

question is illegal and void, not only because it is against public policy to permit such conditions to be imposed upon the making of appointments to public positions and that it was made ostensibly to deceive other public officers, but also because the carrying out of such an agreement, by accepting involuntary payments made in pursuance thereof, would amount to a reduction of the teacher's salary contrary to law.

It was held in Opinion No. 3962, rendered under date of January 18, 1932, and addressed to the Prosecuting Attorney of Stark County, that:

"A public officer may, lawfully, if he sees fit, draw his salary or compensation and donate a portion or all of it to the political sub-division from which it is drawn. A previous agreement to do so however, is not enforceable as it is contrary to public policy and therefore void."

I believe the same rule would apply to a previous agreement made by a public employe as would to that of a public officer, even though the salary of the employe is not fixed by statute, when the employe is compelled to sign the agreement as a condition of his receiving an appointment or of being employed.

In the case here under consideration, if the salaries of the teachers were fixed at \$800.00 per year, the school district is bound to pay that amount and the teachers are not required to return any portion of it to the district, as the agreement to do so is illegal and absolutely void. In that case the teachers in question should be counted in making allotments of the county educational equalization fund to the district by virtue of Section 7600, General Code.

Respectfully,

GILBERT BETTMAN,
Attorney General.

4615.

APPROVAL, CONTRACT FOR ROAD IMPROVEMENT IN FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, September 15, 1932.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

4616.

APPROVAL, CONTRACTS FOR ROAD IMPROVEMENT IN STARK, WILLIAMS AND MAHONING COUNTIES, OHIO.

COLUMBUS, OHIO, September 15, 1932.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*