

that no applications for the lease of the same for public park purposes were filed with you under the provisions of this act and of the Farnsworth Act, 114 O. L., 518, your authority to execute the lease here in question to the Gulf Refining Company for the purposes above stated is approved.

I further find that this lease has been properly executed by you and by the Gulf Refining Company, the lessee therein named, acting by the hand of its Vice President pursuant to the authority of a resolution of the Board of Directors of said company. I am accordingly approving this lease as to legality and form, as is evidenced by my approval endorsed upon the lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

3864.

APPROVAL, BONDS FOR THE FAITHFUL PERFORMANCE OF THEIR
 DUTIES—CARL A. MANNER, CASHIER, BUREAU OF MOTOR VEHICLES;
 FLORENCE E. KELLEY, ASSISTANT CASHIER.

COLUMBUS, OHIO, January 26, 1935.

HON. JOHN JASTER, JR., Director of Highways, Columbus, Ohio.

DEAR SIR:—You have submitted for my examination two bonds, in the penal sums of \$25,000 and \$10,000, respectively, with sureties as indicated, to cover the faithful performance of the duties of the officials as hereinafter listed:

Carl A. Manner, Cashier, Bureau of Motor Vehicles, Department of Highways—The New Amsterdam Casualty Company.

Florence E. Kelley, Assistant Auditor, Bureau of Motor Vehicles, Department of Highways—The New Amsterdam Casualty Company.

The above bonds are executed pursuant to the provisions of section 6290-1, General Code, as amended (115 Ohio Laws, 97, 98). Such section reads, so far as pertinent:

“There is hereby created in the department of highways, a bureau of motor vehicles which shall be administered by a registrar of motor vehicles. * * * The registrar may, with the approval of the director of highways, appoint such number of assistants, deputies, clerks, stenographers and other employes as he may deem necessary * * *.

When in the opinion of the director of highways, it is deemed advisable, any deputy or other employe may be required to give bond in such amount and with such security as he may approve.”

With reference to the bond of Carl A. Manner, it appears to be in proper form in accordance with the foregoing statutory provision, with the exception that in the oath the word “Cashier” should be inserted before the words “Bureau of Motor Vehicles” and the word “appointed” should be inserted where the word “Cashier” now appears, and in its place.

With respect to the bond of Florence E. Kelley, it appears to be in proper form in accordance with the section of the General Code, quoted, *supra*, with the exception that the word "her" should be substituted for the word "his" in the eighth line of the bond after the phrase "Now, if the said Florence E. Kelley shall, during", and in the oath the words "Assistant Auditor" should be inserted before the words "Bureau of Motor Vehicles" and the word "appointed" should be inserted where the words "Assistant Auditor" now appear and in their place.

Finding said bonds to have been properly executed in accordance with the above statutory provision, with the exceptions of the errors pointed out, I hereby approve the same as to form, in anticipation of such errors being corrected, and return them herewith.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

3865.

DISTRICT BOARD OF HEALTH—MAY NOT APPOINT MEMBER AS SANITARY INSPECTOR UNDER SECTION 1261-22, G. C.

SYLLABUS:

A District Board of Health may not appoint one of their own members as Sanitary Inspector under the provisions of Section 1261-22, General Code, even though he may be compensated from Federal funds.

COLUMBUS, OHIO, January 26, 1935.

HON. ROBERT F. JONES, *Prosecuting Attorney, Lima, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion which reads as follows:

"By virtue of authority of the United States Public Health Service a member of the county health board has been appointed Sanitary Inspector for Allen County. His salary is paid with Federal funds. For one month he has served as Sanitary Health Inspector (Federal office, compensated with Federal funds), and also as member of the county health board (compensated with county funds). He has been a member of the county health board for several years continuing to the present time.

Question: May such member of the county board of health hold the position of Sanitary Inspector in his county where his compensation for the latter position is paid by the Federal Government?"

In a subsequent communication I am informed that the person in question was not appointed Sanitary Inspector by the Federal Government but rather is an appointee of the District Board of Health under the provisions of Section 1261-22, General Code. I am informed likewise that he receives his orders and instructions from the District Health Commissioner, and that the only relationship that the Federal Government has in this connection is that he is paid from Federal funds. The question therefore presents itself as to whether or not a District Board of Health may appoint one of their own members as Sanitary Inspector and compensate him from Federal funds.