

DISPLAY OF LIQUOR LICENSE:

A wholesale liquor dealer who does not display his license on the premises described in his license is in violation of the Rules and Regulations of the Supervisor of the Department of Liquor Control.

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Honorable Covell R. Hewitt
Supervisor
Department of Liquor Control
Jefferson City, Missouri

Dear Sir:

This department is in receipt of your recent request for an official opinion. You thus state your request:

"I wish you would please prepare for me your official opinion on the following question:

"There is a liquor wholesale solicitor in this state who has a license issued to him at the address of a transfer and storage company and the intoxicating liquors which he has on hand are stored with a transfer and storage company at the same address which appears on the license, and the office of this liquor wholesale solicitor is in a regular office building in Kansas City, Missouri, many blocks from the storage company building, and he has the liquor wholesale solicitor's license posted in his uptown office.

"I wish you would please advise me whether or not this is permissible under the Intoxicating Liquor Law of the State of Missouri, and I refer you to Section 4881, R. S. Mo. 1939, and particularly to the latter part of Section 4897, R. S. Mo. 1939."

Section 4881, R. S. Mo. 1939, states:

"No person, agent or employee of any person in any capacity shall sell intoxicating liquor

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in any other place than that designated in the license, or at any other time or otherwise than is authorized by this act, and the regulations herein provided for."

The latter part of Section 4897, R. S. Mo. 1939, states:

"* * * Every license issued under the provisions of this act shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein. Applications for renewal of licenses must be filed on or before the first day of May of each calendar year."

From your letter it is not clear to us whether this licensee receives orders at his uptown office and makes sales from there, or whether he has an employee at the warehouse where the liquor is stored and that sales are made from that place. Since Section 4881 and 4897 relate to the place where sales of liquor may be made, and since your letter does not indicate where the sales in the instant case are made, we cannot express our opinion whether in this case there is a violation of Sections 4881 and 4897. However, it is perfectly clear that by having his license posted in his uptown office, and not at the place where his liquor is kept and where he is licensed to do business, that this licensee is in violation of Section (b), of Regulation No. 3, of the Rules and Regulations of the Supervisor of Liquor Control, 1946.

Section (b) reads, in part as follows:

"Before commencing or doing any business for the time for which a Missouri State license has been granted, said license shall be posted and, at all times during the term of the license, kept displayed in a conspicuous place on the premises where such business is carried on, so that all persons visiting the premises may readily see the same.

"No licensee shall post such license or allow such license to be posted upon premises other than the premises licensed, or upon premises where traffic in intoxicating liquor or non-intoxicating beer is being carried on by any person other than the licensee, or knowingly deface, destroy or alter any such license in any respect."

(Underscoring ours.)

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CONCLUSION

It is the opinion of this department that a wholesale liquor dealer who does not display his license on the premises described in this license is in violation of Section (b), Regulation No. 3, of the Rules and Regulations of the Supervisor of the Department of Liquor Control.

Respectfully submitted,

HUGH P. WILLIAMSON
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APPROVED:

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