

In earlier opinions to you upon this general subject, I have referred to the case of *Inglis vs. Pontius et al.*, 102 O. S. p. 140. There a firm was using, as descriptive of its business, the phrase "investment bankers". The distinction between the investment banking business and that of commercial banking is very generally recognized, but, nevertheless, the court held that the use of this phrase was unlawful. This case affirmed the Court of Appeals, whose opinion is found in 15 Ohio Appellate, 228. It was suggested to the Court of Appeals that there could be no deception in the use of the words in the manner then under consideration, but, on this point, the Court says on page 233:

" * * * . We are not prepared to say that the Legislature intended to apply this law to investment bankers such as Otis & Company, and they may have made the law too broad, and perhaps the law should be amended so as to exclude investment bankers from its enforcement, but we apprehend that this is a matter for the Legislature and not for the courts to remedy.

* * * "

This language is pertinent to the question you now raise, and I am of the opinion that the remedy, if any be needed, lies with the Legislature rather than with the courts or this office.

It may be suggested that several other states have provisions similar to the Ohio statute on this subject. Research has failed to disclose any instance in which the language of these analogous statutes have been the subject of judicial interpretation.

I am accordingly of the opinion that it is unlawful for a foreign corporation to do business in this state where such corporation uses, as a part of its name or designation, the words "banker" or "bankers."

Respectfully,
EDWARD C. TURNER,
Attorney General.

3117.

APPROVAL, BONDS OF GUERNSEY COUNTY—\$27,885.46.

COLUMBUS, OHIO, January 8, 1929.

Industrial Commission of Ohio, Columbus, Ohio.

3118.

APPROVAL, BONDS OF GUERNSEY COUNTY—\$38,812.92.

COLUMBUS, OHIO, January 8, 1929.

Industrial Commission of Ohio, Columbus, Ohio.