

The above purchase of bonds appears to be part of an issue of bonds of the above city dated January 1, 1931. The transcript relative to this issue was approved by this office in an opinion rendered to your board under date of April 20, 1936, being Opinion No. 5389.

It is accordingly my opinion that these bonds constitute a valid and legal obligation of said city.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*

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1393.

ACTIONS TO COLLECT CLAIMS ASSIGNED IN TRUST TO  
DIRECTOR OF DEPARTMENT OF INDUSTRIAL RELATIONS—SPECIAL COUNSEL COMPENSATED IN SUCH  
ACTION AS PROVIDED.

*SYLLABUS:*

*Legal actions instituted to collect claims assigned in trust to the Director of the Department of Industrial Relations under Section 154-45s, General Code, are required to be brought by the Attorney General in view of the provisions of Section 333, General Code. In the institution of such actions, the Attorney General may, under Section 3356, General Code, appoint special counsel who may be compensated in such actions as provided by such Section 154-45s.*

COLUMBUS, OHIO, October 27, 1937.

HON. O. B. CHAPMAN, *Director, Department of Industrial Relations, Columbus, Ohio.*

DEAR SIR: YOUR communication of recent date requesting an opinion, reads as follows:

“Will you kindly give me a formal opinion as to the correct method of procedure in the collection of claim assignments in trust, under Section 145-45s, General Code of Ohio?”

I assume the reference in your letter to Section 145-45s is to Section 154-45s, General Code, which is as follows:

"If any woman or minor is paid by his employer less than the minimum fair wage to which he is entitled under or by virtue of a mandatory minimum fair wage order he may recover in a civil action the full amount of such minimum wage less any amount actually paid to him by the employer together with costs and such reasonable attorney's fees as may be allowed by the court, and any agreement between him and his employer to work for less than such mandatory minimum fair wages shall be no defense to such action. At the request of any woman or minor worker paid less than the minimum wage to which he was entitled under a mandatory order the director *may* take an assignment of such wage claim *in trust* for the assigning employes and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court." (Italics the writer's.)

It will be noted that when the Director of Industrial Relations is requested by any woman or minor worker to take an assignment of the amount due said woman or minor worker from a violating employer, the director has discretionary power to accept such assignment in trust, and discretionary power to bring any legal action necessary to collect such claim.

It is perfectly apparent that in instituting such action for the benefit of such employes, the Director of Industrial Relations may only be represented by the Attorney General.

Section 333, General Code, specifically provides as follows:

"The attorney general shall be the chief law officer for the state and all its departments. No state officer, board, or the head of a department or institution of the state shall employ, or be represented by, other counsel or attorneys at law. \* \* \*"

Section 154-45s, *supra*, however, being a special act relating to actions of a special nature, contains specific provision as to how the attorney bringing such action shall be compensated, to-wit, by allowance of a fee by the court, which shall be paid by the employer together with costs. While such Section 154-45s, containing specific provisions for payment of attorney fees incurred in prosecuting actions therein referred to, does not specifically provide that the Attorney General may employ special counsel to bring such actions, for which special counsel

shall be so compensated, as provided in the case of bank liquidation work, under Section 710-97, General Code, the Attorney General is given clear authority to appoint special counsel in civil actions in which the State is a party, or directly interested, when in his opinion the interests of the State require it. I refer to Section 336, General Code. It is, of course, a well established rule of statutory construction that full effect must be given to all acts of the Legislature whenever possible and that statutes which are in pari materia must be construed together so as to accomplish that end. Reading therefore provisions of Section 154-45s, supra, in conjunction with Sections 333 and 336 of the General Code so as to give full effect to all such sections, the conclusion is inescapable that legal actions instituted to collect claims assigned in trust to the Director of the Department of Industrial Relations under Section 154-45s, General Code, are required to be brought by the Attorney General in view of the provisions of Section 333, General Code. In the institution of such actions, the Attorney General may, under Section 336, General Code, appoint special counsel who may be compensated in such actions as provided by such Section 154-45s.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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1394.

APPROVAL—BONDS OF CITY OF SHAKER HEIGHTS, CUYAHOGA COUNTY, OHIO, \$43,000.00.

COLUMBUS, OHIO, October 27, 1937.

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

GENTLEMEN :

RE: Bonds of City of Shaker Heights, Cuyahoga County, Ohio, \$43,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated October 1, 1937. The transcript relative to this issue was approved by this office in an opinion rendered to your commission under date of October 11, 1937, being Opinion No. 1295.