



AMVETS

Department of Ohio

Wednesday, May 13, 2020

For Immediate Release

AMVETS Family,

There have been many questions and possibly some confusion about the previously released correspondence concerning the re-opening of the bars and restaurants located in many of our posts. It is the opinion of the Department that our posts operate in multiple facets; posts are social clubs, rental halls, bars, and restaurants. When the Governor closed bars and restaurants, posts that run bars and restaurants within the posts were included in this closure.

Since the release of the letter about reopening the bars and restaurants in our posts, some posts have contacted their local governments and have been told we are not included in bars/restaurants, as they are considered social clubs. The Department sought advice from a non-practicing retired attorney who is an AMVET, and he agreed that our posts operate as multiple businesses; some operate as one business (social club), some operate as two businesses (social club and bar) and others operate as three businesses or more (social club, bar and restaurant, etc.). In addition to seeking counsel from a retired attorney, we have spoken to the Governor's and the Attorney General's offices concerning reopening; the Department told the Governor's office that posts were closed as a bar/restaurant and would be re-opening when they do, and the Governor's office did not object. The attorney general's office is of the mindset that if a post opens as a bar or restaurant, that post must be able to defend their decision to open as a bar or restaurant if challenged by a state or local government entity. Finally, concerning gambling, it is the opinion of the attorney general's office that class three bingo is no different than scratch off lottery tickets that are still being sold, so there is no issue with us selling them.

Therefore, it is the non-legal opinion of the Department that posts with bars, restaurants or both can open under the state's regulations following proper operational procedures for bars and restaurants as laid out by the state. Food and alcohol should only be sold in accordance with your liquor and food licenses and only in areas designated on your licenses. One thing the posts should not do is operate as a social club until such time as they are officially approved. This would mean no fund-raising or meetings governing the post; however, we do feel that trustee meetings would be acceptable since the trustees manage the bars and restaurants within our posts but, must maintain the 10-person maximum occupancy.

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The Department will not be responsible for any penalties handed down by any state or local agency, therefore if your post is not comfortable with the Department's interpretation of the information it obtained from our sources, it is suggested that you contact your local government or seek legal counsel. In addition, if you are not comfortable with the Department's interpretation for opening the bar/restaurant in your post, then please do not open as we do not want posts to feel they are being forced to do so.

Humbly Yours in Service,

Andrew McElrath
Commander
AMVETS Department of Ohio