

**MARK E. KUHN**

**SCIOTO COUNTY PROSECUTING ATTORNEY**

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**CRIMINAL DIVISION**

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Norma Crawford  
Julie Ratcliff

March 20, 2008

Bob Mollette  
3<sup>rd</sup> Ward Advocate and Representative on City Council  
1705 Franklin Blvd.  
Portsmouth, Ohio 45662

Dear Councilman Mollette,

I am in receipt of your letter dated March 18, 2008 wherein you request this office's legal opinion on certain matters involving the construction of a new facility at the former Adelphia Cable site and renovation of the former Martings building.

I have reviewed this letter, and as you note, pursuant to the Portsmouth City Charter, the Portsmouth City Solicitor is the legal representative and advisor for the City of Portsmouth in general and all of its councils, boards, committees and office holders. I, as the Scioto County Prosecutor, am specifically directed on which entities I am authorized to represent and advise. These entities are limited, primarily, to county, township, and school boards, councils, committees and office holders. In light of the statute regarding county prosecutors, I am not authorized, and thus prohibited, from giving legal advice to municipalities and their representatives.

Further, I believe it would be in appropriate to for me, as Scioto County Prosecutor, to advise city officials when they are represented by their own legal advisor.

If I may be of assistance on any matter within the authority of this office, please do not hesitate to contact me.

Very truly yours,

Mark E. Kuhn  
Scioto County  
Prosecuting Attorney

Cc: Michael Jones, City Solicitor  
Jim Kalb, Portsmouth City Mayor  
Trent Williams, Portsmouth City Auditor  
Jo Ann Aeh, Clerk

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