



THE OHIO PROSECUTOR

July 2019

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www.ohiopa.org



From your President...



Victor V. Viglucci
Portage County

Fellow Ohio Prosecutors:

As you have seen by reading our Executive Director's Legislative Newsletters, this has been a busy summer with many legislative proposals which affect our jobs as prosecutors. It is important that we all keep up to date on these various bills and their amendments and take action, when necessary, before we are saddled with bad laws.

On June 25, the OPAA officers met with Governor DeWine for a quiet breakfast at his residence. We were able to discuss a wide range of issues including the pending Senate Bill 3 (criminal justice "reform"), Senate Bill 54 (death penalty and "serious mental illness"), and other legislative and criminal justice issues of concern to prosecutors. Later in the day we met with Attorney General Dave Yost at his office for an open discussion on many topics. We are very fortunate at this time in Ohio's history to have a governor and an attorney general who are both former elected prosecutors. While we do not expect that they will be in lock-step with all of our positions, we know that they understand our jobs and the basis of our positions on the issues. Also, both the governor and attorney general have appointed former prosecutors as senior advisors. Both Andy Wilson at the governor's office and Carol O'Brien at the attorney general's office have been very helpful and accessible to our Association. I encourage you to relay to them your concerns about any issues affecting your office, and your input on existing or proposed legislation. And please don't forget to keep in contact with your local legislators about these matters. Your contacts have been most helpful in stopping or amending some very ill-advised legislation.

Thanks to our OPAA staff for a great summer workshop at Cedar Point which was well attended, and we look forward to our Fall training in Cleveland on September 26 and 27.

Also, we have now launched our OPAA app. Thanks to Prosecutor Dave Fornshell and his Membership Services Committee and our Assistant Director Steve Hall for their hard work in getting this accomplished.

Remember that you have the best job in the world, and keep up the good work of seeking truth and justice in your corner of the world.

From your Executive Director...



Louis Tobin
OPAA Executive
Director

Dear OPAA –

As our President mentioned in his remarks, the first sixth months of 2019 were busy in terms of work occurring within OPAA and activity in the General Assembly. We officially have an OPAA app that we hope will become a primary resource for prosecutors and assistant prosecutors across the state to interact with OPAA. While the app has many of the same features as the website, we know that the app format will make much of that information more easily accessible. It also has some additional features like push notifications and the ability to import contact information for prosecutors directly to your phonebook. We hope to add additional features over time. I encourage you to download the app and let us know what you think. We want to make it the best possible resource for you and your input is critical. We have also continued to offer quarterly one-hour webinars on topics of general interest. These are a good way to pick up one hour of CLE credit over the lunch hour for a reasonable cost. We have also arranged to make them available on demand.

On the legislative front, the General Assembly, for the first time since 2009, missed the June 30 constitutional deadline to enact an operating budget. They finally passed an operating budget on July 17. We were successful in our efforts to remove a few provisions that concerned us. One would have granted the Director of DRC the authority to grant early release to medically incapacitated prisoners. Another concerned the authority to concealed carry certain knives. Another provision that was not removed but that was amended to address our concerns regarding the Adult Parole Authority and the contracts that they have to provide probation services to about half of Ohio counties. The budget As Introduced authorized the APA to forgo these contracts and instead provide grant funding to counties to establish their own probation departments. OPAA asked that this change be removed from the bill or, at a minimum, that the decision to forgo APA probations services be left up to the counties rather than the APA. The bill as enacted leaves the decision up to the county.

Now that budget negotiations are resolved, Leadership in the House and Senate will begin to focus in earnest on other priorities. We can all expect that criminal justice reform is on the list either through Senate Bill 3, House Bill 1, and/or yet to be introduced legislation. As Vic notes, it is critically important that you talk to your legislators about these issues. The environment in Columbus is one in which the advocates of reform are many and are on both sides of the political spectrum. Some are even in positions of great influence within the legislature. Your relationships with local legislators are vital. Be sure to reinforce what they hear from OPAA. A phone call or a letter from you discussing the impact a piece of legislation will have on your community and on public safety goes a long a way.

I hope everyone enjoys the rest of the summer and I look forward to seeing many of you in Cleveland for our Fall Training.

At the Statehouse

Below is a current list of priority legislation along with the OPAA's position. For a full list of bills that we are tracking visit www.ohiopa.org. If you have any questions about the work of the legislature or the status of any legislation please let us know!

