

noted my approval thereon, and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,

JOHN W. BRICKER,
Attorney General.

4532.

APPROVAL, BONDS OF CITY OF CLEVELAND, CUYAHOGA COUNTY, OHIO, \$8,000.00.

COLUMBUS, OHIO, August 10, 1935.

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

4533.

REAL ESTATE—BROKER'S LICENSE ISSUED BEFORE EFFECTIVE DATE OF AMENDED S. B. NO. 165 NOT REQUIRED TO BE REGISTERED IN CLERK OF COURTS' OFFICE.

SYLLABUS:

Real estate brokers' licenses issued for the year 1935, prior to the effective date of the recent amendment of Section 6373-40, General Code, as contained in Amended Senate Bill No. 165 of the 91st General Assembly, need not be registered in the office of the clerk of courts of the county in which persons so licensed reside.

COLUMBUS, OHIO, August 10, 1935.

State Board of Real Estate Examiners, Columbus, Ohio.

GENTLEMEN:—Your letter of recent date is as follows:

“As you know, at the last session of the General Assembly, the State Real Estate License Law was amended in several respects.

Section 6373-40 was amended to read as follows:

* * * Every real estate broker licensed under this act, within ten days of the receipt of this license and those of his salesmen, shall have same registered in the office of the Clerk of Courts of the

County in which they reside, the cost of such registration not to exceed twenty-five cents.'

All licenses expire December 31 of each year and applicants have ninety (90) days thereafter in which to renew. A controversy has arisen now among licensees as to whether or not this amended section applies to those who have already received their licenses for the present year, that is, whether or not it is necessary for them to register with the County Clerk for the remainder of this year.

We shall appreciate an opinion from you on this question at your earliest convenience."

An analogous question to that which you have presented was under consideration in Opinion No. 4430, rendered July 17, 1935, to the Secretary of State, the first branch of the syllabus reading as follows:

"Commissions issued to special policemen pursuant to the present provisions of Section 9150, General Code, and recorded with the clerk of courts of any county or counties in the state, as required by Section 9151, General Code, need not be recorded in the office of the Secretary of State after the effective date of Amended Senate Bill No. 153."

Amended Senate Bill No. 153, there under consideration, repeals the present provisions of Section 9151, General Code, requiring special policemen to record their commissions with the clerk of courts, and provides in lieu thereof that:

"Before entering upon the duties of his office, each policeman so appointed shall take and subscribe an oath of office, which shall be endorsed on his commission, and said commission with the oath, shall be recorded in the office of the secretary of state * * *."

In the instant case, Section 6373-40, General Code, is amended by the addition thereto of a new paragraph quoted in your letter. It is observed that the provision is that the licenses shall be registered with the clerk of courts "within ten days of the receipt" thereof. It is my judgment, adhering to the reasoning upon which the conclusion in Opinion No. 4430, supra, was based, that had the legislature seen fit to require that such licenses issued prior to the effective date of the act be so recorded, it could well have said so.

Specifically answering your question, therefore, it is my opinion that real estate brokers' licenses issued for the year 1935, prior to the effective date of the recent amendment of Section 6373-40, General Code, as contained in Amended Senate Bill No. 165 of the 91st General Assembly, need not be

registered in the office of the clerk of courts of the county in which persons so licensed reside.

Respectfully,

JOHN W. BRICKER,

Attorney General.

4533-A.

APPROVAL, NOTES OF VALLEY RURAL SCHOOL DISTRICT,
SCIOTO COUNTY, OHIO, \$11,781.00.

COLUMBUS, OHIO, August 10, 1935.

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

4534.

APPROVAL, NOTES OF WARREN TOWNSHIP RURAL
SCHOOL DISTRICT, TRUMBULL COUNTY, OHIO,
\$12,160.00.

COLUMBUS, OHIO, August 10, 1935.

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

4535.

APPROVAL, NOTES OF LAFFERTY RURAL SCHOOL DIS-
TRICT, BELMONT COUNTY, OHIO, \$2,637.00.

COLUMBUS, OHIO, August 10, 1935.

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