

**OPINION NO. 68-099****Syllabus:**

1. The board of county commissioners may provide the clerk of the Common Pleas Court with branch offices in villages within the county while retaining the main office in the county seat, such branch offices to be for the auto title division.

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**To: Robert A. Jones, Clermont County Pros. Atty., Batavia, Ohio**  
**By: William B. Saxbe, Attorney General, June 13, 1968**

I have before me your request for my opinion which asks the following question:

"Can the Clerk of the Common Pleas Court have branch offices in villages within the county while retaining the main office in the County Seat, said offices to be for the auto title division?"

Your request includes correspondence with the Clerk of Common Pleas Court for Clermont County who expressed the desire to set up these "branch offices" for the convenience of the public and to increase office space which has become limited due to filing needs. He also stated that the "branch offices" could be provided and maintained at no additional expense to Clermont County.

Chapter 2303, Revised Code, which is the principal source of authority for the clerk of the court of common pleas, has no provision upon which the contemplated action could be founded. As you pointed out, Section 1901.101 (F) (1), Revised Code, is the only authority which allows the establishment of one or more branch offices of the clerk. This section is limited to the administration of county courts and in no manner suggests that the clerk of the court of common pleas may act upon its authority.

Section 307.01, Revised Code, grants to the board of county commissioners the responsibility to provide offices for county officers when in its discretion they are needed. This section has been construed by former attorneys general to give implied

authority to the county commissioners to rent or lease space outside the courthouse for county officers if there is not sufficient space available in the courthouse. Opinion No. 2408; Opinions of the Attorney General for 1930, Vol. II, page 1544 at page 1545 and Opinion No. 4163, Opinions of the Attorney General for 1935, Vol. I, page 433. Since the clerk of the common pleas court is a county officer, State ex rel. Young v. Cox, 90 Ohio St. 219, office space will be provided for him as need dictates, the decision being made by the board of county commissioners.

While the location for additional offices of the county auditor and county treasurer has been restricted by statute to the county seat, Sections 319.03 and 321.05, Revised Code, it is significant that no such statute has been enacted restricting the office of the clerk of the common pleas court to this location. In the absence of a statute specifying the location for additional offices, the authority to determine this location rests solely with the board of county commissioners. Opinion No. 963, Opinions of the Attorney General for 1959, page 653; Opinion No. 65-91, Opinions of the Attorney General for 1965, page 199. Their decision is guided primarily by considerations of operating efficiency. As I stated in Opinion No. 65-91, Opinions of the Attorney General for 1965, at page 200, when presented with the question of whether the prosecuting attorney could be provided with branch offices:

"Accordingly, I am of the opinion that a board of county commissioners may provide the prosecuting attorney with an office and such branch offices as they deem are needed."

Since your request expressed the desire to set up these branch offices for the convenience of the public and to increase office space which has become limited due to filing needs, I am of the opinion that the board of county commissioners has the authority under these circumstances to provide branch offices for the clerk of the Common Pleas Court in villages within the county while retaining the main office in the county seat, said offices to be for the auto title division.

Therefore, it is my opinion and you are accordingly advised that the board of county commissioners may provide the clerk of the Common Pleas Court with branch offices in villages within the county while retaining the main office in the county seat, such branch offices to be for the auto title division.