

1525.

APPROVAL, BONDS OF CITY OF OAKWOOD, MONTGOMERY COUNTY,
OHIO—\$20,000.00.

COLUMBUS, OHIO, September 8, 1933.

Industrial Commission of Ohio, Columbus, Ohio.

1526.

MOTOR VEHICLE LICENSE FEES—MAY NOT BE DEPOSITED IN BANK
BY DEPUTY COMMISSIONER OF MOTOR VEHICLES—PUBLIC
FUNDS DEPOSITED IN NATIONAL BANK, IN VIOLATION OF OHIO
LAW CONSTITUTES TRUST FUND RECOVERABLE BY STATE
FROM CONSERVATOR OR RECEIVER OF BANK.

SYLLABUS:

1. *A deputy commissioner of motor vehicles is not authorized by the law of Ohio to deposit in a bank funds collected as motor vehicle license fees and chauffeurs' license fees. Following Opinions of the Attorney General, 1933, No. 1439.*

2. *Where public funds are thus deposited in a national bank in violation of Ohio law, such deposit constitutes a trust fund, and the State may recover the amount thereof from a conservator or receiver of such bank, provided that the fund can be followed according to the principles of tracing applicable to bank preference cases.*

COLUMBUS, OHIO, September 8, 1933.

HON. J. P. BRENNAN, *Commissioner of Motor Vehicles, Columbus, Ohio.*

DEAR SIR:—I have your letter of recent date which reads as follows:

“We are submitting for your opinion and advice a proposition made by the Dennison National Bank of Dennison, Ohio.

Information in connection is as follows:

Our deputy commissioner at Dennison, Ohio, was a depositor in said bank when the bank was closed the latter part of February or early in March, 1933, at which time we had in our possession checks drawn on said bank payable to J. P. Brennan, Commissioner of Motor Vehicles, and signed by John Gardner, Deputy Commissioner, as follows:

February 24, 1933, amount.....	\$ 3.00
February 25, 1933, amount.....	3.00
February 27, 1933, amount.....	59.00
March 4, 1933, amount.....	10.00
March 6, 1933, amount.....	7.00
March 6, 1933, amount.....	4.50

Total.....	\$86.50
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(State Treasurer refused to accept same for deposit.)