

933.

APPROVAL, BONDS OF TALLMADGE TOWNSHIP RURAL SCHOOL DISTRICT, SUMMIT COUNTY—\$100,000.00.

COLUMBUS, OHIO, September 28, 1929.

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

934.

OFFICES COMPATIBLE—TOWNSHIP SCHOOL TEACHER AND VILLAGE MAYOR.

SYLLABUS:

A teacher employed by a township board of education may legally fill the position of mayor of a village, unless his duties as teacher make it physically impossible for him to perform the duties of both positions.

COLUMBUS, OHIO, September 28, 1929.

HON. EDGAR C. MARTIN, *Prosecuting Attorney, Norwalk, Ohio.*

DEAR SIR:—This acknowledges receipt of your recent communication which reads:

“The following problem has been presented to me, and I will appreciate very much your interpretation of the law relative to same:

Can a member of the faculty of a township school district which includes in its borders, an incorporated village, also be elected and qualified as mayor of that village? The teacher in question is not the principal and has nothing to do with the administration of the schools other than his class work.”

In considering your question, it has been noted that there are no statutes expressly inhibiting a teacher of a township school district from holding the office of mayor of a village. Applying the rule which relates to incompatibility, I have found no instances wherein one officer would be a check upon the other, and the only possible objection would be the question as to whether or not it would be physically impossible for a teacher, in view of the duties he is required to perform under his contract of employment, to perform the duties of both positions.

In a recent opinion I held that a teacher could not be a member of council, but that was by reason of the express provisions of the statute relating to councilmen.

Without further discussion, it is my opinion that the teacher employed by a township board of education may legally fill the position of mayor of a village, unless his duties as teacher make it physically impossible for him to perform the duties of both positions.

Respectfully,

GILBERT BETTMAN,

Attorney General.