



EDWARD FITZGERALD
Cuyahoga County Executive

Executive Order No. EO2012-0003

Appointment of Judge Timothy J. McGinty as Acting Prosecutor

WHEREAS, Bill Mason has tendered his resignation as Cuyahoga County Prosecutor effective September 30, 2012;

WHEREAS, Ohio Revised Code Section 305.02(B) provides that in the case of such vacancy, "the county central committee of the political party with which the last occupant of the office was affiliated shall appoint a person to hold the office and to perform the duties thereof until a successor is elected and has qualified";

WHEREAS, Ohio Revised Code Section 305.02(F) provides that the board of county commissioners may appoint an acting prosecutor to serve between the occurrence of the vacancy and the time when the new prosecutor appointed by the central committee qualifies and takes the office;

WHEREAS, the Cuyahoga County Director of Law has opined that the appointment authority outlined in Revised Code Section 305.02(F) is an administrative function, which may be carried out by the County Executive; and

WHEREAS, I have determined that it is in the County's best interest to appoint Judge Timothy J. McGinty to serve as acting prosecutor effective immediately upon the occurrence of the vacancy created by Bill Mason's resignation.

NOW, THEREFORE, I, Edward FitzGerald, County Executive of the County of Cuyahoga, Ohio, by virtue of the powers vested in me by the Charter of Cuyahoga County and the laws of the State of Ohio, do hereby order and direct that:

SECTION 1. I hereby appoint Judge Timothy J. McGinty to serve as Acting Prosecutor of the County of Cuyahoga, Ohio, under Revised Code Section 305.02(F) effective immediately upon the occurrence of the vacancy created by the resignation of Bill Mason.

SECTION 2. This Executive Order shall go into immediate effect upon my signature, and shall remain in force until rescinded by me or any of my successors.

I signed this Executive Order on September 27, 2012, in Cleveland, Cuyahoga County, Ohio.


Edward FitzGerald, County Executive

Approved,


Majeed G. Makhoul, Director of Law