

OPINION NO. 90-072**Syllabus:**

1. Shares of the capital stock of a professional association organized under R.C. Chapter 1785 for the sole purpose of rendering the dental services authorized under R.C. Chapter 4715 may be transferred into trust for the benefit of individuals who are not duly licensed or otherwise legally authorized to render those dental services, provided the trustee in whose name legal title to those shares of stock is held is duly licensed or otherwise legally authorized to render those dental services. (1985 Op. Att'y Gen. No. 85-065, followed.)
2. A person who is not duly licensed or otherwise legally authorized to render the dental services authorized under R.C. Chapter 4715 and who retains an equitable interest in shares of a professional dental association's capital stock through a transfer of those shares into a trust for his benefit, is not engaged in practicing dentistry, as defined in R.C. 4715.01, for purposes of R.C. 4715.09(A).

To: Omar P. Whisman, Executive Director, State Dental Board, Mansfield, Ohio
By: Anthony J. Celebrezze, Jr., Attorney General, November 8, 1990

You have requested my opinion regarding the application of certain language in R.C. 4715.01, which defines the practice of dentistry, to a proposed transfer of shares of the capital stock of a professional association organized under R.C. Chapter 1785 for the practice of dentistry. Your letter provides the following facts:

A licensed dentist whose practice has been organized as a professional association pursuant to Chapter 1785 of the Revised Code proposes to transfer a controlling interest in his professional association to a person or persons who are not licensed dentists. In order to avoid the requirement under Chapter 1785 that all of the stock of a professional association be owned by persons licensed to practice the same profession, the stock would be held in trust for the unlicensed persons by a trustee who is a licensed dentist.

With respect to the foregoing, you have asked that I address the following questions:

1. Does the ownership of an interest in a professional dental association, incorporated under [R.C. Chapter 1785], by a person who is not a licensed dentist constitute the illegal practice of dentistry pursuant to Section 4715.01 of the Revised Code?
2. Does the ownership of an interest in a professional dental association, incorporated under [R.C. Chapter 1785], by a person who is not a licensed dentist constitute the illegal practice of dentistry pursuant to Section 4715.01 of the Revised Code if the ownership interest is held in trust for the benefit of the unlicensed person, and the trustee is a licensed dentist?

As is apparent from your description of the factual situation that has prompted this request, your use of the term "ownership interest" with respect to a professional association organized for the purpose of practicing dentistry is to be understood as referring to such interest or interests in shares of the capital stock of such professional association.

I commence my analysis of the issues presented by your questions with a brief review of the provisions set forth in R.C. Chapters 1785 and 4715 respectively that are addressed to the formation and organization of professional associations and the regulation of the practice of dentistry in Ohio. R.C. Chapter 1785 permits the

organization as a professional association of an individual or group of individuals who are licensed or otherwise legally authorized to render the same kind of professional service within Ohio. R.C. 1785.02 thus states, in pertinent part, that, "[a]n individual or group of individuals each of whom is licensed or otherwise legally authorized to render the same kind of professional service within this state,...may organize and become a shareholder, or shareholders, of a professional association." R.C. 1785.01 defines "[p]rofessional service" and "[p]rofessional association" as follows:

As used in sections 1785.01 to 1785.08 of the Revised Code:

(A) "Professional service" means any type of professional service which may be performed only pursuant to a license, certificate, or other legal authorization, as provided by Chapters 4701., 4703., 4705., 4715., 4725., 4729., 4731., 4732., 4733., 4734., and 4741. of the Revised Code, to certified public accountants, licensed public accountants, architects, attorneys, chiropractors, dentists, pharmacists, optometrists, physicians and surgeons, and practitioners of limited branches of medicine or surgery as defined in section 4731.15 of the Revised Code, psychologists, professional engineers, and veterinarians.

(B) "Professional association" means an association organized under section 1785.01 to 1785.08 of the Revised Code, for the sole purpose of rendering one of the professional services authorized under Chapter 4701., 4703., 4705., 4715., 4725., 4729., 4731., 4732., 4733., or 4741. of the Revised Code, or a combination of the professional services authorized under Chapters 4703. and 4733. of the Revised Code.

