
**Rules of
Elected Officials
Division 60—Attorney General
Chapter 5—Rules For the Issuance of Orders**

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Title 15—ELECTED OFFICIALS**Division 60—Attorney General
Chapter 5—Rules For the Issuance
of Orders****15 CSR 60-5.010 Definitions**

PURPOSE: The attorney general enforces the provisions of section 407.095, RSMo. The attorney general may define terms, whether or not used in this section, insofar as the definitions are not inconsistent with that section. This rule defines certain terms used in the administration of section 407.095, RSMo and in the rules made thereunder. These rules also establish procedures for the issuance of orders to be used under section 407.095, RSMo.

(1) Unless inconsistent with meaning provided in Chapter 407, RSMo as used in section 407.095, RSMo, and in these rules, the following terms and phrases shall mean:

(A) Business days shall mean every day other than Saturday and Sunday and federal or state legal holidays; and

(B) Order shall mean an order to cease and desist wherein each person subject to the order is restrained and prohibited from engaging in the unlawful conduct during the effective time of the order.

*Auth: section 407.095, RSMo (1986).
Original rule filed March 2, 1988, effective July 1, 1988.*

**Original authority 1986.*

15 CSR 60-5.020 Issuance of Orders

PURPOSE: This rule prescribes the procedures for the issuance of orders to be issued under section 407.095, RSMo.

(1) Pursuant to the provisions of section 407.095, RSMo, the attorney general may issue orders against any person, as defined by section 407.010, RSMo, whenever it appears to the attorney general that the person has engaged in, is engaging in or is about to engage in any method, act, use, practice or solicitation declared to be unlawful by chapter 407, RSMo. Any order issued by the attorney general shall be issued in accordance with the provisions of section 407.095, RSMo and these rules.

(2) Prior to the issuance of the order, the attorney general's office shall provide notice of its intentions to issue the order to each person against whom the order will be issued at least two (2) business days prior to the issuance of the order.

(A) The notice shall state the statutory section which the person is alleged to have violated, is violating or is about to violate, and the notice shall state the method, act, use, practice or solicitation in violation of chapter 407, RSMo, that is subject to the proposed order. The notice shall further state the date after which the order may be issued, and inform the person against whom the order will be issued that s/he has a right to file an answer to the notice and request a hearing with the chief counsel of trade offense or his/her designee within two (2) business days after service of the notice.

(B) The notice may be served in accordance with the provisions of section 407.040.4., RSMo or by telephone.

(C) When notice is given by telephone, the notice may be provided directly to the persons that are to be subject to the order or to any person at their principal places of business or residences.

(3) Any answer and request for a hearing filed by any persons pursuant to a notice served by the attorney general's office of its intention to issue an order may be served upon the chief counsel, trade offense division, by personally delivering a copy to his/her office or by telephone in which one of his/her assistants in the trade offenses division is provided the answer and request for a hearing.

(4) Subsequent to the notice to issue an order to Cease and Desist to the persons to be subject to the order, the following may be done:

(A) If no answer is provided to the attorney general's office subsequent to the service of the notice, and after due consideration of the available evidence, issue an order and cause it to be served; and

(B) If an answer and request for a hearing is provided to the chief counsel, trade offense division, subsequent to the service of the notice, the chief counsel, trade offense division shall schedule a hearing date as soon as practicable to provide the person subject to the notice an opportunity to be heard, subject to the following procedures:

1. The chief counsel, trade offense, may preside as the hearing officer and issue orders, or s/he may designate an assistant to preside as the hearing officer. At his/her discretion, the attorney general may preside as the hearing officer;

2. The hearings may be conducted at any of the offices of the attorney general throughout the state of Missouri or at any other location in the state upon agreement of the parties; and

3. A record may be made of the hearing by a tape recording device or a court reporter transcript.

(5) Each order issued shall be in writing and signed and dated by the attorney general, or in his/her absence, by a designee.

(6) Each order issued shall state the names and addresses of all persons subject to the order and shall state with reasonable certainty the nature of the violations found. The order shall further state the statutes that have been violated and set forth the date upon which the order was issued and provide a statement that the order expires ten (10) days after service of the order on the persons subject to the order.

(7) Each order issued shall be effective when served upon the persons subject to the order. Service of the order shall be effectuated in accordance with the provisions of section 407.040, RSMo.

(8) Each order shall expire by its own force ten (10) days after service upon the persons subject to the order.

(9) The attorney general may issue subsequent orders for continuing violations of Chapter 407.

*Auth: section 407.095, RSMo (1986).
Original rule filed March 2, 1988, effective July 1, 1988.*

**Original authority 1986.*