

ment of Public Works, as his services in the latter departments are not subordinate to or incompatible with his duties as a Board member.

(2) An architect may render services to the Adjutant General's department and may also be employed for architectural services in the Department of Public Works, as the services of these two departments involve no incompatibility.

(3) An architect who is a member of the Public Institutional Building Authority Board may in the absence of statutory provisions to the contrary, continue in private practice so long as no contracts or awards of buildings in any manner under the jurisdiction of the Public Institutional Building Authority Board are effected.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*

3053.

APPROVAL—CONTRACT AND BOND, DEPARTMENT OF PUBLIC WELFARE WITH LEIMANN CONSTRUCTION COMPANY, CINCINNATI, CONSTRUCTION AND COMPLETION OF RETAINING WALL FOR RAILROAD SIDING, LONGVIEW STATE HOSPITAL, CINCINNATI, OHIO, AT A COST OF \$3,888.00.

COLUMBUS, OHIO, October 7, 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 Leimann Construction Company, Cincinnati, Ohio, and the State of Ohio, acting by the Department of Public Works, for the Department of Public Welfare, for the construction and completion of Contract for Retaining Wall for a project known as Retaining Wall for Railroad Siding, Longview State Hospital, Cincinnati, Ohio, as set forth in Item 1, of the Form of Proposal dated September 19, 1938, which contract calls for a total expenditure of three thousand eight hundred and eighty-eight dollars (\$3,888.00).

You also have submitted the following papers and documents in this connection: Encumbrance record No. 42, dated September 23, 1938, estimate of cost, division of contract, notice to bidders, 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 Royal

Indemnity 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, Director of Public Welfare 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 release, 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.*

---

3054.

APPROVAL—BONDS CITY OF CLEVELAND, CUYAHOGA COUNTY, OHIO, \$100,000.00, PART OF ISSUE DATED SEPTEMBER 1, 1938.

COLUMBUS, OHIO, October 8, 1938.

*The Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN :

RE: Bonds of City of Cleveland, Cuyahoga County,  
Ohio, \$100,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an issue of refunding bonds in the aggregate amount of \$2,327,000, dated September 1, 1938, bearing interest at the rate of  $3\frac{1}{4}\%$  per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute valid and legal obligations of said city.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*