been sentenced for a crime and may order him confined in such penal institution as it deems proper under the circumstances. In any event the subject should be accepted at the institution to which he was committed, and then transferred as the Department may deem proper.

In conclusion, therefore, it is my opinion that:

1. There is no specific statutory minimum age of commitment to the Indiana State Farm;

2. No boy can be sentenced to the Indiana Boys' School for the commission of a crime;

3. Indiana courts have the power to correct sentences under Rule 2-40B, Rules of the Indiana Supreme Court. Orders entered pursuant to this Rule must be recognized by the penal institutions;

4. A person 15 years of age, convicted of a felony, may be committed to any one of our penal institutions according to the surrounding circumstances. It is within the power of the Department of Correction to transfer any person so sentenced to the institution which they may deem proper.

OFFICIAL OPINION NO. 57

December 10, 1957

Mr. Howard F. Tudor
Chairman, Indiana Real Estate Commission
145 West Washington Street
Indianapolis, Indiana

Dear Mr. Tudor:

I am in receipt of your letter of October 2, 1957, in which you request an Official Opinion with regard to the Acts of 1949, Ch. 44, and which reads as follows:

"1. Pursuant to the provisions of Chapter 44 of the Acts of 1949, being the Real Estate License Law of the State of Indiana, does the Indiana Real Estate Commission have the right in addition to the issuance of individual licenses to issue the following types of licenses:"
(a) Firm licenses  
(b) Partnership licenses  
(c) Association licenses  
(d) Corporation licenses  

"2. If the Commission has power to issue the types of licenses hereinabove referred to must each individual person who is a member of such firm, partnership, association or corporation, and who participates or engages in the real estate brokerage business carried on by the same, be required to have an individual broker's or salesman's license under the law?  

"3. Is it lawful for the Commission to issue a firm, partnership, association or corporation license in a situation where a non-licensed member of the same has a financial interest in the real estate brokerage business but does not otherwise participate or engage in such brokerage business?"  

In response to your first question, Acts of 1949, Ch. 44, Sec. 7, as found in Burns' (1951 Repl.), Section 63-2407, reads as follows:  

"On and after October 1, 1949, it shall be unlawful for any person, firm, partnership, association or corporation to act as a real estate broker or real estate salesman without first having procured a license issued by Indiana Real Estate Commission and to have kept the same unrevoked after issuance. * * *

It is my opinion that the foregoing statutory provision clearly and expressly gives to the Indiana Real Estate Commission the right to issue firm, partnership, association and corporation licenses, in addition to the right to issue individual licenses.

Your first question is therefore answered in the affirmative.

Your second question is answered affirmatively by reference to Sec. 9 of said Act, as found in Burns' (1951 Repl.), Section 63-2409, which reads, in part, as follows:

"* * * Every person acting for himself, every member of a firm, partnership, association or corporation participating or engaged in the real estate brokerage
or as a real estate salesman therefor shall obtain and keep renewed and wholly unrevoked a license as a real estate broker or real estate salesman as herein required."

The answer to your third question, in my opinion, is dependent upon the type of license to be issued, and may be summarized as follows:

1. Partnership Licenses. Section 11 of the Act, as found in Burns’ (1951 Repl.), Section 63-2411, relating to examinations, provides, in part, as follows:

"* * * If the applicant is a partnership all members thereof shall pass such examination * * *." 

It would thus appear, with reference to partnerships, that a partnership license may be issued only where all members thereof have passed the examination, whether such members do or do not participate or engage in real estate brokerage.

2. Corporation Licenses. Section 11 of the Act, above referred to, provides, in part, as follows:

"* * * if the applicant is a corporation, all officers or agents thereof seeking to engage on its behalf as a real estate broker or salesman shall pass such examination." (Our emphasis)

The foregoing language indicates, in my opinion, that it is lawful for the Commission to issue a corporation license, where certain officers and agents thereof, not licensed as individuals under the Act, may have a financial interest in the business carried on by the corporation, but do not otherwise participate or engage in the brokerage business of said corporation so long as all other officers or agents thereof who engage on its behalf as real estate brokers or salesmen are duly licensed.

3. Firm or Association Licenses. Section 9 of the Act, as found in Burns’ (1951 Repl.), Section 63-2409, provides, in part, as follows:

"* * * every member of a firm * * * association * * * participating or engaged in the
real estate brokerage or as a real estate salesman therefor shall obtain and keep renewed and wholly unrevoked a license as a real estate broker or real estate salesman as herein required.” (Our emphasis)

It is to be noted that the foregoing provision is limited to those members of a firm or association who participate or engage in the real estate brokerage business of such firm or association or who are employed as real estate salesmen therefor. The language thus does not include all members of such firm or association. Accordingly, it is my opinion that it is lawful for the Commission to issue a firm or association license where certain members or agents thereof, not licensed as individuals under the Act, may have a financial interest in the business carried on by the firm or association, but do not otherwise participate or engage in the real estate brokerage business of the corporation, so long as all other members or agents thereof who engage on its behalf as real estate brokers or salesmen are duly licensed.

OFFICIAL OPINION NO. 58
December 11, 1957

Hon. Robert A. Berning
State Representative
506 Dime Bank Building
Fort Wayne, Indiana

Dear Sir:

Your letter of November 19, 1957, in which you request an Official Opinion regarding the construction of Ch. 267 of the Acts of 1957, reads as follows:

“The opinion of your office is respectfully requested for the purpose of clarifying responsibility between governmental units, such as, the Allen County Department of Public Welfare and Township Trustee, and the various medical services in the County, such as, hospitals, doctors, etc.