

The inhibition contained in section 154-20, General Code, is one going to the number of hours state employes must work. However, this section does not prevent a state employe from being eligible to appointment and acting as a member of the board of veterinary examiners. There is nothing in section 154-20 which disqualifies a state employe from accepting a position of honor such as membership on the board of veterinary examiners.

Your attention is also called to the fact that section 1177-16, General Code, merely requires that the board of veterinary examiners conduct an examination in Columbus in July of each year, which evidently would indicate that a state employe would not necessarily lose any time while acting as a member of the board of examiners and, as stated before in my opinion, I can not see wherein section 154-20, General Code, would prevent a state employe in the employment of the division of animal industry from accepting and holding the office of a member of the board of veterinary examiners. The board of veterinary examiners has no control nor supervision over employes in the division of animal industry and there can be, in my mind at least, no conflict between the office of a member of the board of veterinary examiners and the position of a veterinarian in the division of animal industry. The board of veterinary examiners is a permanent and continuing body which possesses power independent of that possessed by the division of animal industry. The board of veterinary examiners is clothed with and possesses quasi judicial and administrative powers. On the other hand, a veterinarian employed by the division of animal industry occupies or holds a position which is purely ministerial. He possesses no right of independent action and his powers and duties are dependent entirely upon the will and direction of the chief of the division of animal industry or any superior that that officer may select.

I am inclined to hold that an employe in the division of animal industry who is not in the classified service of the state is eligible for appointment to membership on the board of veterinary examiners providing such employe has the qualifications required by section 1177-16, General Code, namely, that he is qualified and licensed to practice veterinary medicine and surgery in the state of Ohio, inasmuch as there is neither constitutional nor statutory inhibitions nor common law incompatibility of office.

It is therefore my opinion that:

1. A state veterinarian, who by virtue of section 1177-16, General Code, is ex officio secretary of the board of veterinary examiners, may be appointed as a member of the board of veterinary examiners.

2. A veterinarian employed by the division of animal industry who is not in the classified service of the state is eligible for and may be appointed a member of the board of veterinary examiners.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

3386.

APPROVAL, BONDS OF VILLAGE OF SHEFFIELD LAKE, LORAIN COUNTY, OHIO—\$15,270.51.

COLUMBUS, OHIO, June 30, 1931.

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