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SYLLABUS:

The office of County Court Judge is incompatible with the office of Village Solicitor when said village is within the judicial district of the County Court.

Columbus, Ohio, July 2, 1963

Hon. Clyde W. Osborne
Prosecuting Attorney
Mahoning County
Youngstown, Ohio

Dear Sir:

I have your request for my opinion which reads as follows:

“Is the office of County Court Judge compatible with the office of Village Solicitor when said village is within the judicial district of said County Court?”

The test of incompatibility of public offices most commonly applied in Ohio is that stated in *State ex rel. Attorney General v. Gebert*, 12 C.C. (N.S.) 274 (1909), as follows:

“Offices are considered incompatible when one is subordinate to, or in any way a check upon, the other; or when it is physically impossible for one to discharge the duties of both.”

compatible with the office of Village Solicitor when said village is within the judicial district of the County Court.

Respectfully,
WILLIAM B. SAXBE
Attorney General