

MISSOURI COURT OF APPEALS EASTERN DIVISION  
OPINION SUMMARY

DANIEL R. MCGOUGH,	)	No. ED101870
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of St. Charles County
vs.	)	
	)	
DIRECTOR OF REVENUE, STATE	)	Hon. Matthew Thornhill
OF MISSOURI,	)	
	)	
Appellant.	)	FILED: May 26, 2015

The Director of Revenue of the State of Missouri (“Director”) appeals from the judgments of the trial court that ordered the Director to remove the administrative-alcohol suspension from Daniel McGough’s (“Driver”) driving record and to reinstate Driver’s driving privileges.

REVERSED AND REMANDED.

DIVISION ONE HOLDS: The trial court misapplied the law by failing to apply the savings clause provision of 19 CSR 25-30.051(8) (2014), and improperly excluded the breathalyzer test result and the maintenance report on the breathalyzer used to determine the blood alcohol content of Driver, which was performed in compliance with the rules in effect at the time that the maintenance was conducted.

Opinion by: Clifford H. Ahrens, Judge  
Amburg, J., concur.

Lawrence E. Mooney, P.J., and Lisa Van

Attorney for Appellant: Rachel M. Jones

Attorney for Respondent: John M. Lynch

**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.**