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May 30, 2025

Hon. Dave Yost, Ohio Attorney General  
Opinion Section  
30 E. Broad Street, 14<sup>th</sup> Floor  
Columbus, Ohio 43215

Re: Champaign County Sheriff's Office  
Request for Legal Opinion

**BACKGROUND**

Based upon the factual circumstances provided herein and upon the current statutory and case authority, the undersigned, on behalf of the Champaign County Sheriff's Office who provides security and law enforcement coverage for the Champaign County Agricultural Society during the county fair and at other times throughout the year for public and private events, asks for an opinion from you as follows:

Is the Champaign County Agricultural Society considered **a political subdivision** with regard to R.C. §9.68 so that it cannot prohibit open carry and concealed carry of firearms on its premises (outside of its buildings) during the annual Champaign County Fair, and at other times throughout the year?

**DISCUSSION**

R.C. §9.68 currently states in relevant part:

(A) The individual right to keep and bear arms, being a fundamental individual right that predates the United States Constitution and Ohio Constitution, and being a constitutionally protected right in every part of Ohio, the general assembly finds the need to provide uniform laws throughout the state regulating the ownership, possession, purchase, other acquisition, transport, storage, carrying, sale, other transfer, manufacture, taxation, keeping, and reporting of loss or theft of firearms, their components, and their ammunition, and knives. The general assembly also finds and declares that it is proper for law-abiding

people to protect themselves, their families, and others from intruders and attackers without fear of prosecution or civil action for acting in defense of themselves or others. Except as specifically provided by the United States Constitution, Ohio Constitution, state law, or federal law, a person, without further license, permission, restriction, delay, or process, including by any ordinance, rule, regulation, resolution, practice, or other action or any threat of citation, prosecution, or other legal process, may own, possess, purchase, acquire, transport, store, carry, sell, transfer, manufacture, or keep any firearm, part of a firearm, its components, and its ammunition, and any knife, without being required to have firearm liability insurance, and without being required to pay a fee for the possession of a firearm, part of a firearm, its components, its ammunition, or a knife. Any such further license, permission, restriction, delay, or process interferes with the fundamental individual right described in this division and unduly inhibits law-abiding people from protecting themselves, their families, and others from intruders and attackers and from other legitimate uses of constitutionally protected arms, including hunting and sporting activities, and the state by this section preempts, supersedes, and declares null and void any such further license, permission, restriction, delay, or process.

**(B) A person, group, or entity adversely affected by any manner of ordinance, rule, regulation, resolution, practice, or other action enacted or enforced by a political subdivision in conflict with division (A) of this section may bring a civil action against the political subdivision seeking damages from the political subdivision, declaratory relief, injunctive relief, or a combination of those remedies. . . .**

#### R.C. § 9.68

The Champaign County Agricultural Society is the owner of the “Champaign County Fairgrounds” in Urbana, Ohio and is a society organized under R.C. Chapter 1711. The fairgrounds has never been owned by the Champaign County Board of Commissioners since its purchase. The Champaign County Agricultural Society holds the Champaign County Fair at its fairgrounds each year and also rents its buildings and premises to private individuals and groups for use when the fairgrounds is not being utilized for the fair (which runs for approximately one week at the beginning of August).

It appears that an agricultural Society has been found to be a political subdivision at times and at other times a private corporation. For this reason, it is imperative that the issue of whether the board of directors of the agricultural society may prohibit firearms on its premises or only prohibit firearms within the buildings thereupon be resolved.

A county agricultural society may conduct the county fair or other agricultural exhibitions, control and manage the county fairgrounds, promote agricultural and household manufacturing interests, and perform certain limited public functions to

advance improvements in agriculture and support agricultural education. *See* R.C. §1711.04; R.C. §1711.10 ; R.C. §1711.31

R.C. Chapter 1711 provides for the establishment and organization of a county agricultural society. Pursuant to R.C. §1711.01, a county agricultural society is a group of thirty or more residents from the same county who organize themselves into a private entity by adopting a constitution and bylaws. *See also R.C. § 1711.06.* The Board of the agricultural society is elected by members who pay an annual membership fee fixed by the society or its board of directors. *R.C. §1711.01* Once organized, a county agricultural society is a body corporate and politic, R.C. § 1711.13, and operated by a board of directors as a private corporation or association even though it may be deemed a public entity or political subdivision for some purposes. *See 2013 Ohio Op. Atty Gen. No. 221. Here lies the issue.*

A county agricultural society may conduct the county fair or other agricultural exhibitions, control and manage the county fairgrounds, promote agricultural and household manufacturing interests, and perform certain limited public functions to advance improvements in agriculture and support agricultural education. *See* R.C. §1711.04; R.C. §1711.10 ; R.C. §1711.32. However, the extent of authority vested in a county agricultural society to manage and control property is not specified by statute. *See Dunn v. Agricultural Society*, 46 Ohio St. 93, 18 N.E. 496 (1888). In the absence of a statutory provision directing how the agricultural society is to manage and control the fairground property, the society may do so in any reasonable manner. *See Jewett v. Valley Railway Co.*, 34 Ohio St. 601, 608 (1878) ("where authority is given to do a specified thing, but the precise mode of performing it is not prescribed, the presumption is that the legislature intended the party might perform it in a reasonable manner" ). It is, therefore, unclear whether a society that is both private and public at times would be subject to the civil suit and the enumerated remedies of R.C. § 9.68.

Many of the recent opinions of the Ohio Attorney General's office and relevant case law involve tort immunity regarding the activities and injuries held at a county fair and the educational purpose of the fair appears to be the determining factor when the private corporation is deemed a political subdivision. *See, for example, Greene County Agric. Society v. Liming*, (2000) 89 Ohio St. 3d 551, 733 N.E.2d 1141, 2000-Ohio-486. However, there is little guidance on the "control and management of the county fairgrounds" during the fair and at other times of the year, which may involve regulation of firearms on the premises or within its buildings.

It does appear from R.C. Chapter 1711 that an agricultural society's board does not function as a "public entity" or "political subdivision" at times. Statutorily, the positions of members of the board of directors, officers and employees of a county agricultural

society are not public offices. R.C. §1711.081. Further, a county agricultural society who owns its fairgrounds may mortgage its grounds (thereby collateralizing the fairgrounds to a private financial institution) which would be contrary to a public entity or many of the political subdivisions identified in R.C. §2744.01(F) (municipalities, counties, townships, etc). R.C. § 1711.13; R.C. §1711.33. A county agricultural society may also use its money it receives from sources other than the county and state for any purpose provided it is permitted by the society's constitution and bylaws and otherwise lawful. See *2013 Ohio Op. Atty Gen. No. 221 (Syllabus ¶1)*; *1984 Ohio Op. Atty Gen. No. 26*.

Therefore, the Champaign County Sheriff's Office and the Champaign County Prosecutor's Office is seeking guidance as to the ability of the Champaign County Agricultural Society to restrict or limit the ability of patrons to possess and/or carry a firearm on the fairgrounds. The determination of the Agricultural Society's status as a political subdivision and the applicability of R.C. § 9.68 will provide valuable guidance and assist my office as we attempt to provide guidance to the Sheriff's Office with regard to their duties to enforce provisions of the Ohio Revised Code.

Yours truly,



Kevin S. Talebi,  
Champaign County Prosecuting Attorney

cc: File