

IN RE: Sale of beer by one person under permit issued to another.

May 20th, 1933 ⁶⁻²

FILED
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Hon. Roth H. Faubion,
Prosecuting Attorney,
Barton County,
Lamar, Missouri.

Dear Sir:

I have your letter of May 10th, 1933 requesting an opinion upon the following state of facts:

" 'A', a resident of Kansas comes to Missouri, obtains a Beer license in the name of a resident of Missouri, who has not been near the establishment since it opened and who could not have been interested in the business because he is indigent and more or less of a tramp.

Is this lawful under the new law?"

In this connection we call your attention to Section 13133-C which reads in part as follows:

"It shall be unlawful for any person in this State
* * * to sell any non-intoxicating beer without
first having applied for, and secured, a permit
from the food and drug commissioner authorizing
* * * such * * * sale."

Section 13139-D makes this unlawful act a misdemeanor. Section 13139-Y provides that any person convicted of the violation of this act who shall be a holder of any permit, that his permit shall from and after such date of conviction be void and the holder thereof shall not for a period of one year after date of such conviction be entitled to any permit for any purpose authorized in this Act.

Hon. Roth H. Faubion,

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May 29th, 1933

It is therefore the opinion of this office that the sale of non-intoxicating beer by a party having no permit to do so, under the facts and circumstances stated in your letter, is a violation of House Bill No. 23, commonly known as the Beer Act.

Yours very truly,

FRANKLIN E. REAGAN
Assistant Attorney-General

FER/mh

APPROVED:

ROY McKIPTRICK
Attorney-General