

INTOXICATING LIQUOR: Corporations shall employ resident managers for their various places of business with the proper qualifications as provided in Section 27 of the Liquor Control Act.

SEE: *State v. Hughes*, 173 S.W.² 877

June 25, 1935.

Hon. Roy L. Kay
Prosecuting Attorney
Moniteau County
California, Missouri



Dear Sir:

This will acknowledge your request for an opinion which reads as follows:

"Section number 27 of the New Liquor law, of Senate Bill number 30, uses the following language 'Unless the Managing Officer of such Corporation is of good moral character, and a qualified voter and taxpaying citizen of the county, city or Village.' Does the language prohibit corporations from hiring resident citizens as managers of the place of business and in engaging in the sale of Package of Liquors in Packages? Was the law designed to confine corporations in the sale of Liquors to the place of residence of the President of the Corporation, or was it intended to allow corporations to hire managers, resident of the county or city and allow corporations to sell liquors in the package at their several places of business, say in as many cities and counties as the corporation has places of business. "

Section 27 of the Liquor Control Act provides in part:

"****, nor shall any corporation be granted a license hereunder unless

the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village; ****".

It is evident therefore that no corporation shall be granted a license to engage in the sale of intoxicating liquor unless the managing officer of said corporation be of good moral character, a qualified voter and a taxpaying citizen of the county, town, city or village. In our opinion, the intent of the Legislature was to the effect that if corporations were conducting branches or places of business located in various cities within the city, that the managers of the respective places of business must be qualified as provided in Section 2 supra. If a company has its principal office and conducts a place of business in another city, in our opinion that in the latter city the manager must be of a good moral character and a qualified voter and a taxpaying citizen of that city. It would not be permissible for a corporation to have its principal place of business in one city and employ a manager in its employ from that city to one of its branches in another city, if he were properly qualified.

It is our opinion that it was not the intent of the Legislature to restrict corporations in the sale of intoxicating liquors in the original package in any particular city. We therefore are of the further opinion that the language of the above statute would in effect be mandatory that corporations employ resident managers of the proper qualifications as provided in the Act.

Very truly yours,

RUSSELL C. STONE
Assistant Attorney-General.

APPROVED:

JOHN W. HOFFMAN, Jr.
(Acting) Attorney-General.

RCS/afj