

2529.

APPROVAL, NOTES OF SPRINGFIELD RURAL SCHOOL DISTRICT,
MAHONING COUNTY, OHIO—\$3,487.00.

COLUMBUS, OHIO, April 19, 1934.

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

2530.

COUNTY AGRICULTURAL SOCIETY—DIRECTOR NOT A PUBLIC OFFICER—ELECTION OF COUNTY COMMISSIONERS TO BOARD OF DIRECTORS DOES NOT VACATE FORMER OFFICE.

SYLLABUS:

1. *A director of a county agricultural society is not a public officer but is the agent of a private corporation.*
2. *A county commissioner may become a member of the board of directors of the county agricultural society, and his election thereto does not operate to vacate the office of county commissioner.*

COLUMBUS, OHIO, April 19, 1934.

HON. JOHN W. BOLIN, *Prosecuting Attorney, Athens, Ohio.*

DEAR SIR:—I acknowledge receipt of your communication which reads as follows:

“May I have your opinion upon the following question:

Two Athens County Commissioners were elected as Directors of the Athens County Agricultural Society and on December 19th, 1933, they resigned from the office as Directors of said Agricultural Society, which resignations were accepted by the Agricultural Society on February 1st, 1934.

Now, a group are demanding that I bring Quo Warranto proceedings against them to remove them from the office of Athens County Commissioners on the grounds that their acceptance of the office as Directors of the Agricultural Society worked a forfeiture of the office of Athens County Commissioners.

I ruled that under authority of *State ex rel. Gettles vs. Gillen*, 112 Ohio State, 534, there was no forfeiture of the office of County Commissioner, but the group that wants them removed still insists that I bring this action and asks that I obtain an opinion from you.

I am enclosing with this request:

The Demand for Quo Warranto Proceedings; My Answer refusing to bring Quo Warranto with citations of authorities and the Counter-demand and Request for an opinion from you.”