

You further inquire whether a person sustaining damages from failure to keep the state road in proper repair has any redress. Of course, no suit against the state may be predicated upon failure to maintain its highways, since the Legislature has not made provision for bringing suits of this character. I may say that recent Legislatures have incorporated several items in their sundry claims bills covering reimbursement for damages of this character. At the present time this is the only method by which relief may be had. I may add that there is some agitation for provision being made for suits of this character, but so far as I know, no definite proposal has been offered.

Respectfully,

GILBERT BETTMAN,
Attorney General.

2093.

REAL ESTATE EXAMINERS—ISSUANCE OF LICENSE TO APPLICANT
TO OPERATE UNDER MORE THAN ONE TRADE NAME AUTHORIZED.

SYLLABUS:

The state board of real estate examiners may issue a license to an individual doing business under two trade names.

COLUMBUS, OHIO, July 15, 1930.

HON. ED. D. SCHORR, *Director of Commerce, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your letter of recent date, which is as follows:

“Where a broker is licensed in his individual name, doing business as (DBA) ‘Brokers’ Exchange’ and desires also to operate under the name of ‘Jones Rentals’, that is, doing business as (DBA) ‘Jones Rentals’, under the provisions of the license law, is the State Board of Real Estate Examiners authorized to issue a license to an applicant to operate under his personal license under more than one trade name?”

Section 6373-26 of the General Code provides as follows:

“No person, firm or corporation shall act as a real estate broker or as a real estate salesman, or advertise or assume to act as such, without first being licensed so to do as provided in this act.”

Section 6373-29 of the General Code provides that the application for a license as a real estate broker shall be made in writing and provides that the application shall state the name of the person, firm or corporation applying for such license and the location of the place or places of business for which such license is desired and shall give such other information as the board of real estate examiners may require in the form of application prescribed by the board. This section further provides that if the applicant is a firm, the names of all the members thereof must be stated, and if it is a corporation, the names of the president and each of its officers to whom the license is to apply shall be stated.

Section 6373-34 of the General Code provides in part as follows:

“The form and size of the licenses issued under this act shall be prescribed by the state board of real estate examiners. Each license shall show

the name and address of the licensee, and in case of firm and corporation licenses, those of each person named in the application who has passed the examination."

There is a general rule of law that an individual may, in the absence of statutory prohibition, adopt any name he chooses under which to carry on business. 20 A. L. R. 984; 19 R. C. L. 1333. I find no provisions in the statutes of Ohio which prohibit the use of a trade name by one doing business as a real estate broker, nor do the statutes relating to the licensing of real estate brokers prohibit the board of real estate examiners from issuing a license to an individual doing business under two trade names.

In specific answer to your inquiry, I am of the opinion that the state board of real estate examiners may issue a license to an individual doing business under two trade names.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2094.

SCHOOL DISTRICT—ALL TERRITORY TRANSFERRED TO OTHER DISTRICTS—MONEY ON DEPOSIT IN BANK PAYABLE TO DIFFERENT DISTRICTS WHEN A DIVISION OF FUNDS AND INDEBTEDNESS IS MADE BY THE COUNTY BOARD OF EDUCATION.

SYLLABUS:

1. *When all the territory of a school district is incorporated in another district or other school districts, by a county board of education acting by authority of either Section 4692 or Section 4736 of the General Code, an equitable division of the funds and indebtedness of the said school district should be made among the school districts receiving any of said territory and any district to which any of the indebtedness of the former district is allotted becomes responsible for the payment of said indebtedness.*

2. *A bank having on deposit the funds of a school district which has been abolished by reason of its entire territory having been transferred to or incorporated in another district or other districts, by authority of Sections 4692 or 4736, General Code, should honor the order of the county board of education for the payment of the funds comprising said deposit to the school district or districts to which the said funds are allotted by said county board of education in making an equitable division of said funds as directed by the statute.*

COLUMBUS, OHIO, July 15, 1930.

HON. ROY E. LAYTON, *Prosecuting Attorney, Wapakoneta, Ohio.*

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

"On or about March 15, 1930, the County Board of Education took the necessary legal steps to split up the Uniopolis Village School District in three ways, so that this district was entirely destroyed or wiped out. This district covered a large part of Union Township which contained no high school, so that it was practically a rural school district. One part was transferred to another rural school district and the other two parts were added to other school districts and two new school districts created. No remonstrance was filed and the legislation provided that this dissolution should take effect and