

supra. However, it must be remembered that Section 12711 is a penal section and must be strictly construed, and the words "in the operating room in which he practices," as used in said Section 12711, would seem to limit the operation of that section to persons who actually perform dental operations rather than to include therein the manager, proprietor, operator or conductor of a place for performing dental operations.

The specific question which you ask was under consideration in an opinion of this department rendered on November 30, 1923, and appearing in the Attorney General's Opinions for that year on page 757. The syllabus of that opinion reads as follows:

"Under the laws of Ohio a person may maintain more than one office if said person displays a license in conformity with Section 12711 G. C."

In the opinion it was said:

"By the above section a person practicing dentistry must keep on display at all times in the operating room his license to practice. It is conceivable that a person having one or more offices might, by taking his license with him, be able to display the same in all offices while engaged in said practice.

Investigation of other statutes relating to the practice of dentistry fails to reveal any section which would prevent any person from having more than one office when the practice in such office is in compliance with the statutes relating to the practice of dentistry.

It is therefore my opinion that a person may, under the law in Ohio, maintain more than one office if such person displays a license in conformity with Section 12711."

In view of the foregoing, it is my opinion that under the laws of Ohio a person who is licensed to practice dentistry in this state may maintain more than one office for the practice of dentistry, provided said person displays a license in conformity with Section 12711, General Code.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

1312.

GAME PROTECTORS—MAY BE TRANSFERRED BY THE DIRECTOR OF AGRICULTURE FROM ONE COUNTY TO ANOTHER.

*SYLLABUS:*

*The Director of Agriculture has authority to transfer "game protectors" to such counties or places within the State of Ohio as he may deem advisable in the performance of his duties as Director of Agriculture.*

COLUMBUS, OHIO, November 29, 1927.

*Department of Agriculture, Division of Fish and Game, MR. D. O. THOMPSON, Chief, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter which reads as follows:

"Will you kindly advise me if Game Protectors can be transferred from one county to another when it is found that protectors have out-lived their usefulness in the county in which they have been working.

We find there are some cases where a protector has become quite well known and the violators take advantage of this. We find that if the protectors are transferred into a new territory it would benefit the department in many ways."

Section 1438, General Code, provides as follows:

"The secretary of agriculture (now the Director of Agriculture), shall have authority and control in all matters pertaining to the protection, preservation and propagation of song and insectivorous and game birds, wild animals and fish within the state and in and upon the waters thereof. He shall enforce by proper legal action or proceeding the laws of the state for the protection, preservation and propagation of such birds, animals and havens for the propagation of fish and game, and, so far as funds are provided therefor, shall adopt and carry into effect such measures as he deems necessary in the performance of his duties."

Section 1439, General Code, provides in part as follows:

"For the purpose of carrying into effect the provisions of the preceding section there shall be appointed \* \* \* such number of fish and game protectors and special fish and game protectors as the board of agriculture (now the Director of Agriculture) may prescribe. \* \* \* each fish and game protector shall hold his office for a term of two years, unless sooner removed by the secretary of agriculture (now the Director of Agriculture), \* \* \*"

Section 1441, General Code, provides in part as follows:

"The chief of the division of fish and game, \* \* \* fish and game protectors and special fish and game protectors shall enforce the provisions of this act and the laws relating to the protection, preservation and propagation of birds, fish, game and fur-bearing animals \* \* \* and shall have authority to make arrests upon view and without the issuance of a warrant therefor. Under the direction of the secretary of agriculture (now the Director of Agriculture), the chief of the division of fish and game and assistant chief shall visit all parts of the state and direct and assist fish and game protectors in the discharge of their duties. \* \* \*"

Section 1442, General Code, authorizes game protectors to serve and execute warrants and to make arrests under the provisions of this section and to "enter upon any private lands or waters for the purpose of carrying out the provisions of this act."

From an examination of the sections of the General Code above referred to you will note that the legislature has vested the sole authority and control in all matters pertaining to the protection, preservation and propagation of song and insectivorous and game birds, wild animals and fish within the state and in and upon the waters thereof in the Director of Agriculture. The Director of Agriculture has authority to appoint such number of fish and game protectors as he may deem necessary, their term of office being for two years, unless sooner removed by such Director. It is within the discretion of the Director of Agriculture, limited of course by the appro-

priations available for such purpose, to fix the salary of such protectors. In other words, the legislature has vested in the Director of Agriculture the sole authority with regard to game protectors. I know of no section of the General Code which would prevent the transfer from one county to another of such appointees by the Director of Agriculture.

Answering your question specifically it is my opinion that the Director of Agriculture has authority to transfer "game protectors" to such counties or places within the State of Ohio as he may deem advisable in the performance of his duties as Director of Agriculture.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

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1313.

PROSECUTING ATTORNEY—NO AUTHORITY TO SETTLE ROAD APPEAL CASES UNLESS SAME IS GIVEN BY COUNTY COMMISSIONERS.

*SYLLABUS:*

*The prosecuting attorney of a county has no power or authority to settle a road appeal case without authority given to him by the board of county commissioners of said county so to do, if such settlement involves the rights of the county or of said board in such case, and does not merely have reference to some matter of practice or procedure in presenting the rights of the parties in the case to the court or jury for determination.*

COLUMBUS, OHIO, November 29, 1927.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN:—This is to acknowledge receipt of your letter of November 14, 1927, enclosing a communication from the board of county commissioners of Belmont County and requesting my opinion on a question therein stated, as follows:

"Does the prosecuting attorney of a county have power to settle road appeal cases in probate court without authority given by the county commissioners, the county commissioners not being aware that a compromise would be made and having not made any journal entry to that effect?"

No facts are stated in connection with the question above noted and the most that I can do is to note a few of the general principles of law that may be applicable to the particular situation that the county commissioners may have had in mind in submitting this question.

Provision is made for appeals from orders and findings of the board of county commissioners in public road proceedings, as follows:

Sec. 6891: "Any person, firm or corporation interested therein, may appeal from the final order or judgment of the county commissioners made in the proceeding and entered upon their journal determining either of the following matters:

1. The compensation for land appropriated.
2. The damages claimed to property affected by the improvement.
3. The order establishing the proposed improvement.
4. The order dismissing or refusing to grant the prayer of the petition

for the proposed improvement."