

2634.

DISAPPROVAL, BONDS OF GEauga COUNTY, OHIO—\$40,000.00.

COLUMBUS, OHIO, September 27, 1928.

Re: Bonds of Geauga County, State of Ohio, \$40,000.00.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—I have examined the transcript relative to the above bonds, which are a portion of an issue of \$77,317.06 issued by Geauga County, in anticipation of the collection of special assessments and to pay the county's portion of the cost of improving a certain road.

Upon the examination of said transcript, I find that the bonds were advertised for sale for three consecutive weeks in a newspaper of general circulation, as required by Section 2293-28, General Code. The bond advertisement recites that the bonds shall bear interest at the rate of 5% per annum, payable semi-annually, but said advertisement contains no provision that any bidder desiring to do so may present a bid or bids based upon the bonds bearing a rate of interest other than specified in the advertisement. The bonds were, however, awarded to Stranahan, Harris & Oatis, of Toledo, Ohio, which firm bid par, accrued interest and a premium on the basis of the bonds bearing interest at the rate of 4¾% per annum. In view of the fact that there was no provision in the bond sale advertisement for bidding at rates of interest other than specified therein, I am of the opinion that the award of the bonds to a bidder at 4¾% interest was without authority in law.

I am compelled to advise you, therefore, not to purchase the above issue of bonds.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2635.

ELECTION—CONTRACT WITH BOARD OF DEPUTY STATE SUPERVISORS OF ELECTIONS—NEED NOT ACCEPT LOWEST BID.

SYLLABUS:

A board of deputy state supervisors of elections may, in its sound discretion, award a contract for the printing of ballots to the lowest responsible bidder, even though such bidder is not the lowest bidder. Such action of the board will not be disturbed unless a clear showing is made to the courts that its action constitutes an abuse of discretion. Whether or not such action constitutes an abuse of discretion in a given case is a question of fact, which must be determined from all of the circumstances.

COLUMBUS, OHIO, September 28, 1928.

HON. EARL D. PARKER, *Prosecuting Attorney, Waverly, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent communication, which reads: