



FINAL ORDER
EFFECTIVE
04-30-2018

State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

ROBERT DALE HENDRICKS, JR.

Applicant.

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Case No. 171128462C

**ORDER REFUSING TO ISSUE A MOTOR VEHICLE EXTENDED
SERVICE CONTRACT PRODUCER LICENSE**

On March 7, 2018, the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Robert Dale Hendricks, Jr. After reviewing the Petition, the Investigative Report, and other relevant documents, the Director issues the following findings of fact, conclusions of law and order:

FINDINGS OF FACT

1. Robert Dale Hendricks, Jr. (“Hendricks”) is a Missouri resident with a current residential and mailing address of 239 Park Road, Troy, Missouri 63379.
2. In July 2017, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Hendricks’ Application for Motor Vehicle Extended Service Contract Producer License (“Application”) along with various attachments.
3. Background Information Question Number 1 of the Application asks, in relevant part:

Have you ever been convicted of a crime, had a judgment withheld or deferred, received a suspended imposition of sentence (“SIS”) or suspended execution of sentence (“SES”), or are you currently charged with committing a crime?

4. Hendricks answered “Yes” to Background Information Question Number 1 on his Application. Hendricks provided documentation regarding the following

convictions:

- a. On March 13, 1992, Hendricks pled guilty in Count I to the Class D Felony of Property Damage in the First Degree, in violation of § 569.100,¹ in Count II to the Class A Misdemeanor of Resisting Arrest, in violation of § 575.150, and in Count III to the Class B Misdemeanor of Making a False Declaration, in violation of § 575.060. *State v. Robert D. Hendricks, Jr.*, St. Louis Co. Cir. Ct., Case No. 91CR-6192-01. Also on March 13, 1992, the court suspended imposition of sentence and placed Hendricks on probation for three years on Count I and for two years on Counts II and III, with restitution ordered. *Id.*
- b. On March 7, 2003, Hendricks was charged by Information with four counts of the Class C Felony of Stealing, in violation of § 570.030. *State v. Robert Dale Hendricks*, St. Charles Co. Cir. Ct., Case No. 02CR127854-01. In each count, Hendricks was charged with appropriating and cashing checks, each with a value over \$750.00, claiming that he would put new roofs on four people's houses, but those representations were false, and known by Hendricks to be false, and induced people to part with their checks. *Id.* On November 18, 2003, the court found Hendricks guilty as charged. *Id.* On February 2, 2004, the court sentenced Hendricks to seven years in the Department of Corrections on each count, pursuant to § 559.115 for institutional treatment, with those sentences to run concurrently. *Id.* On June 4, 2004, Hendricks was released from prison following the court's § 559.115 review and placed on supervised probation for five years. *Id.* On June 30, 2008, the court revoked Hendricks' probation and ordered him to serve his seven-year sentences. *Id.*
- c. On June 2, 2004, Hendricks pled guilty to the Class A Misdemeanor of Domestic Assault in the Third Degree, in violation of § 565.074. *State v. Robert Dale Hendricks*, Lincoln Co. Assoc. Cir. Ct., Case No. 04L6-CR00499. Also on June 2, 2004, the court sentenced Hendricks to 60 days in jail, with the execution of sentence suspended, and two years of probation. *Id.*
- d. On August 19, 2008, Hendricks pled guilty to two counts of the Class D Felony of Criminal Non-Support, in violation of § 568.040. *State v. Robert Hendricks, Jr.*, St. Louis Co. Cir. Ct., Case No. 2106R-04799-01. Also on August 19, 2008, the court sentenced Hendricks to three years in prison on each count, with those sentences to be run concurrently. *Id.*
- e. On September 20, 2013, Hendricks pled guilty to the Class C Felony of Stealing by Deceit, in violation of § 570.030. *State v. Robert D. Hendricks, Jr.*, St.

¹ This and all other criminal statutory citations are to that version of the Revised Statutes of Missouri in effect at the time of the commission of the crime.

Charles Co. Cir. Ct., Case No. 1211-CR00319-01. Hendricks was charged in particular with appropriating currency of a value of at least \$500.00, and Hendricks appropriated such property with the purpose to deprive the owner of it thereof by deceit in that Hendricks represented that he would perform a service (*i.e.*, roof replacement) in exchange for U.S. currency which representation was false and known by Hendricks to be false and the owner of the currency relied on such representation and was thereby induced to part with such property. *Id.* Also on September 20, 2013, the court suspended imposition of sentence and placed Hendricks on five years of supervised probation. *Id.*

f. On February 13, 2013, Hendricks pled guilty to the Class A Misdemeanor of Passing Bad Checks, in violation of § 570.120, in that he, “with the purpose to defraud, passed a check in the amount of \$432.00, drawn upon Peoples Bank and Trust Company, payable to Evans Guttering, knowing that it would not be paid.” *State v. Robert Dale Hendricks, Jr.*, Lincoln Co. Assoc. Cir. Ct., Case No. 12L6-CR01172. Also on February 13, 2013, the court sentenced Hendricks to 60 days in jail to be served concurrently. *Id.*

