

of 1933, being chapter 88 of said acts, under the heading "Indiana state highway commission," which reads as follows:

"payments for judgments and interest thereon and for making of settlements by the way of compromise", and would say that the payment for the assessment should be made from this fund which provides for the payment of judgments.

EMPLOYMENT SERVICE, LICENSING DEPT: Interpretation of section 9, chapter 25, Acts of 1927, concerning records and reports of employment agencies.

October 19, 1933.

Hon. John F. White, Supervisor,
Licensing Department,
Indiana State Employment Service,
Room 404, Statehouse,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of October 13, 1933, asking my advice regarding the interpretation placed by your department on section 9, chapter 25, Acts of 1927. The section in question refers to records and reports of employment agencies and reads as follows:

"It shall be the duty of every licensed agency to keep a *permanent* record of every person referred or placed for employment, including date such person was referred or placed in employment, name, address, age, nativity, sex, color and trade, occupation or profession, of each person; also *the amount* of the fee received and rate of wages agreed upon, and the name and address of the person, firm or corporation with whom any of such applicants have been placed. *A copy of such record*, duly attested under oath of the person, firm or corporation conducting such agency, shall be furnished the industrial board of Indiana *on the first of each month.*" (My italics.)

According to your letter, your department has interpreted the language "the amount of the fee received" to mean and intend the amount of the fee *charged*, and have been requiring reports in accordance with this interpretation.

It will be noted that section 6 of the act, requires each such agency to file with the industrial board a schedule of fees, charges and commissions which it expects to "charge and collect" for its service. The same section also makes it unlawful for any such agency to "charge, demand, collect or receive" a greater compensation for its services than is provided in the schedule filed with the industrial board. It seems clear that the purpose of requiring the monthly report to include a report of fees, as provided in section 9, *supra*, is to enable the board to determine whether or not the agency has violated the law by exceeding the fee schedule theretofore submitted. The mere *charging* of such an excessive fee would constitute an unlawful act under section 6, regardless of whether or not all of the fee so *charged* had actually been *received*. It is my opinion, that you have interpreted section 9 correctly, as intending a report of the fee *charged*.

Further support of this view is found in section 9, *supra*. The section requires the keeping of a "permanent record" containing certain information regarding each person placed for employment, and the submission of a copy of "such record" monthly to the industrial board. Clearly the legislature did not intend the submission each month of a copy of the entire record made to that date, including persons placed prior to the monthly period covered by the report and already reported. It intended a monthly report covering only those persons placed for employment during the month. This being true, a report of the fee actually received during the month would not furnish the board with the information which the act clearly contemplates, where the fee is payable on an installment basis and only partial payment has actually been received.

ELECTION COMMISSIONERS, BOARD OF: Elections—Interpretation of Registration Act of 1933.

October 19, 1933.

Hon. Robert E. Mythen, Clerk,
State Board of Election Commissioners,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of October 10, 1933, submitting certain questions relative to the interpretation and operation of chapter 178 of the Acts of the General Assembly of 1933.