

This association is proposed to be organized as a fraternal benefit society and there is nothing in the articles which would bring it within any of the exceptions of Section 9491 of the General Code.

Section 9473 provides that articles of incorporation of a fraternal benefit society shall be filed with the Superintendent of Insurance who, when all the provisions of law have been complied with, retains and records the articles of incorporation. It follows that the articles of incorporation of this association should be filed with the Superintendent of Insurance and not with you.

See Opinions of the Attorney General for 1913, Volume 1, Page 96 and Page 100. However, I want to add that these articles, in my opinion, are defective in the following respects:

It is stated in these articles that the incorporators desire to form a corporation, not for profit, under the General Corporation Act of Ohio. Fraternal benefit societies are not organized under the General Corporation Act but are organized under the laws relating to fraternal benefit societies, particularly Section 9473 of the General Code.

It is stated in the articles that a majority of the incorporators are citizens of the United States. Under Section 9473 all must be citizens of the United States and a majority of them must be citizens of the State of Ohio. The articles of incorporation must also state the names, residences and official titles of all the officers, trustees, directors or other persons who are to have and exercise the general control and management of the affairs and funds of the society for the first year or until the ensuing election at which all such officers shall be elected by the supreme legislative or governing body which election must be held not later than one year from the issuance of a permanent certificate, which is to be furnished by the Superintendent of Insurance.

There are only five persons who signed as incorporators, whereas, at least 7 persons are required. Consequently, I am herewith returning the articles of incorporation, together with the constitution and by-laws, without my approval.

Respectfully,

JOHN W. BRICKER,
Attorney General.

2941.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE C. E. BOYD COMPANY OF MASSILLON, OHIO, FOR THE CONSTRUCTION AND COMPLETION OF CONTRACT FOR GENERAL WORK FOR BROADCASTING STATION AND BARRACKS FOR STATE HIGHWAY PATROL AT MASSILLON, OHIO, AT AN EXPENDITURE OF \$20,380.00—CONTRACT BOND EXECUTED BY THE AETNA CASUALTY AND SURETY COMPANY.

COLUMBUS, OHIO, July 19, 1934.

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

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Department of Highways, and the C. E. Boyd Company of Massillon, Ohio. This contract covers

the construction and completion of Contract for General Work for a project known as Broadcasting Station and Barracks, for the State Highway Patrol at Massillon, Ohio, in accordance with Item No. 1, Item No. 5 (Alt. G-1), and Item No. 7 (Alt. G-3) of the Form of Proposal dated July 3, 1934. Said contract calls for an expenditure of twenty thousand three hundred and eighty dollars (\$20,380.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated, in a sum sufficient to cover the obligations of the contract. You have also submitted a certificate of the Controlling Board, showing that said board has released funds for this project, in accordance with Section 8 of House Bill No. 699 of the 90th General Assembly, regular session.

In addition, you have submitted a contract bond upon which the Aetna Casualty and Surety Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon, and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,

JOHN W. BRICKER,
Attorney General.

2942.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE C. E. BOYD COMPANY OF MASSILLON, OHIO, FOR THE CONSTRUCTION AND COMPLETION OF CONTRACT FOR ELECTRICAL WORK AT BROADCASTING STATION AND BARRACKS FOR THE STATE HIGHWAY PATROL, MASSILLON, OHIO, AT AN EXPENDITURE OF \$1,165.00—CONTRACT BOND EXECUTED BY THE AETNA CASUALTY AND INSURANCE COMPANY.

COLUMBUS, OHIO, July 19, 1934.

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

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Department of Highways, and the C. E. Boyd Company of Massillon, Ohio. This contract covers the construction and completion of Contract for Electrical Work for a project known as Broadcasting Station and Barracks for the State Highway Patrol, Massillon, Ohio, in accordance with Item No. 4 of the Form of Proposal dated July 3, 1934. Said contract calls for an expenditure of one thousand one hundred and sixty-five dollars (\$1,165.00).