

## **11 CSR 70-2.030 Change of Facts, Posting, Transfer, and Lost Licenses—Executors—Administrators**

**PURPOSE:** *This rule establishes procedure for reporting changes in status of license, transfer, death of licensee or managing officer, loss of, etc.*

(1) Written notice is to be provided to the supervisor of Alcohol and Tobacco Control within fifteen (15) days if any factor or information changes from what is set forth on an application during a period of licensure.

(2) A license issued pursuant to this chapter is to be displayed in a conspicuous place on the premises where the business is carried on, as well as any city or county license designating the premises as a place to sell intoxicating liquor. No license may be posted at the premises where traffic in intoxicating liquor is being carried on by any person other than the licensee. A license may not be knowingly defaced, destroyed, or altered.

(3) The supervisor of Alcohol and Tobacco Control may allow a license to be transferred to any other premises or to any other part of the building containing the licensed premises, provided the premises sought to be licensed meets the requirements of the law. The licensee must apply for permission to transfer in writing, and the supervisor must approve the application for permission to transfer before the license can be transferred. The application for permission to transfer must include—

(A) Legal name, business name or d/b/a, and license number(s) of licensee;

(B) Address and legal description of current premises;

(C) Address and legal description of premises to which transfer is sought, together with name and address of owner or landlord; and

(D) A consent of surety(ies), signed, and witnessed by private individuals in the same manner in which the signatures appear on the bond itself. If the bond was signed by a surety company, the consent needs to be signed by a duly authorized officer or attorney-in-fact of the company whose authority or power of attorney is on file in the Division of Alcohol and Tobacco Control.

(4) Whenever a license is lost or destroyed, a duplicate license in lieu of the lost or destroyed license may be issued by the supervisor of Alcohol and Tobacco Control without cost to the licensee.

(5) Unless licensed by the supervisor of Alcohol and Tobacco Control as such, no receiver, assignee, trustee, guardian, administrator, or executor may sell any intoxicating liquor belonging to the estate over which s/he has control, except to a licensed wholesaler or retailer with the written consent of the supervisor of Alcohol and Tobacco Control to sell the intoxicating liquor. The supervisor may give written consent after receiving the following documents and information:

(A) A copy of the order of the court having jurisdiction over the estate authorizing the sale; and

(B) A joint affidavit signed by the receiver, assignee, trustee, guardian, administrator, or executor and the purchaser, setting out an inventory of the stock, the price for which it is to be sold, the date of the contract of sale, and the license number of the purchaser.

(6) In the event that a licensee's license has been lost, stolen, destroyed, or a transfer to another place of business is desired, an agent or inspector, with the approval of the supervisor, may issue a special certificate which will allow the licensee to continue his/her business. In no event may the special certificate continue in effect for more than ten (10) days from the date of issuance.

(7) Corporations and other entities licensed under the provisions of section 311.060, RSMo, shall designate a managing officer who is an individual in the corporation's or other entity's employ, either as an officer or an employee with the general control and superintendence of the licensed premises, or an agent capable of representing and binding the corporation or other entity during all interactions or proceedings with the supervisor or a designated representative dealing with the Liquor Control Law.

(A) The managing officer shall be responsible for:

1. Receiving correspondence from the supervisor or a designated representative dealing with the Liquor Control Law;

2. Responding to verbal communications requests from the supervisor or a designated representative dealing with the Liquor Control Law;

3. Providing information requested by the state supervisor or a designated representative dealing with the Liquor Control Law;

4. Assisting in the preparation of the original application for licensure and any subsequent renewal applications, signing such applications, and swearing to the accuracy of all information contained in such applications.

(B) If the managing officer is not an officer or an employee with the general control and superintendence of the licensed premises, the managing officer must have limited power of attorney to represent and bind the corporation or other entity during all interactions with the supervisor or a designated representative dealing with the Liquor Control Law.

(C) Applicants must submit documentation alongside their application sufficient to prove that the managing officer designated in the application satisfies the qualifications in section 311.060, RSMo, and this regulation.

(D) If a vacancy occurs in the office of the managing officer, a replacement shall be named within fifteen (15) days of the vacancy. Replacements must qualify under section 311.060, RSMo, and this regulation. If the supervisor determines that a replacement does not qualify under section 311.060, RSMo, and this regulation, the supervisor shall notify the licensee in writing, and the licensee shall have fifteen (15) days from the date of the written notice to name a qualified replacement.

(8) Licensees are responsible for ensuring that the contact information for all persons listed in the application on record with the division is accurate and current.

*AUTHORITY: section 311.660, RSMo Supp. 2021.\* This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed Oct. 10, 2018, effective May 30, 2019. Amended: Filed Aug. 14, 2020, effective March 30, 2021. Amended: Filed Jan. 25, 2022, effective Aug. 30, 2022.*

*\*Original authority: 311.660, RSMo 1939, amended 1989, 2021.*