

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS—EASTERN DISTRICT**  
**DIVISION TWO**

|                        |   |                                  |
|------------------------|---|----------------------------------|
| KRISTIN NICOLE STIERS, | ) | No. ED101407                     |
|                        | ) |                                  |
| Respondent,            | ) | Appeal from the Circuit Court    |
|                        | ) | of St. Charles County            |
| vs.                    | ) | 1311-CC01180                     |
|                        | ) |                                  |
| DIRECTOR OF REVENUE,   | ) |                                  |
| STATE OF MISSOURI      | ) | Honorable Matthew E.P. Thornhill |
|                        | ) |                                  |
| Appellant.             | ) | FILED: January 27, 2015          |

The Director of Revenue of the State of Missouri (the Director) appeals from the trial court's entry of judgment reinstating the driving privileges of Kristin Nicole Stiers (Driver) after her privileges were revoked by the Director.

AFFIRMED.

Division Two Holds: (1) the trial court properly excluded the results of Driver's breath test because three standard simulator solutions were not used for conducting a maintenance check of the breath analyzer, as required by the plain language of the version of 19 CSR 25-30.051(2) in effect at the time of Driver's arrest; and (2) the trial court applied the proper version of 19 CSR 25-30.051(2) because the maintenance report at issue was completed prior to the effective date of the regulation but was not completed in compliance with the regulation in effect at the time the maintenance was conducted, which required utilizing all three standard simulator solutions.

Opinion by: Mary K. Hoff, J.  
Sherri B. Sullivan, P.J., and Philip M. Hess, J., Concur.

Attorneys for Appellant: Chris Koster  
Daniel N. McPherson

Attorney for Respondent: Robert S. Adler

|                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|