

In the present situation, as disclosed by your communication, there does not appear to be any of the orders made out to any particular grocer, just as was the case in the opinion above mentioned. Hence, it would seem that the county commissioner in question, as one of the members of the board of county commissioners, could not be said to enter into any "contract," express or implied, within the meaning of sections 2420 and 12910, General Code, *supra*.

I am aware of an opinion rendered by my immediate predecessor, reported in Opinions of the Attorney General for 1932, Vol. II, page 1224. In the syllabus of such opinion it was stated:

"A member of a board of township trustees furnishing groceries upon order of the board of township trustees and receiving compensation therefor from such board, is subject to the provisions of sections 12910 and 12912, General Code, which prohibit a member of a board of township trustees from being interested in a contract or profits of a contract for the purchase of property or supplies for such township."

However, the facts in such opinion may be clearly distinguished from those present in the 1933 opinion and those present in the matter at hand, in that in the 1932 opinion, a definite store was set forth in the order where the merchandise was to be obtained, while in the 1933 opinion and in the present instance no definite store where such merchandise is to be furnished is stated in the order.

In view of the foregoing discussion, and in specific answer to your question, I am of the opinion that where relief orders are issued in a county by the county relief director through the procedure established by the State Relief Commission, and no particular grocer or merchant is designated in the order where such order is to be filled, a county commissioner who accepts any such order at his store violates no law of Ohio in so acting.

Respectfully,
JOHN W. BRICKER,
Attorney General.

3923.

APPROVAL, BONDS OF GLENDALE VILLAGE SCHOOL DISTRICT, HAMILTON COUNTY, OHIO, \$10,000.00.

COLUMBUS, OHIO, February 7, 1935.

Industrial Commission of Ohio, Columbus, Ohio.

3924.

APPROVAL, BONDS OF BYESVILLE VILLAGE SCHOOL DISTRICT, GUERNSEY COUNTY, OHIO, \$3,109.93.

COLUMBUS, OHIO, February 7, 1935.

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