



Ohio Revised Code

Section 2915.08 Application for license to conduct bingo, instant bingo.

Effective: September 30, 2021

Legislation: House Bill 110

(A)(1) Except as otherwise permitted under section 2915.092 of the Revised Code, annually before the first day of January, a charitable organization that desires to conduct bingo shall apply to the attorney general for one or more of the following types of licenses to conduct bingo, as appropriate:

(a) A type I license to conduct bingo as described in division (O)(1) of section 2915.01 of the Revised Code;

(b) A type II license to conduct instant bingo, electronic instant bingo, or both at a bingo session;

(c) A type III license to conduct instant bingo, electronic instant bingo, or both other than at a bingo session, in accordance with sections 2915.093 to 2915.095 or sections 2915.13 to 2915.15 of the Revised Code, as applicable.

(2) A veteran's organization or fraternal organization that is authorized under section 2915.14 of the Revised Code to conduct electronic instant bingo may be issued only one license to conduct electronic instant bingo at any one time. The organization may conduct electronic instant bingo under that license at only one location specified on the license, which shall be the organization's principal place of business.

(B) The application shall be accompanied by a license fee as follows:

(1) If the charitable organization was not licensed to conduct bingo under this chapter before July 1, 2003, a fee established by the attorney general by rule adopted pursuant to section 111.15 of the Revised Code.

(2) If the charitable organization was licensed to conduct bingo under this chapter before July 1, 2003, the following applicable fee:



- (a) For a type I license for a charitable organization that wishes to conduct bingo during twenty-six or more weeks in any calendar year, a license fee of two hundred dollars;
- (b) For a type II or type III license for a charitable organization that previously has not been licensed under this chapter to conduct instant bingo or electronic instant bingo and that wishes to conduct bingo during twenty-six or more weeks in any calendar year, a license fee of five hundred dollars;
- (c) For a type II or type III license for a charitable organization that previously has been licensed under this chapter to conduct instant bingo or electronic instant bingo and that desires to conduct bingo during twenty-six or more weeks in any calendar year, a license fee that is based upon the gross profits received by the charitable organization from the operation of instant bingo or electronic instant bingo during the one-year period ending on the thirty-first day of October of the year immediately preceding the year for which the license is sought, and that is one of the following:
- (i) Five hundred dollars, if the total is fifty thousand dollars or less;
 - (ii) One thousand two hundred fifty dollars plus one-fourth per cent of the gross profit, if the total is more than fifty thousand dollars but less than two hundred fifty thousand one dollars;
 - (iii) Two thousand two hundred fifty dollars plus one-half per cent of the gross profit, if the total is more than two hundred fifty thousand dollars but less than five hundred thousand one dollars;
 - (iv) Three thousand five hundred dollars plus one per cent of the gross profit, if the total is more than five hundred thousand dollars but less than one million one dollars;
 - (v) Five thousand dollars plus one per cent of the gross profit, if the total is one million one dollars or more.
- (c) (d) For a type I, type II, or type III license for a charitable organization that desires to conduct bingo during fewer than twenty-six weeks in any calendar year, a reduced license fee established by the attorney general by rule adopted pursuant to section 111.15 of the Revised Code.
- (C) The application shall be in the form prescribed by the attorney general, shall be signed and sworn



to by the applicant, and shall contain all of the following:

- (1) The name and post-office address of the applicant;
- (2) A statement that the applicant is a charitable organization and that it has been in continuous existence as a charitable organization in this state for two years immediately preceding the making of the application;
- (3) The location at which the organization will conduct bingo, which location shall be within the county in which the principal place of business of the applicant is located, the days of the week and the times on each of those days when bingo will be conducted, whether the organization owns, leases, or subleases the premises, and a copy of the rental agreement if it leases or subleases the premises;
- (4) A statement of the applicant's previous history, record, and association that is sufficient to establish that the applicant is a charitable organization, and a copy of a determination letter that is issued by the Internal Revenue Service and states that the organization is tax exempt under subsection 501(a) and described in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code;
- (5) A statement as to whether the applicant has ever had any previous application refused, whether it previously has had a license revoked or suspended, and the reason stated by the attorney general for the refusal, revocation, or suspension;
- (6) A statement of the charitable purposes for which the net profit derived from bingo described in division (O)(1) of section 2915.01 of the Revised Code will be used, or a statement of how the net profit derived from instant bingo or electronic instant bingo will be distributed in accordance with section 2915.101 of the Revised Code, as applicable;
- (7) Other necessary and reasonable information that the attorney general may require by rule adopted pursuant to section 111.15 of the Revised Code;
- (8) If the applicant is a charitable trust as defined in section 109.23 of the Revised Code, a statement



as to whether it has registered with the attorney general pursuant to section 109.26 of the Revised Code or filed annual reports pursuant to section 109.31 of the Revised Code, and, if it is not required to do either, the exemption in section 109.26 or 109.31 of the Revised Code that applies to it;

