

**IN THE MATTER OF
FRATERNAL ORDER OF EAGLES POST No. 213
2025 ELECTRONIC AND PAPER INSTANT
BINGO APPLICATION**

SUMMARY OF DECISION

On November 10, 2025 the Ohio Attorney General's Office ("AGO") sent to the Fraternal Order of Eagles Post No. 213 ("FOE #213") a Notice of Intent to Reject its Application for a 2025 Type I and III Electronic/Paper Instant Bingo License and an Opportunity for Hearing on the matter. Eagles Trustee Robert Penk signed for the Notice on or about November 13, 2025. FOE #213 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 **rejects** the application.

BACKGROUND

The AGO issued the FOE #213 Type III paper and electronic instant bingo permit or temporary in 2022, 2023, and 2024. In 2024 the AGO issued the FOE #213 and Type III paper and electronic instant bingo temporary permit and a Type I bingo license, which would have been in effect through December 31, 2025. However, on February 11, 2025 the Internal Revenue Service revoked the FOE #213's federal tax-exempt status, which made it ineligible for a bingo license. On April 3, 2025 the FOE #213 withdrew its 2025 bingo application. When it did so, the FOE #213 no longer had a license, temporary or otherwise, with which to play bingo at its Post. Thus, on April 3, 2025 the AGO sent the FOE #213 a letter ordering it to cease-and-desist its bingo operations until it had a license permitting it to do so.

On May 29, 2025 Lori Swogger, Charitable Activities Compliance Inspector for the AGO's Charitable Law Section completed her Annual Financial Inspection of the Eagles. The Inspection covered the years 2022-2024, when the FOE #213 was operating with a Type I and Type III bingo license. Inspector Swogger uncovered numerous problems with FOE #213's bingo operations. After reviewing Inspector Swogger's Report, on November 10, 2025 Charitable Law Section Chief Dan Fausey sent the FOE #213 a Notice of Intent to Deny its Application for a 2025 Type I and Type III Electronic and Paper Instant Bingo License. The denial was based on the following:

- FOE #213 conducted weekly bingo games without a license in 2024 and paper instant bingo without a license in 2025, in violation of R.C. 2915.07.
- FOE #213 failed to maintain bank statements and instant ticket trackers for three years as required by R.C. 2915.10(A).
- FOE #213 underpaid its contracted charity in 2022 by \$1556.62, in 2023 by \$3858.72, and in 2024 by \$7440.24, in violation of R.C. 2915.101(A)(1).
- R.C. 2915.10(C) requires that the gross profit from each bingo session "be deposited into a checking account devoted exclusively to the bingo session or

game." It further provides that "[p]ayments for allowable expenses incurred in conducting the bingo session or game and payments of recipients of some or all of the net profit of the bingo session or game shall be made only by checks or electronic fund transfers drawn on the bingo session or game account." In violation of this statute, FOE #213's bingo account was short gross profits for the following periods and amounts: for the period ending October 31, 2022, short \$7,138.00, for the period ending October 31, 2023, short \$22,476.00, and for the period ending October 31, 2024, short \$16,465.00. FOE #213's bingo account also reflected unallowable expenditures including but not limited to checks made payable to Amazon, various office supply stores, and the Bureau of Workers' Compensation. Impermissible withdrawals had also been made from the account.

- Ohio law authorizes the Attorney General to deny a bingo license if he 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." R.C. 2915.08(F)(2)(e). In addition to the above-listed bases for denial, the Notice cited the FOE #213's continued sale of bingo tickets after receiving a cease-and-desist letter, the sale of bingo tickets from the home of a FOE #213 family member, the failure to show that the bingo tickets sold were purchased from a licensed distributor, and the FOE #213's failure to maintain bingo machines and bingo kiosks, which led to theft of funds.
- Ohio law authorizes the Attorney General to deny a deny, revoke, suspend or place conditions upon a bingo license if there is reason to believe that a director or officer has breached his fiduciary duty owed to the charitable organization. R.C. 2915.08(F)(3). Relying on this statute, the Notice cited the following breaches by the FOE #213's President: frequent absences from the FOE #213, which led to theft, signing blank checks for use by others and not requiring two signatures on them per FOE 213's bylaws, allowing the Post officer who was not identified on the bingo application to be responsible for managing bingo activities, and being unaware that the former Post officer was illegally selling instant bingo tickets.

Based on these facts, Charitable Law Section Chief Fausey provided written notice via certified mail to the Fraternal Order of Eagles, Post No. 213 that the Ohio Attorney General's Office intended to reject and deny its 2025 Type I and Type III Electronic and Paper Instant Bingo License. The Notice further informed the FOE #213 of their right to a hearing on the denial, and that the request for a hearing must be received within thirty days of being served with the Notice. On November 13, 2025 FOE #213 Trustee Robert Penk signed for the certified mail Notice. Additionally, the Notice was sent to the FOE #213 via email on November 10, 2025 and viewed that same day.

FOE #213 did not request a hearing on the Notice and this matter is now decisional.

ANALYSIS AND CONCLUSION

The Attorney General concurs with the proposal to reject the FOE #213's 2025 Type I and Type III Bingo License but would have premised the denial on a completely different basis: FOE #213 did not (and still does not) meet the definition of "charitable organization" that is eligible to get a bingo license. Specifically, the AGO is authorized to issue a bingo license to an entity that meets the definition of a "charitable organization" under R.C. 2915.01(H). That definition requires that the "charitable organization" to have been in *continuous existence* as such in Ohio for the two years immediately preceding the application. *Emphasis Added*. If it has not been in continuous existence for two years, it is not eligible for a bingo license.

Here, the undisputed fact is that FOE #213's non-profit status was revoked on February 11, 2025, at which point it stopped being a "charitable organization". While FOE #213 was able to get reinstated as a charitable organization, the two-year clock for satisfying R.C. 2915.01(H) did not start until it did. Simply put, the FOE #213 was not in continuous existence as a charitable organization for two years when it applied for its 2025 bingo license. Its license could have been denied on that basis alone.

Turning to the reasons set forth in the Notice of Intent to Deny, the undisputed evidence establishes that FOE #213 conducted un-licensed bingo games even after receiving a cease-and-desist letter from the AGO, it failed to maintain records for three years, as is required by law, its bingo accounts were short multiple years and were used for un-authorized expenditures, it underpaid its contracted charity multiple years, it sold bingo tickets from an unauthorized location and failed to purchase the tickets from a licensed distributor. Further, FOE #213's President breached his fiduciary duty to the charitable organization by generally neglecting his responsibility to oversee FOE #213's bingo operations. That neglect contributed to and/or caused the myriad of problems outlined herein.

Based on the foregoing, the Attorney General **rejects** FOE #213's 2025 bingo application.

ADJUDICATION

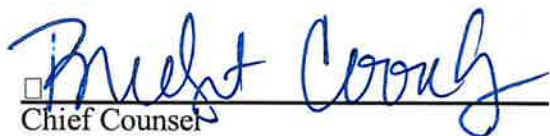
IT IS ORDERED, ADJUDGED AND DECREED THAT THE 2025 TYPE I AND TYPE III ELECTRONIC/PAPER INSTANT BINGO LICENSE APPLICATION FILED BY FRATERNAL ORDER OF EAGLES POST #213 IS HEREBY REJECTED.

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


Chief Counsel

1.2.24
Date

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

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www.OhioAttorneyGeneral.gov