have been set aside as game and bird refuges by order of the conservation council, made under the authority of Section 1435-1, General Code, referred to above.

On examination of these leases, I find that the same have been executed and acknowledeged by the respective lessors in the manner provided by law and that the form of each of said leases is such as to conform with the provisions of the above noted and other statutes relating to leases of this kind. I am accordingly approving these leases as to execution and as to form, as is evidenced by my approval endorsed upon the leases and upon the duplicate copies thereof, all of which are herewith returned.

Respectfully,
JOHN W. BRICKER,
Attorney General.

4466.

LIQUOR CONTROL ACT—TWO SEPARATE SURETY BONDS REQUIRED OF APPLICANTS FOR D-4 PERMITS.

SYLLABUS:

Sections 6064-15 *and* 6064-18, *General Code, as amended by Amended Substitute Senate Bill No.* 2 *of the* 91*st General Assembly, require two separate surety bonds of all applicants for class D-4 permits to be issued by the Department of Liquor Control, each bond to be conditioned upon the terms as enumerated in the respective sections of the General Code.*

COLUMBUS, OHIO, July 26, 1935.

HON. JAMES W. MILLER, *Director, Department of Liquor Control, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of a letter from your department over the signature of the Assistant Director, which reads as follows:

> "Your opinion is requested as to whether the Department of Liquor Control under the Amended Substitute Senate Bill No. 2, will be required to secure two One Thousand Dollar ($1000) bonds from applicants for Class D-4 or whether one One Thousand Dollar ($1000) bond will cover the requirements contained in Sections 6064-15 and 6064-18 of Amended Substitute Senate Bill No. 2."

In my opinion No. 4348 I held that Section 6064-15 became effective as

law upon being approved by the governor and in my opinion No. 4396, section 6064-18 was held to be effective as law on the same date, both sections being parts of a law providing for a tax levy as that phrase is used in Article II, Section 1d of the Constitution. Section 6064-15, insofar as pertinent to your inquiry, reads:

> "Permit D-4: A permit to a club which shall have been in existence for a period of three years or more prior to the issuance thereof, to sell beer and any intoxicating liquor to its members only, in glass or container, for consumption on the premises where sold. The fee for this permit shall be one hundred dollars. No such permit shall be granted or retained, unless and until, all duly elected officers of such organization controlling such club, shall have filed with the department of liquor control, a statement certifying that such club is operated in the interest of the membership of a reputable organization which is maintained by a dues paying membership, setting forth the amount of initiation fee and yearly dues. All such matter shall be contained in a statement signed under oath and accompanied by a surety bond in the sum of one thousand dollars and such bond shall be declared forfeited for any false statement contained in such certificate and the surety shall pay the amount of the bond to the department of liquor control."

It is to be noted from a reading of the whole of section 6064-15 that this type of bond is only required of a class D-4 permit holder. The purpose of this bond is to guarantee the truthfulness of the statements contained in the affidavit of the officers of the private club. This bond is a penal bond and in the event it is found that any false statement has been made in the certificate of the officers, the bond shall be declared forfeited and the surety shall pay the amount of the bond to the Department of Liquor Control. The apparent purpose of this bond was to correct abuses which had developed in the procuring of these private club permits.

It is to be noted that the bond required by this section is to accompany the affidavits or certificates of the officers of the organization and is to be filed with the Department of Liquor Control. This type of bond is entirely different from the bond required by section 6064-18, General Code, of all permit holders including class D-4 permit holders, with the exception that no bond is required of Class C-1, class C-2, class D-1 and class F permit holders.

Section 6064-18, as amended by Substitute Senate Bill No. 2 of the 91st General Assembly, reads, insofar as pertinent to your inquiry, as follows:

> "No permit other than class C-1, class C-2, class D-1, and class F permit shall be issued unless and until the applicant therefor shall

have furnished a bond to the state of Ohio, with surety to the satisfaction of the commission, conditioned on the faithful observance of the terms of the particular class of permit and compliance with all laws of the state of Ohio and rules, regulations, and orders of the department of liquor control and the tax commission of Ohio with respect thereto. The penal sums of such bonds for the classes of permits designated shall be fixed by the department of liquor control within the following limitations, to-wit:

1. For all class A and class B permits, not less than two thousand dollars nor more than ten thousand dollars.

2. For all class D-2, class D-3, class D-4, class D-5, class E, class G, class H, class I, class J, and class K permits, one thousand dollars.

No bond shall be required of a class B permit holder when such class B permit is issued to and held by a class A permit holder.

Such bonds shall be filed with the commission and kept in its office.

* * * * *

The bonds required hereunder shall run concurrently with the license. The liability of the surety under such bonds or any bonds required by the liquor control act for any default of the principal shall be limited to the amount of actual damages sustained on account of such defaults and the liability of the surety for all damages sustained on account of all default occurring during the entire effective period of the bond shall not exceed in the aggregate the penal sum thereof."

