

11 CSR 70-2.020 Application for License

PURPOSE: This rule prescribes forms and applications and establishes procedure for the issuance of all intoxicating liquor and nonintoxicating beer licenses.

- (1) Applications for licenses including payment for the correct amount of the license fee are to be submitted to the supervisor of Alcohol and Tobacco Control at the Central Office in Jefferson City, or any operational Alcohol and Tobacco Control field office within the state. If payment is rejected for insufficient funds and the licensee has not replaced such payment within fourteen (14) days of notification with sufficient funds, then beginning with the fifteenth day, if such licensee's renewed license has been issued, such renewed license shall be suspended until the day following the day the licensee makes restitution for the insufficient funds payment, or if such licensee's renewed license has not been issued, the renewed license shall not be issued until on or after the day following the day the licensee makes restitution for the insufficient funds payment.
- (2) Application is to be made on the forms prescribed by the supervisor.
- (3) No agent may authorize any applicant to exercise the privileges of the license applied for pending its issuance.
- (4) If application is made by a partnership, the application should set out the names and residences of all the partners, whether they be active or silent partners. All partners shall qualify under the laws of Missouri for the license. All partners are to sign the application.
- (5) If application is made by an entity, the application should set out the names and residences of any officers and all members or shareholders, whether they be active or silent investors. All members or shareholders shall qualify under the laws of Missouri for the license.
- (6) No license may be granted to an applicant unless s/he makes full, true, and complete answers to all questions in the application. Any false answer to any question in the application or false statement of a material matter in his/her application, may be cause for suspension or revocation of any license issued pursuant to the application.
- (7) Violation of any oath taken by a licensee in connection with his/her application for a license is cause for suspension or revocation of the license where an oath is necessary, by any statute of Missouri or any regulation of the Supervisor of Alcohol and Tobacco Control, to be taken.
- (8) If the supervisor of Alcohol and Tobacco Control has reason to believe that an applicant has a criminal record and is not a person of good moral character, the supervisor may request that the applicant submit to being fingerprinted and fingerprints forwarded to the Department of Justice to ascertain if the applicant has been convicted of any crime.
- (9) The surety on the bond of any licensee at any time may notify the supervisor of Alcohol and Tobacco Control and the licensee that s/he desires after a date named, which is at least thirty (30) days after the receipt of notification by the licensee and the supervisor, to be relieved of liability on the bond. Upon receipt, the privileges of the principal under the license as is supported by the bond may be terminated and cancelled on the date

specified, unless supported by other sufficient bond(s), and the surety can be relieved of liability on the bond for any default of the principal accruing on and after the date named.

(10) Every applicant for a liquor license of any kind will present all applicable items listed on the checklist of requirements that corresponds to the application form as prescribed by the supervisor of Alcohol and Tobacco Control.

(11) No license may be issued to the spouse, child(ren), step-child(ren), parent(s), stepparent(s), son-in-law or daughter-in-law, employee, or other person having any interest in the business of a licensee whose license has been revoked, for the privilege of doing business at the same location or in close proximity to the location of the establishment whose license was revoked until a period of five (5) years after the date of the revocation of the license, and then at the discretion of the supervisor of Alcohol and Tobacco Control.

(12) The supervisor of Alcohol and Tobacco Control, at his/her discretion and for good cause, may issue a temporary license for up to ten days. A completed application with all required current documents and payment of license fees and any late charges must be in receipt of the Division of Alcohol and Tobacco Control before a temporary license may be considered by the supervisor of Alcohol and Tobacco Control.

AUTHORITY: section 311.660, RSMo 2016. This version of rule filed Feb. 8, 1973, effective Feb. 18, 1973. Amended: Filed July 11, 1984, effective Oct. 11, 1984. Amended: Filed Dec. 2, 1993, effective June 6, 1994. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998. Amended: Filed Sept. 22, 1998, effective March 30, 1999. Amended: Filed June 5, 2008, effective Nov. 30, 2008. Amended: Filed Oct. 10, 2018, effective May 30, 2019.*

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

Brown-Forman Distillers Corp. v. Stewart, 520 SW2d 1 (Mo. banc 1975). *Separate licenses are required for every phase of the liquor traffic and manufacturers, wholesalers and retailers are statutorily categorized as distinct separate phases thereof. The statutes indicate a legislative intent to preclude a licensee in one phase of the liquor traffic from controlling traffic in liquor in its entirety.*

Pinzio v. Supervisor of Liquor Control, 334 SW2d 20 (1960). *A review of the statutes makes it clear that the legislature has vested sole discretion in the supervisor (of liquor control) to issue or refuse to issue each license, whether one of original issue or a renewal and that a hearing is not an essential prerequisite to the lawful exercise of that sole discretion. Failure to hold a hearing prior to the refusal to issue a denial of due process is in violation of the pertinent provisions of the state and federal constitutions.*

State ex rel. Floyd v. Philpet et al., 266 SW2d 704 (Mo. banc 1954). *The exclusive authority to determine whether statutory qualifications for an applicant for a state license to sell intoxicating liquor at retail had been met and the authority to issue such licenses is vested in the state supervisor of liquor control.*