



DAVE YOST

OHIO ATTORNEY GENERAL

Charitable Law Section
Office 614-466-3181
Fax 614-466-9788

October 26, 2023

Via Kiteworks E-Mail

Ronnie Ball at americanlegion746@woh.rr.com

Re: The American Legion Northridge Post 746 Memorial Building, Inc.
Summary Suspension Order and Notice of Intent to Reject 2023 Bingo License

Dear Board Members and Bingo Game Operators:

Enclosed please find a copy of the Order of the Attorney General Suspending Electronic Instant Bingo License issued October 26, 2023 and a Notice of Summary Suspension of Electronic Instant Bingo License, Intent to Reject Application for 2023 Bingo License, and Opportunity for Hearing to The American Legion Northridge Post 746 Memorial Building, Inc. ("American Legion #746"). Please read it carefully as the information contained within concerns American Legion #746's bingo license. Be advised if you would like to request a hearing on this matter, **you must do so within 30 days of service of this Notice.**

Thank you for your time and attention to this matter.

Very respectfully,

DAVE YOST
OHIO ATTORNEY GENERAL

A handwritten signature in blue ink, appearing to read "Dan. W. Fausey".

Daniel W. Fausey
Chief, Charitable Law Section

Enclosures: Order Suspending Electronic Instant Bingo License
Delegation Letter
Certification
Notice of Summary Suspension of Electronic Instant Bingo License, Intent to
Reject Application for 2023 Bingo License, and Opportunity for Hearing

**OHIO ATTORNEY GENERAL
CHARITABLE LAW SECTION**

IN THE MATTER OF:

The American Legion Northridge Post 746 Memorial Building, Inc.
7015 N Dixie Drive
Dayton, OH 45414

EIN: 31-0621358
Bingo License No.: 0340-27

ORDER SUSPENDING ELECTRONIC INSTANT BINGO LICENSE

On December 22, 2022, The American Legion Northridge Post 746 Memorial Building, Inc. (“American Legion #746”) filed a 2023 Charitable Bingo License Application (the “Application”) with the Charitable Law Section of the Ohio Attorney General’s Office (the “Section”). After a preliminary review, the Section issued a 2023 Temporary Permit (the “Temporary Permit”) to American Legion #746 on December 23, 2022. The Temporary Permit authorizes American Legion #746 to conduct Type III paper and electronic instant bingo.

The issuance of the Temporary Permit does not grant any rights to American Legion #746 other than those granted in R.C. 119.06 and does not prohibit the Attorney General from rejecting American Legion #746’s application. R.C. 2915.08(D).

The Attorney General may issue a summary suspension of an electronic instant bingo license without a prior hearing if the Attorney General has good cause to believe that the licensed organization has violated Chapter 2915. of the Revised Code or a rule adopted under thereunder. R.C. 2915.14(D)(9); O.A.C. 109:1-6-01(A).

During its review of American Legion #746’s Application, the Section discovered the following: The Internal Revenue Service revoked American Legion #746’s federal income tax-exempt status in or about April 2023.

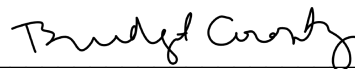
WHEREFORE, the Attorney General **FINDS** as follows:

1. American Legion #746 is not exempt from federal income tax and is not a “charitable organization” as defined by R.C. 2915.01(H). Therefore, American Legion #746 is not eligible to apply for or conduct charitable bingo. R.C. 2915.08(A)(1), R.C. 2915.07(A).
2. Based on this finding, the Attorney General has good cause to believe that American Legion #746 has violated R.C. Chapter 2915 or a rule adopted under R.C. Chapter 2915.

WHEREFORE, the Attorney General **ORDERS** as follows:

1. American Legion #746's Temporary Permit to conduct electronic instant bingo is **SUSPENDED**.
2. American Legion #746 is **PROHIBITED** from conducting electronic instant bingo, pending the final determination of suitability for a charitable bingo license.
3. Notice of this Order will be served upon American Legion #746 in accordance with R.C. 119.05 not later than the business day next succeeding this Order. A copy of the notice shall be mailed to attorneys or other representatives of record representing the licensed organization.
4. Pursuant to R.C. 119.07, American Legion #746 will be afforded a hearing if a hearing request is received by the Ohio Attorney General's Office, Charitable Law Section within thirty (30) days of service of this Notice. Requests for a hearing must be submitted to Charitable Law Section Chief Daniel Fausey at 30 E. Broad St., 25th Floor, Columbus, OH 43215.
5. In the event that American Legion #746 requests a hearing on this summary suspension, the Section shall immediately set a hearing date. The date set for the hearing shall be within fifteen days, but not earlier than seven days, after the hearing request, unless otherwise agreed to by the parties.
6. Pursuant to O.A.C. 109:1-6-01(E), the Section shall send notice of this summary suspension in writing to the prosecuting attorney and sheriff of the county in which American Legion #746 is located.

IT IS SO ORDERED.



Bridget C. Coontz, Chief Counsel

10.26.2023

Date



DAVE YOST

OHIO ATTORNEY GENERAL

Administration
Office 614-728-5458
Fax 614-466-5087

February 24, 2023

Re: Authorized Designee for Charitable Bingo and Distributor Adjudications

Chief Counsel and Ethics Officer, Bridget C. Coontz will serve as the designee of Ohio Attorney General Dave Yost for Charitable Bingo and Distributor Adjudications issued pursuant to Ohio Revised Code Chapters 2915 and 119, revoking the prior designation of Deputy Attorney General, Jonathan Fulkerson.

The Charitable Law Section will transmit the record of proceedings to Chief Counsel and Ethics Officer, Bridget C. Coontz with ten (10) days of the deadline to file objections to the hearing officer's report and recommendation pursuant to ORC 119.09.

Upon receipt of an adjudication order, the Charitable Law Section will enter the order in its journal and serve a copy to the party affected in accordance with ORC 119.09.

This designation shall remain in effect for the duration of her employment or until revoked under my signature.

DAVE YOST
Ohio Attorney General

A handwritten signature in blue ink that reads "Dave Yost". The signature is written over a horizontal line.

CERTIFICATION

The State of Ohio,
County of Franklin, SS

In accordance with Ohio Revised Code 119.09, I, the undersigned Chief of the Charitable Law Section, hereby certify that the foregoing is a true and exact reproduction of the original Order of the Ohio Attorney General entered on its journal, on the 26th day of October, 2023.



Daniel W. Fausey
Chief, Charitable Law Section

The American Legion Northridge Post 746 Memorial Building, Inc.
Application for 2023 Charitable Bingo License (Type III paper and electronic)

**OHIO ATTORNEY GENERAL
CHARITABLE LAW SECTION**

IN THE MATTER OF:

October 26, 2023

The American Legion Northridge Post 746 Memorial Building, Inc.
7015 N Dixie Drive
Dayton, OH 45414

EIN: 31-0621358

Bingo License No.: 0340-27

**NOTICE OF SUMMARY SUSPENSION OF ELECTRONIC INSTANT BINGO
LICENSE, INTENT TO REJECT APPLICATION FOR 2023 BINGO LICENSE, AND
OPPORTUNITY FOR HEARING**

I. NOTICE OF SUMMARY SUSPENSION

Enclosed, and incorporated by reference, is the Attorney General's Order suspending your Type III electronic instant bingo temporary permit (the "Order"). As certified below, the enclosed Order is a true and exact reproduction of the original Order, which was signed by the Attorney General's designee and entered on the Attorney General's Journal on October 26, 2023.

II. NOTICE OF INTENT TO REJECT

INTRODUCTION & JURISDICTION

Further, notice is hereby given that, pursuant to Ohio Revised Code ("R.C.") Section 2915.08(F), the Attorney General intends to reject the 2023 Bingo License Application submitted by The American Legion Northridge Post 746 Memorial Building, Inc. ("American Legion #746"). In accordance with the provisions of R.C. Sections 119.06 and 119.07, you are hereby notified that you are entitled to a hearing.

American Legion #746 was first issued bingo license no. 0340-27 in 2005. The organization has been authorized to conduct bingo for subsequent years since it was first licensed. On or about December 22, 2022, American Legion #746 filed a 2023 Charitable Bingo License Application (the "Application"). On or about July 23, 2023, American Legion #746 updated the Application.

American Legion #746 was issued a 2023 Temporary Permit (the "Temporary Permit") on December 23, 2022. The issuance of the Temporary Permit does not grant any rights to American Legion #746 other than those granted in R.C. 119.06 and does not prohibit the Attorney General from rejecting American Legion #746's application. R.C. 2915.08(D).

Upon information and belief, the Internal Revenue Service revoked American Legion #746's federal income tax-exempt status in or about April 2023.

Notice is hereby given that the Attorney General intends to reject the 2023 Bingo License Application submitted by American Legion #746 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, American Legion #746 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).

American Legion #746 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 IRS. In or about April 2023, the Internal Revenue Service revoked American Legion #746’s 501(c)(19) tax-exempt determination. As of today, the organization’s tax-exempt status has not been reinstated by the IRS. Because it is not a “charitable organization,” American Legion #746 is neither eligible to obtain a license to conduct bingo nor is it eligible to conduct bingo.

The attorney general intends to reject American Legion #746 application to conduct bingo because it fails to meet the requirements of R.C. 2915.08 because it is not a “charitable organization”.

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. 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. 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 an Order of Summary Suspension or a Notice of Intent 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 Order or 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 Summary Suspension, 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



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

Via Kiteworks to: Ronnie Ball at americanlegion746@woh.rr.com