

EX-101

*Licenses C.M.B.
Eligibility for License*



STATE OF KANSAS

Office of the Attorney General

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VERN MILLER
Attorney General

May 31, 1974

Opinion No. 74- 168

Mr. Fred Lorentz
Wilson County Attorney
430 North Seventh Street
Fredonia, Kansas 66736

, Dear Mr. Lorentz:

You have asked whether cereal malt beverages may be sold as a part of a business where the manager of the business is licensed but the owner of the business is not.

K.S.A. 41-2701 contains the definitions that are utilized in the cereal malt beverage laws. Subsection (a) states that a "person" shall include individuals, firms, copartnerships, corporations, and associations. Subsection (c) states that a "place of business" shall mean any place at which cereal malt beverages are sold.

K.S.A. 41-2702 provides that no person shall sell any cereal malt beverage at retail without having first secured a license for each place of business as herein provided.

K.S.A. 41-2703 gives the legal qualifications that must be met before a cereal malt beverage license may be issued. Subsection (g) states that no license shall be issued to a person whose place of business is conducted by manager or agent unless said manager or agent possesses the same qualifications required of the licensee.

It would therefore appear that licenses are issued to persons as defined for a particular place of business. Additionally, no license shall be issued to a person whose place of business is conducted by a manager unless the manager possesses the same qualifications as the licensee.

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Based upon the aforementioned, it is the opinion of this office that the owner and operator of the place of business must be the person licensed and not the manager or agent.

If this office can be of further assistance, please advise.

Very truly yours,



VERN MILLER
Attorney General

VM:WBE:jsm