

4198.

APPROVAL, NOTES OF BOARDMAN RURAL SCHOOL DISTRICT, MAHONING COUNTY, OHIO—\$24,000.00.

COLUMBUS, OHIO, March 28, 1932.

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

4199.

TREASURER—KENT STATE COLLEGE—UNAUTHORIZED TO DEPOSIT FUNDS IN BANK—LIABLE ON HIS BOND FOR FAILURE TO ACCOUNT FOR FUNDS.

**SYLLABUS:**

*As there is no statutory provision authorizing the treasurer of Kent State College to deposit in any bank the funds of such College, and as the treasurer's bond is conditioned upon the proper accounting for all moneys coming into his care, the state's protection is such bond and the liability of the treasurer himself and not the securities which any such bank may give to the treasurer to protect such deposits.*

COLUMBUS, OHIO, March 29, 1932.

HON. JAMES O. ENGLEMAN, *President, Kent State College, Kent, Ohio.*

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

"Kent State College has college funds deposited in the City Bank of Kent in varying amounts from month to month, and from day to day, but the peak of such deposits is \$36,000. As surety for such deposits the City Bank has deposited with the Board of Trustees of the College, first mortgages which total \$46,923. Each of the mortgages is upon unencumbered real estate located in Ohio, the value of which is more than double the amount loaned thereon.

Question: Are real estate mortgages of such description, and of such amount, sufficient protection under the law for deposits in the City Bank of Kent that are never greater than \$36,000? Your opinion is desired to guide us in the matter."

Section 7901-4, General Code, reads in part as follows:

"The board of trustees shall organize immediately after its appointment by the election from its members, of a president, a secretary and a treasurer. The treasurer, before entering upon the discharge of his duties shall give bond to the state of Ohio for the faithful performance of his duties and the proper accounting for all moneys coming into his care. The amount of said bond shall be determined by the trustees,