HB1 INTERVENTION IN LIEU OF CONVICTION (PLUMMER P, HICKS-HUDSON P) To modify the requirements for intervention in lieu of conviction and for sealing records of conviction.

Current Status: 6/19/2019 - PASSED BY HOUSE; Vote 91-6

Position: Support

Priority: Tier 1 - High

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-1>

HB3 AISHA'S LAW - DOMESTIC VIOLENCE (BOYD J, CARRUTHERS S) To add domestic violence circumstances to the offenses of aggravated murder and endangering children, to establish local domestic violence high risk teams, and to require law enforcement officers to utilize a qualified lethality assessment screening tool to refer high risk victims to a local team.

Current Status: 6/13/2019 - SUBSTITUTE BILL

ACCEPTED, House Criminal Justice, (Third Hearing)

Comments: Support provisions on strangulation, lethality assessment, and prior domestic violence convictions as an aggravating circumstance for death penalty specifications.

Opposed to the provision encouraging prosecutor's offices to adopt no-drop policies. Concerned with ability to implement provisions on 24/7 access to the courts for a protection order and the development of domestic violence high risk teams.

Position: Amend

Priority: Tier 1 - High

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-3>

HB136 DEATH PENALTY-MENTALLY ILL (HILLYER B) To prohibit imposing the death penalty for aggravated murder when the offender had a serious mental illness at the time of the offense.

Current Status: 6/11/2019 - Referred to Committee Senate

Judiciary

Comments: The bill is so broadly written that it effectively ends the death penalty. Post-conviction relief provision allows everyone currently on death row to file for relief based on the assertion that they had one of the listed mental illnesses at the time of their crime. Concern about delegation to APA to define the listed mental illnesses. Remove post conviction relief, major depressive disorder, language about "rational judgment," and language about mental illness due "solely" to the effects of drug

or alcohol abuse. See also Senate Bill 54.

Position: Oppose

Priority: Tier 1 - High

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-136>

HB166 OPERATING BUDGET (OELSLAGER S) To make operating appropriations for the biennium beginning July 1, 2019, and ending June 30, 2021, and to provide authorization and conditions for the operation of state programs.

Current Status: 7/16/2019 - , (First Hearing)

Comments: Remove provision authorizing Director of ODRC, rather than the Governor, to grant medical release to terminally ill or medically incapacitated prisoners. Remove provisions shifting responsibility for probation services from APA to counties in counties that rely on APA for those services. Amend to include OPAA appointment to Indigent Defense Task Force.

Position: Amend

Priority: Tier 1 - High

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-166>

HB178 CONCEALED WEAPONS REFORM (HOOD R) To modify the Weapons Law by renaming a concealed handgun license as a concealed weapons license, allowing a concealed weapons licensee to carry concealed all deadly weapons not otherwise prohibited by law, repealing a notice requirement applicable to licensees stopped for a law enforcement purpose, authorizing expungement of convictions of a violation of that requirement, and allowing a person age 21 or older and not prohibited by federal law from firearm possession to carry a concealed deadly weapon without needing a license subject to the same carrying laws as a licensee.

Current Status: 6/30/2019 - Re-Referred to Committee

Comments: Oppose as written. Maintain requirement to notify law enforcement regarding possession of a weapon. Remove provision prohibiting search, seizure, or detention based on the presence of a weapon. Amend to clarify that a person shall not be deemed to have been issued a concealed carry license during the commission of any misdemeanor or felony offense.

Position: Amend

Priority: Tier 1 - High

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-178>

HB215 REAGAN TOKES-REENTRY (BOGGS K, CARFAGNA R) To modify the Corrections Law regarding a Department of Rehabilitation and Correction reentry program for certain offenders, maximum workload and caseload standards for parole and field officers, GPS monitoring of offenders released from prison, and entry into LEADS of specified information about GPS-monitored offenders, and to require the Ohio Criminal

Sentencing Commission to appoint an Offender Supervision Study Committee.

Current Status: 6/27/2019 - House Criminal Justice, (Second Hearing)

Position: Support

Priority: Tier 1 - High

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-215>

HB277 FILMING CUSTODIAL INTERROGATION (PLUMMER P) To revise the law governing the electronic recording of custodial interrogations.

