



DEPARTMENT OF LAW
OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

August 27, 1976

R 76-34A

BRUCE E. BABBITT
ATTORNEY GENERAL

76-272

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Mr. R. W. Koeb
Superintendent of Banks
State Banking Department
Room 101 Commerce Building
1601 W. Jefferson Street
Phoenix, Arizona 85007

Re: Opinion Request

Dear Mr. Koeb:

It is understood that you have been appointed Receiver of the Aetna Investment Corporation, and that you have directed certain employees of the State Banking Department to provide services for the Receivership. You have charged fees for these employee services, pursuant to A.R.S. § 6-816, and now present the following question with regard to the collection of these fees:

May the Superintendent of Banks accept an assignment of an interest in a land contract as payment for fees charged pursuant to A.R.S. § 6-816?

The authorities are clear to the effect that a public officer, charged by law with the collection of fees due the State, has no authority to accept anything but money, unless otherwise specifically authorized by statute. Baker v. State Highway Department, 165 S.E. 197, 200, 166 S.C. 481 (1932). Eggleston v. Plowman, 49 S.D. 609, 207 N.W. 981 (1926). We are not aware of any statute that would authorize the Superintendent to accept payment in anything other than money.

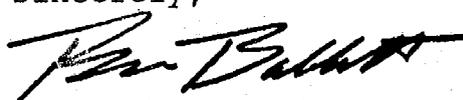
Accordingly, it is our opinion that the Superintendent of Banks may not accept an assignment of an interest in a



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land contract as payment for fees charged by the Banking
Department pursuant to A.R.S. § 6-816.

Sincerely,



BRUCE E. BABBITT
Attorney General

BEB:TP:jdp