

heretofore in the construction of this particular section of the Constitution. Opinions of the Attorney General for 1914, Vol. I, page 427, and Opinions of the Attorney General for 1927, Vol II, page 1304.

It is therefore my opinion that inasmuch as the holder of the position described in your letters (1) has no independency of functions (his actions in my opinion are to be entirely dominated by the will of the Director of the Department of Liquor Control), (2) performs duties substantially routine in their nature, (3) is not required to take an oath or give bond, (4) does not exercise any of the sovereign powers of the state, (5) holds his position at the will of superior officers and can be discharged at any time for any reason, he is an employee and not a civil officer within the provisions of Article II, section 19 of the Constitution of the State of Ohio.

Were a contrary conclusion reached, a further question might arise as to whether the position was created in the 90th General Assembly by the enactment of the Liquor Control Act (Sections 6064-1, et seq., General Code of Ohio), or by the 91st General Assembly in its amendments to said Liquor Control Act and to Sections 154-3 and 154-6, General Code, in Amended Substitute Senate Bill No. 2. However, due to my opinion as above outlined that the office of Assistant to the Director of the Department of Liquor Control is not a civil office, it is not necessary to consider this further question at this time.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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APPROVAL—BONDS OF AKRON CITY SCHOOL DISTRICT,  
SUMMIT COUNTY, OHIO, \$5,000.00.

COLUMBUS, OHIO, February 15, 1937.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*