A professional association may render professional services only through officers, employees, and agents who are themselves duly licensed or otherwise legally authorized to render professional services within Ohio. R.C. 1785.03. A professional association, however, is not prohibited from employing clerical and technical employees to render services of a nonprofessional nature. *Id.* To prevent nonprofessionals from using professional corporations to render professional services, every professional association, within thirty days after the thirtieth day of June in each year, must furnish a statement to the Secretary of State showing the names and post office addresses of all shareholders in the association and certify that all the shareholders are duly licensed or otherwise legally authorized to render professional service in Ohio. R.C. 1785.06. Issuance of shares of the capital stock of a professional association is restricted to persons who are duly licensed or otherwise legally authorized to render the same professional service as that for which the association was organized. R.C. 1785.05. A subsequent transfer of those shares may be to another licensed professional only. R.C. 1785.07.

R.C. 1785.08 makes the general corporation law, R.C. Chapter 1701,¹ applicable to professional associations, including their organization and the manner of filing articles of incorporation, and provides that if any provision of R.C. Chapter 1785 conflicts with any provision of R.C. Chapter 1701, the provisions of R.C. Chapter 1785 "shall take precedence." As I stated recently in 1989 Op. Att'y Gen. No. 89-065 at 2-292 and 2-293, "the practical effect of R.C. 1785.08 is to provide for the incorporation and organization of professional practices in accordance with the procedural framework that appears in R.C. Chapter 1701." (Footnote omitted.)

¹ R.C. Chapter 1701 provides for the creation, R.C. 1701.04-.11, merger or consolidation, R.C. 1701.78-.85, and dissolution, R.C. 1701.86-.911, of a general corporation for profit. Other provisions within R.C. Chapter 1701 address many other aspects of a general corporation for profit, including the sale, issuance, and redemption of shares of the corporation's stock, R.C. 1701.14-.28; financial organization of the corporation, R.C. 1701.29-.38; shareholders' meetings, R.C. 1701.39-.43, and voting, R.C. 1701.44-.53; authority and actions of the corporation's directors, R.C. 1701.55-.63, and officers, R.C. 1701.64; amendment of the corporation's articles of incorporation, R.C. 1701.69-.74; and sale of the corporation's assets, R.C. 1701.76 and R.C. 1701.77.

See generally O'Neill v. United States, 410 F.2d 888 (6th Cir. 1969) (syllabus, paragraph seven) (a professional association organized under R.C. Chapter 1785 is a corporation for federal tax purposes); *Lenhart v. Toledo Urology Associates, Inc.*, 48 Ohio App. 2d 249, 250, 356 N.E.2d 749, 750 (Lucas County 1975) ("[i]n Ohio, the professional association organized under R.C. Chapter 1785 should be regarded as a corporation").

Dentistry is included among the professional services listed in R.C. 1785.01 that an individual or group of individuals may render as a professional association. The practice of dentistry in Ohio is regulated by certain provisions in R.C. Chapter 4715. R.C. 4715.02 provides for the appointment of the State Dental Board as the governmental entity charged with overseeing the practice of dentistry in Ohio, and for administering and enforcing the provisions of R.C. Chapter 4715 that pertain thereto. R.C. 4715.03(C)-(F). R.C. 4715.09(A) provides, in part, that, "[n]o person shall practice dentistry without a current license from the state dental board." R.C. 4715.99(C) makes the practice of dentistry without a license, in violation of R.C. 4715.09, a misdemeanor of the first degree on a first offense, and a felony of the fourth degree on each subsequent offense. R.C. 4715.01 defines the circumstances in which a person shall be considered engaged in practicing dentistry, and thus reads, in pertinent part, as follows:

Any person shall be regarded as practicing dentistry, who is a manager, proprietor, operator, or conductor of a place for performing dental operations, or who teaches clinical dentistry, or who performs, or advertises to perform, dental operations of any kind, or who diagnoses or treats diseases or lesions of human teeth or jaws, or associated structures, or attempts to correct malpositions thereof, or who takes impressions of the human teeth or jaws, or who constructs, supplies, reproduces, or repairs any prosthetic denture, bridge, artificial restoration, appliance, or other structure to be used or worn as a substitute for natural teeth, except upon the order or prescription of a licensed dentist and constructed upon or by the use of casts or models made from an impression taken by a licensed dentist, or who advertises, offers, sells, or delivers any such substitute or the services rendered in the construction, reproduction, supply, or repair thereof to any person other than a licensed dentist, or who places or adjusts such substitute in the oral cavity of another, or uses the words "dentist," "dental surgeon," the letters "D.D.S.," or other letters or title in connection with his name, which in any way represents him as being engaged in the practice of dentistry.