Current Status: 6/18/2019 - Referred to Committee House Criminal Justice

Comments: Amend to maintain immunity for law enforcement officers and agencies for failure to record, expand exceptions to the recording requirement to include a totality of the circumstances, maintain current law regarding motions to suppress for failure to record, and clarify language regarding a cautionary instruction for failure to record so that the instruction does not include an advisement that failure to record is a "violation of state law."

Position: Amend

Priority: Tier 1 - High

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-277>

SB3 DRUG SENTENCING REFORM (EKLUND J, O'BRIEN S) To modify the controlled substance possession and trafficking prohibitions and penalties and the drug and alcohol abuse civil commitment mechanism.

Current Status: 6/27/2019 - BILL AMENDED, Senate Judiciary, (Seventh Hearing)

Comments: Concerned with changes to drug trafficking and reduction of felony possession offenses to misdemeanors.

Position: Oppose

Priority: Tier 1 - High

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-3>

SB5 PROMOTING PROSTITUTION PENALTIES (KUNZE S, DOLAN M) To amend the penalties for promoting prostitution.

Current Status: 5/16/2019 - House Criminal Justice, (Fourth Hearing)

Position: Support

Priority: Tier 1 - High

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-5>

SB13 HUMAN TRAFFICKING-JUVENILES (FEDOR T)

To require a juvenile court to hold a delinquency complaint in abeyance in certain cases related to prostitution or human

trafficking and to provide that the same elements for the offense of trafficking in persons that apply to a victim under the age of sixteen also apply to a victim who is age sixteen or seventeen.

Current Status: 7/17/2019 - Senate Judiciary, (Sixth Hearing)

Position: Support

Priority: Tier 1 - High

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-13>

SB28 PROTECTION ORDER VIOLATION PENALTIES (HOTTINGER J) To increase the penalty that applies to the offense of violating a protection order under certain circumstances.

Current Status: 7/17/2019 - Senate Judiciary, (Sixth Hearing)

Position: Support

Priority: Tier 1 - High

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-28>

SB48 SPEEDY TRIAL RULES (EKLUND J) To narrow the scope of speedy trial rules.

Current Status: 5/16/2019 - House Criminal Justice, (Third Hearing)

Position: Support

Priority: Tier 1 - High

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-48>

SB54 PROHIBIT DEATH PENALTY-MENTAL ILLNESS (EKLUND J, WILLIAMS S) To prohibit imposing the death penalty for aggravated murder when the offender had a serious mental illness at the time of the offense.

Current Status: 7/17/2019 - Senate Judiciary, (Third Hearing)

Comments: The bill is so broadly written that it effectively ends the death penalty. Post-conviction relief provision allows everyone currently on death row to file for relief based on the assertion that they had one of the listed mental illnesses at the time of their crime. Concern about delegation to APA to define the listed mental illnesses. Remove post-conviction relief, major depressive disorder, language about "rational judgment," and language about mental illness due "solely" to the effects of drug or alcohol abuse. See also House Bill 136.

Position: Oppose

Priority: Tier 1 - High

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-54>



SB55 ENHANCE PENALTIES-DRUG TRAFFICKING (GAVARONE T) To enhance penalties for certain drug trafficking offenses committed in the vicinity of a community addiction services provider and to name the act's provisions the "Relapse Reduction Act."

Current Status: 5/30/2019 - House Criminal Justice, (First Hearing)

Position: Support

Priority: Tier 1 - High

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-55>

SB57 DECRIMINALIZE HEMP (HILL B, HUFFMAN S)

To decriminalize hemp and hemp products and to establish a hemp cultivation licensing program.

Current Status: 6/4/2019 - REPORTED OUT AS AMENDED, House Agriculture and Rural Development, (Fifth Hearing)

Comments: Concerned with impact on probable cause for marijuana and ability of BCI to test the level of THC.

Position: Oppose

Priority: Tier 1 - High

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-57>

SB133 MANAGEMENT OF RELEASED OFFENDERS (O'BRIEN S, MANNING N) To modify the Corrections Law regarding a Department of Rehabilitation and Correction reentry program for certain offenders, maximum workload and caseload standards for parole and field officers, GPS monitoring of offenders released from prison, and entry into LEADS of specified information about GPS-monitored offenders, and to require the Ohio Criminal Sentencing Commission to appoint an Offender Supervision Study Committee.