(9) If the applicant is a charitable organization as defined in section 1716.01 of the Revised Code, a statement as to whether it has filed with the attorney general a registration statement pursuant to section 1716.02 of the Revised Code and a financial report pursuant to section 1716.04 of the Revised Code, and, if it is not required to do both, the exemption in section 1716.03 of the Revised Code that applies to it;

(10) In the case of an applicant seeking to qualify as a youth athletic park organization, a statement issued by a board or body vested with authority under Chapter 755. of the Revised Code for the supervision and maintenance of recreation facilities in the territory in which the organization is located, certifying that the playing fields owned by the organization were open for use to all residents of that territory, regardless of race, color, creed, religion, sex, or national origin, for athletic activities by youth athletic organizations that do not discriminate on the basis of race, color, creed, religion, sex, or national origin, and that the fields were not used for any profit-making activity at any time during the year. That type of board or body is authorized to issue the statement upon request and shall issue the statement if it finds that the applicant's playing fields were so used.

(D) The attorney general, within thirty days after receiving a timely filed application from a charitable organization that has been issued a license under this section that has not expired and has not been revoked or suspended, shall send a temporary permit to the applicant specifying the date on which the application was filed with the attorney general and stating that, pursuant to section 119.06 of the Revised Code, the applicant may continue to conduct bingo until a new license is granted or, if the application is rejected, until fifteen days after notice of the rejection is mailed to the applicant. The temporary permit does not affect the validity of the applicant's application and does not grant any rights to the applicant except those rights specifically granted in section 119.06 of the Revised Code. The issuance of a temporary permit by the attorney general pursuant to this division does not prohibit the attorney general from rejecting the applicant's application because of acts that the applicant committed, or actions that the applicant failed to take, before or after the issuance of the temporary permit.



(E) Within thirty days after receiving an initial license application from a charitable organization to conduct bingo, the attorney general shall conduct a preliminary review of the application and notify the applicant regarding any deficiencies. Once an application is deemed complete, or beginning on the thirtieth day after the application is filed, if the attorney general failed to notify the applicant of any deficiencies, the attorney general shall have an additional sixty days to conduct an investigation and either grant, grant with limits, restrictions, or probationary conditions, or deny the application based on findings established and communicated in accordance with divisions (F) and (I) of this section. As an option to granting, granting with limits, restrictions, or probationary conditions, or denying an initial license application, the attorney general may grant a temporary license and request additional time to conduct the investigation if the attorney general has cause to believe that additional time is necessary to complete the investigation and has notified the applicant in writing about the specific concerns raised during the investigation.

(F)(1) The attorney general shall adopt rules to enforce sections 2915.01, 2915.02, and 2915.07 to 2915.15 of the Revised Code to ensure that bingo is conducted in accordance with those sections and to maintain proper control over the conduct of bingo. Except as otherwise provided in this section, the rules shall be adopted pursuant to Chapter 119. of the Revised Code. The attorney general shall license charitable organizations to conduct bingo in conformance with this chapter and with the licensing provisions of Chapter 119. of the Revised Code.

(2) If any of the following applies to an organization, the attorney general may refuse to grant a license to the 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, as determined by the attorney general:

(a) The organization fails or has failed at any time to meet any requirement of section 109.26, 109.31, or 1716.02, or sections 2915.07 to 2915.15 of the Revised Code, or violates or has violated any provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised Code or any rule adopted by the attorney general pursuant to this chapter.

(b) The organization makes or has made an incorrect or false statement that is material to the granting of the license in an application filed under this section.



(c) The organization submits or has submitted any incorrect or false information relating to an application if the information is material to the granting of the license.

(d) The organization maintains or has maintained any incorrect or false information that is material to the granting of the license in the records required to be kept pursuant to section 2915.10 of the Revised Code, if applicable.

(e) The attorney general 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.

(3) If 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, or committed theft or any other type of misconduct related to, the organization or any other charitable organization that has been issued a bingo license under this chapter, the attorney general may refuse to grant a license to the organization, may impose limits, restrictions, or probationary conditions on the license, or may revoke or suspend the organization's license for a period not to exceed five years.

