

3051.

FEES—EXTRA TRANSCRIPTS STUDENTS' SCHOLASTIC RECORDS—"STUDENT FEES" AND SHOULD BE PAID INTO STATE TREASURY TO CREDIT SPECIAL FUND—SECTION 7986-1 G. C.

SYLLABUS:

The fees charged by the board of trustees of Ohio State University for furnishing extra transcripts of a student's scholastic record fall within the category of "student fees" and should accordingly be paid into the state treasury to the credit of a special fund as required by Section 7986-1, General Code.

COLUMBUS, OHIO, October 6, 1938.

HON. CARL E. STEEB, *Secy., Board of Trustees, The State University, Columbus, Ohio.*

DEAR SIR: Your letter of recent date reads as follows:

"For some time it has been the custom of the University to furnish to each student or former student without charge one copy of his University academic record and for any desired extra transcripts of such record a fee of \$1.00 was fixed by the Board of Trustees. Prior to the year 1937, these fees were deposited in the state treasury to the credit of the general revenue fund. In that year, however, the attention of the Board of Trustees of the University was directed to the provisions of Section 7986-1, General Code, requiring student fees to be credited to special funds and providing that such funds shall be applied to the uses and purposes of the University and for no other purpose. Accordingly, these student fees which the Board of Trustees felt must fall in the same category as other student fees, such as tuition, duplicate diploma fees and other incidental fees, etc., have not since September 20, 1937, been deposited to the credit of the general revenue fund of the state.

The office of the Auditor of State, in examining the accounts of the University has recently raised a question as to whether or not these so-called duplicate transcript fees should be paid into the general revenue fund of the state. Your opinion is accordingly desired by the Board of Trustees as to the proper disposition of such fees."

Section 7986-1, General Code, provides as follows:

"All receipts from student fees and deposits of the Ohio State University and of each state normal school and university receiving state aid, required by law to be paid into the state treasury, shall be credited therein to special funds to be appropriately designated by the names of the respective institutions from which they are received. Such funds shall be applied to the uses and purposes of such respective institutions and shall be used for no other purpose."

The foregoing section in clear and unambiguous language requires that all students fees received by the Ohio State University shall be credited to a special fund to be applied to the uses and purposes of the University. It is apparent that such fees may not under this section be paid into the general fund of the state.

In my judgment, it is equally apparent that fees charged by your board of trustees for extra transcripts of a student's scholastic record are in the same category as tuition fees, duplicate diploma fees, etc., and properly come under the heading of student fees. It is my opinion, therefore, that the fees in question should be payable into the state treasury to the credit of the student fee fund, as required by Section 7986-1, General Code.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

3052.

ARCHITECT—MEMBER PUBLIC INSTITUTIONAL BUILDING AUTHORITY BOARD—MAY BE EMPLOYED AS ARCHITECT IN DEPARTMENT OF ADJUTANT GENERAL OR DEPARTMENT OF PUBLIC WORKS—MAY CONTINUE IN PRIVATE PRACTICE—PROVISO AS TO PUBLIC CONTRACTS OR AWARDS.

SYLLABUS:

(1) *An architect, who is a member of the Public Institutional Building Authority Board, may at the same time be employed as an architect in the Department of the Adjutant General or in the Department of Public Works, as his services in the latter departments are not subordinate to or incompatible with his duties as a Board member.*

(2) *An architect may render services to the Adjutant General's department and may also be employed for architectural services in the*