Current Status: 6/27/2019 - Senate Judiciary, (Second Hearing)

Position: Support

Priority: Tier 1 - High

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-133>

SB146 DOMESTIC VIOLENCE-CHOKING (KUNZE S, ANTONIO N) To expand the offense of domestic violence to also prohibit a person from knowingly impeding the normal breathing or circulation of the blood of a family or household member by applying pressure to the family or household member's throat or neck or blocking the family or household member's nose or mouth.

Current Status: 6/19/2019 - Senate Judiciary, (Second Hearing)

Position: Support

Priority: Tier 1 - High

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-146>

SB160 RECORDS EXPUNGEMENT (O'BRIEN S, RULLI M) To provide a mechanism for the expungement of records of most convictions that, depending on the category of the offense, are at least 10 years old, 15 years old, or 20 years old, and to eliminate the waiting period for sealing a record related to a no bill.

Current Status: 7/17/2019 - Senate Judiciary, (First Hearing)

Comments: Ability to destroy the records of F1 and F2 offenses goes too far.

Position: Oppose

Priority: Tier 1 - High

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-160>

Join us at the Statehouse!

Although typically slower in the summer months, if you are in Columbus, let us show you around the Statehouse! It is a beautiful building.

Membership Services

Community Outreach

Ashland County Cool Kids Start Talking! program.

Community outreach has become an important part of what we do. We find ourselves in a post-Making a Murderer world, where we're no longer always recognized as the good guys. Many in the community, and frankly many in our own legislature, believe that prosecutors are nothing more than prison-seeking, get tough on crime one trick ponies, who, given their druthers, would just lock everyone up and throw away the key. Community outreach is a tool by which we can demonstrate to the general public that we are their partners in keeping our communities safe. But what's a small county prosecutor's office to do? Tight budgets, limited staffing, and not enough hours in the day could put a robust outreach program... out of reach.

Ashland County has made use of free resources to increase our visibility and put some tools in the community's hands that combat drug use. When we began designing a community outreach program, in addition to problems of staffing, we had to answer the question "how are we going to pay for this"? It turns out that one of the express uses for the Law Enforcement Trust Fund (which we affectionately call "dope money") is to "support programs designed to educate adults and children with respect to the dangers associated with the use of drugs of abuse". While we don't generally have much in the way of seizures, we had enough to get started. Once the funding source was identified, we identified Ohio's Start Talking program as a free, resource-rich program that we could partner with as part of our campaign. Start Talking was founded on the premise that while children who have honest and open conversations with adults about drug abuse are less likely to start using drugs, not all parents know how to have, or even start, such conversations. Start Talking makes available, at no cost, resources to parents, schools, and community members

that allow them to begin the conversation with a child about substance abuse. The goal of the program, in that regard, is to allow a parent to have perhaps a more effective conversation than the one I had growing up, when my Dad said, “Don’t do drugs”, and I replied, “O.K.” Great talk, right?

Within the Start Talking toolkit are numerous resources for parents, educators, and community members, with tips, resources, and speakers to help reinforce the anti-drug discussion in your community, and to enable parents, especially, to confidently and successfully initiate anti-drug conversations with their children. Since our office has been hammering the message that drug abuse is the root of the majority of our crime in Ashland County, and since the Start Talking program is free, it seemed like a perfect match for our outreach program.

So we have some money, and we have an organization that has an established, free, anti-drug program available. How do we get that information out to the public? If your small county is anything like Ashland, the county fair is a big deal. Thousands of people stream past the prosecutor’s office booth in one week’s time. No booth is complete without a giveaway, and the Ashland County Prosecutor’s Office booth is known for the Start Talking fans. On any given day at the fairgrounds, the red, hand-held fans can be seen in the hands of community members all over the place, with the phrase, “Prosecutor Tunnell says ‘Cool Kids Start Talking’”, and underneath, the Start Talking website address, starttalking.ohio.gov.



In two years of supporting the Start Talking program, my office has given out approximately 2,500 fans. Of course, the county fair isn’t the only place to pass them out. Any warm weather event that a staff member attends isn’t complete without a box of fans to pass out to those in attendance. The general idea is that people will wonder what Prosecutor Tunnell is talking about on his fan, and they may look up the Start Talking website on their mobile device or computer, and maybe they will find these useful tools. We intentionally don’t explain what the Start Talking program is, in an effort to let people’s curiosity to get the best of them, thereby directing even those who find anti-drug messages corny over to the website. In an effort to reach even more of our target audience, we place a half-page ad in every fall and winter sports program for every high school in Ashland

County. The parents and grandparents who purchase the programs can’t help but notice the half-page ad of Prosecutor Tunnell directing them to the Start Talking website.

