

OPINION NO. 70-008**Syllabus:**

A county board of education may properly lease garage facilities from an individual employed by the board in the capacity of transportation coordinator.

To: John L. Beckley, Vinton County Pros. Atty., McArthur, Ohio
By: Paul W. Brown, Attorney General, January 26, 1970

I have before me your request for my opinion as to whether a county board of education may lease garage facilities from an individual employed by the board in the capacity of transportation coordinator.

I am informed that the duties of the transportation coordinator include the maintenance and repair of buses, the supervision of mechanics, the routing and scheduling of buses and the training

and supervision of bus drivers. His duties do not include the location or leasing of garage facilities for the buses.

There is no statute which specifically prohibits the transportation coordinator from being a party to such a lease. Neither Section 2919.09, Revised Code, referred to in your letter, nor Section 2919.08, Revised Code, prohibits the lease in question. These statutes prohibit public employees from being interested "in a contract for the purchase of property, supplies, or fire insurance" for the use of the board of education (Emphasis added). Both are criminal statutes and must be construed strictly. They would, therefore, not forbid an employee having an interest in a lease of real estate.

Section 3313.33, Revised Code, only prohibits members of a board of education from being interested in a contract with the board. It has no application to employees of the board.

Under the circumstances, there is no conflict of interest. The duties of the transportation coordinator do not include the location or leasing of garage facilities. Thus, his personal interest in the lease of the garage could not interfere with the discharge of his duties to the public.

It is, therefore, my opinion, and you are hereby advised that a county board of education may properly lease garage facilities from an individual employed by the board in the capacity of transportation coordinator.