

IN THE COURT OF COMMON PLEAS  
FULTON COUNTY, OHIO

FILED  
FULTON COUNTY  
COMMON PLEAS COURT

DECEMBER 10 AM 11:11

PAUL S. MACDONALD  
CLERK

STATE OF OHIO, *ex rel.*  
MIKE DEWINE, OHIO ATTORNEY  
GENERAL  
Charitable Law Section  
150 East Gay Street, 23<sup>rd</sup> Floor  
Columbus, Ohio 43215

Plaintiff,

vs.

LUCKY SWEEPSTAKES, LLC  
475 East Linfoot Street  
Wauseon, Ohio 43567

and

JOHN DOES 1 to 15

Defendants.

CASE NO.: 13CV000103

JUDGE

COMPLAINT OF STATE OF OHIO

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Plaintiff, State of Ohio *ex rel.* Mike DeWine, Ohio Attorney General, hereby

alleges:

**I. Jurisdiction and Venue**

1. Plaintiff, State of Ohio, by and through the Attorney General of Ohio, Mike DeWine (“the State” or “Plaintiff State of Ohio”), having reasonable cause to believe that violations of Ohio’s moratorium on retail sweepstakes establishments, brings this action in the public interest and under the authority vested in the State by Am. Sub. H.B. 386 (“H.B. 386”).
2. Defendants’ actions, as described herein, occurred in the State of Ohio, Fulton County, involved residents of the State of Ohio, and constitute violations of H.B. 386, Section 12.

3. Defendant Lucky Sweepstakes, LLC is registered as a for-profit Limited Liability Company under the laws of Ohio and its principal place of business is located at 475 East Linfoot Street, Wauseon, Ohio 43567.
4. John Does 1 to 15 are the as yet unknown Managing Members/Owners of Lucky Sweepstakes, LLC.
5. All of the alleged activities in this Complaint occurred in the State of Ohio.
6. This is an action seeking injunctive relief for Defendants' violations of H.B. 386, Section 12.

### **III. Activities of Defendants Which Give Rise to this Complaint**

7. On or about December 7, 2010, Defendant Lucky Sweepstakes, LLC filed its Articles of Organization for Domestic For-Profit Limited Liability Company with the Ohio Secretary of State.
8. On or about April 27, 2013, Major Case Investigators Jeffery Duvall and Damon Roberts of the Charitable Law Section of Ohio Attorney General Mike DeWine's Office visited Lucky Sweepstakes at 475 East Linfoot Street, Wauseon, Ohio 43567.
9. During this visit, Major Case Investigators Duvall and Roberts witnessed the use of sweepstakes terminal devices to conduct sweepstakes. Approximately thirty of these sweepstakes terminal devices were witnessed.
10. H.B. 386, Section 12(B) created a moratorium on the opening of new locations conducting sweepstakes through the use of a sweepstakes terminal device effective June 11, 2012. Pursuant to this moratorium, only those locations which were already in existence and operating before the June 11, 2012, were permitted to continue to operate at only their current locations. Further, all sweepstakes establishments conducting sweepstakes through the use of a sweepstakes terminal device in existence and operating prior to June 11, 2012,

were required to file an affidavit certifying their existence with the Ohio Attorney General's Office by July 11, 2012 under H.B. 386, Section 12(C).

11. Upon information and belief, Defendants did not file an affidavit with the Ohio Attorney General's Office certifying that the facility located at 475 East Linfoot Street, Wauseon, Ohio 43567 was in existence as a sweepstakes establishment conducting sweepstakes through the use of sweepstakes terminal devices prior to the moratorium going into effect.

**COUNT ONE**  
**FAILURE TO FILE AN AFFIDAVIT CERTIFYING EXISTENCE**

12. H.B. 386, Section 12(C) required any sweepstakes establishment conducting a sweepstakes through the use of a sweepstakes terminal device to file, no later than July 11, 2012, an affidavit certifying the establishment was in existence and operating before June 11, 2012.
13. Defendants have violated H.B. 386, Section 12(C) by failing to file an affidavit stating Lucky Sweepstakes, located at 475 East Linfoot Street, Wauseon, Ohio 43567 was in existence as a sweepstakes establishment conducting sweepstakes through the use of sweepstakes terminal devices prior to June 11, 2012.

**COUNT TWO**  
**OPENING A NEW SWEEPSTAKES ESTSABLISHMENT IN VIOLATION OF THE MORATORIUM**

14. H.B. 386, Section 12(B), established a moratorium on new establishments conducting sweepstakes through the use of sweepstakes terminal devices. This moratorium permitted establishments which conducted sweepstakes through the use of a sweepstakes terminal device prior to June 11, 2012, to continue to do so, but prohibited the creation of new sweepstakes establishments after that date while legislation is being considered.

15. Since Defendants failed to file an affidavit asserting that Lucky Sweepstakes was in existence, operation as a sweepstakes establishment prior to the moratorium going into effect, there exists a presumption that Lucky Sweepstakes was not open and operating as a sweepstakes establishment prior to the moratorium going into effect on June 11, 2012.
16. Defendants have violated H.B. 386, Section 12(B) by opening a new sweepstakes establishment at 475 East Linfoot Street, Wauseon, Ohio 43567 after the moratorium went into effect on June 11, 2012.

**PRAYER FOR RELIEF**

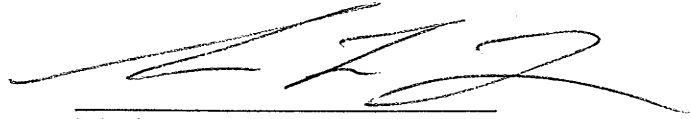
**WHEREFORE**, pursuant to his statutory authority to enforce the moratorium and registration requirement established by H.B. 386, Section 12, the Attorney General on behalf of Plaintiff State of Ohio respectfully requests the following judgments and relief:

- A. Permanently enjoin Defendants to comply with the moratorium established by H.B. 386, Section 12 by prohibiting the use of sweepstakes terminal devices to conduct sweepstakes at any location which was not in existence and operating as a sweepstakes retail location prior to June 11, 2012, including, but not limited to, the location at 475 East Linfoot Street, Wauseon, Ohio 43567;
- B. Grant Plaintiff State of Ohio such other relief as the Court deems proper and necessary.

*Signature Follows on Next Page*

Very Respectfully Submitted,

MIKE DEWINE  
Ohio Attorney General



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