

CHAPTER 517  
Gambling

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CROSS REFERENCES

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 Lotteries prohibited; exception - see Ohio Const., Art. XV, Sec. 6  
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 Licensing charitable bingo games - see Ohio R.C. 2915.08

517.01 DEFINITIONS.

As used in this Chapter:

- (A) "Bookmaking" means the business of receiving or paying off bets.
- (B) "Bet" means the hazarding of anything of value upon the results of an event, undertaking or contingency, but does not include a bona fide business risk.
- (C) "Scheme of chance" means a lottery, numbers game, pool or other scheme in which a participant gives a valuable consideration for a chance to win a prize.
- (D) "Game of chance" means poker, craps, roulette, a slot machine, a punch board or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely or wholly by chance.
- (E) "Scheme or game of chance conducted for profit" means any scheme or game of chance designed to produce income for the person who conducts or operates the scheme or game of chance, but does not include a charitable bingo game.
- (F) "Gambling device" means:
  - (1) A book, totalizer or other equipment for recording bets.
  - (2) A ticket, token or other device representing a chance, share or interest in a scheme of chance, except a charitable bingo game, or evidencing a bet.

- (3) A deck of cards, dice, gaming table, roulette wheel, slot machine, punch board or other apparatus designed for use in connection with a game of chance.
- (4) Any equipment, device, apparatus or paraphernalia specially designed for gambling purposes.
- (G) "Gambling offense" means any of the following:
  - (1) A violation of Sections 517.02 to 517.08 or Ohio R.C. 2915.02 to 2915.11.
  - (2) A violation of an existing or former municipal ordinance or law of this or any other State or the United States substantially equivalent to any Section listed in Subsection (g)(1) hereof.
  - (3) An offense under an existing or former municipal ordinance or law of this or any other State or the United States, of which gambling is an element.
  - (4) A conspiracy or attempt to commit, or complicity in committing an offense under Subsection (g)(1), (2) or (3) hereof.

(H) "Charitable organization" means any tax exempt religious, educational, veteran's, fraternal, service, nonprofit medical, volunteer rescue service, volunteer firemen's, senior citizen's, youth athletic or youth athletic park organization. An organization is tax exempt if the organization is and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is exempt from Federal income taxation under Subsection 501(a) and described in Subsections 501(c)(3), (4), (8), (10) or (19) of the Internal Revenue Code. To qualify as a charitable organization, an organization, except a volunteer rescue service or volunteer firemen's organization, shall have been in continuous existence as such in this State for a period of two (2) years immediately preceding either the making of an application for a bingo license under Ohio R.C. 2915.08 or the conducting of any scheme of chance or game of chance as provided in Section 517.02(c).

(I) "Religious organization" means any church, body of communicants or group that is not organized or operated for profit, that gathers in common membership for regular worship and religious observances.

(J) "Educational organization" means any organization within this State that is not organized for profit, the primary purpose of which is to educate and develop the capabilities of individuals through instruction, and that operates or contributes to the support of a school, academy, college or university.

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(K) "Veteran's organization" means any veteran's organization or association that is incorporated by an act of the United States Congress or any auxiliary unit of the veteran's organization or association, and any post of a national veteran's organization the national dues paying membership of which numbers at least five thousand (5,000) persons, whether or not incorporated by an act of the United States Congress, which post has been in continuous existence as such in this State for at least twenty (20) years and has been incorporated as a nonprofit corporation for at least five (5) years.

(L) "Volunteer firemen's organization" means any organization of volunteer firemen, as defined in Ohio R.C. 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company.

(M) "Fraternal organization" means any society, order or association within this State, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge or chapter of a national or state organization, that exists exclusively for the common business or brotherhood of its members and that has been in continuous existence in this State for a period of five (5) years.

(N) "Volunteer rescue service organization" means any organization of volunteers organized to perform emergency medical service as defined in Ohio R.C. 4731.82(E).

(O) "Service organization" means any organization, not organized for profit, that is organized and operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, medical and therapeutic services for persons who are crippled, born with birth defects or have any other mental or physical defect or those organized and operated exclusively to protect, or to contribute to the support of organizations or institutions organized and operated exclusively to protect, animals from inhumane treatment.

