), or (c)(19) of the Internal Revenue Code. R.C. 2915.01(H).

VFW #1069 does not meet the definition of “charitable organization” in R.C. 2915.01(H), because it does not have the required tax-exempt determination from the Internal Revenue Service. On or about May 15, 2023, the Internal Revenue Service revoked VFW #1069’s 501(c)(19) status determination for failure to file a Form 990 return or notice for 3 consecutive years. As of today, the organization’s tax-exempt status has not been reinstated by the Internal Revenue Service. Because it is not a “charitable organization,” VFW #1069 is not eligible to obtain a license to conduct bingo nor is it eligible to conduct bingo.

The attorney general intends to reject JASC’s application to conduct bingo because it fails to meet the requirements of O.R.C. 2915.08 because it is not a “charitable organization” and any bingo advertised or conducted by VFW #1069 is a violation of Section 2915.07(A).

### **LAWS AND RULES**

An applicant for a bingo license “shall, at all times, have the burden of demonstrating to the attorney general, by clear and convincing evidence, that the applicant is eligible, qualified, and suitable to be granted and retain the license or endorsement for which application is made under the applicable standards and requirements of Chapter 2915. of the Revised Code and” O.A.C. Chapter 109:1. O.A.C. 109:1-4-02(B). “Licensees have a continuing obligation to demonstrate suitability to hold a license or endorsement by complying with Chapter 2915. of the Revised Code, [O.A.C. Chapter 109:1], and all federal, state, and local laws relating to the suitability of the licensee.” O.A.C. 109:1-4-02(E).

Ohio Revised Code section 2915.08(F)(2) states “If any of the following applies to an organization, the attorney general may refuse to grant a license to the organization, may revoke or suspend the organization's license, or may place limits, restrictions, or probationary conditions on the organization's license for a limited or indefinite period, as determined by the attorney general:

- (a) The organization fails or has failed at any time to meet any requirement of section 109.26, 109.31, or 1716.02, or sections 2915.07 to 2915.15 of the Revised Code, or violates or has violated any provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised Code or any rule adopted by the attorney general pursuant to this chapter.
- (b) The organization makes or has made an incorrect or false statement that is material to the granting of the license in an application filed under this section.
- (c) The organization submits or has submitted any incorrect or false information relating to an application if the information is material to the granting of the license.

- (d) The organization maintains or has maintained any incorrect or false information that is material to the granting of the license in the records required to be kept pursuant to section 2915.10 of the Revised Code, if applicable.
- (e) The attorney general has good cause to believe that the organization will not conduct bingo in accordance with sections 2915.07 to 2915.15 of the Revised Code or with any rule adopted by the attorney general pursuant to this chapter.”

Ohio Revised Code section 2915.08(F)(3) further states, “If the attorney general has good cause to believe that any director or officer of the organization has breached the director's or officer's fiduciary duty to, or committed theft or any other type of misconduct related to, the organization or any other charitable organization that has been issued a bingo license under this chapter, the attorney general may refuse to grant a license to the organization, may impose limits, restrictions, or probationary conditions on the license, or may revoke or suspend the organization's license for a period not to exceed five years.”

Finally, under R.C. 2915.08(F)(4), “The attorney general may impose a civil fine on an organization licensed or permitted under this chapter for failure to comply with any restrictions, limits, or probationary conditions on its license, and for failure to comply with this chapter or any rule adopted under this chapter, according to a schedule of fines that the attorney general shall adopt in accordance with Chapter 119. of the Revised Code.”

### **OPPORTUNITY FOR HEARING AND HEARING PROCEDURES**

Pursuant to the Administrative Procedure Act, Ohio Revised Code Section 119.07, an applicant who has been issued a Notice of Intent to Reject and Opportunity for Hearing may request a hearing before the Charitable Law Section of the Office of the Ohio Attorney General within thirty (30) days of the time of service of the Notice. **The request for a hearing must be received by the Charitable Law Section of the Office of the Ohio Attorney General within thirty (30) days of service of this Notice.**

The applicant may appear in person, by his or her attorney, or by such other representative who is permitted to practice before the Ohio Attorney General’s Office. The applicant may present evidence and examine witnesses appearing for and against the applicant or may present a position, argument and contentions in writing in lieu of appearing at the hearing. A hearing may be continued on motion of either the Attorney General or the applicant, if the Attorney General so approves.

Failure to request a hearing within the time prescribed may result in the Attorney General issuing an adjudication order regarding the application without conducting a formal hearing in the matter.

Requests for a hearing upon the Notice of Intent to Reject and Opportunity for Hearing must be submitted to the undersigned at the address listed below.

Very respectfully yours,

DAVE YOST  
ATTORNEY GENERAL



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Daniel W. Fausey  
Section Chief  
Ohio Attorney General's Office  
Charitable Law Section  
30 E. Broad Street, 25th Floor  
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