In a new twist, last year saw the introduction of our golf outing sign, a standard yard sign with the Cool Kids message that we place at the various charity golf outings in Ashland County. It can be seen at the Chamber of Commerce, the United Way, the Cancer Association, and many other golfing events, at a hole on the course. Don’t believe that someone teeing off on the 12th hole of a golf outing is going to remember the Start Talking web address? Neither do we. We maximized the curiosity factor and affixed a business card holder to the sign, which contains 100 business cards with the Start Talking website printed on the front. The idea is that when golfers are waiting to tee off, they become curious as to what the strange sign with the business card holder stuck to it is all about. Hopefully they’ll take a card and stick it in their pocket to explore the Start Talking website later. We also sponsor golf carts at the City of Ashland public course.

Also, please note that while the Start Talking official literature is in blue and green tones, our fans are red. We’re not really into subtle here at the Ashland County Prosecutor’s Office. Don’t think fans make an impact? My wife attended an outdoor wedding this past weekend in the 95 degree heat, and a friend of hers asked if she was bringing any of “Chris’s red anti-drug fans”.

Unfortunately, budgetary constraints have not allowed us to do statistical sampling to the success of our outreach program. Informal conversation, however, seems to indicate that it is viewed as a positive message in support of keeping young people drug-free. If you’re looking for some low-cost outreach in support of a positive message that doesn’t burn staff time, consider supporting the Start Talking program. If you haven’t done so already, at least check out the website, starttalking.ohio.gov. And remember, Prosecutor Tunnell says “Cool Kids Start Talking”!

Thank you to Ashland County for providing this article. If your county would like a community outreach program featured please email the information to Steve or Lou.

OPAA App

We have been working on the OPAA app for several months, and are ready to release “version 1.0”! While the app offers similar content to the OPAA website, there are a few key added benefits:

- Push notifications: We believe the ability to send push notifications of upcoming events and newly available content is key for the Association. We intend to use push notifications through the app as an additional means of communicating important information.
- Contacts integration: the app allows users to add prosecutors and expert assistants to their personal Contacts (using the plus sign beside each contact). This feature is unique to the mobile application. Also, much like the website, while on the roster page you can touch on the name to pull up a picture of the prosecutor.

• OPAA Alerts: An app only feature is the ability to share updates and announcements through the “Alerts” feature. The alerts inside the app, combined with “Push” notifications, give us the ability to communicate with members in a new, more efficient manner.

We are currently going back and forth with Apple about inclusion in their app store. We will continue those conversations but in the meantime iOS users can download the app via TestFlight at

<https://testflight.apple.com/join/gEMxDynk> The app will show as a “beta” version on your iOS device (red dot beside the icon) but rest assured it is the full working version. The nice “feature” about doing it this way is there is a direct feedback link for your input. This may help us show Apple our app is worthwhile to the membership, so please use this feature to let us know what you think and what you’d like to see in future releases.

Android users can simply download the app via the GooglePlay store. Search “OPAA mobile” or link via

<https://play.google.com/store/apps/details?id=com.opaa.opaa-mobile>

We hope you will find the OPAA app useful. As Director Tobin mentioned, please share this information with everyone in your office. We encourage all feedback.

Summer Workshop!

Once again, the OPAA descended on The Breakers Hotel at Cedar Point for our 2019 Summer Workshop. We had 205 attendees from 55 counties attending the 2-day training that included well received programs on human trafficking, marijuana, self-defense, fence law, and many other topics of interest to both the criminal and civil prosecutor. Once we got past the rains and some issues with catering on Thursday the skies cleared for a very pleasant Friday and Saturday. The Executive Committee voted to return to Cedar Point for the 2020 workshop.



(more photos can be found on our Twitter and Facebook pages)

New and Noteworthy

Annual Meeting

The 2019 OPAA Annual Meeting will change venues this year. We will be at the Hilton Columbus at **Easton**, rather than downtown. We look forward to the new venue, increased shopping opportunities, and local attractions.

