

examination and approval two certain reservoir land leases in triplicate, executed by the Conservation Commissioner to William J. Zoul and Robert H. Zoul, respectively, of Shaker Heights, Cleveland, Ohio.

By the leases here in question, each of which is for a stated term of fifteen years, and which provide for annual rentals in the amount of thirty dollars (\$30.00) and twelve dollars (\$12.00), respectively, there are leased and demised to each of the lessees therein named the right and privilege of using for cottage site, docklanding and boathouse purposes certain parcels of state land in the New or North Reservoir of the Portage Lakes, in Coventry Township, Summit County, Ohio.

Upon examination of these leases, I find that the same have been properly executed by the Conservation Commissioner and by the respective lessees therein named. Upon examination of the provisions of these leases and of the conditions and restrictions therein contained, I find the same to be in conformity with section 471, General Code, under the authority of which these leases have been executed, and with other statutory enactments relating to leases of this kind.

I am accordingly approving these leases as to legality and form, which is evidenced by my approval endorsed upon the leases and upon the duplicate and triplicate copies thereof, all of which are herewith returned to you.

Respectfully,

JOHN W. BRICKER,
Attorney General.

1441.

DISAPPROVAL, NOTES OF SEBRING EXEMPTED VILLAGE SCHOOL DISTRICT, MAHONING COUNTY, OHIO—\$15,927.00.

COLUMBUS, OHIO, August 26, 1933.

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

GENTLEMEN:—Re: Notes of Sebring Ex. Village School Distr., Mahoning County, Ohio, \$15,927.00.

I have examined the transcript of the proceeding relating to the above note issue and find that the note issue in question was authorized by resolution adopted at a special meeting held on the 28th day of July, 1933, at which all of the members were not present. The transcript shows that all of the members were notified of the special meeting, by telephone, by the president of the board. This is not in compliance with the provisions of section 4751, General Code, which requires written notice thereof to be served upon each member, either personally or at his residence or usual place of business, which notice must be signed by the official or members calling the meeting. It has been held that this provision must be complied with and that the service of the notice in writing is imperative, in order to validate such a meeting, where, as in this case, all of the members were not present at the special meeting. *Kattman vs. Board of Education*, 15 O. C. N. S. 232, Opinions of the Attorney General for 1930, Vol. II, page 1534. This case held as follows:

"Proceedings of a school board providing for an issue of bonds are invalid where the action pertaining thereto was taken at a special meeting from which one member was absent and no written notice of the meeting had been served on each member of the board either personally or at his residence or usual place of business."

It is therefore my advice that you should not purchase the notes authorized to be issued at said special meeting.

Respectfully,
JOHN W. BRICKER,
Attorney General.

1442.

WORKMEN'S COMPENSATION LAW — CORPORATION — COMMISSION
MAY NOT ACCEPT BOND TO AUGMENT FINANCIAL STATUS
THEREOF THEREBY MAKING IT ELIGIBLE TO PAY COMPENSA-
TION DIRECT.

SYLLABUS:

If the Industrial Commission of Ohio, acting under the provisions of Section 1465-69, General Code, finds that an employing corporation is not of such financial standing as to render certain the payment of compensation as provided for by the Workmen's Compensation Law of the State of Ohio, it has no authority to require or accept a bond to augment the financial status of such corporation in order to render it eligible to elect to pay compensation direct as provided in said section.

COLUMBUS, OHIO, August 26, 1933.

The Industrial Commission of Ohio, Columbus, Ohio.

DEAR SIRs:—I am in receipt of your request for my opinion which reads as follows:

"In connection with the renewal application for authority to operate as self-insurers under the Workmen's Compensation Act of Ohio certain questions have arisen.

The A. Company is an Ohio corporation and has as its subsidiary another Ohio corporation hereinafter designated as the A(1) Company. We are advised that the stock of the A(1) Company is almost entirely, if not entirely, held by the A Company, which A(1) Company has been operating as a self-insurer under the Workmen's Compensation Act of Ohio.

Another corporation, the B Company, a Delaware corporation, which Company is not authorized to do business in Ohio but does business in Ohio through various subsidiary corporations hereinafter designated as the B(1) Company, B(2) Company, B(3) Company and B(4) Company, which Companies have been self-insurers under the Workmen's Compensation Act. The A Company is a self-insurer under the Ohio Workmen's Compensation Act.