

to such act is there any authority granted to or duly conferred on the county commissioners to prepare or furnish such list of names to contractors. (See Senate Bill No. 2, enacted by the Second Special Session of the 89th General Assembly; Senate Bill No. 63 of the 90th General Assembly; House Bill No. 7 of the First Special Session of the 90th General Assembly). My research fails to disclose any provision of statute authorizing the county commissioners to conduct an employment bureau, whether for indigents or otherwise.

If there is no statutory authority to employ a county relief director, there necessarily would be no legal method of paying one illegally employed.

It has been repeatedly held that when a quasi public corporation enters into an alleged contract for the payment of money which contract is ultra vires, or beyond the powers of such body, there can be no recovery against such body. *Welston vs. Morgan*, 65 O. S. 219; *Buchanan Bridge Co. vs. Campbell*, 60 O. S. 406; *North vs. Huron Co.*, 30 O. C. C., 145. Nor are the county commissioners liable in their individual capacity where they acted in good faith. *Thomas vs. Wilton*, 40 O. S. 516.

Specifically answering your inquiry it is my opinion that where, without authority of law, the county commissioners have employed a county relief director, the county commissioners may not pay from county funds to such person so employed, any compensation for services rendered pursuant to such illegal contract of hire.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

1752.

OHIO LIQUOR CONTROL COMMISSION—UNAUTHORIZED TO REMIT  
PENALTY IMPOSED UPON CLASS A PERMITTEE FOR FAILURE  
TO FILE RETURN WITH COMMISSION.

SYLLABUS:

*The Ohio Liquor Control Commission does not have the power to remit a penalty imposed by it upon a class A permittee for failure to file a return with the Ohio Liquor Control Commission as required by law prior to the enactment of House Bill No. 4, enacted in the special session of the 90th General Assembly.*

COLUMBUS, OHIO, October 21, 1933.

*Ohio Liquor Control Commission, Columbus, Ohio.*

GENTLEMEN:—This will acknowledge your letter of recent date wherein you request my opinion as to whether the Ohio Liquor Control Commission has the power to remit a penalty imposed by it upon a class A permittee for failure to file a return as required by law.

It is a well established rule that public officers and boards have only such powers as have been expressly conferred upon them by law and such implied powers as are necessary for the exercise of those expressly granted.

The only provision relating to penalties for failure to file a report with the Ohio Liquor Control Commission is that contained in section 6212-60, General

Code, prior to its amendment in House Bill No. 4, enacted in the special session of the 90th General Assembly, which read in part as follows:

"The following penalties are hereby provided: A penalty of fifteen percent (15%) of the amount of the tax shall be assessed by the auditor of state for failure to pay the tax at the time required by law. A penalty of fifteen percent (15%) of the amount of the tax shall be assessed by the commission for failure to file a return as required by law. A penalty of twenty-five percent (25%) of the amount of the tax shall be assessed by the commission for the filing of a false or fraudulent return."

By virtue of the provisions contained in section 6212-60, prior to its amendment, the Ohio Liquor Control Commission was only authorized to impose a penalty upon a permittee for failure to file a return with the Commission as required by law. There is no provision in the laws relating to the Ohio Liquor Control Commission which authorizes that administrative body to remit a penalty imposed by it upon a permittee who has failed to file a return as required by law.

In view of that fact, it is my opinion that the Ohio Liquor Control Commission does not have the power to remit a penalty imposed by it upon a class A permittee for failure to file a return with the Ohio Liquor Control Commission as required by law prior to the enactment of House Bill No. 4, enacted in the special session of the 90th General Assembly.

Respectfully,  
JOHN W. BRICKER,  
*Attorney General.*

1753.

OHIO SAVINGS BANK AND TRUST COMPANY—LEGAL QUESTIONS  
RELATIVE TO PROPOSED CONDITIONS FOR RESUMPTION OF  
BUSINESS OF TOLEDO BANK DISCUSSED.

SYLLABUS:

1. *Consents heretofore obtained to the Plan for Reopening of The Ohio Savings Bank & Trust Company, Toledo, Ohio, may not be considered as consents to the proposed Conditions for Resumption of Business by said bank, in view of the material variations from the original Plan contained in said Conditions.*
2. *The Court of Common Pleas may not cancel all outstanding certificates evidencing ownership of stock in said bank without the consent of the owners thereof, as contemplated by the proposed Conditions.*
3. *Under Section 5 of the Conditions, value must be received for all of the authorized capital stock before the Superintendent of Banks can legally consent to the reopening of said bank.*
4. *An agreement among the shareholders, a committee and the bank in connection with the opening of a bank that all shares shall be voted by such committee is a lawful agreement.*
5. *Even though the Conditions for the resumption of business by the Ohio Savings Bank & Trust Company are approved by the Superintendent of Banks and the Common Pleas Court, such creditors who desire to file an action for the estab-*