

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

DIVISION ONE

SAMUEL HIESTER,	)	No. ED102985
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of St. Louis County
vs.	)	
	)	Honorable Ellen H. Ribaudó
DIRECTOR OF REVENUE,	)	
	)	
Respondent.	)	FILED: February 23, 2016

Samuel Hiester ("Driver") appeals from the trial court's judgment, following a trial *de novo*, sustaining the Director of Revenue's ("Director's") decision to suspend Driver's license for driving with a blood-alcohol concentration ("BAC") of 0.08 percent or more, in violation of Section 302.505.1, RSMo (2000).

AFFIRMED

Division One Holds: The plain meaning of “provided from approved suppliers” in 19 CSR 25-30.051(5) requires only proof that the entity that provided the gas mixture to law enforcement was an approved supplier listed in the regulation. There is no further requirement of proof regarding the manufacturer of the gas mixture or any other entity in the chain of supply. The entity identified on the maintenance report as the supplier of the gas mixture in this case was an approved supplier under 19 CSR 25-30.051. The fact that the gas mixture was manufactured by another entity is irrelevant to the admissibility of the breath sample results.

Opinion by: Roy L. Richter, J.

Robert G. Dowd, Jr., P.J., and Mary K. Hoff, J., concur.

Attorney for Appellant: John Eccher, John H. Moffitt III, Matthew D. Fry, Robert S. Adler, Jeffrey S. Eastman

Attorney for Respondent: Rachel Jones

**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.**