
**Rules of
Department of Economic
Development
Division 40—Office of Athletics
Chapter 7—Disciplinary and Appeals Procedures**

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT**

**Division 40—Office of Athletics
Chapter 7—Disciplinary and Appeals
Procedures**

**4 CSR 40-7.010 Disciplinary and Appeals
Procedures**

PURPOSE: This rule describes the grounds for refusal to issue or renew, suspend or revoke licenses granted under Chapter 317, RSMo and to provide for appeals.

(1) Complaints Against Licensees. Any person wishing to make a complaint against a licensee under sections 317.006—317.021, RSMo shall file the written complaint with the department setting forth supporting details. If the department determines that the charges warrant a hearing to determine whether the license shall be suspended or revoked, it shall file a complaint with the Administrative Hearing Commission as provided by Chapter 621, RSMo. Any person holding more than one (1) license issued by the department and disciplined under one (1) license will automatically be disciplined under all.

(2) Denial, Revocation or Suspension of License.

(A) The department may refuse to issue any permit or license required pursuant to this chapter for one (1) or any combination of reasons stated in paragraphs (2)(B)1.—12. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his/her right to file a complaint with the Administrative Hearing Commission as provided by Chapter 621, RSMo.

(B) The department may file a complaint with the Administrative Hearing Commission, as provided by chapter 621, RSMo, against any holder of any permit or license required by this chapter or any person who has failed to renew or has surrendered his/her permit or license for any one (1) or any combination of the following reasons:

1. Use of an alcoholic beverage or any controlled substance, as defined in Chapter 195, RSMo, if that use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

2. The person has been found guilty or has entered a plea of guilty or nolo contendere in a criminal prosecution under any state or United States law for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter; for any offense an essential element of which is fraud, dishonesty or an

act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

3. Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to this chapter;

4. Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

5. Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performing of the functions or duties of any profession licensed or regulated by this chapter;

6. Violating or enabling any person to violate any provision of this chapter or of any lawful rule adopted pursuant to this chapter;

7. Impersonating any permit or license holder or allowing any person to use his/her permit or license;

8. Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

9. A person is adjudged insane or incompetent by a court of competent jurisdiction;

10. Issuance of a permit or license based upon a mistake of fact;

11. Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

12. Use of foul or abusive language or mannerisms or threats of physical harm by any person associated with any exhibition licensed under this chapter.

(C) After the complaint is filed, the proceeding shall be conducted in accordance with the provisions of Chapter 621, RSMo. If the Administrative Hearing Commission finds that grounds for disciplinary action are met as provided in paragraphs (2)(B)1.—12., the department, singly or in combination, may censure or place the person named in the complaint on probation on appropriate terms and conditions for a period not to exceed five (5) years, it may suspend for a period not to exceed three (3) years or it may revoke the license or permit.

(D) Any party may contest the outcome of any exhibition within ten (10) days of the decision by writing all the facts and the basis for the complaint. If there appears to be a violation of these rules, the director or his/her designate shall investigate and, if the claims seem to be substantial, hold a hearing and issue its findings and decision.

Auth: section 317.006, RSMo (1986). Original rule filed April 30, 1982, effective Sept. 11, 1982. Rescinded and readopted: Filed March 2, 1989, effective May 11, 1989.