

2432 and 6860 to 7574, General Code, under the procedure outlined in Sections 412-16 to 412-23, inclusive, General Code.

Respectfully,

JOHN W. BRICKER,
Attorney General.

4410.

APPROVAL, CONTRACT FOR HEATING FOR PROJECT KNOWN AS T. B. COTTAGE, HAWTHORNDEN FARM, CLEVELAND STATE HOSPITAL, CLEVELAND, OHIO, \$11,-168.00, SEABOARD SURETY COMPANY OF NEW YORK, SURETY-SPOHN HEATING AND VENTILATING COMPANY.

COLUMBUS, OHIO, July 12, 1935.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works for the Department of Public Welfare, and the Spohn Heating and Ventilating Company of Cleveland, Ohio. This contract covers the construction and completion of contract for Heating for a project known as T. B. Cottage, Hawthornden Farm, Cleveland State Hospital, Cleveland, Ohio, in accordance with Item No. 3, and Item No. 11 (Alternate H-1) of the form of proposal dated April 23, 1935. Said contract calls for an expenditure of eleven thousand one hundred and sixty-eight dollars (\$11,168.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also submitted a certificate of the Controlling Board showing that said board has released the moneys appropriated for this project in accordance with section one of House Bill No. 69 of the second special session of the 90th General Assembly.

In addition, you have submitted a contract bond upon which the Seaboard Surety Company of New York appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

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 data submitted in this connection.

Respectfully,

JOHN W. BRICKER,
Attorney General.

4411.

COUNTY AUDITOR—DUTIES AS TO ISSUANCE OF KENNEL
LICENSES.

SYLLABUS:

Duties of the County Auditor in the issuance of kennel licenses discussed.

COLUMBUS, OHIO, July 12, 1935.

HON. NELSON CAMPBELL, *Prosecuting Attorney, Mt. Gilead, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion which reads as follows:

“In our county it has become a habit for kennel owners to claim some sort of a partnership arrangement, one with the other, thereby reducing substantially the income from the sale of kennel licenses. The situation has become so serious that our dog fund will not carry through the year.

Query: Can the County Auditor require a positive showing of partnership, and if so, how far can he go in such requirement?”
A subsequent communication reads in part as follows:

“Two or more owners of kennels have been in the habit of appearing before the Auditor and merely saying, in substance, ‘We are partners’; whereupon the Auditor has issued a kennel license. The actual basis for such an alleged partnership has never been known to the County Auditor nor has he been certain as to the extent to which he could go in demanding positive proof of such business relationship. So far as the Auditor actually knew, the men in question probably owned and operated separate kennels and used the partnership scheme to cut down on license expenses.

It occurs to me that the mere declaration of a partnership is insufficient, and that the Auditor would be acting within his rights in requesting some positive showing, as for example, vendor’s license;