OPAA Legislative and Executive Committee Meetings

July 25 - Cooper's Hawk Winery Easton

August – No meetings

September 25 – Cleveland Crowne Plaza at Playhouse Square

2019 OPAA Training Dates

Please join us in 2019 for our CLE training programs.

OPAA Fall Training, September 26th and 27th, Cleveland Crowne Plaza Playhouse Square

OPAA Webinar, Evidentiary Issues for Trial Prosecutors, October 22, 12:00-1:00

OPAA Juvenile Prosecutor training, October 24th, Sheraton Columbus at Capitol Square

OPAA Annual Meeting, December 12th & 13th, Hilton Easton Columbus

Webinars:

The OPAA will be hosting quarterly webinars throughout the year. These 1 hour, CLE approved trainings will feature Phil Bogdanoff presenting on a variety of topics. We will send out details prior to each.

AG opinions:

2019 Opinions (provided by the Ohio Attorney General's website -

<https://www.ohioattorneygeneral.gov/Files/Legal/Opinions>)

2019-023

Requested by: Cuyahoga County Prosecuting Attorney

No individual employed in a security position by a private or public school may be armed while on duty unless he or she has completed an approved basic peace officer training program, or has completed twenty years of active duty as a police officer.

R.C. 109.78(D). An individual who is employed by a school in a non-security position may carry a deadly weapon while on duty pursuant to the written authorization of the board or governing body. R.C. 2923.122(D)(1)(a).

2019-022

Requested by: Madison County Prosecuting Attorney

Addresses certain questions related to continuing obligations of a subdivision which has withdrawn from a R.C. 505.71 joint ambulance district as to debts, fixed charges, and continuing operating expenses of the district.

2019-021

Requested by: Lake County Prosecuting Attorney

The positions of assistant county prosecuting attorney and that of special prosecuting attorney are incompatible with either the position of municipal court magistrate or appointed, temporary municipal judge serving in a municipal court within the same county.

2019-020

Requested by: Ottawa County Prosecuting Attorney

Compatibility: A person may serve simultaneously as a township trustee and a natural resources officer in the classified service of the Ohio Department of Natural Resources, provided that the position of township trustee is filled by nonpartisan election. As a member of the board of township trustees, the person shall refrain from discussions, deliberations, negotiations, or votes concerning any potential mutual aid compact between the township and the Ohio Department of Natural Resources.

2019-019

Requested by: Department of Education

Pursuant to Article II, Section 20 of the Ohio Constitution, if the State Board of Education amends its policies and procedures manual to increase the activities and number of hours for which voting members of the Board may be compensated, a board member may not take advantage of the increases during his or her current term of office.

2019-018

Requested by: Guernsey County Prosecuting Attorney

The opinion addresses a number of questions incident to the responsibilities of Guernsey County to pay a part of the compensation of a number of officers and employees of the Cambridge Municipal Court.

2019-017

Requested by: Guernsey County Prosecuting Attorney

Several questions regarding the application of Crim. R. 16 and the use of Matrix in criminal discovery.

2019-016

Requested by: Putnam County Prosecuting Attorney

Neither the Putnam County Board of Commissioners nor any other county officer has authority to appoint a board to operate a county home health care and hospice service as a separate and independent county board or agency.

2019-015

Requested by: Wyandot County Prosecuting Attorney

Addresses several questions about whether certain actions to publicize or encourage enrollment in a released time religious instruction course may be permitted or prohibited by the policy of a board of education of a public school district.

2019-014

Requested by: Warren County Prosecuting Attorney

The board of education of a joint vocational school district has no authority to establish a sick leave donation program for nonteaching employees of the district who are not members of a collective bargaining unit.

2019-013

Requested by: Trumbull County Prosecuting Attorney

Addresses several questions related to a county transit board's use of revenue derived from a tax levied by a board of county commissioners pursuant to R.C. 5705.19(Y)

2019-012

Requested by: Ottawa County Prosecuting Attorney

Compatibility: a person may serve simultaneously as the elected, part-time Law Director of the City of Port Clinton and full-time assistant prosecuting attorney of Ottawa County primarily assigned to juvenile prosecutions, subject to conditions.

2019-011

Requested by: Geauga County Prosecuting Attorney

Reviews the authority of a county auditor to require that a judicial office submit a proper order or voucher together with evidentiary matter in support of issuance of a warrant (R.C. 319.16), and to determine what is sufficient evidentiary support, in the context of the separation of powers principle.

