

and Industrial Department of Wilberforce University is not eligible to the position of Superintendent of such department, without having first tendered his resignation to such Board of Trustees, and such resignation having been accepted by that Board.

Coming now to your second inquiry, it follows from the provisions of Section 7980, General Code, above quoted, that a majority of the board has authority to order a meeting to be held at such places and times as the majority determines. It is an elementary principle of law, however, that each member of a board such as the one under consideration is entitled to such notice of a meeting as would afford him a reasonable opportunity to attend.

The question as to whether or not reasonable notice was given of the meeting to the members of the board of trustees in the instant situation is one of fact to be determined in view of pertinent circumstances, and, since I am not fully informed as to all the facts concerning such meeting, it is impossible for me to categorically answer your second inquiry.

In answer to your third inquiry, it is necessary to consider Section 7981, General Code, above quoted. Such section provides that the board shall select a superintendent, "whose selection shall be approved by the state controlling board".

In view of the provisions of that section, it would seem that the word "shall" as used therein, following its usual general significance, is mandatory and, therefore, imposes a condition precedent to the appointment of a superintendent of the department in question. It follows that compensation cannot legally be paid from the state treasury for the salary of Mr. X. as Superintendent of the Combined Normal and Industrial Department until his selection has been approved by the controlling board.

In answer to your fourth inquiry, it would seem that since Mr. X. is not eligible to hold the position of Superintendent of the Combined Normal and Industrial Department of Wilberforce University, and, even if he were eligible since his selection as such superintendent has not been approved by the controlling board, he cannot perform any legal or official acts as such superintendent which will bind the institution. It should be noted, however, that I express no opinion as to the legality of acts done by him as a de facto officer.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4163.

APPROVAL, NOTES OF MAPLE HEIGHTS CITY SCHOOL DISTRICT,
CUYAHOGA COUNTY, OHIO—\$17,492.00.

COLUMBUS, OHIO, March 18, 1932.

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