

Rules of
Department of Public Safety
Division 70—Division of Liquor Control
Chapter 1—General Organization

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Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 70—Division of Liquor Control Chapter 1—General Organization

11 CSR 70-1.010 Organization and Methods of Operation

PURPOSE: This rule describes the organization, methods of operation and procedures of the Division of Liquor Control.

(1) The Department of Liquor Control was established under the Liquor Control Act passed by the Fifty-Seventh General Assembly in extra session, was signed by the governor on January 13, 1934 and became effective on that date. The Omnibus State Reorganization Act of 1974 created the Department of Public Safety and made the Department of Liquor Control a division of that department. The Intoxicating Liquor Law and the Nonintoxicating Beer Law are Chapters 311 and 312, RSMo 1986.

(2) The supervisor of liquor control is nominated by the director of the Department of Public Safety, appointed by the governor, with the advice and consent of the senate. The supervisor is vested with the exclusive power to issue and to revoke or suspend licenses for the sale of intoxicating liquor and nonintoxicating beer and with the power to make rules governing the conduct and method of operation of all licensees set out in section 311.660(10), RSMo 1986.

(A) The supervisor, with the approval of the director of the Department of Public Safety, is authorized to appoint and employ all agents, assistants, deputies and inspectors as are necessary for the proper enforcement and administration of the Liquor Control Law and Nonintoxicating Beer Law.

(B) These appointees are prohibited from participating in any type of partisan political activity and are likewise prohibited from electioneering for or against any proposition to be voted on at any election. Appointees are required to meet minimum physical and mental requirements and receive training in the laws and their enforcement.

(3) All licenses issued by the Division of Liquor Control expire on the thirtieth day of June, next following the date that the license was issued. Correct license fees shall be paid before any license is issued.

(A) Cities and counties are permitted by law to license and regulate the sale of liquor.

(B) Cities are permitted to charge one and one-half (1 1/2) times the license fee charged by the state. Counties are permitted to charge

a license fee equal to that charged by the state.

(4) The supervisor of liquor control, agents of the Division of Liquor Control, prosecuting attorneys, sheriffs, their deputies and police officers are charged with the duty of enforcing the Intoxicating Liquor Law and Nonintoxicating Beer Law. The Division of Liquor Control has no authority to punish or discipline persons not licensed. However, the division works closely with other law enforcement agencies and personnel in an effort to insure compliance with the liquor control laws.

(A) The Division of Liquor Control has found that most licensees attempt to operate their businesses in a proper and lawful manner. It is the purpose of the division to assist licensees and to eliminate the persistent violator. This is done by using the supervisor's power to suspend and revoke licenses and by seeking to grant licenses only to properly qualified persons.

(B) The supervisor of liquor control has the authority to suspend or revoke licenses. The alleged violator is given notice to appear before the supervisor to answer the charges made in writing against him/her. Any person aggrieved by official action of the supervisor of liquor control affecting the licensed status of a person subject to the jurisdiction of the supervisor of liquor control, including refusal to grant, the grant, the revocation, the suspension or the failure to renew a license, may seek a determination by the Administrative Hearing Commission, pursuant to the provisions of section 621.045, RSMo. Notice of appeal must be filed with the Administrative Hearing Commission within thirty (30) days after the decision of the supervisor of liquor control is placed in the United States mail or within thirty (30) days after the decision is delivered, whichever date is earlier.

(5) The state has been divided into six (6) liquor control districts with a district supervisor in charge of each division.

(A) Agents and inspectors are divided among the different districts and assigned to certain territories within each district.

(B) All license applications shall be processed through the appropriate district office.

(6) The public may obtain information on all aspects of the liquor law at the district office. The location of six (6) district offices and the counties comprising the district are as follows:

(A) District I— Kansas City, State Office Building, 615 East 13th Street, Room 455— Andrew, Atchison, Bates, Buchanan, Cass,

Clay, Clinton, DeKalb, Gentry, Henry, Holt, Jackson, Johnson, Lafayette, Nodaway, Platte, Ray and Worth;

(B) District II—Kirksville, First National Bank Building—Adair, Audrain, Caldwell, Carroll, Chariton, Clark, Daviess, Grundy, Harrison, Knox, Lewis, Linn, Livingston, Macon, Marion, Mercer, Monroe, Pike, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan;

(C) District III—St. Louis, Wainwright State Office Building, 111 North 7th Street—City of St. Louis and St. Louis County, Lincoln, Jefferson and St. Charles;

(D) District IV—Springfield State Office Complex, 149 Park Central Square—Barry, Barton, Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Jasper, Lawrence, McDonald, Newton, Oregon, Ozark, Polk, Shannon, St. Clair, Stone, Taney, Texas, Vernon, Webster and Wright;

(E) District V—Cape Girardeau, 2711 Thomas Drive—Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, St. Francois, Ste. Genevieve, Scott, Stoddard, Washington and Wayne; and

(F) District VI and Supervisor of Liquor Control Office—Jefferson City, Harry S Truman State Office Building, 8th Floor, 301 West High Street—Benton, Boone, Callaway, Camden, Cole, Cooper, Crawford, Dent, Franklin, Gasconade, Hickory, Howard, Laclede, Maries, Miller, Montgomery, Moniteau, Morgan, Osage, Pettis, Phelps, Pulaski, Saline and Warren.

AUTHORITY: section 311.660, RSMo 1994. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed Dec. 4, 1984, effective March 11, 1985. Amended: Filed Jan. 8, 1990, effective April 26, 1990. Amended: Filed Feb. 27, 1998, effective Aug. 30, 1998.*

**Original authority 1939, amended 1989.*

Brown-Forman Distillers Corp. v. Stewart 520 SW2d 1 (Mo. banc 1975). Supervisor of liquor control is statutorily vested with the power and authority to promulgate valid regulations to fill in the interstices of the Liquor Control Law. Rules which are in pari materia must be construed together. The broad, yet valid, authority conferred upon the supervisor by subsections (6) and (10) of section 311.660, RSMo 1969 is limited only in the respect that regulations be necessary, reasonable and not inconsistent with the Liquor Control Law.



Miligram Food Stores, Inc. v. Ketchum, 384 SW2d 510 (Mo. App. 1965); cert. denied 382 U.S. 801. Section 311.660, RSMo 1969 does not vest the supervisor of liquor control with arbitrary discretion to make rules and regulations because he is limited to making rules that are reasonable and consistent with the (liquor control) law.