

"Where a member of a city, exempted village, village or rural board of education is elected clerk of such board by his own vote which was necessary to give him a majority, there is no election."

With reference to the resignation of Mr. D., it appears that he verbally resigned and that his resignation was formally accepted by a majority vote of the board. If that does not constitute a valid resignation I can not conceive how a resignation might be made so as to be effectual. The law does not provide that a resignation of this kind must be made in writing and I am of the opinion that a verbal resignation is as good as a written one, and where that resignation is formally accepted, as was this one, it, in my opinion, is complete. A vacancy therefore existed on this board immediately upon the acceptance of the resignation of Mr. D.

I am therefore of the opinion, in specific answer to your questions:

1. The meeting in question was a valid and legal meeting.
2. Mr. A. was not legally elected clerk.
3. Mr. B. legally became president of the board upon the resignation of Mr. A.
4. The resignation of Mr. D. was complete and effectual and immediately thereupon, a vacancy existed in the board.

Respectfully,

JOHN W. BRICKER,
Attorney General.

315.

APPROVAL, NOTES OF PAINT CONSOLIDATED NO. 3 RURAL SCHOOL DISTRICT, HIGHLAND COUNTY, OHIO—\$179.00.

COLUMBUS, OHIO, March 22, 1933.

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

316.

APPROVAL, NOTES OF WHITEOAK RURAL SCHOOL DISTRICT, HIGHLAND COUNTY, OHIO—\$4,906.00.

COLUMBUS, OHIO, March 22, 1933.

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

317.

APPROVAL, NOTES OF BRUSHCREEK CONSOLIDATED NO. 4, RURAL SCHOOL DISTRICT, HIGHLAND COUNTY, OHIO—\$6,153.00.

COLUMBUS, OHIO, March 22, 1933.

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