

The City of Portsmouth

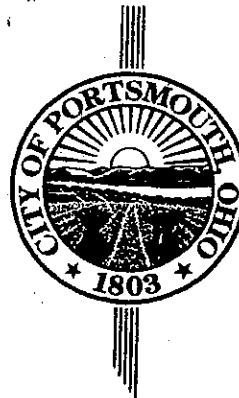
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David W. Kuhn
City Solicitor



State of Ohio

September 18, 2007

Editor, The Portsmouth Daily Times

Kuhn Responds to Gun Law Article

The September 16, 2007, edition of the Portsmouth Daily Times reported some inaccurate statements in the article entitled "Mollette addresses gun laws." The Portsmouth Daily Times Staff Writer, who authored the article, quoted Bob Mollette, the Third Ward Councilman, who in turn, quoted Harold Pack, a Rosemount resident, by printing the quote "He said he sent several letters to the city that went unanswered." My file on this matter reflects that some of Mr. Pack's letters, written in 2004 and 2005, (questioning the legality of Portsmouth Codified Ordinance, Section 705.30, which requires licensed firearm dealers to keep a record of each firearm sale and to deliver a copy to the Chief of Police) were sent to, or copied to, the City Solicitor's office, and some were not. My file also reflects that I verbally responded twice with telephone calls to Mr. Pack regarding his inquiries, as well as responded in writing twice to Mr. Pack and Mr. Mollette, after Mr. Mollette assumed the role of ombudsman in this matter.

My final correspondence on the subject of whether Codified Ordinance Section 705.30 was legally valid, was a January 4, 2006, Memo from me to City Council, (which included Mr. Mollette), with copies to Mr. Pack, Chief Horner and Mayor Kalb, in which I determined that the state of the law existing at that time was that "under the 'Home Rule' provisions of our Charter and the Ohio Constitution, the subject ordinance is legally valid." My Memo also stated "As with any legislation, whether or not the captioned ordinance is needed, is a policy question for the legislative body." The legislative body (City Council) took no action as to the ordinance, apparently agreeing with Chief Horner, that it was needed, i.e. to require firearm sales in the city to be reported to the Chief of Police.

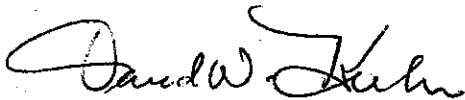
The September 16 Portsmouth Daily Times Article went on to quote Mr. Mollette about his feeling at the time that "The City Solicitor's office wasn't doing its job. David Kuhn received information about a city ordinance and didn't respond." Although Mr.

Mollette is certainly entitled to his feelings, which he can (and does) convey to everyone, the invalidity of the statement has been previously shown.

It is unfortunate and irresponsible when the information printed in so-called news items is based on the unsubstantiated statements of one person, who not only has no documentation for the statements, but also has exhibited improper political motives as a basis for the statements. The Portsmouth Daily Times Staff Writer who authored the article should check the veracity of his sources, should be objective enough to print all relevant information pertaining to the subject matter of the article, and should not publish any news article until both of these aspects have been sufficiently and adequately accomplished. And it should not require public comment to secure responsible and objective reporting standards and policies. Rather, they should be firmly in place and impeccably followed.

The City Solicitor's office is currently reviewing the question of whether Ordinance Section 705.30 (enacted in 1975) is now in compliance with the provisions of House Bill No. 347, recently enacted by the Ohio General Assembly. The new law recognizes the need for uniform laws throughout the State regarding the regulation of firearm purchases and sales, and provides that a person, without further license or restriction, may purchase or sell any firearm. The new law, however, does not apply to zoning ordinances that regulate the commercial sale of firearms in areas zoned for residential or agricultural uses, nor does it apply to zoning ordinances that specify the hours of operation or the geographic areas where the commercial sale of firearms may occur.

Very truly yours,



David W. Kuhn
City Solicitor

cc: City Council
Harold Pack
Editor, The Community Common