

# DIVISION OF ALCOHOL AND TOBACCO CONTROL

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## **INDUSTRY CIRCULAR**

### **Managing Officer Requirements**

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Stakeholders have requested that ATC more clearly define the responsibilities and requirements of managing officers. Specifically, they requested a more definitive explanation for a “change in fact” that requires notification to ATC. This circular is designed to clarify those requirements.

Under 311.660.1(6), RSMo 2021 the Supervisor is tasked with establishing the rules and regulations for the conduct of the business of licensees. Under Subsection (10), the Supervisor is tasked with making rules and regulations to carry out the provisions of Chapter 311. The Supervisor has created Regulation No. 70-2.030(7) (August, 2022) (hereinafter “the Regulation”) to carry out these requirements.

Under the Regulation, licensed entities must designate a managing officer. The managing officer serves as the point of contact for ATC. As such, the managing officer must be able to speak on behalf, and represent the interests, of their respective licensee to ATC. As such, ATC is permitted to rely on the representations made by the managing officer. Likewise, the managing officer must have the power to enter into a legally-binding contract with ATC on behalf of the licensee.

As the point of contact, the managing officer must receive and answer all correspondence and communications from ATC. The managing officer must provide information relative to Liquor Control Law to ATC upon request. Finally, they must assist in both the filing of the original application for licensure and any subsequent renewal applications, swearing to the accuracy of all information contained in such applications.

Applicants must submit documentation with their application proving the designated managing officer satisfies the qualifications in section 311.060, RSMo, and the Regulation. Any subsequent changes in the managing officer’s status that could affect their eligibility to be a managing officer under 311.060 must also be filed (examples include but are not limited to: criminal convictions, termination from employment, or acquiring financial interest in a business prohibited by Chapter 311). If the managing officer’s position becomes vacant, the licensee must designate a new managing officer to ATC within 15 days for approval by the Supervisor.

If you have questions, please contact the [Division](#) for clarification.

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