

Inasmuch as the legislature has expressly provided for the reinstatement of employes who have been separated from the classified service without cause, it necessarily follows that a person who has been dismissed from the classified service for misconduct or delinquency in office cannot be reinstated by a rule of the civil service commission. Your attention is also called to the provision of section 486-11 which reads as follows:

“ \* \* \* The commission may refuse to examine an applicant, or after an examination to certify an eligible, \* \* \* who has been dismissed from either branch of the civil service for delinquency or misconduct.”

Although the provision just quoted is not pertinent to your inquiry, nevertheless it evinces a legislative intent to grant to civil service commissions the power, either before or after a civil service examination but before certification of an eligible list to an appointing officer, to exclude from the classified service persons who have previously been removed from the classified service for misconduct or delinquency.

I am therefore of the opinion that a police officer who has been removed from the classified service, after a hearing on charges of misconduct in office, cannot be reinstated to the classified service or have his name placed on an eligible list by a rule promulgated by a city civil service commission.

Respectfully,

GILBERT BETTMAN,

*Attorney General.*

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4462.

APPROVAL, CERTIFICATE OF TITLE TO LAND IN BENTON TOWNSHIP, HOCKING COUNTY, OHIO—HARVEY A. CONKLE.

COLUMBUS, OHIO, June 29, 1932.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—At the request of Mr. Edmund Secrest, State Forester, I sent a member of my staff to Logan, Ohio, recently, in order to examine the records of Hocking County, Ohio, and to determine the status of the title of a tract of land described as the southwest quarter of the northeast quarter of section No. 4, township No. 11, range No. 18, in Benton Township, Hocking County, Ohio, which tract the State of Ohio has under consideration of purchase from one Harvey A. Conkle.

Enclosed please find a certificate of title made by said member of my staff stating, after personal examination, that the records of Hocking County, Ohio, indicate that, on June 15, 1932, said Harvey A. Conkle had a good and merchantable fee simple title to said property; that the taxes for the second half of the year 1931, in the amount of \$3.09, are unpaid and a lien upon said property; that the taxes for the year of 1932 are also a lien upon said property; and that all

prior taxes have been paid. Upon the basis of said certificate, Mr. Conkle's title to said property is hereby approved.

For future reference, said certificate sets out in chronological order the different links in the chain of title to said property.

The proposed deed by Harvey A. Conkle and Ida A. Conkle, his wife, is executed in proper form to convey a fee simple title, with release of dower, to the State of Ohio.

The encumbrance estimate shows that there is sufficient money in the proper appropriation account to pay for said land. The state controlling board has given its approval to the purchase.

Enclosed please find said certificate of title, said deed to the State of Ohio, said encumbrance estimate, and a copy of the authority of the controlling board. I am also enclosing an affidavit made by said Harvey A. Conkle, stating the manner in which he procured said land by a deed from the county auditor following the sale of land for delinquent taxes, setting out the facts which show that Mr. Conkle has had adverse possession of said land for forty years last past, and establishing the facts which show that certain oil and gas leases, made by Mr. Conkle, have expired. Finally, there are enclosed the notes which were made during the course of the examination of said title, which notes should be preserved for future reference.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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4463.

INSURANCE—FLEET POLICY—PRIVATE AUTOMOBILES OF EMPLOYEES MUST BE INCLUDED IN SUCH POLICY WHEN.

*SYLLABUS:*

*The inclusion in a fleet policy of insurance, excepting fire insurance, of automobiles owned by employes of the owner of the fleet of motor vehicles covered by such policy does not violate section 9589-1, General Code, provided the amount of the premium actually charged such employes is plainly specified in such policy and no discount or deduction in any way is made from the amount of premiums payable thereon.*

COLUMBUS, OHIO, June 30, 1932.

HON. CHARLES T. WARNER, *Superintendent of Insurance, Columbus, Ohio.*

DEAR SIR:—I acknowledge receipt of your communication which reads as follows:

“Under Section 9589-1, General Code of Ohio, known as the Anti-Rebate and Discrimination Statute, the Superintendent has held that an employer might not include privately owned cars of his employes under his fleet policy. The jurisdiction of the Superintendent of Insurance, to exclude privately owned cars of employes from employers automobile fleet policy has been raised.