It is the fundamental principal of law that in interpreting statutes, the intent of the legislature which enacted the law must be determined from the language employed. It is not the function of the courts to make law but to interpret it and enforce it as it is found. *Ludlow* vs. *Johnston,* 3 Ohio, 553; *Henry* vs. *Trustees,* 42 O. S., 671; *Logan Natural Gas & Fuel Co.* vs. *Chillicothe,* 65, O. S., 186. If a statute is plain, certain and unambiguous, so that no doubt arises from its own terms as to its scope and meaning, there is nothing left for construction. It is the duty of the administrative officers to enforce the provisions as found in the statutes. This principle of law is stated in an early case by the Supreme Court in *McCormick* vs. *Alexander,* 2 Ohio, 65, (1825), wherein it is stated.

> "If the language of the statute is unambiguous there is no room for construction."

The same principle of law is stated by the Supreme Court in the case of *Slingluff* vs. *Weaver, et al.,* 66 O. S., 621, as follows:

> "But the intent of the law-makers is to be sought first of all in the language employed, and if the words be free from ambiguity and doubt and express plainly, clearly and distinctly, the sense of the law-making body, there is no occasion to resort to other means of interpretation. The question is not what did the general assembly intend to enact, but what is the meaning of that which it did enact. That body should be held to mean what it has plainly expressed, and hence no room is left for construction."

A reading of sections 6064-15 and 6064-18, General Code, fails to disclose any ambiguity. The language employed is clear and there is nothing to be construed. Had the legislature intended that only one bond be required, the legislature could have so provided. Section 6064-18 requires a bond of the various classes of permit holders including Class D-4, conditioned that the permit holder will pay all taxes, penalties, and permit fees assessed against the permit holder and that the permit holder will faithfully observe the terms and conditions attached to the issuance of the permit and comply with all the law, rules and regulations and orders of the Department of Liquor Control and the Tax Commission.

It is to be noted that the bond required by section 6064-18 is to be signed by sureties satisfactory to the Tax Commissoin and is to be filed with the Tax Commission. The bond required by section 6064-15 is to accompany a certificate or affidavit of the officers of the club and is filed with the Department of Liquor Control. Section 6064-15 provides that in the event any false statement is made by any of the officers of the club in their certificate, that the bond shall be declared forfeited and the surety required to pay the amount of the bond, to-wit, One Thousand Dollars ($1000), to the Department of Liquor Control. The bond required by section 6064-18 cannot be declared forfeited and the surety required to pay the full amount of the bond, unless the actual damages sustained equal such amount. The language of this last mentioned section as to this point is as follows:

> "The liability of the surety under such bonds or any bonds required by the Liquor Control Act for any default of the principal shall be limited to the actual amount of damages sustained on account of all such defaults."

It is to be noted that the bonds required by these two sections are conditioned upon entirely different terms. From a reading of these two sections, I can come to no other conclusion but that applicants for D-4 permits to be issued by the Department of Liquor Control are required to furnish two separate bonds, the bond given to be conditioned as provided in the respective sections of the Code. Not only does this amendment to section 6064-15 apply

to the issuance of New D-4 permits but the statute expressly provides that no D-4 permits "shall be granted or retained" unless the duly elected officers file with the department an affidavit or certificate together with a surety bond. It will therefore be necessary that your department require that all present holders of D-4 permits file with your department a certificate of the officers as required by this section together with the surety bond.

Summarizing, and in specific answer to your inquiry, it is my opinion that section 6064-15 and section 6064-18, General Code, as amended by Amended Substitute Senate Bill No. 2 of the 91st General Assembly, require two separate surety bonds, each in the sum of One Thousand Dollars ($1000) from all applicants for class D-4 permits. Such amendment applies equally to class D-4 permits heretofore issued by your department and it is necessary, if these permits are to be retained by the present permit holders, that they comply with this requirement and furnish the certificate of their officers together with the surety bond.

Respectfully,
JOHN W. BRICKER,
Attorney General.

4467.

APPROVAL, NOTES OF NELSONVILLE CITY SCHOOL DISTRICT, ATHENS COUNTY, OHIO, $23,745.00.

COLUMBUS, OHIO, July 26, 1935.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

4468.

APPROVAL, CONTRACT FOR ELECTRICAL WORK FOR PROJECT KNOWN AS T. B. COTTAGE, HAWTHORNDEN FARM, CLEVELAND STATE HOSPITAL, CLEVELAND, OHIO, $5,965.00, HARTFORD ACCIDENT AND INDEMNITY COMPANY OF HARTFORD, CONN., SURETY-PARKER ELECTRIC COMPANY, CLEVELAND, OHIO.

COLUMBUS, OHIO, July 27, 1935.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between