(4) The attorney general may impose a civil fine on an organization licensed or permitted under this chapter for failure to comply with any restrictions, limits, or probationary conditions on its license, and for failure to comply with this chapter or any rule adopted under this chapter, according to a schedule of fines that the attorney general shall adopt in accordance with Chapter 119. of the Revised Code.

(5) For the purposes of division (F) of this section, any action of an officer, trustee, agent, representative, or bingo game operator of an organization is an action of the organization.

(G) The attorney general may grant licenses to charitable organizations that are branches, lodges, or chapters of national charitable organizations.

(H) The attorney general shall send notice of any of the following actions in writing to the prosecuting attorney and sheriff of the county in which the charitable organization is located and to any other law enforcement agency in that county that so requests, of all of the following:



- (1) The issuance of a license under this section;
 - (2) The issuance of an amended license under this section;
 - (3) The rejection of an application for and refusal to grant a license under this section;
 - (4) The revocation of any license previously issued under this section;
 - (5) The suspension of any license previously issued under this section;
 - (6) The placing of any limits, restrictions, or probationary conditions placed on a license issued under this section.
- (I) A license issued by the attorney general under this section shall set forth the information contained on the application of the charitable organization that the attorney general determines is relevant, including, but not limited to, the location at which the organization will conduct bingo, whether the license is a type I, type II, or type III license, and the days of the week and the times on each of those days when bingo will be conducted. If the attorney general refuses to grant, places limits, restrictions, or probationary conditions on, or revokes or suspends a license, the attorney general shall notify the applicant in writing and specifically identify the reason for the refusal, revocation, limit, restriction, probationary condition, or suspension in narrative form and, if applicable, by identifying the section of the Revised Code violated. The failure of the attorney general to give the written notice of the reasons for the refusal, revocation, limit, restriction, probationary condition, or suspension or a mistake in the written notice does not affect the validity of the attorney general's refusal to grant, or the revocation or suspension of, or limit, restriction, probationary condition on, a license. If the attorney general fails to give the written notice or if there is a mistake in the written notice, the applicant may bring an action to compel the attorney general to comply with this division or to correct the mistake, but the attorney general's order refusing to grant, or placing a limit, restriction, or probationary condition on, or revoking or suspending, a license shall not be enjoined during the pendency of the action.
- (J)(1)(a) Except as otherwise provided in division (J)(2) of this section, a charitable organization that



has been issued a license under this section but that cannot conduct bingo at the location, or on the day of the week or at the time, specified on the license due to circumstances that make it impractical to do so, or that desires to conduct instant bingo other than at a bingo session at additional locations not identified on the license, may apply in writing, together with an application fee of two hundred fifty dollars, to the attorney general, at least thirty days prior to a change in or addition of a location, day of the week, or time, and request an amended license.

(b) As applicable, the application shall describe the causes making it impractical for the organization to conduct bingo in conformity with its license and shall indicate the location, days of the week, and times on each of those days when it desires to conduct bingo and, as applicable, shall indicate the additional locations at which it desires to conduct instant bingo other than at a bingo session.

(c) Except as otherwise provided in division (J)(3) of this section, the attorney general shall issue the amended license in accordance with division (I) of this section, and the organization shall surrender its original license to the attorney general.

(2)(a) A charitable organization that has been issued a license under this section to conduct electronic instant bingo but that cannot conduct electronic instant bingo at the location, or on the day of the week or at the time, specified on the license due to circumstances that make it impractical to do so, may apply in writing, together with an application fee of two hundred fifty dollars, to the attorney general, at least thirty days prior to a change in a location, day of the week, or time, and request an amended license. A charitable organization may not apply for an amended license to conduct electronic instant bingo at any additional location.

(b) The application shall describe the causes making it impractical for the organization to conduct electronic instant bingo in conformity with its license and shall indicate the location, days of the week, and times on each of those days when it desires to conduct electronic instant bingo.

(c) Except as otherwise provided in division (J)(3) of this section, the attorney general shall issue the amended license in accordance with division (I) of this section, and the organization shall surrender its original license to the attorney general.

(3) The attorney general may refuse to grant an amended license under division (J)(1) or (2) of this



section according to the terms of division (F) of this section.

(K) The attorney general may enter into a written contract with any other state agency to delegate to that state agency the powers prescribed to the attorney general under Chapter 2915. of the Revised Code.

(L) The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, may adopt rules to determine the requirements for a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code to be in good standing in the state.