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DISAPPROVAL, LEASE BETWEEN ARTHUR I. VORYS, LOWRY S. SATER, EVELYN O. SEYMOUR AND HELEN B. PEASE AND DIRECTOR OF PUBLIC WORKS TO ROOMS LOCATED ON GAY STREET, COLUMBUS, OHIO.

COLUMBUS, OHIO, December 29, 1930.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval, a lease between Arthur I. Vorys, Lowry S. Sater, Evelyn O. Seymour and Helen B. Pease, lessors, and yourself, as Director of Public Works. This lease purports to lease the following space, viz: Rooms 202 and 203, 52 E. Gay Street, Columbus, Ohio, for the term of one year, beginning November 8, 1930, at the rental of fifty dollars (\$50.00) per month.

After an examination of said lease, I find that the Bureau of Aeronautics is not mentioned therein. I would suggest that the words "for the use of the Ohio Bureau of Aeronautics" be added to the fifth line of the first page of the lease, just above the word "witnesseth." It is noted that Section 154-40, General Code, paragraph 10, provides:

" \* \* \* In addition to the powers so transferred to it, the Department of Public Works shall have the following powers:

\* \* \*

(10). to lease office space in buildings *for the use of* the state government, or *any department, office or institution thereof.*" (Italics the writer's).

I would also suggest that Mr. James O. Seymour, who signs for Evelyn O. Seymour, submit a power of attorney showing his authority to sign for said party. It is further noted that Section 2288-2, General Code, provides as follows:

"It shall be unlawful for any officer, board or commission of the state to enter into any contract, agreement or obligation involving the expenditure of money, or pass any resolution or order for the expenditure of money, unless the Director of Finance shall first certify that there is a balance in the appropriation pursuant to which such obligation is required to be paid, not otherwise obligated to pay precedent obligations."

You will see from the above section that before a state officer can enter into a lease, it is necessary that the *Director of Finance* certify that there is a balance in the appropriation pursuant to which the obligation is to be paid, not otherwise obligated to pay precedent obligations. Inasmuch as the present Finance Director, Hon. Harry D. Silver, has not placed his signature on the encumbrance estimate and copies submitted in accordance with the above mandate, the lease can not be entered into. I suggest that you obtain Mr. Silver's signature to the encumbrance estimate and copies, submit Mr. Seymour's power of attorney, and have the suggested addition made to the lease and copies.

I am returning to you all the documents submitted without my approval.

Respectfully,

GILBERT BETTMAN,

*Attorney General.*