(P) "Nonprofit medical organization" means any organization, that has been incorporated as a nonprofit corporation for at least five (5) years and that has continuously operated and will be operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide hospital, medical, research or therapeutic services for the public.

(Q) "Senior citizen's organization" means any private organization, not organized for profit, that is organized and operated exclusively to provide recreational or social services for persons who are fifty-five (55) years of age or older and that is described and qualified under Subsection 501(c)(3) of the Internal Revenue Code.

(R) "Charitable bingo game" means any bingo game that is conducted by a charitable organization that has obtained a bingo license pursuant to Ohio R.C. 2915.08 and the proceeds of which are used for a charitable purpose.

(S) "Bingo" means:

(1) A game with all of the following characteristics:

- a. The participants use bingo cards that are divided into twenty-five (25) spaces arranged in five (5) horizontal and five (5) vertical rows of spaces with each space, except the central space, being designated by a combination of a letter and a number and the central space being designated as a free space.
- b. The participants cover the spaces on the bingo cards that correspond to combinations of letters and numbers that are announced by a bingo game operator.
- c. A bingo game operator announces combinations of letters and numbers appear on objects that a bingo game operator selects by chance, either manually or mechanically from a receptacle that contains seventy-five (75) objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one (1) of the seventy-five (75) possible combinations of a letter and a number that can appear on the bingo cards.
- d. The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in Subsection (s)(1)C. hereof, that a predetermined and pre-announced pattern of spaces has been covered on a bingo card being used by the participant.

(2) Any scheme or game other than a game as defined in Subsection (s)(1) hereof with the following characteristics:

- a. The participants use cards, sheets or other devices that are divided into spaces arranged in horizontal, vertical or diagonal rows of spaces, with each space, except free spaces, being designated by a single letter, number or symbol; by a combination of letters, numbers or symbols; by a combination of a letter and a number, a letter and a symbol, or a number and a symbol; or by any combination of letters, numbers and symbols, with some or none of the spaces being designated as a free, complimentary or similar space.

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- b. The participants cover the spaces on the cards, sheets or devices that correspond to letters, numbers, symbols or combinations of such that are announced by a bingo game operator or otherwise transmitted to the participants.
  - c. A bingo game operator announces, or otherwise transmits to the participants, letters, numbers, symbols or any combination of such as set forth in Subsection (s)(2)A. hereof that appear on objects that a bingo game operator selects by chance that correspond to one of the possible letters, numbers, symbols or combinations of such that can appear on the bingo cards, sheets or devices.
  - d. The winner of the bingo game is any participant who properly announces that a predetermined and pre-announced pattern of spaces has been covered on a card, sheet or device being used by the participant.

(T) "Conduct" means to back, promote, organize, manage, carry on or prepare for the operation of a scheme or game of chance but does not include any act performed by a bingo game operator.

(U) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of a bingo game including, but not limited to, collecting money from participants, handing out bingo cards or objects to cover spaces on the bingo cards, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on the bingo cards, calling out the combination of letters and numbers that appear on the bingo cards, calling out the combinations of letters and numbers, distributing prizes to the winner of the bingo game and serving refreshments.

(V) "Participant" means any person who plays bingo by covering the spaces on a bingo card that correspond to combinations of letters and numbers that are announced by a bingo game operator.

(W) "Bingo session" means a period, not to exceed five (5) continuous hours, during which a person conducts one (1) or more bingo games.

(X) "Gross receipts" means all money or assets, including admission fees, that a person receives from a bingo session that the person conducts without the deduction of any amounts for prizes paid out during the session or for the expenses of conducting the bingo session.

(Y) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or a police officer of a municipal corporation or has successfully completed a peace officer's training course pursuant to Ohio R.C. 109.71 to 109.79 and who is hired to provide security for the premises on which a bingo game is conducted.

