

writing is filed with the board, it then becomes the mandatory duty of the board to investigate the conduct of such licensee against whom the complaint is filed. It is manifest, accordingly, that in the event an instrument purporting to be a verified complaint were filed with such board and the board should not be satisfied as to the validity of the verification and refused to make an investigation, the complainant would clearly have the right to raise the question of the authority of such action of the board in so refusing to investigate. I am clearly of the view that whether a verified complaint is filed or not, if the board does in fact investigate the conduct of any licensee which it is clearly authorized to do under this section, the question of the validity or invalidity of a verification may not be raised by the licensee notified to appear for a hearing under the provisions of Section 6373-43, *supra*. Manifestly, a complaint unverified may cause a board, upon its own motion, to make an investigation and such act would be clearly in accordance with the provisions of Section 6373-42, *supra*.

It must be borne in mind that the filing of a verified complaint imposes no duty upon the board to hold a hearing upon a matter of revocation. The only duty which such instrument imposes upon the board is to make an investigation. After having made such investigation the board must then, upon a consideration of the facts disclosed by its own investigation, determine whether or not the conduct of the party investigated is such as to warrant a hearing. A more difficult question would be presented if this verified complaint imposed a mandatory duty upon the board to hold a hearing, but such is not here the case.

Specifically answering your second and third questions, therefore, I am of the opinion that in the event an unverified complaint is filed with the State Board of Real Estate Examiners and such board sees fit, upon its own motion, to investigate the conduct of a licensee against whom such complaint is filed and as a result of such investigation, serves notice upon such licensee in accordance with the provisions of Section 6373-43, the jurisdiction of such board may not be questioned at a hearing held pursuant to such notice.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1103.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND GEORGE W. TIMMONS, COLUMBUS, OHIO, FOR CONSTRUCTION OF UNDERGROUND STORAGE ROOMS FOR CHEMISTRY BUILDING, OHIO STATE UNIVERSITY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$6,350.00.

COLUMBUS, OHIO, October 25, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Board of Trustees of the Ohio State University, and George W. Timmons of Columbus, Ohio. This contract covers the construction and completion of general contract for "Underground Storage Rooms for Chemistry Building," Ohio State University, Columbus, Ohio, and calls for an expenditure of six thousand three hundred and fifty dollars (\$6,350.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also submitted evidence that the consent of

the Controlling Board to the release of funds has been obtained in accordance with Section 11 of House Bill 510 of the 88th General Assembly. In addition, you have submitted a contract bond upon which D. H. Roth and J. T. Timmons appear as sureties, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the workmen's compensation act have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1104.

BOND ISSUE—STATUTORY REQUIREMENTS OF SECTION 2293-21, GENERAL CODE, REGARDING NOTICE OF THE ELECTION TO AUTHORIZE SUCH ISSUE, MANDATORY—NON-COMPLIANCE INVALIDATES SECTION.

SYLLABUS:

The requirement of Section 2293-21, General Code, that the notice of an election to authorize the issuance and sale of bonds shall be published in one or more newspapers of general circulation in the subdivision once a week for four consecutive weeks prior to such election, stating the amount of the proposed bond issue, the purpose for which such bonds are to be issued, the maximum number of years during which such bonds shall run and the estimated average additional tax rate outside of the fifteen mill limitation, as certified by the county auditor, is mandatory, and a failure to strictly comply with that requirement of the section invalidates the election.

COLUMBUS, OHIO, October 25, 1929.

HON. R. L. THOMAS, *Prosecuting Attorney, Youngstown, Ohio.*

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

“Council of the city of Youngstown desire to widen one of the main thoroughfares in said city, and finding it necessary to submit to the electors of said city the question of issuing bonds for the city's portion of said improvement, passed a resolution to that effect, which was certified to the Deputy State Supervisors and Inspectors of Elections of Mahoning County on the 4th day of September, 1929. This resolution called for an additional levy of four-fifths of a mill for five years outside of all limitations. Seventy-five per cent of the cost was to be borne by the city of Youngstown and twenty-five per cent to be borne by the property owners.

Subsequent thereto, on the 14th day of October, 1929, the council of the city of Youngstown desiring to change the portion of the cost to be assumed by the city of Youngstown from seventy-five per cent to fifty per cent passed a resolution to amend the resolution certified to the Board of Elections on September 4th, which resolution was certified to the Board of Elections on October 15, 1929.