



DAVE YOST

OHIO ATTORNEY GENERAL

Charitable Law Section
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March 18, 2025

Fraternal Order of Eagles, #760
Attn: Timothy Ewing Jr.
14 W. Vine Street
Mount Vernon, OH 43050

E-Mail to Timothy Ewing Jr. at: agerie760trustees@gmail.com

Notice of Intent to Reject and Opportunity for Hearing

For purposes of this Notice, the terms “you” or “your” shall refer to the organization “Fraternal Order of Eagle’s #760”.

The Ohio Attorney General’s Office hereby informs you that it intends to reject and deny your 2025 Electronic Bingo License Application for the following reasons:

1. Ohio Revised Code Section 2915.08 authorizes the Attorney General to issue bingo licenses only to those entities that qualify as a “charitable organization” as that term is defined in Ohio Revised Code Section 2915.01(H). Section 2915.01(H) of the Revised Code defines a “charitable organization” to include only those organizations that are “exempt from federal income taxation” under the Internal Revenue Code. In violation of this rule your organization’s charity status as tax exempt has been/is currently revoked by the IRS. Therefore, you have failed to demonstrate that you are “exempt from federal income taxation” under the Internal Revenue Code. Accordingly, you do not qualify as a “charitable organization” and are ineligible to obtain a bingo license from the Attorney General’s Office.
2. Ohio Revised Code Sections 1716.02 and 1716.04, respectively, require you to file an annual registration statement and report. In violation of these provisions, your organization failed to file an annual report and registration statement for 2023.
3. Ohio Administrative Code 109:1-5-14 requires Veterans and Fraternal organizations that conduct electronic instant bingo to file a quarterly report with the Attorney General’s Office. In violation of Rule 109:1-5-14, you failed to file reports for the following quarters:

Quarters 1, 2, 3 and 4, 2023: due February 28, 2023, May 30, 2023, August 31, 2023 and November 30, 2023, respectively.

Quarters 1, 2, 3, and 4, 2024: due February 28, 2024, May 30, 2024, August 31, 2024, and November 30, 2024

4. The Ohio Administrative Code 109:1-4-02 requires applicants and licensees to provide any information requested by the attorney general relating to licensing, endorsement or regulation; cooperate with the attorney general in investigations, hearings, and enforcement and disciplinary actions; and comply with all conditions, restrictions, requirements, orders, and rulings of the attorney general in accordance with the Ohio Revised Code and this chapter. In violation of Rule 109:1-4-02, you failed to respond to the Attorney General's request for the quarterly reports identified in Paragraph 2, above, by emails sent to you on the following dates:

February 14, 2023, May 5, 2023, August 2, 2023, November 1, 2023, February 6, 2024
May 10, 2024, August 2, 2024 and November 1, 2024.

5. Ohio Revised Code Section 2915.101(A)(1) requires Veterans and Fraternal Organizations to distribute a percentage of the net profit from the proceeds of the sale of instant bingo or electronic instant bingo to an organization described in Revised Code Section 2915.01(V)(1). In violation of Revised Code Section 2915.101(A)(1), you have underpaid your designated and/or contracting charities by \$7,573.04 in 2023 and \$41,142.63 (self-reported) in 2024.
6. Ohio Administrative Code 109:1-4-02 requires applicants and licensees to provide any information requested by the attorney general relating to licensing, endorsement or regulation; cooperate with the attorney general in investigations, hearings, and enforcement and disciplinary actions; and comply with all conditions, restrictions, requirements, orders, and rulings of the attorney general in accordance with the Ohio Revised Code and this chapter. In violation of Rule 109:1-4-02, you:
 - a. Materially misrepresented that your organization has registered, filed annual reports, and paid all applicable fees with the Attorney General as required by Ohio Revised Code Sections, 1716.02 and 1716.04. The organization is deficient for the year 2023;
 - b. Materially misrepresented on your bingo application that you were currently in good standing as a tax-exempt charitable organization with the IRS. Your organization is currently listed as "revoked".

Pursuant to Section 119.07 of the Ohio 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 of the mailing of this notice. You may email a request to the 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 there is a timely request for 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.

***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,

DAVE YOST
Ohio Attorney General



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