(Z) "To use gross receipts for a charitable purpose" means that the proceeds of the bingo game are used by, or given, donated or otherwise transferred to, any organization that is described in Subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under Subsection 501(a) and described in Subsection 501(c)(3) of the Internal Revenue Code; that the proceeds of the bingo game are used by, or given, donated or otherwise transferred to a veteran's organization, as defined in Subsection (k) hereof, that is a post, chapter or organization of war veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter or organization organized in the United States or any of its possessions, at least seventy-five (75) percent of the members of which are war veterans and substantially all of the other members of which are individuals who are veterans (but not war veterans) or are cadets, or are spouses, widows or widowers of war veterans, or such individuals, provided that no part of the net earnings of such post or organization inures to the benefit of any private shareholder or individual, and further provided that the bingo game proceeds are used by the post or organization for the charitable purposes set forth in Ohio R.C. 5739.02(B)(12), awarding scholarships to or for attendance at an institution mentioned in Ohio R.C. 5739.02(B)(12), donated to a governmental agency, or used for nonprofit youth activities, promotion of patriotism or disaster relief; that the proceeds of the bingo game are used by, or given, donated or otherwise transferred to a fraternal organization that has been in continuous existence in this State for fifteen (15) years for use exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals and contributions for such use would qualify as a deductible charitable contribution under Subsection 170 of the Internal Revenue Code; or that the proceeds of the bingo game are used by a volunteer firemen's organization and are used by the organization for the purposes set forth in Subsection (l) hereof.

(AA) "Internal Revenue Code" means the Internal Revenue Code of 1954, 68A Stat. 3, 26 U.S.C. 1, as now or hereafter amended.

(BB) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen (18) years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league or association.

(CC) "Youth athletic park organization" means any organization, not organized for profit, that owns, operates, and maintains playing fields that are used at least one hundred (100) days per year for athletic activities by youth organizations as defined in Subsection (bb) hereof and are not used for any profit-making activity at any time during the year, and which uses the proceeds of the bingo game exclusively for the operation, maintenance, and improvement of such playing fields. (ORC 2915.01.)

#### 517.02 GAMBLING.

(A) No person shall:

- (1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking.
- (2) Establish, promote or operate, or knowingly engage in conduct that facilitates any scheme or game of chance conducted for profit.
- (3) Knowingly procure, transmit, exchange or engage in conduct that facilitates the procurement, transmission or exchange of, information for use in establishing odds or determining winners in connection with bookmaking or with any scheme or game of chance conducted for profit.
- (4) Engage in betting or in playing any scheme or game of chance, except a charitable bingo game, as a substantial source of income or livelihood.
- (5) With purpose to violate Subsection (a)(1), (2), (3) or (4) hereof, acquire, possess, control or operate any gambling device.

(B) For purposes of Subsection (a)(1) hereof, a person facilitates bookmaking if he in any way knowingly aids an illegal bookmaking operation, including without limitation placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of Subsection (A)(2) hereof, a person facilitates a scheme or game of chance conducted for profit if he in any way knowingly aids in the conduct or operation of any such scheme or game, including without limitation playing any such scheme or game.

(C) This Section does not prohibit conduct in connection with gambling expressly permitted by law.

(D) This Section does not apply to:

- (1) Schemes of chance conducted by a charitable organization that is and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is exempt from Federal income taxation under Subsection 501(a) and described in Subsection 501(c)(3) of the Internal Revenue Code, provided that all of the money or assets received from such scheme of chance after deduction only of prizes paid out during the conduct of the scheme of chance are used by, or given, donated or otherwise transferred to, any organization that is described in Subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under Subsection 501(a) and described in Subsection 501(c)(3) of the Internal Revenue Code, and provided that the scheme of chance is not conducted during, or within ten (10) hours of, a bingo game conducted for amusement purposes only pursuant to Section 517.09.
- (2) Games of chance, if all of the following apply:
  - a. The games of chance are not craps for money, roulette for money or slot machines.
  - b. The games are conducted by a charitable organization that is, and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is, exempt from Federal income taxation under Subsection 501(a) and described in Subsection 501(c)(3) of the Internal Revenue Code.
  - c. The games are conducted at festivals of the organization that are conducted for a period of four (4) consecutive days or less and not more than twice a year, and are conducted on premises owned by the charitable organization for a period of no less than one (1) year immediately preceding the conducting of the games or on premises leased from a governmental unit.
  - d. All of the money or assets received from these games of chance after deduction only of prizes paid out during the conduct of the games of chance are used by, or given, donated or otherwise transferred to, any organization that is described in Subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under Subsection 501(a) and described in Subsection 501(c)(3) of the Internal Revenue Code.

