

attorney serving as clerk of the board of elections if he is not a candidate for election. An opinion of this office rendered March 25, 1936, being Opinion No. 3294, held as set forth in the syllabus:

"1. A coroner who is not a candidate for election, may be a member of a county board of election, if it is physically possible to perform the duties of both offices.

2. A coroner who is a candidate for election, may not at the same time be a member of a county board of elections."

Specifically answering your question, it is my opinion that the prosecuting attorney who is not a candidate for an office to be filled at an election, other than the office of delegate or alternate to a convention or a member of a party committee, may be appointed and serve as clerk of the county board of elections if it is physically possible to perform the duties of both offices; but such prosecutor who is a candidate for an office to be filled at an election, excepting the office of delegate or alternate to a convention or member of a party committee, may not at the same time be clerk of the county board of elections.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

2003.

APPROVAL—CONTRACT AND BOND, STATE OF OHIO, THROUGH THE DEPARTMENT OF PUBLIC WORKS, FOR DEPARTMENT OF HIGHWAYS, WITH EMRICH COMPANY, COLUMBUS, OHIO, HEATING WORK, PROJECT, OFFICE BUILDING, DIVISION No. 3, OHIO DEPARTMENT OF HIGHWAYS, ASHLAND, OHIO, TOTAL EXPENDITURE, \$3,492.00.

COLUMBUS, OHIO, March 3, 1938.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval a contract by and between Emrich Company, Columbus, Ohio, and the State of Ohio, acting by the Department of Public Works, for the Department of Highways, for the construction and completion of Contract for Heating Work for

a project known as Revised—Heating only—January 14, 1938, Office Building, Division No. 3, Ohio Department of Highways, Ashland, Ohio, as set forth in Item 1, of the Form of Proposal dated February 7, 1938, which contract calls for the total expenditure of three thousand four hundred and ninety-two dollars (\$3,492.00).

You have also submitted the following papers and documents in this connection: Encumbrance Record No. 1626, dated February 17, 1938, the estimate of cost, the division of contract, the notice to bidders, the proof of publication, workmen's compensation certificate showing the contractor having complied with the laws of Ohio relating to compensation, the form of proposal containing the contract bond signed by the United States Guarantee Company, its power of attorney for the signer, its financial statement and its certificate of compliance with the laws of Ohio relating to surety companies, the recommendations of the State Architect and Engineer, Director of Highways and Director of Public Works, letter of certification from the Auditor of State showing that the necessary papers and documents are on file in said office, Controlling Board Releases, and the tabulation of bids received on this project.

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 documents submitted in this connection.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

2004.

APPROVAL—OFFICIAL BOND OF EUGENE H. ADAMS, RESIDENT DISTRICT DEPUTY DIRECTOR OF PIKE COUNTY, OHIO, \$5,000.00, THE NEW YORK CASUALTY COMPANY. SURETY.

COLUMBUS, OHIO, March 3, 1938.

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

DEAR SIR: You have submitted for my consideration, as provided by law, the official bond of Eugene H. Adams, as principal, and New York Casualty Company, as surety, in the penal sum of Five Thousand (\$5,000.00) Dollars, conditioned that the said Eugene H. Adams shall, during the term of office, faithfully perform the duties, as resident district