

Thus, it will be readily seen from the foregoing that an attempt has been made to set forth the test that must be applied not only to the question here considered, but to other similar questions which will be presented to you for decision in the future. The determination of each case will be dependent entirely upon whether or not cosmetology operators, after leasing space in a duly licensed beauty parlor, contemplate the dispensing of cosmetology services as individuals, free from any interference or control of the owner or manager thereof. Upon determination of this question will be found the proper solution to each particular case.

It is, therefore, my opinion in specific answer to your question that: (1) Cosmetology operators, leasing space in a duly licensed beauty parlor, but acting as employes of the owner or manager thereof, are not required under the provisions of the Cosmetology Act, to obtain shop licenses. (2) Cosmetology operators, leasing space in a duly licensed beauty parlor, but dispensing cosmetology services as individuals, free from any interference or supervision of the owner or manager thereof, are engaged in the operation of a separate and distinct beauty parlor and are, therefore, required under the provisions of Section 1082-16 of the General Code, to obtain shop licenses.

Respectfully;

HERBERT S. DUFFY,
Attorney General.

2573.

THE MUSKINGUM WATERSHED CONSERVANCY DISTRICT
--EXPENSES--ENTERTAINMENT--TRIPS--PUBLIC OFFICIALS--PRIVATE ORGANIZATIONS--CANNOT BE
TAKEN FROM PUBLIC FUNDS OF DISTRICT.

SYLLABUS:

Payments of expenses incurred in entertaining public officials and private organizations on general inspection trips made over The Muskingum Watershed Conservancy District can not properly be taken from public funds of the district.

COLUMBUS, OHIO, June 9, 1938.

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

GENTLEMEN: This will acknowledge the receipt of your recent communication. You requested an opinion as to the legality of certain expenditures made by The Muskingum Watershed Conservancy Dis-

trict for expenses incurred in entertaining certain public officials and private organizations making inspection trips over the District.

An early opinion issued by this office (1922 Opinions of Attorney General, Volume 1, page 700) has discussed very thoroughly the authority given Conservancy Districts under the Conservancy Act. Moreover, a perusal of the Conservancy Act (Sections 6828-1 to 6828-79, General Code) will reveal that exceedingly broad powers have been given expressly, and to further widen the authority conferred, it is provided that the powers of the Conservancy District are not to be limited to those expressly granted, but are to include also the power to perform the acts necessary and proper for carrying out those purposes for which the District is created. (See Section 6828-6, General Code.)

Section 6828-23, General Code, relating to the exercise of authority, read in the light of this provision, applies to the situation before us. The section reads as follows:

"The board of directors shall also have the right and authority to enter into contracts or other arrangements with the United States government or any department thereof, with persons, railroads or other corporations, with public corporations, and the state government of this or other states, with drainage, conservation, conservancy, or other improvement districts, in this or other states, for co-operation or assistance in constructing, maintaining, using and operating the works of the district or the waters thereof, not in violation of Article VIII of the constitution; or for making surveys and investigations or reports thereon; and may purchase, lease or acquire land or other property in adjoining states in order to secure outlets or for other purposes of this act, and may let contracts or spend money for securing such outlets or other works in adjoining states."

Certainly broad authority to contract for co-operation and assistance in maintaining and using the works of the district is given in this section. Moreover, reading further, it can be seen that the Conservancy Act expressly authorizes the making of contracts and arrangements for surveys and inspections of the conservancy district.

It appears that the trips in question are generally inspection and sight seeing trips over the district and that the expenses in question were made for the personal pleasure and entertainment of the persons concerned. This being so, they are not matters directly concerned with co-operation and assistance to the conservancy district and because of this, they should not be paid from public funds.

Public moneys must, because of their trust nature, be carefully expended and it has long been a responsibility of official boards to see to it that such money shall be spent only for public purposes.

To allow payment of dinner and lodging expenses from district funds where such expenses are the result of entertaining visiting officials and private organizations is to open the door to a practice for which there is no legal sanction. It is perfectly obvious that there is no authority for paying from public funds of the district the traveling expenses of persons other than employes of the district.

It is therefore my judgment that payments by The Muskingum Watershed Conservancy District for expenses incurred in entertaining public officials and private organizations on general inspection trips made over the district can not properly be taken from public funds of the district.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2574.

APPROVAL—CERTIFICATE OF AMENDMENT, ARTICLES,
THE FARMERS UNION MUTUAL CASUALTY COM-
PANY.

COLUMBUS, OHIO, June 10, 1938.

HON. WILLIAM J. KENNEDY, *Secretary of State, Columbus, Ohio.*

DEAR SIR: I have examined the certificate of amendment to the articles of The Farmers Union Mutual Casualty Company which you have submitted for my approval.

Finding the same not to be inconsistent with the Constitution or laws of Ohio or the Constitution or laws of the United States, I have endorsed my approval thereon, and return the same herewith to you.

Respectfully,

HERBERT S. DUFFY,
Attorney General.