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Carol Hamilton O'Brien
DELAWARE COUNTY PROSECUTING ATTORNEY

February 7, 2014

Ms. Judy Maxwell
Law Library Resources Board
20 West Central Ave.
Delaware, Ohio 43015

Re: Purchasing a Bond for the Law Librarian

Dear Law Librarian Maxwell and Board Members:

The Board has asked this office for an opinion whether the Delaware County Law Library Resources Board (DCLLRB) is required by law to purchase a bond for the Delaware County Law Librarian (Librarian). It is my understanding that the DCLLRB currently secures such a bond for the Librarian, but will discontinue the practice if it is not statutorily required to do so. After researching the issue, it is this office's opinion that Ohio law does not require a county law librarian to be bonded, and therefore the DCLLRB is not required to secure a bond for Librarian Maxwell. This opinion is further explained below.

Ohio's county law libraries are created pursuant to Ohio Revised Code sections 307.51 through 307.516. Prior to the creation of R.C. 307.51 *et seq.*, county law libraries were created and governed by Ohio Revised Code Chapter 3375. Under the old statutory scheme, county law libraries were established and governed by law library associations, which were private organizations.

When the General Assembly enacted Am. Sub. HB 420 in 2008, it removed law library governance from the law library associations and instead granted that authority to the law library resources boards. In doing so, the General Assembly converted the county law libraries from private entities to county boards. It also completely removed county law library governance from Chapter 3375 of the Revised Code.

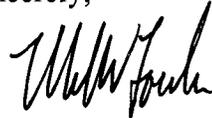
I am unable to find anything in R.C. 307.51 *et seq.* indicating that a county law librarian must be bonded before performing his or her duties. Similarly, I am unable to find such authority in Chapter 3375. To the extent that a bond is required of certain librarians under Chapter 3375, county law librarians were removed from that requirement when governance of the county law libraries was transferred to R.C. 307.51 *et seq.*

This interpretation of the law is also consistent with the public policy of why certain officials, including some librarians, are required to be bonded. Under the old statutory scheme, a law librarian had far greater access to the funds of the law library association compared to the current law. Now, the DCLLRB is a county board that deposits its funds with the County Auditor's office. The Librarian is unable to expend funds without close scrutiny from the County Auditor and Treasurer. It is logical that since the county law libraries now have these fiscal "checks and balances" that the General Assembly would not require a law librarian to be bonded.

Therefore, it is this office's opinion that the Delaware County Law Librarian does not need to be bonded and that the DCLLRB may discontinue its current practice of doing so.

Please let me know if you have any further questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark W. Fowler". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mark W. Fowler
Assistant Prosecuting Attorney

Cc: Carol Hamilton O'Brien