

Title 11—Department of Public Safety
Division 70—Division of Alcohol and Tobacco Control
Chapter 2—Rules and Regulations

ORDER OF RULEMAKING

11 CSR 70-2.020 Application for License. The Division of Alcohol and Tobacco Control is adding sections (18), (19), and (20).

PURPOSE: This amendment clarifies that the division treats all business entities equally in evaluating qualifications for a license and that no individual under twenty-one (21) years of age is qualified to hold, or have a financial interest in, a liquor license. Further, this amendment codifies how the division treats trusts upon application.

(18) When evaluating the qualifications for licensure of any business entity not specifically named in section 311.060, RSMo, the division shall use the standards set forth in this section.

(A) No entity shall be granted a liquor license if any of its owners, members, natural persons holding a financial interest in the business sought to be licensed, officers, or managing officer have held any such a position with a revoked license, subject to the limitations described in section 311.060.7, RSMo, or if such individual shall not be a person of good moral character subject to the limitations described in section 311.060.1-2, RSMo. As used in this subsection, “members” shall refer to natural persons holding a share of control of the business sought to be licensed.

(B) When a business seeking to be licensed has ownership held by a separate business entity or trust, all natural persons associated with the ownership or control of the trust shall be evaluated consistent with subsection (18) (A) as though the natural persons associated with the shareholding business were members of the business sought to be licensed.

(C) Subsections (A) and (B) of this section shall not apply to the beneficiaries of a trust.

(D) The supervisor may decline to issue a license where there is cause to believe an unqualified individual has created one (1) or more business entities or trusts to avoid the qualifications of this section.

(19) Beginning on the effective date of this regulation, no person, partnership, or business entity shall be qualified for a liquor license if such person, partnership, or business entity shall have any ownership by, or who

shall designate a managing officer that is, a person who has not attained the age of twenty-one (21) years. This section shall not apply to a beneficiary of a trust who holds a financial interest in the applicant business. The supervisor of alcohol and tobacco control shall not use this section as a reason to deny the renewal of any active license existing on the effective date of this regulation.

(20) Where a trust holds a financial interest in an applicant business, the trust must disclose the trustee as though the trustee was an owner. The trust need not disclose the beneficiaries of the trust until the financial interest is realized or if the supervisor of alcohol and tobacco control has cause to believe that a beneficiary of the trust is disqualified from having a financial interest in the applicant business or where the trust merely acts as subterfuge. Applicants who have a trust holding a financial interest shall:

- (A) Complete a mandatory attestation form created by the division;
- (B) Provide a certification of trust with the application; and
- (C) Furnish to the division a copy of the trust instrument upon request.