

Rodger Eckelberry Proponent Testimony
Ohio Senate Committee on Gaming
March, 2021

My name is Rodger Eckelberry. I am an attorney and a partner in the Columbus office of Baker & Hostetler. I am a nine-year veteran of the United States Navy, and a Life Member of the Veterans of Foreign Wars of the United States - currently a member of VFW Post 9857 here in Columbus. I am also the Executive Officer of the Combat Veterans Motorcycle Association, Chapter 12-1. But I speak today in my personal capacity.

I have no financial interest in electronic instant bingo in the State of Ohio, current or prospective, directly or indirectly. While I do provide legal representation to the VFW Department of Ohio, I do so on a pro bono basis.

I am urging the Committee to support electronic instant bingo in Ohio. First, I will address concerns expressed by some late last year with respect to HB 282. Secondly, I will address, from personal experience, the charitable work of Ohio veterans' organizations that passage of electronic instant bingo language profits will help to continue.

During questioning of sponsors of HB 282 on November 18th, Chairman Coley made several comments regarding litigation pending in Ohio related to electronic raffle machines being operated in many veterans posts in Ohio. He said these machines are "slot machines" being operated by one or two entities, and that we do not know who is collecting the money. He clarified after a question that by "operator" he was referring to the manufacturer, who builds the machines and designs the computer code, and not the Posts in which the machines are located.

In fact, the money is collected from the machines by the local posts. The manufacturer does not remove money from the machines, and play on the machines is limited to cash only – they do not accept credit, debit, or any other electronic or digital form of payment. Electronic instant bingo is *not* a "slot machine." I will leave the internal workings and differences to others. But I do note that a general statutory prohibition against broadly, and vaguely, defined "slot machines" would not control over a specific, statutory authorization for electronic instant bingo.

The Chairman also suggested, without evidence or elaboration, that electronic instant bingo machines might be used for money laundering, and that there are no protections against that. This is not true. First, money spent on electronic instant bingo machines will be simultaneously tracked off-site, so every dollar can be accounted for, and if the Ohio Attorney General's office wishes, it could be given access to that data. In addition, unlike large winning lottery tickets, which are sometimes purchased above face-value to allow persons to "launder" illicit money, electronic instant bingo machines would pay out no more than \$1,200, so the practicality of "laundering" money through electronic instant bingo simply isn't there.

The Chairman also suggested that electronic instant bingo machines lacked limits that Ohio Lottery machines have that limit the amount a person can play and, therefore, mitigate the risk of problem gaming. The limits on Ohio Lottery machines, however, provides only a façade of protection. Those machines limit the amount played to \$100/day or \$700 per week, *per credit or debit card*. An individual with more than one card can play \$700 per week on each card. And, of course, an individual reaching the limit on a card can still play Ohio Lottery with cash at most any corner gas

station. With electronic instant bingo machines, limiting the amount a person can play at one time, and the limited hours electronic bingo would be playable. Given the hours per day limitation under Ohio current charitable gaming law, electronic instant bingo provides a practical limit to the amount an individual may play.

I would next like to address the practical effect of legalized electronic instant bingo in Ohio, based upon my own, personal experiences.

- My VFW Post is open 365 days per year (with the exception of mandatory closing because of COVID). It provides a place not only for veterans to gather, but a focal point for veterans to seek help and assistance with personal, VA, and benefits problems and issues. Veterans know that if a VFW Post does not have an answer to a problem, they will know how to find the answer, or connect the veteran with someone who can. And they know they can always have the company of fellow veterans, if needed, around the holidays – which can be particularly difficult for many and a time of increased risk of suicides due to depression.
- No member of the Post receives *any* financial benefit from any charitable gaming in the state of Ohio, period. Bartenders are paid set hourly wages from liquor and food sales. Post officers are all unpaid volunteers, with the exception of the Post Quartermaster, who is responsible for all bookkeeping, the paying of bills, and all financial aspects of running the Post. In our Post the Quartermaster is paid just \$400 per month, and those funds come from member dues, hall rentals and food and liquor sales.
- Last Thanksgiving I, along with some other volunteers, prepared and served more than 60 Thanksgiving dinners to veterans and their immediate family members – and this number does not include the ‘take-out’ orders we filled for those avoiding in-person dining based upon COVID. We provided a similar number of meals at Christmas. This food was paid for from the Post charities account, which is inspected by the Ohio Attorney General’s office and funded through charitable gaming.
- These past two holidays were not an anomaly. Every Veterans Day, Thanksgiving, Christmas, New Year, Easter and Memorial Day we provide free, home-cooked meals to *any* veteran and her or his immediate family. They need not be a member of the VFW. This food is paid for from our charities account.
- Before COVID, every month I and other members of my Post took free, home-cooked meals to a ward of 40 patients at the Chillicothe VA Hospital, and at Christmas provided them each new clothing. We also take and leave extra, sugar-free sodas, because most of these patients have no money and the soda machines in the hospital charge our veterans \$1.50 per can of soda. Most of these patients we know by name because they have been residents for several years, and many will never leave. When COVID restrictions are lifted we plan to continue this work. This food, along with the expense of the Post van used to transport it, is paid for from our charities account.
- My Post maintains a storage facility on-site containing wheelchairs, crutches, walkers, handicap toilet equipment, and even adjustable hospital beds, that we loan any veteran who needs them, free of charge. This equipment is paid for and maintained from our charities account.

- I am a member of my Post's Color Guard, which provides Honor Guards for veterans' funerals – rendering a 21 gun salute and the playing of taps. The rifles are owned by, and loaned to us from, the U.S. Army through a program to provides them to veterans organizations for just this purpose because the U.S. military does not have sufficient personnel to provide this earned honor. But the uniforms we wear, the bugle we play and the fuel for the van to take us to the funeral are paid for from our charities account.
- I have helped to fold the flags that drape our veterans' caskets, knelt down on my right knee, and presented the burial flag to the next of kin on behalf of the VFW and a grateful nation for their loved ones' faithful service. Those flags, and the display case we provide the family for the folded flag, are paid for from our charities account.
- We do not provide cash to any person, but we have provided groceries, purchased prescription medication, and directly paid or assisted with payment of utility bills and rent for veterans in need. This money comes from our charities account.
- I mentioned that I am the Executive Office of the Combat Veterans Motorcycle Association, Chapter 12-1. The official motto of the CVMA is "Vets Helping Vets." In just the last 4 years alone my Chapter has donated more than \$170,000 to the Dayton Fisher House, which provides free lodging for families of veterans receiving in-patient care at the Dayton VA hospital. We are just one of nine Chapters in Ohio, each supporting a veterans charity. Our most consistent and often largest donors are VFW, American Legion, and AmVets Posts.
- The CVMA has no "posts" or physical locations. We hold our meetings and fundraisers at VFW, American Legion, and AmVets Posts, who allow us to use their halls free of charge in support of our charitable work on behalf of veterans.

We are all volunteers. In addition to our time, many of us donate financially as well. But not all are in a position to do so. And it is an unfortunate reality that the need among Ohio's veterans outstrips the capacity of our members' personal donations. Without modernization of the existing instant bingo law we will not be able to provide the services that we provide today.

These things we do for our brothers and sisters, not for thanks, and certainly not for money. We do them because they need doing, and we feel a moral obligation to see that they are done. We do not ask anyone to do them for us – not the federal, state, or local governments, whom we must assume would do so if they could. All we ask is that we be allowed to modernize the means already granted us to generate the funds needed to fulfill our mission.

Thank you.