

Finding the above listed bond to have been properly executed pursuant to the above statutory provisions, I have approved the same as to form, and return it herewith.

Respectfully,

JOHN W. BRICKER,

Attorney General.

3025.

BOARD OF EDUCATION—MAY NOT REFUSE USE OF SCHOOL BUILDING AND GROUNDS FOR GRANGE MEETINGS WHEN.

SYLLABUS:

A Board of Education cannot lawfully refuse to permit the use of a school building and grounds under its control for the holding of meetings of grange organizations when the building and grounds are not in actual use for school purposes, providing the janitor fees and other proper expenses incident to such use is paid by the grange, subject, of course, to proper and reasonable regulations imposed by the Board.

COLUMBUS, OHIO, August 11, 1934.

HON. RUSSELL M. WILHELM, *Prosecuting Attorney, Marion, Ohio.*

DEAR SIR:—This will acknowledge the receipt of your request for my opinion which reads as follows:

"We have been requested by the Caledonia Village School Board to secure your formal opinion on the following matter:

STATEMENT OF FACT.

The Village School Board of the Village of Caledonia has under its control a school building in the Village of Caledonia. The local Grange, which is an order with whose purposes you are undoubtedly familiar, insists that they have the right to the use of the Village School building for their meetings.

It is my understanding that these meetings are private in their nature, and that various degrees of the order are conferred at such meetings. The local Village School Board refuses to permit the Grange organization to use the school building for meetings. It is my further understanding that some of these meetings are not confined to the local organization but include representatives from other districts and are sometimes joint meetings of several different Granges.

QUESTION.

May the local School Board refuse the use of the school building to this organization, if the organization pays for the expenses such as light, heat, etc.?"

Section 7622-3 of the General Code of Ohio reads in part as follows:

"The Board of Education of any school district shall, upon request and the payment of the proper janitor fees, subject to such regulation as may be adopted by such board, permit the use of any school house and rooms therein and the grounds and other property under its control when not in actual use for school purposes, for any of the following purposes:

1. * * *
2. * * *
3. * * *

4. For polling place, for holding elections and for the registration of voters, for holding grange or similar meetings."

The language of the above statute is clear to the effect that a Board of Education *shall*, upon request and the payment of the proper janitor fees, subject to proper regulations, permit the use of school buildings and school grounds under its control, when not in actual use for school purposes, for holding *grange* or similar meetings.

Three former Attorneys General have had this question under consideration and each of them has definitely held, and correctly so I think, that a Board of Education has no choice in the matter and that grange meetings may be held in school buildings in accordance with the Statute, as a matter of right.

In 1917, the then Attorney General in an opinion reported in the published Opinions of the Attorney General for that year, on Page 2438 held:

"A Board of Education has a right upon request and upon the payment of the proper janitor fees, to permit the use of any school house and the rooms therein and the grounds and other property under its control, when not in actual use for school purposes, for the use of holding grange meetings. The fact that the grange holds secret sessions will not prevent the above proposition of Section 7622-3 General Code from applying."

The above opinion was referred to with approval by the then Attorney General, in 1928. See Opinions of the Attorney General for 1928 at Page 284.

Again, in 1929, the Attorney General in an opinion reported in the published Opinions of the Attorney General for 1929 at Page 289, held:

"Grange and similar organizations are entitled as a matter of right to use the school buildings and grounds in their respective districts for the purpose of holding meetings of such organizations, providing there is paid to the Board of Education the actual expenses incident to the use of such buildings for such purposes. The amount of such expenses may, by agreement, take the form of a fixed charge, to be paid as a fee for the use of the building, provided the amount of such charge is based on and is reasonably commensurate with the actual cost to the Board of Education of such incidental use of the building."

In specific answer to your question, I am of the opinion that a Board of Education cannot lawfully refuse to permit the use of a school building and

grounds under its control for the holding of meetings of grange organizations when the building and grounds are not in actual use for school purposes, providing the janitor fees and other proper expenses incident to such use is paid by the grange, subject, of course, to proper and reasonable regulations imposed by the Board.

Respectfully,
JOHN W. BRICKER,
Attorney General.

3026.

MUNICIPAL UNIVERSITY—BOARD OF DIRECTORS MAY NOT PURCHASE SECURITIES FROM INVESTMENT COMPANY IN WHICH MEMBERS ARE FINANCIALLY INTERESTED.

SYLLABUS:

1. *Where a board of directors of a municipal university purchases securities, with endowment funds of such university, from an investment company in which one of the directors of the municipal university is president and stockholder, Sections 3808 and 12912, General Code, are violated.*
2. *Such transactions as described in syllabus one are contracts void as against public policy.*

COLUMBUS, OHIO, August 11, 1934.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—I am in receipt of your communication reading as follows:

"Section 7902 of the General Code provides that the board of directors of a municipal university have full control over all funds of the university and section 7919 G. C., gives authority to such board to invest funds under their control and you, of course, are familiar with the provisions of sections 3808 and 12912, General Code.

We have an instance in Ohio wherein a member of the board of directors of a municipal university is a stockholder in, and the president of, an investment company. An examination of the records show that upon approval of the directors of this university, endowment funds are expended in the purchase of securities from this investment company.

Will you kindly advise this Department whether such action constitutes a violation of sections 3808 and 12912 of the General Code?"

Section 3808, General Code, reads as follows:

"No member of the council, board, officer, or commissioner of the corporation, shall have any interest in the expenditure of money on the part of the corporation other than his fixed compensation. A violation of any provision of this or the preceding two sections shall disqualify the party violating it from holding any office of trust or profit in the corporation, and shall render him liable to the corporation for all sums of money or other thing he may receive contrary to the provisions of such sections, and if in office he shall be dismissed therefrom."