



Charities, Inc.

“Veterans Strengthening America”

**The American Legion Department of Ohio & The American Legion Ohio Charities  
Ohio Senate Government Oversight and Reform Committee  
December 2, 2020**

Chairman Coley, Vice Chairman Huffman, Ranking Member Craig and members of the committee:

My name is Suzette Heller and I am the State Adjutant of The American Legion Department of Ohio. I am here today on behalf of our Department, our Charities, our members, Posts, and partnerships, to provide proponent testimony in support of House Bill 282 which modernizes our current Charitable Gaming structure by upgrading to an electronic format.

We are all aware of the electronic raffle machines currently operating within a Temporary Restraining Order or “TRO”. The case currently pending on appeal with the Ohio State Supreme Court is of an entirely different matter and has nothing to do with the Bill in question other than being able to differentiate the two. In comparison, HB282 and the TRO is likened to discussing Apples & Oranges. Yes, they are both fruit. That is, it’s only similarities. It’s seed properties and molecular structure are entirely different. I believe my counterpart from the Veterans of Foreign Wars, Todd Reveron, has done an excellent job at delineating the different types of gaming, to include Charitable Gaming.

So, why are we here today? What do you believe, what have you been told, and what is the truth about the intention of HB 282, the governance of charitable gaming by the Office of the Attorney General, our partnerships and stakeholders, our members, Posts, and the Veterans and Fraternal Groups? These are all great questions that I cannot answer for you. What I am willing to do is provide you with facts so that you can deliberate for yourself in order to make the right decision and come to the appropriate conclusion on this matter.

I will begin with this truth: The American Legion, VFW, AMVETS, and or Fraternal are well established Organizations. In fact, we are considered Legacy Organizations. We have been conducting charitable gaming for hundreds of years. So much so, the State of Ohio wrote a section of the Ohio Revised Code, 2915, only 45 years ago, less than half the life of most of the organizations standing here before you individually, because gaming and charitable gaming is a natural method of fundraising. Ask yourself this; is there anything wrong with enjoying a form of entertainment while donating to a good cause? Of course not! This is a simple freedom already bestowed upon us by the law! We all do it in one fashion or another – if we choose to!

Here are the **Facts**:

- In 2011, Ohio Veterans and Fraternal Organizations were met with an electronic raffle program that would comply with the law. It was successfully tested by an accredited laboratory that also does testing for the Ohio Lottery. Ohio Law is silent on forms of electronic raffle meaning they are legal.
  - ***Ohio law does prohibit electronic forms of bingo which is the reason we are here today and the purpose of HB282.***

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- In 2012, Ohio Attorney General Mike DeWine said his office felt the machines were operating in a “grey” area of the law, even though the machines were successfully tested and transparent with the accredited laboratory. Then AG DeWine proposed to work with the Veterans and Fraternal to update the state law and permitted the Veterans and Fraternal to continue operating within a Temporary Restraining Order (TRO). We’ve been doing this for nearly 10 years!
- In 2013, House Representative Rick Perales introduced HB325 which lost momentum at the end of the general session and unfortunately did not pass.
- At the same time, several of our organizations were approached by the Ohio Lottery Commission to implement gaming kiosk systems called “EZ Play” to compete with the machines we currently had under the TRO. We rejected the offer because it was not charitable and would not meet the financial needs of the Post.
- Several months later, The Ohio Controlling board released over \$22 Million dollars of taxpayer monies to purchase hundreds of the “EZ Play” machines to dispense at our Posts, Fraternal, and Lodges as an alternative. We didn’t ask for this and quite frankly, we showed up by the hundreds in opposition to this measure. As it turns out, the machines were not well received amongst the members of our post. The cost to the Ohio taxpayer for each machine was roughly \$17,500 for a piece of equipment that may cost less than \$5,000 by other companies. We’ve been told by the Ohio Lottery Commission that most of these machines now sit in a warehouse, unused due to lack of interest and success.
- After several years, the Court of Common Pleas ruled against the Veterans and Fraternal organizations regarding electronic raffle and the case moved to the Tenth District Court of Appeals. The Court ruled in a split decision that Ohio law does allow electronic forms of raffle, but the particular system we’ve been operating is not a true “raffle” because the tickets are drawn before they are sold, which seemed like the same concept on the “EZ Play” Kiosk put forth by the Ohio Lottery.
- In late 2018, then Ohio Attorney General Mike DeWine, and now, Attorney General Dave Yost and his Charitable Gaming Team, worked together to create HB282 as a solution. We didn’t create HB282 on our own and have consulted with the regulating state governing agencies all along the way.
- HB 282 modernizes, keeps accountability, ensures quality, and implements standards set forth by Ohio Attorney General Dave Yost and his excellent team of legal specialists.
- HB 282 **DOES NOT** expand or create new gaming. It simply upgrades us from a rotary phone to a smart phone.

In summary, we cannot continue to keep the Veterans and Fraternal organizations fossilized. A vote against HB 282 is a vote against the modernization of veterans, fraternal, and veteran owned non-profits who are our stakeholders and whom we commit to support on a consistent basis.

Thank you for your time and I wish you all a very Happy – Healthy – and Safe – Holiday Season!

Suzette M. Heller  
Department Adjutant

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APPENDIX I:



Dave and Busters

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