- e. The games are not conducted during, or within ten (10) hours of, a bingo game conducted for amusement only pursuant to Section 517.09. No person shall receive any commission, wage, salary, reward, tip, donation, gratuity or other form of compensation, directly or indirectly, for operating or assisting in the operation of any scheme or game of chance.

(E) Subsection (D) hereof shall not be construed to authorize the sale, lease or other temporary or permanent transfer of the right to conduct schemes of chance or games of chance, as granted by Subsection (D) hereof, by any charitable organization that is granted that right.

(F) Whoever violates this Section is guilty of gambling, a misdemeanor of the first degree, if the offender has not previously been convicted of a gambling offense. (ORC 2915.02.)

#### 517.03 OPERATING A GAMBLING HOUSE.

(A) No person, being the owner or lessee, or having custody, control or supervision of premises, shall:

- (1) Use or occupy such premises for gambling in violation of Section 517.02.
- (2) Recklessly permit such premises to be used or occupied for gambling in violation of Section 517.02.

(B) Whoever violates this Section is guilty of operating a gambling house, a misdemeanor of the first degree, if the offender has not previously been convicted of a gambling offense.

(C) Premises used or occupied in violation of this Section constitute a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767. (ORC 2915.03.)

#### 517.04 PUBLIC GAMING.

(A) No person, while at a hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort shall make a bet or play any game of chance.

(B) No person, being the owner or lessee, or having custody, control or supervision of a hotel, restaurant, tavern, store, arena, hall or other place of public accommodation, business, amusement or resort shall recklessly permit such premises to be used or occupied in violation of Subsection (a) hereof.

(C) This Section does not prohibit conduct in connection with gambling expressly permitted by law.

(D) Whoever violates this Section is guilty of public gambling, a minor misdemeanor. If the offender has previously been convicted of any gambling offense, public gaming is a misdemeanor of the fourth degree.

(E) Premises used or occupied in violation of Subsection (b) hereof constitutes a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767. (ORC 2915.04.)

#### 517.05 CHEATING.

(A) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall engage in conduct designed to corrupt the outcome of any of the following:

- (1) The subject of a bet.
- (2) A contest of knowledge, skill or endurance that is not an athletic or sporting event.
- (3) A scheme or game of chance.

(B) Whoever violates this Section is guilty of cheating, a misdemeanor of the first degree, if the potential gain from cheating is less than Five Hundred Dollars (\$500.00), or if the offender has not previously been convicted of any gambling offense or of any theft offense as defined in Section 545.01. (ORC 2915.05.) (Ord. 63-97. Passed 3-24-97.)

#### 517.06 METHODS OF CONDUCTING A BINGO GAME; PROHIBITIONS.

- (A) A charitable organization that conducts a bingo game shall:
- (1) Own all of the equipment used to conduct the bingo game or lease such equipment from a charitable organization that is licensed to conduct a bingo game for a rental rate that is not more than customary and reasonable for such equipment.
  - (2) Use all of the gross receipts from the bingo game for paying prizes, for the charitable purposes listed in its bingo license application, for purchasing or leasing bingo cards and other equipment used in conducting the bingo game, hiring security personnel for the bingo game, or advertising the bingo game provided that the amount of the receipts so spent is not more than is customary and reasonable for a similar purchase, lease, hiring or

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advertising, for renting premises in which to conduct the bingo game, and for the maintenance, expense, and cost of a building owned by the charitable organization in which the bingo game is conducted, except that, for each bingo session, the total amount of the gross receipts used for the maintenance, expense, and cost of the building shall not exceed the lesser of Two Hundred Fifty Dollars (\$250.00) or twenty-five percent (25%) of the gross receipts from the session.

- (3) Conduct the bingo game on premises owned by the charitable organization, premises owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of Two Hundred Fifty Dollars (\$250.00) per bingo session, or premises leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size and quality but not in excess of Two Hundred Fifty Dollars (\$250.00) per bingo session. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo games, the lessor of the premises shall provide only the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo equipment or any other type of service or equipment. A charitable organization shall not lease premises that it owns to more than one (1) other charitable organization per calendar week for the purpose of conducting bingo games on the premises. A person who is not a charitable organization shall not lease premises that he owns, leases or otherwise is empowered to lease to more than one (1) charitable organization per calendar week for conducting bingo games on the premises. In no case shall more than two (2) bingo sessions be conducted on any premises in any calendar week.
  - (4) Display its bingo license conspicuously at the location where the bingo game is conducted.
  - (5) Conduct the bingo game in accordance with the definition of bingo set forth in Section 517.01(s)(1).
- (B) A charitable organization that conducts a bingo game shall not:
- (1) Pay any compensation to a bingo game operator for operating a bingo game that is conducted by the charitable organization.

