



# DAVE YOST

OHIO ATTORNEY GENERAL

Charitable Law Section  
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## SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT is made by and between Clifford Thompson Post Number 43 American Legion, Incorporated (“AL #43”), located at 622 S. Market St. Troy, OH 45373 and the Attorney General of Ohio (“Attorney General”), for the purpose of resolving issues regarding AL #43’s charitable bingo operations. Together, the Attorney General and AL #43 are referred to hereinafter as “the parties.”

1. The Attorney General is responsible for the administration and enforcement of Ohio Revised Code Section 2915 (“ORC 2915 *et seq.*”), and the Ohio Administrative Code rules adopted thereunder, which regulate the conduct of charitable bingo in the state of Ohio;
2. The Attorney General is responsible for the enforcement of Ohio Revised Code Section 1716 (“ORC 1716 *et seq.*”), and the Ohio Administrative Code rules adopted thereunder, which requires, among other things, that every charitable organization, unless exempt, who intends to solicit contributions in this state by any means or have contributions solicited in this state on its behalf by any person or entity, prior to engaging in any solicitation, shall file a registration statement and other documentation with the Attorney General;
3. The Attorney General is responsible for the enforcement of Ohio Revised Code Section 109 (“ORC 109.23-33”), and the Ohio Administrative Code rules adopted thereunder, and, in particular, ORC 109.24, which reads, “[t]he Attorney General shall institute and prosecute a proper action to enforce the performance of any charitable trust and to restrain the abuse of it”;
4. The Attorney General has authority to refuse to grant a charitable bingo license to an 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;
5. AL #43 is a 501(c)(19) tax exempt organization with the Internal Revenue Service (“IRS”). AL #43 is registered with the Attorney General as required under ORC Sections 1716 and 109;
6. AL #43 was first issued bingo license no. 0168-27 in 2005;
7. On or about November 3, 2021, AL #43 filed a 2022 bingo license application. It amended the application on November 10, 2021. The Office issued AL #43’s 2022 Temporary Charitable Bingo License on November 10, 2021;

## SETTLEMENT AGREEMENT

AL #43

8. A compliance inspection conducted by the Ohio Attorney General's Office at 622 S. Market St. Troy, OH 45373 identified electronic gaming machines that are commonly referred to as "no chance machines";
9. AL #43 has represented to the Ohio Attorney General's Office that the "no chance machines" have been permanently removed from 622 S. Market St. Troy, OH 45373.

NOW THEREFORE, in consideration of the mutual promises herein expressed, and with intent to be legally bound, the parties agree as follows:

- A. AL #43 shall never again operate no chance machines, or allow any no chance machines to be stored or located at 622 S. Market St. Troy, OH 45373;
- B. AL #43 shall pay a civil penalty in the amount of \$5,000 (five thousand dollars). The Attorney General agrees to STAY \$5,000 (five thousand dollars) upon full compliance of the terms of this SETTLEMENT AGREEMENT. The Attorney General has sole authority to determine whether AL #43 has fully complied with this SETTLEMENT AGREEMENT. Should the Attorney General determine that AL #43 has failed to comply with this SETTLEMENT AGREEMENT, the fully civil penalty amount shall be payable upon demand;
- C. If AL #43 fails to comply with the payment requirements above, the Attorney General shall certify the unpaid balance of the payment to the Ohio Attorney General's Collections Enforcement Section ("Collections") for collection. In the event of certification, AL #43 agrees to pay additional collection costs assessed by Collections in accordance with Ohio Revised Code Section 131.02(A) equal to the amounts charged pursuant to Ohio Revised Code Sections 109.08 and 109.081 for the cost of certification and the use of Special Counsel for the collection of the debt. Interest shall also be charged upon certification in accordance with Ohio Revised Code Section 131.02(D). Nothing in this paragraph should be construed to limit the Attorney General's discretion to pursue any other available remedy;
- D. AL #43 agrees that all money used to fulfill the terms of this SETTLEMENT AGREEMENT shall come exclusively from AL #43's general operating account;
- E. AL #43 agrees to comply with all state and federal laws relating to charitable gaming, and to fully cooperate with all state and federal authorities conducting investigations of AL #43's charitable gaming operations;
- F. AL #43 agrees to comply with the requirements of ORC 2915 *et seq.*, and any Ohio Administrative Code rules adopted thereunder;
- G. AL #43 agrees to comply with the requirements of ORC 1716 *et seq.* (the Ohio Charitable Organizations Act), and any Ohio Administrative Code rules adopted thereunder;
- H. AL #43 agrees to comply with the requirements of ORC 109.23-109.33 (the Charitable Trust Act), and any Ohio Administrative Code rules adopted thereunder;

