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COMPATIBILITY—COUNTY COURT JUDGE AND DEPUTY REGISTRAR OF MOTOR VEHICLES—COMPATIBLE; LIMIT OF PHYSICAL POSSIBILITY.

SYLLABUS:

The office of county court judge is compatible with that of deputy registrar of motor vehicles, providing it is physically possible to properly attend to the duties of both.

Columbus Ohio, February 4, 1958

Hon. James A. Rhodes, Auditor of State
State House, Columbus, Ohio

Dear Sir:

I have before me your request for my opinion which presents the question of whether the office of county court judge is incompatible with the office of deputy registrar of motor vehicles.

There are no constitutional or statutory prohibitions preventing a person from holding both positions simultaneously. It becomes necessary, therefore, to determine whether such positions are incompatible at common law.

It has been stated that two offices are incompatible at common law whenever one office is subordinate to the other in some of its important and principal duties, or when a contrariety and antagonism would result in an attempt by one person to discharge the duties of both. 32 Ohio Jurisprudence, 908. I cannot see how the performance of the duties of the two offices with which we are concerned would require the subordination of one of the offices in any way.

Under the provisions of Section 4503.03, Revised Code, the registrar of motor vehicles designates a deputy registrar in each county to "accept applications for the annual license tax and assign distinctive numbers in the same manner as the registrar."

A county court judge, on the other hand, is an elected official serving a judicial capacity. I find no inherent contrariety or antagonism between the two offices.

Finding as I do, it is my opinion that the office of county court judge is compatible with that of deputy registrar of motor vehicles, providing it is physically possible to properly attend to the duties of both.

Respectfully,

WILLIAM SAXBE

Attorney General