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- (2) Pay consulting fees to any person for any services performed in relation to the bingo game.
  - (3) Pay concession fees to any person who provides refreshments to the participants in the bingo game.
  - (4) Conduct more than two (2) bingo sessions in any seven-day period except that a volunteer fire-fighters' organization or a volunteer rescue service organization that conducts not more than five bingo sessions in a calendar year may conduct more than two bingo sessions in a seven-day period after notifying the Ohio Attorney General when it will conduct the sessions.
- (Ord. 64-97. Passed 3-24-97.)

- (5) Pay out more than Three Thousand Five Hundred Dollars (\$3,500.00) in prizes during any bingo session that is conducted by the charitable organization.
- (6) Conduct a bingo session at any time during the ten-hour period between midnight and 10:00 a.m., at any time during, or within ten (10) hours of, a bingo game conducted for amusement only pursuant to Section 517.09, or at any location not specified on its bingo license, or on any day of the week or during any time period not specified on its bingo license, if circumstances beyond its control make it impossible for the charitable organization to conduct a bingo session at the location, or on the day of the week, or at the time specified on its bingo license, the charitable organization may apply in writing to the Attorney General for an amended bingo license, pursuant to Ohio R.C. 2915.08(F). If the amended license is granted, the organization may conduct bingo sessions at the location, on the day of the week, and at the time specified on its amended license.

(C) A bingo game operator shall not receive or accept any commission, wage, salary, reward, tip, donation, gratuity or other form of compensation, directly or indirectly, regardless of the source, for operating a bingo game or providing other work or labor at the site of the bingo game.

(D) Notwithstanding the provisions of Subsection (A)(3) hereof, a charitable organization that has, prior to December 6, 1977, entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two (2) bingo sessions are conducted per calendar week on the premises, and a person who is not a charitable organization that has prior to December 6, 1977, entered into written agreements for the lease of premises he owns to charitable

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organizations for the conducting of more than two (2) bingo sessions per calendar week on the premises, may continue to lease such premises to those charitable organizations, provided that no more than four (4) sessions are conducted per calendar week, provided that the lessor organization or person has notified the Attorney General in writing of the organizations that will conduct the sessions and the days of the week and the time of the day on which the sessions will be conducted, provided that the initial lease entered into with each organization that will conduct the sessions was filed with the Attorney General prior to December 6, 1977, and provided that each organization that will conduct the sessions was issued a license to conduct bingo games by the Attorney General prior to December 6, 1977.

(E) Whoever violates Subsection (A)(2) hereof shall be charged with a violation of Ohio R.C. 2915.09. Whoever violates Subsection (A)(1), (3), (4), (5), (B) or (C) hereof is guilty of a minor misdemeanor. If the offender has previously been convicted of a violation of Subsection (A)(1), (3), (4),(5), (B) or (C) hereof, a violation of such provision is a misdemeanor of the first degree. (ORC 2915.09.) (Ord. 64-97. Passed 3-24-97.)

#### 517.07 BINGO RECORDS.

(A) A charitable organization that conducts a bingo session or scheme or game of chance pursuant to Section 517.02(D) shall maintain the following records for at least three (3) years from the date on which the bingo session or scheme or game of chance is conducted:

- (1) An itemized list of the gross receipts of each session or scheme or game of chance.
- (2) An itemized list of all expenses other than prizes that are incurred in conducting the bingo session, the name of each person to whom the expenses are paid, and a receipt for all of the expenses.
- (3) A list of all prizes awarded during the bingo session or scheme or game of chance conducted by the charitable organization and the name and address of all persons who are winners of prizes of One Hundred Dollars (\$100.00) or more in value.
- (4) An itemized list of the charitable recipients of the proceeds of the bingo session or scheme or game of chance, including the name and address of each recipient to whom the money is distributed; and if the organization uses the proceeds of a bingo session or the money or assets received from a scheme or game of chance for any purpose set forth in Section 517.01(Z) or 517.02(D), a list of each purpose and an itemized list of each expenditure for each purpose.

