

2933.

APPROVAL, BONDS OF GRANDVIEW HEIGHTS EXEMPTED VILLAGE
SCHOOL DISTRICT, FRANKLIN COUNTY—\$20,000.00.

COLUMBUS, OHIO, November 28, 1928.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

2934.

OFFICES COMPATIBLE—PROSECUTING ATTORNEY AND OHIO
NATIONAL GUARD OFFICER.

SYLLABUS:

The fact that a person elected to the office of Prosecuting Attorney of a county in this state holds a commission as an officer in the Ohio National Guard, does not affect his right to qualify for said office of Prosecuting Attorney and to hold and perform the duties of the same.

COLUMBUS, OHIO, November 28, 1928.

HON. FORREST E. ELY, *Prosecuting Attorney Elect, Batavia, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication which reads as follows:

“I am the newly elected Prosecuting Attorney of Clermont County, Ohio, and wish to know whether or not I would be incapacitated from taking the oath of office on January 7th, 1928, by reason of being the Commanding Officer of an infantry company of Ohio National Guards. If there is any conflict whatsoever I will resign my commission in the National Guard immediately.”

The question here presented is whether you will be disqualified from acting as prosecuting attorney pursuant to your recent election to this office, by the fact that you hold a commission as an officer in the Ohio National Guard.

Touching this question, Sections 11 and 2910 of the General Code, provide as follows:

Sec. 11. “No person shall hold at the same time by appointment or election more than one of the following offices: sheriff, county auditor, county treasurer, clerk of the court of common pleas, county recorder, prosecuting attorney, probate judge, and justice of the peace.”