## SETTLEMENT AGREEMENT

AL #43

- I. The Attorney General will not consider the facts giving rise to this SETTLEMENT AGREEMENT when issuing charitable bingo licenses to AL #43 in the future unless AL #43 fails to comply with any provision of this SETTLEMENT AGREEMENT. In that event, the Attorney General may consider the facts giving rise to this SETTLEMENT AGREEMENT when determining whether to issue or deny future bingo licenses to AL #43 and may move to revoke, suspend, deny, place limitations or probationary terms on AL #43's Charitable Bingo License or application based on those facts;
- J. AL #43 agrees that any evidence of a violation of this SETTLEMENT AGREEMENT shall be *prima facie* evidence of AL #43's violation of the applicable laws related to charitable gaming, ORC 2915 *et seq.*, ORC 1716 *et seq.*, ORC 109.23-109.33, or any Ohio Administrative Code rules adopted thereunder, in any subsequent action or proceeding brought by the Attorney General;
- K. This SETTLEMENT AGREEMENT is binding upon the parties, any and all successors, assigns, subsidiaries, agents, employees, or representatives of the parties or any other affiliates. Any breach of this SETTLEMENT AGREEMENT by AL #43 will discharge the Attorney General from any obligations under the terms of this SETTLEMENT AGREEMENT, but will not discharge AL #43 from any obligation it has under this SETTLEMENT AGREEMENT;
- L. By signing this SETTLEMENT AGREEMENT, the Attorney General is not waiving any rights he has to conduct further investigations of AL #43 and to initiate an action against AL #43 for further violations of ORC 2915 *et seq.*, ORC 1716 *et seq.*, ORC 109.23-33, or any Ohio Administrative Code rules adopted thereunder;
- M. This SETTLEMENT AGREEMENT may be modified in writing by the parties. Modifications are at the sole discretion of the Attorney General;
- N. The parties have read and understand this SETTLEMENT AGREEMENT and have entered into the same knowingly, voluntarily, and with the opportunity to gain advice of counsel;
- O. This SETTLEMENT AGREEMENT supersedes any and all prior agreements between the Parties;
- P. This SETTLEMENT AGREEMENT is a limit, restriction, or probationary condition on AL #43's charitable bingo license; and
- Q. This SETTLEMENT AGREEMENT is entered into by both parties and may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. It shall be considered binding and effective upon the date of the last signature of all requisite parties and individuals.

SETTLEMENT AGREEMENT  
AL #43

The parties to this SETTLEMENT AGREEMENT have either executed it or caused it to be executed by their duly authorized representatives as evidenced by the signatures below:

AL #43

Gene Finch \_\_\_\_\_ Date 4-19-22 \_\_\_\_\_

By: Gene Finch \_\_\_\_\_ (Print Name)

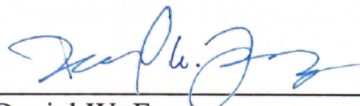
Its: Adjutant \_\_\_\_\_ (Organizational Title)

Nathan Lee \_\_\_\_\_ Date 4-19-22 \_\_\_\_\_

By: NATHAN LEE \_\_\_\_\_ (Print Name)

Its: Trustee \_\_\_\_\_ (Organizational Title)

**OHIO ATTORNEY GENERAL DAVE YOST**

By:  \_\_\_\_\_ Date 05/09/22 \_\_\_\_\_  
Daniel W. Fausey  
Section Chief, Charitable Law Section