



ANDY WILSON
OHIO ATTORNEY GENERAL

Charitable Law Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43215
Office: 614-466-3181
Fax: 614-466-9788

July 10, 2026

Ancient Order of Hibernians (Trumbull)
1140 Roseway Avenue SE
Warren, OH 44484

**Notice of Intent to Deny the Application for a
2026 Type III Electronic Instant Bingo License**

- A. For purposes of this Notice: the terms “you” or “your” shall refer to the organization “Ancient Order Of Hibernians (Trumbull)” and specific terms contained herein shall have the same meaning as defined and set forth in the provisions of Chapter 2915 of the Revised Code and Agency 109:1 of the Administrative Code.
- B. Rule 109:1-4-02 of the Administrative Code imposes upon an applicant for a license under Chapter 2915. of the Revised Code and Agency 109:1 of the Administrative Code “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 Agency 109:1 of the Administrative Code.”
- C. The Ohio Attorney General’s Office hereby informs you that you have not met your burden of establishing by clear and convincing evidence your eligibility, qualification and suitability for bingo licensure. Therefore, pursuant to Chapter 2915 of the Ohio Revised Code and agency 109:1 of the Administrative Code, the Attorney General intends to deny your 2026 Type III Electronic Instant Bingo License Application (“Application”) based on the following circumstances:
 - 1. You registered with our office in February, 2026 and identified both your business location and mailing address as 1140 Rosemary Avenue SE, Warren, Ohio.
 - 2. You stated on the Application that you intend to conduct electronic instant bingo in space you lease at 1216 North Main Street, Niles, Ohio.
 - 3. The leased space where you intend to conduct electronic instant bingo is inside a liquor permit premises that is open to the general public.
 - 4. The premises where you intend to conduct electronic instant bingo is known as Cleary’s and an entity known as Cleary’s, LLC holds liquor permit number 01514925-1 issued by the Ohio Division of Liquor Control.

5. The Trumbull County, Ohio Auditor's records show that Raymond R. Mack and Phillip M. Cleary own the property located as 1216 North Main Street, Niles, Ohio.
 6. The Ohio Secretary of State's records show that Ray R. Mack and Phillip M. Cleary incorporated Cleary's, LLC in 2001.
 7. Phillip Cleary submitted the Application on your behalf.
- D. In view of the foregoing, the Attorney General's Office intends to deny your Type III Electronic Instant Bingo License Application because you have not met your burden of demonstrating to the attorney general, by clear and convincing evidence, that you are eligible, qualified, and suitable to be granted a license under the applicable standards and requirements of Chapter 2915. of the Revised Code and agency 109:1 of the Administrative Code and based on the following reasons:
1. Revised Code Section 2915.13(A)(2) requires a fraternal organization to "limit[] the sale of instant bingo or electronic instant bingo to its own premises and to its own members and invited guests." In violation of Revised Code Section 2915.13(A)(2), you intend to conduct electronic instant bingo on premises other than your own, which is open to the general public and not limited to your own members and invited guests.
 2. Revised Code Section 2915.14(B)(4) prohibits a charitable organization from conducting "electronic instant bingo on more than one premises or on any premises other than the charitable organization's principal place of business." In violation of Revised Code Section 2915.14(B)(4), you intend to conduct electronic instant bingo on premises other than your principal place of business.
 3. Rule 4301:1-1-53(B) ("Rule 53") of the Ohio Administrative Code states that "No person authorized to sell alcoholic beverages shall have, harbor, keep, exhibit, possess or employ, or allow to be kept, exhibited, or used in, upon or about the premises of the permit holder of any gambling device as defined in division (F) of section 2915.01 of the Revised Code which is or has been used for any gambling in violation of Chapter 2915. of the Revised Code." Pursuant to Revised Code Sections 2915.01(F) & (Z), a "gambling device" includes electronic instant bingo machines. Under Rule 53(E), a charitable organization may only conduct instant bingo on a liquor permit premises "provided that such instant bingo is conducted in strict compliance with Chapter 2915. of the Revised Code." Rule 53 does not authorize the conduct of electronic instant bingo on a liquor permit premises. Therefore, 1216 North Main Street, Niles, Ohio fails to qualify as a "premises" under Revised Code Section 2915.13(A)(2) eligible for a fraternal organization to conduct electronic instant bingo.

4. Revised Code Section 2915.08(F)(3) states that “[i]f 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 [the organization], the attorney general may refuse to grant a license to the organization.” In violation of Revised Code Section 2915.08(F)(3) and in breach of the respective fiduciary duty to you:
 - a. Phillip M. Cleary’s involvement in your operation, to wit: submitting a bingo application on its behalf, and Cleary’s, LLC through the execution of a lease agreement between you and Cleary’s, LLC constitutes self-dealing between the organizations;
 - b. The lease agreement between you and Cleary’s, LLC allowed Phillip Cleary to enrich himself and his business, to the detriment of your organization.
5. Revised Code Section 2915.08(F)(2)(e) authorizes the Attorney General to deny a bingo license if it “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.” In view of the foregoing circumstances, the Attorney General has good cause to believe that you will not conduct bingo in accordance with sections [2915.07](#) to [2915.15](#) of the Revised Code or with any rule it has adopted.

Pursuant to Section 119.07 of the Revised Code, you are entitled to a hearing on this matter if you timely request one. If you wish to request a hearing, the Attorney General’s Office must receive the request from you within 30 days of the date you are served with this notice. You may email a request for a hearing to the Ohio Attorney General’s Charitable Law Section at kimberly.bossman@ohioago.gov. Alternatively, you may mail a request to:

Ohio Attorney General’s Office
Attn: Bingo Unit, Charitable Law Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43215

In the event you timely request a hearing, you may appear in person and represent yourself or be represented by an attorney that is permitted to practice law in the State of Ohio.* At the hearing, you may present evidence and examine witnesses appearing for and against you. In lieu of attending the hearing, you may also present your position, arguments, or contentions in writing. At all times, you have the burden of demonstrating to the attorney general, by clear and convincing evidence, that you are eligible, qualified, and suitable for licensure under Chapter 2915 of the Revised Code and Agency 109:1 of the Administrative Code.

***Be advised that, under Ohio law, corporations must be represented by an attorney authorized to practice law in this State and that individuals not so authorized may not**

appear and represent those entities. If you have any questions regarding your status, you should contact an attorney for further guidance.

Very respectfully yours,

D. ANDREW WILSON
Ohio 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

Certified Mail Receipt No. 9589 0710 5270 0568 8764 89