

1350.

COUNTY AUDITOR—MAY BE APPOINTED ADMINISTRATOR OF AN ESTATE.

SYLLABUS:

A county auditor may in the sound discretion of the Probate Court be appointed as the administrator of an estate.

COLUMBUS, OHIO, December 12, 1927.

HON. EARL D. PARKER, *Prosecuting Attorney, Waverly, Ohio.*

DEAR SIR:—I am in receipt of your request for an opinion reading as follows:

“Would the duties of the County Auditor conflict with his duties as an administrator of a large estate so that he would be incompetent to act as such administrator under Sec. 5341, G. C.?”

Section 2565, General Code, provides as follows:

“No judge or clerk of a court, county commissioner, county recorder, county surveyor, county treasurer, or sheriff, shall be eligible to the office of county auditor.”

In addition to the foregoing inhibitions is the question of compatibility or incompatibility of offices. However, as the office of administrator of an estate is not the same kind of a public office as that of county auditor, the question of compatibility or incompatibility between the two does not arise except in the exercise of the discretion of the Probate Court in making the appointment under Section 10617 of the General Code.

Specifically answering your question, I am of the opinion that a county auditor may in the sound discretion of the Probate Court be appointed as the administrator of an estate.

Respectfully,
EDWARD C. TURNER,
Attorney General.

1351.

DOG AND KENNEL FUND—CLAIMS IN CURRENT YEAR PAID FIRST—CLAIMS ALLOWED, BUT NOT PAID IN FORMER YEARS MAY BE PAID OUT OF SURPLUS—SECTION 5652-7A, GENERAL CODE, DISCUSSED.

SYLLABUS:

1. *By the provisions of House Bill No. 164, (112 v. 347) a Board of County Commissioners is authorized to expend a surplus remaining in the dog and kennel fund at the close of the year 1927, for the payment of claims heretofore allowed, but unpaid regardless of the year in which such claims were allowed. Such claims should be paid in full in the order in which they have been allowed in so far as such surplus permits.*