Manager, proprietor, operator, or conductor as used in this section includes any person:

- (A) Who employs licensed operators;
- (B) Who places in the possession of licensed operators dental offices or dental equipment necessary for the handling of dental offices on the basis of a lease or any other agreement for compensation or profit for the use of such office or equipment, when such compensation is manifestly in excess of the reasonable rental value of such premises and equipment;
- (C) Who makes any other arrangements whereby he derives profit, compensation, or advantage through retaining the ownership or control of dental offices or necessary dental equipment by making the same available in any manner for the use of licensed operators; provided that this section does not apply to bona fide sales of dental equipment secured by chattel mortgage.

Pursuant to the first paragraph of R.C. 4715.01, therefore, a person is regarded as practicing dentistry who (1) is a manager, proprietor, operator, or conductor of a place for performing dental operations, or (2) undertakes any of the academic or clinical dental activities that are described in that paragraph. Divisions (A) through (C) further enumerate the particular circumstances in which a person shall be considered a "manager," "proprietor," "operator," or "conductor" of a place for performing dental operations, and thus engaged in practicing dentistry. Accordingly, any person who wishes to act as a manager, proprietor, operator, or conductor of a place for performing dental operations or pursue any of the functions or activities otherwise described in the first paragraph of R.C. 4715.01 must,

pursuant to R.C. 4715.09(A), have a current license therefor from the State Dental Board. Any person who thus practices dentistry without such a license "is guilty of a misdemeanor of the first degree on a first offense," and "on each subsequent offense such person is guilty of a felony of the fourth degree." R.C. 4715.99(C).

I shall now direct my attention to your particular questions. I shall first address your second question, which has been prompted by a contemplated transfer of certain shares of the capital stock of a professional association that has been organized for the purpose of rendering dental services authorized under R.C. Chapter 4715. The shares of stock are to be transferred into trust for the benefit of individuals who have not obtained licenses to practice dentistry from the State Dental Board. The trustee to whom the shares are to be transferred is a dentist who is authorized to practice dentistry in Ohio pursuant to a license issued him by the State Dental Board. You have also informed a member of my staff that this dentist is also the current owner of record of all the shares of the capital stock of the professional association in question. He intends to transfer the largest portion of those shares into trust and retain exclusive legal and equitable ownership of the remaining shares that are not transferred into trust. This arrangement will, accordingly, grant an interest in the transferred shares of stock to the trust beneficiaries.² You wish to know whether the unlicensed beneficiaries' retention of this interest will constitute the practice of dentistry, as defined in R.C. 4715.01, for purposes of R.C. 4715.09(A).

Initially, I consider it important to note that I have previously addressed the propriety of such a trust arrangement under R.C. Chapter 1785. In 1985 Op. Att'y Gen. No. 85-065 I was asked whether the Secretary of State must cancel the articles of incorporation of a professional association if the statement filed by the association pursuant to R.C. 1785.06 indicates that some of the shares of stock of the association are held in trust for the benefit of nonprofessionals. R.C. 1785.06 requires a professional association to certify annually to the Secretary of State "that all shareholders are duly licensed or otherwise legally authorized to render professional service in [Ohio]," which, in turn, "serves to carry out the stock ownership requirements appearing" in R.C. 1785.05 and R.C. 1785.07. Op. No. 85-065 at 2-242. R.C. 1785.05 provides that a professional association "may issue its capital stock only to persons who are duly licensed or otherwise legally authorized to render the same professional service as that for which the association was organized," and R.C. 1785.07 states that a shareholder of a professional association "may sell or transfer his shares in such association only to another individual who is duly licensed or otherwise legally authorized to render the same professional service as that for which the corporation was organized."

The essential issue thus presented in Op. No. 85-065 was whether a professional association remained in compliance with the foregoing ownership requirements where there had occurred a transfer of shares of the capital stock of the professional association to another licensed professional who was to hold those shares in trust for the benefit of certain nonprofessionals who were not licensed or otherwise legally authorized to render the kind of professional services for which that professional association was organized. Answering that question in the affirmative I first noted that R.C. Chapter 1785 "nowhere expressly states or clearly implies that all *interests* in the stock of a professional association must be held by persons who are qualified professionals." Op. No. 85-065 at 2-243 (emphasis added). Instead, R.C. 1785.05 and R.C. 1785.07 provide that shares of the capital stock of a professional association may be issued, sold, or transferred only to such persons, and I stated:

² You have also indicated that the beneficiaries intend to pay the licensed dentist a substantial monetary consideration for this transfer into trust. One might question whether such arrangement, albeit characterized as a transfer into trust, is, in fact, equivalent to a sale of the shares of the professional association's capital stock to the unlicensed beneficiaries. However, for the purpose of this opinion, I shall presume that the transaction constitutes a valid transfer into trust.

such requirements are satisfied whenever the legal title to such stock is held by a person who is duly licensed or otherwise legally authorized to render the professional service for which the association was organized, whether that person holds that stock outright or in trust, and, if in trust, regardless of whether all beneficiaries of the trust are qualified professionals.

Id. In support of that position I noted that the term "shareholder" is generally understood as referring to the person who holds legal title to the stock of a corporation or professional association, and thus it is sufficient for purposes of R.C. Chapter 1785 that legal title to the capital stock of a professional association be held by licensed professionals. With respect to the situation in which shares of stock of a professional association are transferred into trust for the benefit of a nonprofessional, I stated that such requirement is satisfied whenever the trustee to whom those shares are transferred is a licensed professional, insofar as the law recognizes that legal title to trust property vests in the trustee to whom such property is transferred. Op. No. 85-065 at 2-243 and 2-244. The interest of the trust beneficiary in those shares of stock is properly characterized as equitable in nature, not legal,³ and under R.C. Chapter 1785 it is not necessary that those separate interests be joined in a single individual. *Id.* at 2-244. I also indicated that such an arrangement would not, "in itself, threaten the traditional standards governing the practice of a profession" (which the provisions of R.C. 1785.05 and R.C. 1785.07, *inter alia*, were intended to bolster and safeguard), *id.* at 2-246, because the qualified professional who serves as trustee is required to manage those stock holdings in a manner consistent with such ethical and legal standards as apply to his profession.

Thus, for purposes of R.C. Chapter 1785, shares of the capital stock of a professional association that has been organized for the sole purpose of rendering such dental services as are authorized by R.C. Chapter 4715 may be transferred into trust for the benefit of individuals who are not licensed or otherwise legally authorized to render those same dental services, provided the trustee of those shares of stock is licensed or otherwise legally authorized to render such services.

Resolution of the question presented in Op. No. 85-065 did not require that I determine the exact character of a beneficiary's "equitable" interest in trust property, or the precise nature of the rights and privileges conferred upon the beneficiary by the grant and subsequent retention of such interest. In this instance, however, a general characterization of that equitable interest will be helpful in answering the question whether the beneficiaries' retention of such an interest in shares of the capital stock of a professional dental association constitutes the practice of dentistry, as defined in R.C. 4715.01.

³ The beneficiary has, under a trust, whatever rights the trust instrument grants. See *Ulmer v. Fulton*, 129 Ohio St. 323, 195 N.E. 557 (1935); *Berry v. McCourt*, 1 Ohio App. 2d 172, 204 N.E.2d 235 (Franklin County 1965). See generally *Martin v. Martin*, 54 Ohio St. 2d 101, 374 N.E.2d 1384 (1978); *Smyth v. Cleveland Trust Co.*, 172 Ohio St. 489, 179 N.E.2d 60 (1961). The beneficiary's interest is equitable, as opposed to legal, and legal title to the trust property is generally held by the trustee. Just how the beneficiary's interest should be characterized is [a] matter of scholarly debate. See, e.g., G. Bogert, *The Law of Trusts and Trustees* §183 (rev. 2d ed. 1979) (discussing whether the beneficiary of a trust is the owner of only a claim against the trustee to have the trust carried out, whether he is the equitable owner of the trust property, or whether he has both a right against the trustee and an ownership of the trust property). See generally *Blair v. Commissioner of Internal Revenue*, 300 U.S. 5 (1937). (Footnote omitted.)

