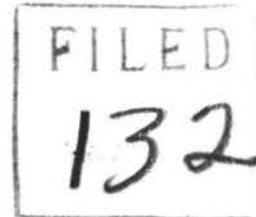


LIQUORS: It is unlawful under Section 311.070, RSMo 1959, for the Anheuser-Busch Employees Association to operate a package liquor store and a tavern for on-premise consumption for 5% beer and intoxicating liquor.

OPINION NO. 132

February 16, 1966



Honorable Glennon T. Moran, Supervisor
Department of Liquor Control
State of Missouri
Jefferson City, Missouri 65102

Dear Mr. Moran:

This is in answer to your request for an opinion on the question of whether it is unlawful for the Anheuser-Busch Employees Association to operate a package liquor store and a tavern for on-premise consumption of 5% beer and intoxicating liquor.

You have informed us that the Association's membership is composed entirely of employees of Anheuser-Busch, Inc., a licensed brewer, but that the Association has no other connection with the brewery. Also the Association's membership does not contain any officers or directors of the brewery and the business secretary of the Association is not an employee of the brewery.

Subsection 1 of Section 311.070, RSMo 1959, reads as follows:

"Distillers, wholesalers, wine makers, brewers or their employees, officers or agents, shall not, under any circumstances, directly or indirectly, have any financial interest in the retail business for sale of intoxicating liquors, and shall not, directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit for liquors sold to such retail dealers."

In construing statutes the basic rule is to seek the intention of the legislature. Intent should be ascertained

Honorable Glennon T. Moran, Supervisor

from the words used giving these words their usual and ordinary meaning. *Marty v. State Tax Commission of Mo.*, Mo, 336 SW2d 696 [1,2]. The legislature in plain, direct language says that employees of a brewery shall not, under any circumstances, directly or indirectly have any financial interest in the retail liquor business. In the instant situation the employees, through their association, would, by opening such tavern and liquor store, have a prohibited financial interest in the retail liquor business.

CONCLUSION

It is the opinion of this office that it is unlawful under Section 311.070, RSMo 1959, for the Anheuser-Busch Employees Association to operate a package liquor store and a tavern for on-premise consumption for 5% beer and intoxicating liquor.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Walter W. Nowotny, Jr.

Very truly yours,


NORMAN H. ANDERSON
Attorney General