- (5) The number of persons who participate in any bingo session or scheme or game of chance that is conducted by the charitable organization.
- (B) The Attorney General or any local law enforcement agency may:
- (1) Investigate any charitable organization or any officer, agent, trustee, member or employee of the organization.
  - (2) Examine the accounts and records of the organization.
  - (3) Conduct inspections, audits and observations of bingo games or schemes or games of chance while they are in session.
  - (4) Conduct inspections of the premises where bingo games or schemes or games of chance are operated.
  - (5) Take any other necessary and reasonable action to determine if a violation of any provision of Ohio R.C. 2915.01, 2915.02 and 2915.07 to 2915.12 or Sections 630.01, 630.02 and 630.06 to 630.09 has occurred and to determine whether Section 630.08 has been complied with.

If any local law enforcement agency has reasonable grounds to believe that a charitable organization or an officer, agent, trustee, member or employee of the organization has violated any provision of Ohio R.C. Chapter 2915 or Section 517.06 et seq. of this Chapter, the local law enforcement agency may proceed by action in the proper Court to enforce Ohio R.C. Chapter 2915 or Section 517.06 et seq. of this Chapter, provided that the local enforcement agency shall give written notice to the Attorney General when commencing an action as described in this Subsection.

(C) No person shall destroy, alter, conceal, withhold or deny access to any accounts or records of a charitable organization that have been requested for examination, or obstruct, impede or interfere with any inspection, audit or observation of a bingo game or scheme or game of chance or premises where a bingo game or scheme or game of chance is operated, or refuse to comply with any reasonable request of, or obstruct, impede or interfere with any other reasonable action undertaken by, the Attorney General or a local law enforcement agency pursuant to Subsection (b) hereof.

(D) Whoever violates Subsection (A) or (C) hereof is guilty of a misdemeanor of the first degree. (ORC 2915.10.)  
(Ord. 65-97. Passed 3-24-97.)

#### 517.08 BINGO OPERATOR PROHIBITIONS.

(A) No person shall be a bingo game operator unless he is eighteen (18) years of age or older.

(B) No person who has been convicted of a felony or a gambling offense in any jurisdiction shall be a bingo game operator.

(C) Whoever violates Subsection (a) hereof is guilty of a misdemeanor of the third degree.

(D) Whoever violates Subsection (b) hereof is guilty of a misdemeanor of the first degree. (ORC 2915.11.)

#### 517.09 BINGO EXCEPTIONS.

Ohio R.C. 2915.07 to 2915.11 or Section 517.06 et seq. of this Chapter do not apply to bingo games that are conducted for the purpose of amusement only. A bingo game is conducted for amusement only if it complies with all of the following requirements:

(A) The participants do not pay any money or any other thing of value including an admission fee, or any fee for bingo cards, sheets, objects to cover the spaces or other devices used in playing bingo, for the privilege of participating in the bingo game or to defray any costs of the game, or pay tips or make donations during or immediately before or after the bingo game.

(B) All prizes awarded during the course of the game are non-monetary, and in the form of merchandise, goods or entitlements to goods or services only, and the total value of all prizes awarded during the game is less than Twenty-five Dollars (\$25.00).

(C) No commission, wages, salary, reward, tip, donation, gratuity or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.

(D) The bingo game is not conducted either during or within ten (10) hours of:

- (1) A bingo session during which a charitable bingo game is conducted pursuant to Ohio R.C. 2915.07 to 2915.11 or Section 517.06 et seq. of this Chapter.
- (2) A scheme or game of chance other than a bingo game conducted pursuant to this Section.

(E) The number of players participating in the bingo game does not exceed fifty (50).

The Attorney General, or any local law enforcement agency, may investigate the conduct of amusement bingo if there is reason to believe that a purported amusement bingo game is operated in violation of this Section. A local law enforcement agency may proceed by action in the proper Court to enforce this Section if the local law enforcement agency gives written notice to the Attorney General when commencing the action.

Whoever conducts a bingo game that is not a charitable bingo game and that does not conform to Subsections (a), (b), (c), (d) and (e) hereof is guilty of a misdemeanor of the first degree on the first offense.(ORC 2915.12.)

517.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification).