



DAVE YOST

OHIO ATTORNEY GENERAL

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

February 27, 2023

Fraternal Order of Eagles #2187
133 N 2nd St.
McConnelsville, OH 43756

Certified Mail# 7018 1830 0000 2709 1119

Re: Adjudication Order

Dear Board Members and Bingo Game Operators:

Enclosed please find a copy of the Adjudication Order of the Attorney General issued February 24, 2023. Please be advised that to appeal this Order, a Notice of Appeal must be filed with this Office and with the Court of Common Pleas of the county in which the place of business of the appellant is located within fifteen (15) days of the mailing of this Order.

Should you have any questions or concerns please feel free to contact me at (614) 466-3181.

Very respectfully,

DAVE YOST
OHIO ATTORNEY GENERAL

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

Daniel W. Fausey
Chief, Charitable Law Section

Enclosures: Certification
Adjudication Order
Delegation Letter



DAVE YOST

OHIO ATTORNEY GENERAL

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

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 24th day of February, 2023.

Daniel W. Fausey
Chief, Charitable Law Section

Fraternal Order of Eagles #2187
Application for 2021 Charitable Bingo License Application

**IN THE MATTER OF FRATERNAL ORDER OF EAGLES #2187
2021 CHARITABLE BINGO LICENSE APPLICATION**

SUMMARY OF DECISION

On November 15, 2021, the Ohio Attorney General's Office ("AGO") sent to the Fraternal Order of Eagles ("FOE") #2187 a Notice of Intent to Reject FOE #2187's 2021 Ohio Bingo License Application, and an Opportunity for Hearing on the matter. FOE #2187 did not request a hearing on the intent to reject. This matter is now before the Attorney General for adjudication. Upon independent review of the record, the Attorney General hereby **denies** the application.

INTRODUCTION AND SUMMARY

On or about December 27, 2020, FOE #2187 submitted its completed application to obtain a 2021 Charitable Bingo License ("License") from the AGO. (See, Affidavit of Denise White, ¶ 3). On its application FOE #2187 indicated that it held tax exempt status with the Internal Revenue Service as a 501(c)(8) corporation. (White Aff. ¶ 5; Exhibit 2 thereto). While reviewing the Application, Charitable Law Compliance Examiner Denise White discovered that FOE #2187's 501(c)(8) tax exempt status had been revoked on or about October 15, 2020. (White Aff. ¶ 6; Ex. 3 thereto). It had not been reinstated as of April 6, 2022. (White Aff. ¶ 6). In addition, FOE #2187 failed to file its annual report as a charitable organization with the AGO in 2019 and 2020, as required by Ohio law. (White Aff. ¶¶ 8-10; Exs. 4 & 5).

Based on the foregoing, the AGO's Charitable Law Section sent notice to the FOE #2187 of its intent to reject its 2021 Charitable Bingo License (Ex. 1), citing three bases. In Count One the AGO stated that because FOE #2187's 501(c)(8)'s tax exempt status had been revoked, it failed to meet the statutory definition of "charitable organization" under 2915.01(H) such that is eligible to obtain a bingo license under R.C. 2915.08. In Count Two, the AGO stated that because FOE #2187 failed to annually file its registration statement with the Ohio Attorney General's Office (specifically in years 2019 and 2020) it is not in compliance with the registration requirements of all charitable organizations that desire to conduct business in Ohio. See R.C. 1716.02. The AGO may—and in this case did—refuse to grant a bingo license to a noncompliant organization. Finally, in Count Three the AGO noted that by stating on its application that it was a 501(c)(8) charitable organization and that it was properly registered with the AGO the FOE #2187 made incorrect and/or false statements on its bingo application. In accordance with R.C. 2915.08(F)(2) the AGO may refuse to grant a license to an applicant who provides false or incorrect information on an application.

ANALYSIS AND CONCLUSION

The Attorney General concurs with the proposal to reject FOE #2187's 2021 Charitable Bingo License application. Based on the uncontested record in this case, FOE #2187 is not a 501(c)(8) charitable organization that is eligible to obtain a bingo license or to conduct bingo. R.C. 2915.07; 2915.08. It is also uncontested that FOE #2187 failed to file its annual charitable registration with the Ohio Attorney General's Office in 2019 and 2020. As of November 15, 2021, it had been out of compliance with its registration obligations since July 15, 2020. Finally, FOE #2187 provided false information on its bingo application when it represented to the AGO that it was a 501(c)(8) tax exempt organization and that it had properly registered with the AGO. The Attorney General denies and rejects FOE #2187's 2021 application for a Charitable Bingo License.

ADJUDICATION

IT IS ORDERED, ADJUDGED AND DECREED THAT THE 2021 BINGO LICENSE RENEWAL APPLICATION BY FRATERNAL ORDER OF EAGLES #2187 IS HEREBY REJECTED.

Any appeal from this Adjudication must be pursued by filing a Notice of Appeal (a copy or the original) with the Ohio Attorney General's Office, Charitable Law Section, 30 East Broad Street, 25th Floor, Columbus, Ohio, 43215.

The appeal must set forth the order appealed from and state that the Order is not supported by reliable, probative and substantial evidence and is not accordance with law. A copy or the original of such Notice of Appeal shall also be filed by the appellant with the Court of Common Pleas of the county in which the place of business of the appellant is located. Such Notice of Appeal shall be filed within fifteen (15) days after the mailing of the notice of the Ohio Attorney General's Order as provided in Section 119.12 of the Ohio Revised Code.

By Order of the Ohio Attorney General
DAVE YOST

/s/ Bridget C. Coontz

February 24, 2023

Bridget C. Coontz
Chief Counsel

Appendix – Delegation Letter



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

30 East Broad Street, 17th Floor | Columbus, Ohio | 43215

www.OhioAttorneyGeneral.gov