2019-010

Requested by: Cuyahoga County Prosecuting Attorney

Public record status of draft audit reports prepared by the Cuyahoga County Director of Internal Auditing under R.C. 149.43 and R.C. 4701.19(B).

2019-009

Requested by: Licking County Prosecuting Attorney

The boards of trustees of two or more townships may form a joint fire district and may, pursuant to R.C. 505.37(B), agree to a proration of the costs of the formation and operation of the district. Each of the boards may use levy money generated by the township's existing levy enacted under R.C. 5705.19(I) provided the money is expended in a manner consistent with that section and the resolution authorizing the levy and its ballot language. Any such expenditure by a township must correspond to the services provided by the fire district to the respective township.

2019-008

Requested by: Lorain County Prosecuting Attorney

Clarifies the types of records that a public children services agency is required to expunge, as set forth in R.C. 2151.357(A)(4), when a juvenile court seals records of a child's delinquency adjudication pursuant to R.C. 2151.356(C). Also identifies the types of information a public children services agency is required to disclose to a child's prospective foster or adoptive parents under 13 Ohio Admin. Code 5101:2-48-15 or 13 Ohio Admin. Code 5101:2-42-90 after the agency has expunged records of the child's delinquency proceeding as set forth in R.C. 2151.357(A)(4).

2019-007

Requested by: Guernsey County Prosecuting Attorney

An employee of a court of common pleas who is employed by the court on or after June 24, 1987, after prior public service and retirement from an Ohio public retirement plan shall not have service earned prior to the employee's retirement counted for computing vacation leave unless the court has adopted an alternative vacation leave schedule that supersedes R.C. 9.44(C). An employee of a common pleas court who retired from public service with another public employer and then worked for a third public employer as result of which the employee accrued, unused sick leave shall be credited with that sick leave so long as the employee is re-employed by the court within ten years of termination of the most recent prior service.

2019-006

Requested by: Morrow County Prosecuting Attorney

Section 339.06 of the Ohio Revised Code, as amended in 1972, authorizes a board of county hospital trustees to hire, by contract or as salaried employees, consultants as the board determines are necessary and desirable to assist in the management of the operation of the county hospital, and to use county operating funds to pay the cost of the same. The expenditure must be for a proper public purpose, and the board is afforded significant discretion in making that determination. Whether a particular expenditure of a board of county hospital trustees for this purpose constitutes an abuse of discretion is beyond the scope of an opinion of the Attorney General. (1961 Op Att'y Gen. No. 2188 and 1961 Op. Att'y Gen. No. 2397 overruled as a result of legislative enactment.)

2019-005

Requested by: Licking County Prosecuting Attorney

A township fiscal officer may not serve as the township's cemetery sexton or caretaker, and receive compensation for providing services as cemetery sexton or caretaker in addition to the compensation allowed for the position of fiscal officer. A township fiscal officer may not receive compensation for maintaining the township cemetery plat or record of deeds in addition to the compensation allowed for the position of fiscal officer.

2019-004

Requested by: Lawrence County Prosecuting Attorney

A court of common pleas, by rule, may appoint a standing process server in civil cases. A civil party may request personal service in an action by filing a written request. For good cause, a court, on the motion of a party or at its own instance, may appoint an alternative process server in a particular matter.

2019-003

Requested by: Geauga County Prosecuting Attorney

Authority of a county to recover erroneously distributed motor vehicle fuel excise tax revenues, which county officers may initiate or decline to initiate an action to recover those revenues, and the statute of limitations for such actions.

2019-002

Requested by: Carroll County Prosecuting Attorney

Methods by which a board of county commissioners may dispose of a laptop computer previously purchased for the use of a county officeholder.

2019-001

Requested by: Geauga County Prosecuting Attorney

regarding the authority of a county auditor to hire, supervise, and compensate draftsmen of county tax maps.

OPAA Gets Secured...

In mid-July the OPAA offices installed new and sorely needed security cameras for the parking lot and front door. The system also includes a digital network video recorder should we have any issues we need to review. Thanks to the Executive Committee for making our world a little safer!



Your 2019 OPAA Officers



Victor V. Vigluicci
Portage County
President



Juergen A. Waldick
Allen County
President-Elect



Daniel R. Lutz
Wayne County
Vice President



Michael C. O'Malley
Cuyahoga County
Treasurer



Jane Hanlin
Jefferson County
Secretary

