

1953 O. A. G.

Basing my opinion upon the above authorities and in reviewing the agreement entered into by the branch manager and the Bureau of Motor Vehicles, I am of the opinion that the position of Manager of the Beech Grove License Branch of the Bureau of Motor Vehicles is a lucrative office within the meaning of the Constitutional prohibition of Art. 2, Sec. 9, *supra*.

Having arrived at the conclusion that the Clerk-Treasurer of a fifth class city is not an officer under the state, in my opinion such Clerk-Treasurer may act as such for compensation and also act as Manager of a branch of the Bureau of Motor Vehicles.

OFFICIAL OPINION NO. 10
(Not Issued)

OFFICIAL OPINION NO. 11

February 26, 1953.

Senator Walter A. Baran,
State Senator
4835 Baring Avenue,
East Chicago, Indiana.

Dear Sir:

I have your request for an official opinion which reads in part as follows:

“I am requesting an official opinion regarding the legality of my membership in the Legislature as State Senator and simultaneously holding an appointive position in the city of East Chicago as Chief Air Inspector in the Bureau of Air Pollution. I am an appointee of the Mayor and have jurisdictional powers within the corporate limits of the city. The Bureau was created in 1949 under Ordinance No. 2490 as incorporated under Ordinance No. 2525 known as the ‘Municipal Code of East Chicago—1950’.”

An examination of the statutes of this state presently in force fails to disclose any statute specifically authorizing the creation by any city of a Bureau of Air Pollution or an office