



OFFICES OF THE

ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

JOHN C. DANFORTH  
ATTORNEY GENERAL

March 6, 1973

OPINION LETTER NO. 105

Herbert R. Domke, M.D.  
Director, Division of Health  
Broadway State Office Building  
Jefferson City, Missouri 65101

Dear Dr. Domke:

This is in reply to your request that we give legal approval to the attached form of application for license to operate a boarding house for the aged that the Division of Health proposes to utilize in the administration of the Boarding House Licensing Law, House Bill No. 1165, 76th General Assembly.

The form which you attached to the request appears to be legally sufficient and not in contravention of the enabling law, except in the following particulars:

- (1) The Boarding House Law requires the applicant to state the location of the boarding house (Section 3.1.(2)). It does not require the applicant to designate a name for the boarding house, as does the form.
- (2) The law requires the application to contain a statement that the boarding house conforms to the fire, housing and general sanitation regulations and zoning classifications of the proposed location (Section 3.1.(5)). It does not require the statement to be made by a person other than the applicant, as does the form.
- (3) The law does not require the applicant to state or certify on the application

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that neither he, nor any member or officer of the firm, partnership or association constituting the applicant, has ever been convicted of a felony. The form, in making this requirement, exceeds those of the law.

Following the applicant's signature and the notary's acknowledgement on the form, we believe it would be appropriate to set forth verbatim Section 2 (identifying April 2, 1973, as the applicable date), Section 4, and Section 7 of the law.

Yours very truly,

A handwritten signature in dark ink, appearing to read "John C. Danforth", written in a cursive style.

JOHN C. DANFORTH  
Attorney General

Enclosure: Application form