5. The Division’s investigation revealed that Hendricks had additional misdemeanor convictions that Hendricks did not disclose in response to Background Information Question Number 1 on his Application:

a. On April 16, 2004 the court accepted Hendricks’ plea by mail to the Class A Misdemeanor of Passing Bad Checks, in violation of § 570.120. *State v. Robert D. Hendricks*, St. Charles Co. Assoc. Cir. Ct., Case No. 02CR128284. The court sentenced Hendricks to 30 days in jail. *Id.*

b. On January 2, 2008, Hendricks pled guilty to the Class A Misdemeanor of Passing Bad Checks, in violation of § 570.120, in that he, “with purpose to defraud, passed a check in the amount of \$1,702.73 drawn upon Bank of America, payable to M.V.P. Supply, knowing that it would not be paid.” *State v. Robert D. Hendricks, Jr.*, St. Charles Co. Assoc. Cir. Ct., Case No. 0711-CR01290. The court sentenced Hendricks to 60 days in jail. *Id.*

c. On June 21, 2013, Hendricks pled guilty to the Class A Misdemeanor of Passing Bad Checks, in violation of § 570.120, in that he, “with the purpose to defraud, passed check number 2210 in the amount of \$1,233.49, drawn upon Bank of Old Monroe, payable to Arco Supply, knowing that it would not be paid.” *State v. Robert D. Hendricks, Jr.*, St. Charles Co. Assoc. Cir. Ct., Case No. 1211-CR02374. The court sentenced him to six months in jail. *Id.*

6. It is inferable, and hereby found as fact, that Hendricks failed to disclose his misdemeanor convictions for passing bad checks on his Application in the hopes that the Director would look more favorably upon his Application and issue a license to him.

CONCLUSIONS OF LAW

7. Section 385.209.1 provides, in relevant part:

The director may suspend, revoke, refuse to issue, or refuse to renew a registration or license under sections 385.200 to 385.220 for any of the following causes, if the applicant or licensee or the applicant's or licensee's subsidiaries or affiliated entities acting on behalf of the applicant or licensee in connection with the applicant's or licensee's motor vehicle extended service contract program has:

* * *

- (3) Obtained or attempted to obtain a license through material misrepresentation or fraud;
- (4) Misappropriated or converted any moneys or properties received in the course of doing business;
- (5) Been convicted of any felony; [or]
- (6) Used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.

8. The Director may refuse to issue a motor vehicle extended service contract producer license to Hendricks under § 385.209.1(3) because Hendricks attempted to obtain a license through material misrepresentation or fraud, in that while Hendricks disclosed various felonies and misdemeanors on his Application, he failed to disclose his misdemeanor convictions in the following cases:

- a. *State v. Robert D. Hendricks*, St. Charles Co. Assoc. Cir. Ct., Case No. 02CR128284 (Passing Bad Checks).
- b. *State v. Robert D. Hendricks, Jr.*, St. Charles Co. Assoc. Cir. Ct., Case No. 0711-CR01290 (Passing Bad Checks).

c. *State v. Robert D. Hendricks, Jr.*, St. Charles Co. Assoc. Cir. Ct., Case No. 1211-CR02374 (Passing Bad Checks).

9. The Director may refuse to issue a motor vehicle extended service contract producer license to Hendricks under § 385.209.1(4) because Hendricks misappropriated or converted any moneys or properties received in the course of doing business, in that Hendricks obtained checks from people based upon Hendricks' promises that he would replace their roofs. Hendricks' promises induced people to part with their checks, but Hendricks did not perform the desired roof replacements. Accordingly, Hendricks misappropriated money received in the course of his supposed roofing business when he took money from people, but never did any roof replacement.
10. Each instance wherein Hendricks misappropriated or converted any moneys or properties received in the course of doing business constitutes a separate and sufficient ground for the Director to refuse to issue Hendricks a motor vehicle extended service contract producer license under § 385.209.1(4).
11. The Director may refuse to issue a motor vehicle extended service contract producer license to Hendricks under § 385.209.1(5) because Hendricks has been convicted of a felony. More particularly, Hendricks has been convicted of six felonies, as follows:
 - a. *State v. Robert Dale Hendricks*, St. Charles Co. Cir. Ct., Case No. 02CR127854-01 (four felony counts of stealing).
 - b. *State v. Robert Hendricks, Jr.*, St. Louis Co. Cir. Ct., Case No. 2106R-04799-01 (two felony counts of criminal non-support).
12. Each felony conviction constitutes a separate and sufficient ground for the Director to refuse to issue Hendricks a motor vehicle extended service contract producer license under § 385.209.1(5).
13. The Director may refuse to issue a motor vehicle extended service contract producer license to Hendricks under § 385.209.1(6) because Hendricks used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere, in that Hendricks took money from various people to replace the roofs on their houses, but never actually did any roof replacement. Hendricks used fraudulent, coercive or dishonest practices to induce his victims to part with their money upon the promise of roof replacement, and he demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of his

roofing business when he failed to do any roof replacement even though he had taken money from people to do so.

14. Each instance wherein Hendricks used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere constitutes a separate and sufficient ground for the Director to refuse to issue Hendricks a motor vehicle extended service contract producer license under § 385.209.1(6).
15. The above-described instances are grounds upon which the Director may refuse to issue Hendricks a motor vehicle extended service contract producer license. Hendricks has multiple felony and misdemeanor convictions and he failed to disclose three of his misdemeanor convictions in response to Background Information Question Number 1 on the Application. Finally, Hendricks misappropriated money and he used fraudulent, coercive or dishonest practices and demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business when he took money from various people to do roof replacements but never did the promised work.
16. The Director has considered Hendricks' history and all of the circumstances surrounding Hendricks' Application. Issuing a motor vehicle extended service contract producer license to Hendricks would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Hendricks a motor vehicle extended service contract producer license.
17. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license Application of **Robert Dale Hendricks, Jr.** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 30th DAY OF March, 2018.



Chlora Lindley Myers
CHLORA LINDLEY-MYERS
DIRECTOR

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of April, 2018, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, with signature required, at the following address:

Robert Dale Hendricks, Jr.
239 Park Road
Troy, MO 63379

Tracking No. 1Z0R15W84293422704



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