It is usually the case that a transfer into trust of particular property, whether tangible or intangible, is done with an intent to provide a specific benefit or advantage to someone other than the trustee or the trust settlor. *See, e.g.*, Restatement (Second) of Trusts §2 (1959) (a trust, when not qualified by the word "charitable," "resulting," or "constructive," is a "fiduciary relationship with respect to property, subjecting the person by whom the title to the property is held to equitable duties to deal with the property for the benefit of another person, which arises as a result of a manifestation of an intention to create it"); G. Bogert, *The Law of Trusts and Trustees* §1 at 6 (rev. 2nd ed. 1984) (the three requirements to create a valid private trust are "(1) an expression of intent that property be held, at least in part, for the benefit of one other than the settlor; (2) at least one beneficiary for whom the property is to be administered by the trustee; and (3) an interest in property which is in existence or is ascertainable and is to be held for the benefit of the beneficiary") (footnotes omitted). *See generally Ulmer v. Fulton*, 129 Ohio St. 323, 339, 195 N.E. 557, 564 (1935) ("[b]riefly, a trust is the right, enforceable in equity, to the beneficial enjoyment of property, the legal title to which is in another"). In many cases that benefit is economic or financial in nature, with the trust property being of a type that is capable of producing income for the beneficiary throughout the trust's duration. Thus, for example, shares of the capital stock of corporations, whether publicly or privately owned, are often the subject matter of trusts insofar as a usual incident of share ownership is a right to participate ratably in the earnings and profits of such corporations, which, in the discretion of the corporations' directors, are ordinarily distributed as dividends. *See, e.g.*, R.C. 1701.06(A)(1) (the express terms of shares of stock of a general corporation for profit may include statements specifying dividend or distribution rights); R.C. 1701.33 (the directors of a general corporation for profit may declare dividends and distributions on outstanding shares of the corporation's stock, subject to the provisions set forth in divisions (A) through (G) of R.C. 1701.33).

For the purpose of this opinion, I presume that the transfer into trust of shares of the capital stock of this professional association is intended to provide a financial benefit to the unlicensed individuals for whom the trust is to be established, and that the primary benefit engendered in that regard will relate to such earnings or profits of the professional association as are generated by the rendition of professional dental services. In particular, it is likely that the instrument that creates the trust will address the rights of the beneficiaries to share in those earnings and profits, and the precise manner in which those rights shall be accommodated and recognized. Absent an actual examination of the trust instrument itself, I cannot be more specific about those various benefits or the manner in which they will be furnished to the trust beneficiaries. In this instance, however, I find that further inquiry in that regard is not necessary. Rather, I consider it sufficient to acknowledge that the right to receive and enjoy such benefits will be the essential hallmark of the beneficiaries' equitable interest in those shares of the professional association's capital stock that are transferred into trust.

Given this understanding of the equitable interest that is created in those shares of stock upon their transfer into trust, I am of the opinion that the trust beneficiaries' retention of such interest does not constitute the practice of dentistry, as defined in R.C. 4715.01, for purposes of R.C. 4715.09(A). As I have already indicated, R.C. 4715.01 regards as "practicing dentistry" any person who either is a manager, proprietor, operator, or conductor of a place for performing dental operations, or performs any of the academic or clinical dental activities delineated in that section. Clearly, the beneficiaries' retention of the equitable interest at issue here does not, in any sense, constitute the performance or rendition of any of the specific dental activities, whether clinical or academic, that are enumerated in R.C. 4715.01. The sole remaining inquiry, therefore, is whether the trust beneficiaries may be characterized as "manager[s]," "proprietor[s]," "operator[s]," or "conductor[s]" of a place for performing dental operations by virtue of that equitable interest.

Resolution of that question requires, in turn, a consideration of the specific circumstances enumerated in R.C. 4715.01(A)-(C) in which a person shall be regarded as a "manager," "proprietor," "operator," or "conductor" of a place for performing dental operations. A person shall be so regarded who "employs licensed

operators," R.C. 4715.01(A); "places in the possession of licensed operators dental offices or dental equipment necessary for the handling of dental offices on the basis of a lease or any other agreement for compensation or profit for the use of such office or equipment, when such compensation is manifestly in excess of the reasonable rental value of such premises and equipment," R.C. 4715.01(B); or, "makes any other arrangements whereby he derives profit, compensation, or advantage through retaining the ownership or control of dental offices or necessary dental equipment by making the same available in any manner for the use of licensed operators," R.C. 4715.01(C).

