

superintendent shall not be removed by the county commissioners, "except for good and sufficient cause." Section 2522, General Code, may be harmonized with this provision in that it provides a penalty for specific acts of misconduct upon the part of the superintendent. Obviously, the legislature intended that the superintendent should not permit the inmates to render services for the private interests of any person, and in order to prevent such conditions, has placed a severe penalty upon such conduct. It is significant that the particular portion of section 2522, relative to the removal of the superintendent, was inserted in 108 O. L., Pt. I, page 266. Section 2523, General Code, had been on the statute books of Ohio for some time when the above portion of section 2522 was inserted. In the enactment of this mandatory provision, the legislature must be presumed to have had in mind existing laws, and hence intended that section 2522 should be an exception to the general laws relative to the removal of the superintendent.

In your letter you state that the Bureau of Inspection and Supervision of Public Offices has made several findings under this section and that it is by virtue of these findings that the present question is presented. It is well settled that such findings are not in the same classification as adjudicated cases. In other words, the county commissioners are not absolutely bound to find that the superintendent violated the section of the General Code in question merely because of the finding or findings made by the Bureau of Inspection and Supervision of Public Offices. However, once the county commissioners have determined that the superintendent has violated section 2522, there is no discretion resting in the county commissioners but they must remove him. It is to be noticed that in case the superintendent in question is removed the civil service laws should be carefully followed.

It is therefore my opinion; in specific answer to your question, that it is the mandatory duty of the county commissioners to remove the superintendent of a county home where the board of county commissioners has determined that the superintendent has, in violation of section 2522, required or permitted inmates or employes of the county home to render services for the private interests of the superintendent, matron or member of the board of county commissioners, or any private interest.

Respectfully,

JOHN W. BRICKER,

Attorney General.

2544.

APPROVAL, NOTES OF HOUSTON RURAL SCHOOL DISTRICT, SHELBY COUNTY, OHIO—\$1,775.00.

COLUMBUS, OHIO, April 23, 1934.

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