



August 20, 2026

Via Email and Regular Mail

Rebecca Roesslet
Director, Boone County Dept. of Public Health & Human Services
1005 W. Worley Street
Columbia, Missouri 65203

Re: July 6, 2026 Letter to Ms. Kathy Kite

Dear Director Roesslet:

The Goldwater Institute (“Institute”) is a public policy and public interest litigation organization with extensive experience in the constitutional protection of individual liberties. We write with concerns about the letter your department sent to Ms. Kathy Kite of Harrisburg, Missouri, on July 6, 2026 (“Letter”). Ms. Kite extends hospitality to those in her community by welcoming visitors into her home and providing them something to eat and drink while they are there. She does this without demanding or expecting any compensation.

The Letter stated that Ms. Kite was in violation of the Columbia Food Code number 8-301.11, and that she would need to obtain an “operating permit” from the Department if she wished to continue to serve food in her home to visitors. It further asserted that if she did not comply by certain deadlines “legal actions” would follow.

It is our understanding that under section 9.9 of the Columbia Food Code, a violation of the Code is deemed a misdemeanor and that “every day any violation of any regulation of [the] Code shall continue shall constitute a separate offense.” We also understand that section 192.300.4, RSMo., gives county officials “full power and authority to initiate the prosecution of any action” authorized based on an alleged violation of the Food Code. Section 558.002.1(2) allows courts to sentence a person convicted of a Class A misdemeanor to pay a fine of up to \$2,000, and section 558.011.1(6) also allows courts to sentence a person convicted of a Class A misdemeanor to a prison term “not to exceed one year.” Further, section 9.9 of the Columbia Food Code specifies that in addition to the penal remedies, “any health official may seek and obtain in their own name or in the name of the County any other judicial relief... including but not limited to imposition of civil fines for violations of this Code as provided in section 49.272, RSMo.” Section 49.272, RSMo., authorizes county officials to “by rule, regulation, or ordinance impose a civil fine not to exceed one thousand dollars for each violation.”

We believe the demands made in your Letter may violate both the U.S. and Missouri Constitutions. Both the federal and state constitutions protect Ms. Kite’s right to host guests in her

home, including offering food and refreshments on a non-commercial basis; this is a right that is, objectively, deeply rooted in our nation's history and tradition and implicit in the concept of ordered liberty. *Washington v. Glucksberg*, 521 U.S. 702 (1997). One's home is the center of peoples' private lives and, as such, what people do in the privacy of their own home is entitled to special protection under our system of laws. *See Minnesota v. Carter*, 525 U.S. 83, 99 (1998) (Kennedy, J., concurring). The U.S. Supreme Court has recognized that the First and Fourteenth Amendment provide expansive protections to individuals when in the privacy of their own homes, *Stanley v. Georgia*, 394 U.S. 557 (1969), and one of the rights the First Amendment secures is the freedom of association. *First Choice Women's Resource Centers, Inc. v. Davenport*, 146 S.Ct. 1114 (2026). Consequently, any attempt to impose criminal or civil penalties on Ms. Kite for providing food or refreshments to guests in her home on a non-commercial basis would violate constitutional safeguards.

We need to understand the Department's position so that we may properly advise Ms. Kite regarding the best course of action. Accordingly, we ask you to provide written answers to the following questions no later than August 28, 2026:

- (1) What specific past conduct on the part of Ms. Kite does the Department contend violated the Columbia Food Code? Specifically, please identify the facts on which the Department relied when it sent the Letter to Ms. Kite stating that she was "in violation of The City of Columbia Food Code."
- (2) Does the Department contend that the Columbia Food Code restricts whom Ms. Kite may choose to welcome into her home? If so, please indicate the part of the food code that imposes such limits.
- (3) In your understanding, does the Columbia Food Code prohibit Ms. Kite from letting members of her community know they are welcome to stop by her home? If so, please identify the specific provision(s) of the Code that impose such restrictions.
- (4) Does the Department contend that the Columbia Food Code applies to Ms. Kite if she provides food and drinks to guests in her home without charge or other compensation? If so, please identify the specific provision(s) of the Food Code that apply to the non-commercial provision of food or drinks to guests in a private home.
- (5) What steps, if any, does the Department contend Ms. Kite must take in order to lawfully continue offering food and drinks without charge to guests in her home *without* obtaining a permit under the Columbia Food Code?
- (6) If Ms. Kite offers food and drinks without charge to guests in her home without obtaining a permit under the Columbia Food Code, what specific civil, criminal, administrative, or other consequences does the Boone County Department of Public Health and Human Services contend might lawfully be imposed against her?

If you wish to discuss this matter further, please feel free to contact me at (602) 462-5000 or at droland@goldwaterinstitute.org. In the alternative, if your Department now believes that the Food Code does *not* require Ms. Kite to obtain a permit before offering food and drink to guests in her home on a non-commercial basis, please specify this in writing.

Director Rebecca Roesslet
August 20, 2026
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Sincerely,

A handwritten signature in black ink, appearing to read "Dave Roland". The signature is fluid and cursive, with the first name "Dave" and last name "Roland" clearly distinguishable.

Dave Roland
Director of Allied Litigation
Scharf-Norton Center for
Constitutional Litigation at the
Goldwater Institute