



DAVE YOST

OHIO ATTORNEY GENERAL

Charitable Law Section
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SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT is made by and between VFW Post 9904, Greentown (“VFW #9904”), located at 8695 Cleveland Ave. NW, North Canton, OH 44720 and the Attorney General of Ohio (“Attorney General”), for the purpose of resolving issues regarding VFW #9904’s charitable bingo operations. Together, the Attorney General and VFW #9904 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. VFW #9904 is a 501(c)(19) tax exempt organization with the Internal Revenue Service (“IRS”). VFW #9904 is registered with the Attorney General as required under ORC Sections 1716 and 109;
6. VFW #9904 was first issued bingo license no. 0353-48 in 2005;
7. On or about November 4, 2021, VFW #9904 filed a 2022 bingo license application. It amended the application on January 14, March 1, April 2, and April 9, 2022. The Office issued VFW #9904’s 2022 Temporary Charitable Bingo License on November 10, 2021;

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8. A compliance inspection conducted by the Ohio Attorney General's Office at 8695 Cleveland Ave. NW, North Canton, OH 44720 identified electronic gaming devices that are illegal schemes of chance;
9. VFW #9904 has represented to the Ohio Attorney General's Office that the schemes of chance have been permanently removed from 8695 Cleveland Ave. NW, North Canton, OH 44720.

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

- A. VFW #9904 shall never again operate its schemes of chance or allow any schemes of chance to be stored or located at 8695 Cleveland Ave. NW, North Canton, OH 44720;
- B. VFW #9904 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 VFW #9904 has fully complied with this SETTLEMENT AGREEMENT. Should the Attorney General determine that VFW #9904 has failed to comply with this SETTLEMENT AGREEMENT, the fully civil penalty amount shall be payable upon demand;
- C. If VFW #9904 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, VFW #9904 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. VFW #9904 agrees that all money used to fulfill the terms of this SETTLEMENT AGREEMENT shall come exclusively from VFW #9904's general operating account;
- E. VFW #9904 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 VFW #9904's charitable gaming operations;
- F. VFW #9904 agrees to comply with the requirements of ORC 2915 *et seq.*, and any Ohio Administrative Code rules adopted thereunder;
- G. VFW #9904 agrees to comply with the requirements of ORC 1716 *et seq.* (the Ohio Charitable Organizations Act), and any Ohio Administrative Code rules adopted thereunder;

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- H. VFW #9904 agrees to comply with the requirements of ORC 109.23-109.33 (the Charitable Trust Act), and any Ohio Administrative Code rules adopted thereunder;
- I. The Attorney General will not consider the facts giving rise to this SETTLEMENT AGREEMENT when issuing charitable bingo licenses to VFW #9904 in the future unless VFW #9904 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 VFW #9904 and may move to revoke, suspend, deny, place limitations or probationary terms on VFW #9904's Charitable Bingo License or application based on those facts;
- J. VFW #9904 agrees that any evidence of a violation of this SETTLEMENT AGREEMENT shall be *prima facie* evidence of VFW #9904'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 VFW #9904 will discharge the Attorney General from any obligations under the terms of this SETTLEMENT AGREEMENT, but will not discharge VFW #9904 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 VFW #9904 and to initiate an action against VFW #9904 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 VFW #9904'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.

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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:

VFW #9904


Date May 6, 2022

By: TRAVIS CARPENTER (Print Name)

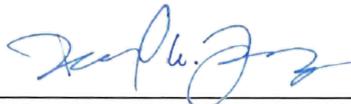
Its: COMMANDER (Organizational Title)


Date 5/6/2022

By: Theodore Celen (Print Name)

Its: Quartermaster (Organizational Title)

OHIO ATTORNEY GENERAL DAVE YOST

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