

date of House Bill No. 485 (87th General Assembly, 112 v. 204, 205) amending sections 2856-5a and 2866-1, General Code, is entitled to the difference between the fees earned by such coroner and the minimum compensation of \$150.00 per annum prescribed by Section 2866-1 as amended.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

2674.

TRANSPORTATION OF PUPILS—BOARD OF EDUCATION MAY EMPLOY  
TEACHER TO TRANSPORT PUPILS.

*SYLLABUS:*

*A teacher in the public schools may enter into a contract with the board of education to transport pupils to the schools, provided the board of education determines that it is physically possible for such teacher satisfactorily to perform such duties.*

COLUMBUS, OHIO, October 5, 1928.

HON. H. E. CULBERTSON, *Prosecuting Attorney, Ashland, Ohio.*

DEAR SIR:—I acknowledge receipt of your letter of recent date requesting my opinion, which letter reads as follows:

“Has a teacher any right to take a contract to transport pupils to the school at the same time she is teaching?”

The question presented by you was passed upon by this office in Opinion No. 1842, rendered under date of March 13, 1928, to the Honorable Deane M. Richmond, Prosecuting Attorney, London, Ohio, the first branch of the syllabus of this opinion reading, in part, as follows:

“Teachers in the public schools may be employed to transport pupils to or from school; such teachers may also enter into a contract with the board of education for such purpose; \* \* \*”

In the opinion the following language is used:

“There is no reason why a board of education, if it sees fit so to do, may not employ the same person to transport pupils either by contract or as an employe for that purpose, and to teach in the schools. There is nothing incompatible in the duties which said teacher would have to perform, and whether or not it is physically possible for the same person to satisfactorily perform both duties is a matter for the board of education to determine.”

I am enclosing a copy of this opinion.

In view of the foregoing and in specific answer to your question, it is my opinion that a teacher in the public schools may enter into a contract with the board of edu-

cation to transport pupils to the schools, provided the board of education determines that it is physically possible for such teacher satisfactorily to perform both duties.

Respectfully,  
 EDWARD C. TURNER,  
*Attorney General.*

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2675.

MEMORIAL BUILDING—AUTHORITY OF TRUSTEES TO RENT, DISCUSSED—MILITARY ORGANIZATIONS MAY USE—EXPENSE CHARGES DISCUSSED.

SYLLABUS:

1. *A board of trustees of a memorial building is without authority to charge a rental for the use of a memorial building, when such building is being used for a public purpose.*
2. *Inasmuch as the Legislature has, by the language used in Section 3068, General Code, expressed its intent that military organizations, as such, exist for a public purpose, a board of trustees of a memorial building is without authority to charge a bona fide military organization rental for the use of a memorial building. Such board of trustees, however, may exact from such organizations such charges as are necessary to pay for the cost of heating, lighting, janitor service, etc., which charges must be reasonably commensurate with the cost of such items.*

COLUMBUS, OHIO, October 5, 1928.

HON. JAY S. McDEVITT, *Prosecuting Attorney, Mt. Vernon, Ohio.*

DEAR SIR:—This will acknowledge your letter dated September 19, 1928, which reads as follows:

“Upon a former occasion I have written to your office regarding certain questions relative to a county Memorial Building which we have in Knox County and which was built by a special tax levy. The building of the Memorial Building was done in accordance with law by a board of trustees, and after the completion of said building the trustees formally transferred the title to the building and site to the county and the same was formally accepted by the then president of the Board of County Commissioners. Whereupon the court later appointed three men as permanent trustees of the grounds and building. So far as I have been able to learn there have been no regular rules or regulations adopted by the Board of Trustees and submitted to the court for approval.

The Trustees have a policy of charging certain rental for the use of said building. One part of this building is used for theatre purposes but I am not concerned about that in this particular question. There is a large room known as the lodge room in the Memorial Building which is used for the regular meeting place of certain patriotic organizations, including the G. A. R., Sons of Veterans, Sons of Veterans Auxiliary, Daughters of Veterans, Women's Relief Corps, American Legion, American Legion Auxiliary, and Daughters of the American Revolution. These organizations are charged an annual rent based on the per capita membership which makes the charge run from