

# Local private poker clubs thrive amid legal ambiguity

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CHRIS RUSSELL | DISPATCH

John Brennan, right, owner of the Evergreen Players Club in Grove City, studies the table and contemplates his move while playing Texas Hold 'em. Evergreen is one of at least 10 private poker clubs that operate in central Ohio.

John Brennan used to rely on his nieces and nephews for poker games, having taught them to play because he knew no one else who did.

Then he learned of a new business opening in Columbus: a private poker club, located in a strip mall, where he could play the game he has enjoyed for 40 years.

"I was stunned," he said. "I thought, 'This can't be legal.'"

Interested in the concept, Brennan consulted a gaming lawyer who advised that such a club is legal if it makes money from memberships and not from "raking the pot" of the game.

So Brennan opened Evergreen Players Club, using the vacant office of the storage facility he owns in Grove City. Since September 2008, the club has gained nearly 1,000 members who can play cash games and tournaments six days a week.

The club is one of at least 10 in central Ohio, with some operating in shopping centers and others in less-visible locations.

They charge an annual membership fee (usually about \$20) in addition to a buy-in for tournaments and, in many cases, a daily fee (\$5 to \$20) to enter the tournament or the facility. Food, TV access and other games such as pool or pingpong also might be offered.

The main attraction, however, is poker - which, of course, is considered a "game of chance" under Ohio law.

And the law says a person cannot "establish, promote or operate or knowingly engage in conduct that facilitates any game of chance conducted for profit."

Whether poker clubs are illegal if they don't profit from the game can depend on the interpretation of the law and level of aggression by local officials, said Michael E. Zatezalo, the Columbus lawyer who advised Brennan on opening his club.

"(One) argument is, by charging these fees, you're making money from the operation of a game of chance," he said. "But (the other) is it's a social club; you can do whatever you want there."

The legal ambiguity explains why Joe Avrams opened Nick's Shark Tank in a Bethel Road shopping center last year but hasn't yet installed a sign more permanent than the banner out front.

Although he says his club is "100 percent legal," similar operations have faced legal opposition in other parts of the state. He also worries about the lobbying powers behind the casino planned for the West Side.

"The laws could change overnight, and we could come to a note on the glass door in the morning," he said. "There's a sense of fear that things could change."

Last year, the Trumbull County prosecutor in northeastern Ohio declared poker clubs illegal, saying that such businesses still profit even when they don't rake the pot - otherwise, no one would bother to operate them.

In the Cleveland suburb of Berea, the Gemini Players Club closed after the city law director determined that the club violated gambling laws by charging an entrance fee.

But the same club continues to operate locations in Canton and in a shopping center off Rt. 161, the latter having opened in 2007, drawing Brennan's attention.

(Jim Marcum, owner of Gemini Players Club, declined to comment. Several other club owners contacted for this story did not respond to messages.)

Franklin County Prosecutor Ron O'Brien said that he has not prosecuted a poker club in at least a decade because police agencies have not allocated resources for investigating them versus other crimes.

Jeff Furbee, legal adviser to the Columbus Police Division, said such cases are difficult to prosecute.

"In the end, the punishment is generally not very harsh because they are largely misdemeanors," he said. "We don't ignore it, but it's not the highest priority."

Lara Baker, chief prosecutor for the city of Columbus, said that, although she is "almost certain that there's a violation of statute," the challenge lies in proving that the operation is illegal.

"Somebody is profiting by them in some way - you may have an intuitive sense that's the case," she said. "But in a court of law, you have to prove who it was that profited and how they came to profit."

"That's usually where it becomes more and more difficult to find the evidence necessary to prove it."

Meanwhile, club owners have found success by providing a venue for the game, which has exploded in popularity over the past decade as ESPN began to televise professional tournaments.

Some have taken extra measures to keep the establishments safe and clean: Platinum Players Club in Grove City and Celebrities Social Club on the East Side use off-duty police officers for security; Nick's Shark Tank, which requires that members be 21 and follow etiquette rules, is among those that don't allow alcohol.

"This isn't a dirty hole," said Andrew White, co-owner of the Bicycle Club, located in a Westerville shopping center. "We're a club where people have other lives; they just like to entertain themselves from time to time."

The games at Evergreen Players Club appeal to casual players such as John Knighton, who would rather hang out at the club than play poker online.

"I like the camaraderie, being able to chat with people in between hands," said Knighton, 40, of Prairie Township. "Playing in here is more like playing in somebody's home game."

Others take their play more seriously: Carl Snell is among the club members who qualified for the World Poker Tour Amateur Championship in Las Vegas this summer.

"I would love to do this for a living," said Snell, 48, of Darbydale. "But that's far-fetched."

Brennan, the owner, thinks his members' interest in poker has been inspired largely by as-seen-on-TV stories of amateur players.

In 2003, accountant Chris Moneymaker won a seat to the World Series of Poker through a \$39 online game - and went on to win \$2.5 million in the televised tournament.

"You can't go to a tennis match at Wimbledon and say, 'I want to play,'" Brennan said. "You can go to the biggest poker event in the country, plunk down your cash and play with the professionals.

"The average Joe can win - and a lot of them do."

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