As in the case of the specific dental activities described in the first paragraph of R.C. 4715.01, I discern no reasonable basis for concluding that the trust beneficiaries are, by virtue of their equitable interests, engaged in either the employment of licensed operators, or the leasing thereto of dental offices or dental equipment at a price in excess of the reasonable rental value of such offices or equipment. R.C. 4715.01(A), (B). There also appears to be no basis for the conclusion that the beneficiaries' retention of their equitable interests comes within the purview of R.C. 4715.01(C). R.C. 4715.01(C) addresses the situation in which a person who retains ownership or control of dental offices or dental equipment makes any other arrangements by which he derives profit, compensation, or advantage by making those offices or equipment available in any manner for the use of licensed operators. As discussed previously, the trust beneficiaries are entitled to participate in the professional association's earnings and profits because of their equitable ownership of shares of the capital stock of the professional association, the legal title to which is held by the settlor-trustee. Ownership of an equitable interest in shares of the capital stock of a professional dental association is not, however, the same as ownership or control of whatever dental offices or dental equipment are utilized in rendering those dental services from which are produced the earnings and profits of the professional association. In that regard the express language of R.C. 4715.01(C) refers to profit, compensation, or advantage that is derived from the ownership or control of dental offices or dental equipment that is made available for use by licensed operators. In the case of a professional dental association organized under R.C. Chapter 1785, there may be circumstances in which the professional association's share owners of record personally own or control the offices or equipment used in producing income for the professional association. Such ownership or control, however, cannot properly be attributed or imputed to other individuals whose actual interests in shares of the professional association's capital stock are exclusively equitable and beneficial in nature. To reiterate, equitable ownership of such shares as a result of their transfer into trust means that the trust beneficiaries are entitled to receive distributions of the professional dental association's earnings and profits to whatever extent and in whatever manner are specified in the trust instrument and the professional association's articles of incorporation. It does not, in any sense, mean that the trust beneficiaries thereby become owners or are entitled to exercise control of the dental offices or equipment used to produce those earnings and profits.

Thus, in the situation that is the focus of your inquiry, the trust beneficiaries shall not be deemed to have ownership or control of dental offices or dental equipment by reason of their equitable interests in shares of the capital stock of the professional association that are transferred into trust on their behalf. Accordingly, absent other evidence on this particular point to the contrary, such individuals shall not be regarded, pursuant to the terms of R.C. 4715.01(C), as "manager[s]," "proprietor[s]," "operator[s]," or "conductor[s]" of a place for performing dental operations. It follows, therefore, that those individuals are not engaged in practicing dentistry, as defined in R.C. 4715.01, for purposes of R.C. 4715.09(A).

You have also asked whether the ownership of an interest in shares of the capital stock of a professional dental association organized under R.C. Chapter 1785, by a person who is not a licensed dentist, constitutes the practice of dentistry pursuant to R.C. 4715.01, for purposes of R.C. 4715.09(A). In a conversation with a member of my staff you have indicated that you have in mind a situation in which an individual not otherwise licensed to practice dentistry acquires record ownership of shares of the professional association's capital stock, and retains as well the entire interest in the beneficial use and enjoyment of those shares of stock.

As discussed previously, legal (*i.e.*, record) ownership of shares of the capital stock of a professional association is restricted to persons who are duly licensed or otherwise legally authorized to render the same professional service as that for which the association was organized. R.C. 1785.05; R.C. 1785.07. Thus, legal ownership of shares of the capital stock of a professional association organized under R.C. Chapter 1785 for the purpose of rendering the dental services authorized under R.C. Chapter 4715 is limited to persons who are duly licensed or otherwise legally authorized to render those dental services. Record ownership of shares of the capital stock of a professional dental association by a person who is not duly licensed or otherwise legally authorized to render dental services is not permitted by R.C. Chapter 1785. Insofar as an unlicensed person may not be a record owner of shares of the capital stock of a professional dental association, I find it unnecessary to address the further question of whether such ownership by a person who is not licensed or otherwise legally authorized to render dental services authorized under R.C. Chapter 4715 constitutes the practice of dentistry as defined in R.C. 4715.01.

It is, therefore, my opinion, and you are advised that:

1. Shares of the capital stock of a professional association organized under R.C. Chapter 1785 for the sole purpose of rendering the dental services authorized under R.C. Chapter 4715 may be transferred into trust for the benefit of individuals who are not duly licensed or otherwise legally authorized to render those dental services, provided the trustee in whose name legal title to those shares of stock is held is duly licensed or otherwise legally authorized to render those dental services. (1985 Op. Att'y Gen. No. 85-065, followed.)
2. A person who is not duly licensed or otherwise legally authorized to render the dental services authorized under R.C. Chapter 4715 and who retains an equitable interest in shares of a professional dental association's capital stock through a transfer of those shares into a trust for his benefit, is not engaged in practicing dentistry, as defined in R.C. 4715.01, for purposes of R.C. 4715.09(A).