

**Rules of**  
**Department of Economic**  
**Development**  
**Division 140—Division of Finance**  
**Chapter 9—County Issuance of Revenue Bonds**

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**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT**

**Division 140—Division of  
Finance**

**Chapter 9—County Issuance of Revenue  
Bonds**

**4 CSR 140-9.010 County Issuance of  
Revenue Bonds Per Senate Bill 554**

*Emergency rule filed Nov. 10, 1980, effective  
Jan. 1, 1981, expired Feb. 11, 1981.*

**4 CSR 140-9.020 Rules of Procedure**

*PURPOSE: This rule sets procedures for the  
hearings required by section 361.265 which  
established procedures for the issuance of  
Cease and Desist Orders and the removal or  
suspension of officers and directors of banks  
and trust companies.*

(1) Definitions. As used in these rules, except  
as otherwise required by the context—

(A) Commissioner shall mean the commis-  
sioner of finance, who is referred to some-  
times as the director of the Division of  
Finance;

(B) Hearing Officer shall mean the com-  
missioner or such other person designated by  
the commissioner to conduct hearings; and

(C) Respondent shall mean the bank, trust  
company, officer, director or other person  
against whom the commissioner proposes to  
take the action authorized by section 361.260  
or 361.265, RSMo.

(2) Records. The commissioner will maintain  
a complete record of all proceedings under  
this rule. All such records, unless expressly  
indicated otherwise, shall be maintained as  
confidential records of the Division of  
Finance.

(3) Pleadings. Pleadings and briefs shall be  
bound at the top, shall be typewritten paper  
eight and one-half inches by fourteen inches  
(8 1/2" × 14") in size and exhibits annexed to  
them and, wherever practical, folded to that  
size. Typing shall be on one (1) side of the  
paper only and shall be double spaced except  
that footnotes and quotations in excess of a  
few lines may be single spaced.

(4) Title and Number. Pleadings, briefs and  
other documents shall show the title of the  
proceeding before the commissioner and shall  
show the name and address of the attorney, if  
any, on the flyleaf or at the end of the docu-  
ment.

(5) Commencement of Action. The hearing  
process is begun by the delivery to the  
respondent of a notice of charges which shall  
set forth the facts constituting the basis for  
the proposed action. Attached to the notice  
shall be a copy of the proposed order or  
action, a notice of the time and place at  
which the hearing will be held and a stipula-  
tion of consent by which the respondent may  
consent to the order or action without a hear-  
ing.

(6) Waiver of Procedures. The respondent,  
prior to or at the time of hearing, may waive  
the calling of witnesses, the cross-examina-  
tion of witnesses, the filing of briefs or other  
documents or any other procedures. The  
respondent may elect to proceed by present-  
ing oral arguments and documentary evi-  
dence supporting its position.

(7) Stipulations. The respondent may stipu-  
late to any or all of the facts set forth in the  
notice of charges. Such procedure is desirable  
wherever practical.

(8) Prepared Testimony. With the approval of  
the hearing officer, a witness may read testi-  
mony into the record and direct examination.  
Before any prepared testimony is read, the  
witness, unless excused by the hearing offi-  
cer, shall deliver copies to the hearing officer,  
to the commissioner's attorney and to the  
court reporter if the matter is recorded by a  
court reporter. If the hearing officer deems  
that substantial saving of time will result  
without prejudice to the objectives of the  
hearing, prepared testimony may be copied  
into the record without having the witness  
read it aloud; provided, however, that the wit-  
ness shall be available for cross-examination  
on any topic germane to the proceedings.

(9) Costs. The hearing will be recorded by  
tape recorder unless the commissioner or  
respondent requests the appointment of a  
court reporter to transcribe the proceedings.  
In the event a court reporter is employed, the  
costs of the original and one (1) copy of the  
transcript shall be taxed against the respon-  
dent.

*AUTHORITY. sections 361.105, RSMo Supp.  
1993, 361.260, 361.262, RSMo Supp. 1990,  
361.264 and 361.266–361.269, RSMo 1986.\*  
Original rule filed Sept. 16, 1985, effective  
Nov. 28, 1985.*

*\*Original authority: 361.105, RSMo 1967, amended 1993;  
361.260, RSMo 1939, amended 1967, 1977, 1985, 1990;  
361.262, RSMo 1985, amended 1988, 1990; 361.264,  
RSMo 1985; and 361.266–361.269, RSMo 1985.*