

Since the creation of the State Investment Council, Laws 1950, Chapter 270, in the purchase of securities the Council may prepare a questionnaire if they are desirous of obtaining the responses to the above questions, but as presently set up it is the writer's opinion such information is not required to be answered.

QUESTION PRESENTED.

No. 5. Does the word "bonus" on the affidavit accompanying the invoice transmitted by the security dealers upon the sale of securities to agencies of the State affect the second broker-dealer who happens to be an office holder of the State or Municipality?

ANSWER.

The answer is no.

REASON.

Where the transaction is legitimate and the bonus is not a gratuity or bribe, no disclosure is required whether or not the broker-dealer is an office holder of the State or Municipality. I can find no law or statutory regulation prohibiting an office holder of the State or Municipality from legitimately performing services of the nature imposed in the query and receiving compensation therefor.

I believe the foregoing opinion adequately answers the questions proposed by you.

Very truly yours,

THEODORE D. PARSONS,
Attorney General.

By: LOUIS S. COHEN,
Deputy Attorney General.

OCTOBER 23, 1950.

HON. J. LINDSAY DEVALLIERE,
Director, Budget & Accounting,
Department of the Treasury,
State House,
Trenton, N. J.

FORMAL OPINION—1950. No. 65.

DEAR SIR:

This is in response to your letter of the 18th instant relative to the application of Mr. Fred C. Ginder for a pension under the Veterans Act. It appears from the record that Mr. Ginder's services with the State during 1928 and up to and including August 11, 1950, cover a period of seventeen years, ten months and eleven days, which leaves approximately twenty-six months of service to complete the twenty years required by the Veterans Pension Act (R. S. 43:4-1 and 43:4-2). These sections have been amended on several occasions but the amendments have no application to the

matter we are considering. The record discloses clearly that Mr. Ginder had performed services for the State prior to 1928 and proof has been submitted by way of affidavits to establish the fact of such employment. These earlier records apparently were kept by the then Adjutant General but were destroyed as ancient records.

The question upon which you seek my opinion is whether you would be justified in accepting these affidavits as proof of the required twenty years' service in granting this pension to Mr. Ginder. The answer is yes, for I cannot conceive of any other way of proving the fact of such prior service in view of the fact that the Adjutant General's records have been destroyed.

All the papers which you sent me are herewith returned.

Yours very truly,

THEODORE D. PARSONS,
Attorney General.

By: THEODORE BACKES,
Deputy Attorney General.

TB:B

OCTOBER 25, 1950.

COL. CHARLES H. SCHOEFFEL,
Superintendent, N. J. State Police,
West Trenton, New Jersey.

FORMAL OPINION—1950. No. 66.

DEAR COLONEL SCHOEFFEL:

Your memorandum of October 19, 1950, with copy of letter from Mrs. Edward E. Tucker, concerning her husband, Edward E. Tucker, holder of individual private detective license No. 562, is at hand.

Concerning your first request as to the private detective license of Mr. Tucker, I will say that you have been notified of his death and it is your duty to revoke this license and have Mrs. Tucker return to you the original license and all copies.

On your second request as to whether or not you should return the bond of Edward E. Tucker to his widow for cancellation, I will say that the statute, R. S. 45:19-12, provides that when a license is issued to any individual he shall furnish a bond for \$3,000.00 running to the State of New Jersey, which bond shall be for the benefit of any person injured by willful, malicious or wrongful act of the applicant. It is your duty to retain that bond for the benefit of any person who may have an action against Edward E. Tucker, in accordance with the above-cited statute.

On your third request, as to whether or not Mrs. Tucker is entitled to any reimbursement of the license fee of \$200.00 I will say that R. S. 45:19-12 provides for a license fee of \$200.00 for an individual license, and further states "In case of revocation or surrender of any license, no refund shall be made of any license fee paid under the provisions hereof." Therefore, you have no authority to return to Mrs. Tucker any part of the \$200.00 paid by her husband when he obtained his license from your department.

Very truly yours,

THEODORE D. PARSONS,
Attorney General.

By: ROBERT PEACOCK,
Deputy Attorney General.