

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 license designating the premises as a place to sell intoxicating liquor. A license may only 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 supervisor first must approve in writing the transfer and the application for permission to transfer including—

(A) Name and address of licensee;

(B) Address and legal description of premises to which removal is sought, together with name and address of landlord;

(C) An affidavit by the licensee that s/he has not violated any provisions of the Liquor Control Act or any rule of the supervisor; 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 without fault on the part of the licensee or his/her agents or employees, 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 except with the consent of the supervisor of Alcohol and Tobacco Control to sell the intoxicating liquor. The supervisor may 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 licensed under the provisions of section 311.060, RSMo, are to have a managing officer who is a person in the corporation's employ, either as an officer or an employee with the general control and superintendence.

(A) If a vacancy occurs in the office of the managing officer, a replacement qualified, pursuant to section 311.060, RSMo, shall be named within fifteen (15) days of the vacancy.

*AUTHORITY: section 311.660, RSMo 2016. * 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. *Original authority: 311.660, RSMo 1939, amended 1989.*