



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

CHRISTOPHER C. WALDOW,

Applicant.

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Case No. 207026

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

On March 26, 2014, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract (MVESC) producer license to Christopher C. Waldow. After reviewing the Petition and the Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Christopher C. Waldow ("Waldow") is a Missouri resident with a residential address of record of 2014 Green Glen #102, St. Louis, Missouri, 63122.
2. On September 12, 2013, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Waldow's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. By signing the Application, Waldow attested that "all of the information submitted in this application and attachments is true and complete."
4. Background Question No. 4 of the Application asked the following:

Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement?

If you answer yes, identify the jurisdiction(s): _____
5. Waldow marked "No" to Background Question No. 4.
6. Waldow did not disclose any delinquent tax obligation in his Application.

7. Contrary to Waldow's "No" answer to Question No. 4, the Consumer Affairs Division's investigation revealed information indicating that Waldow owed a delinquent tax obligation, of which he had been notified:
 - a. On June 21, 2013, the Director of the Missouri Department of Revenue filed a Certificate of Tax Lien – Individual Income Tax in the St. Charles County Circuit Court, certifying that Waldow owed \$3,065.46 in delinquent taxes, interest and fees, which, upon filing, became the judgment of the court under § 143.902. The judgment remains unsatisfied.¹
8. It is inferable, and is hereby found as fact, that Waldow falsely answered no to Question No. 4 and failed to disclose his delinquent tax obligation in his Application, in order to misrepresent to the Director that he had no delinquent tax obligations, and, accordingly, in order to improve the chances that the Director would approve his Application and issue him an MVEESC producer license.
9. On September 18, 2013, Consumer Affairs Division investigator Andrew Engler mailed an inquiry letter to Waldow requesting information about the current status of his Missouri state tax lien and a copy of any repayment schedule.
10. Engler mailed the September 18, 2013 letter by first class mail to Waldow at "2014 Greenglen Dr. #102, St. Louis, Missouri, 63122," with sufficient postage attached.
11. The September 18, 2013 letter was not returned as undeliverable.
12. Waldow never responded to the September 18, 2013 letter and has not demonstrated any justification for his failure to respond.
13. On October 9, 2013, Engler mailed a second inquiry letter to Waldow, again requesting an explanation of his "No" answer to Background Question No. 4, again requesting information about the current status of his Missouri state tax lien and a copy of any repayment schedule.
14. Engler mailed the October 9, 2013 letter by first class mail to Waldow at "2014 Greenglen Dr. #102, St. Louis, Missouri, 63122," with sufficient postage attached.
15. The October 9, 2013 letter was not returned as undeliverable.
16. Waldow never responded to the October 9, 2013 letter and has not demonstrated any justification for his failure to respond.
17. On December 5, 2013, the Missouri Department of Revenue provided an affidavit

¹ *Department of Revenue v. Christopher C. Waldow*, St. Charles Co. Cir. Ct., No. 1311-MC02673.

showing that, as of that date, Waldow owed \$3,105.99 in delinquent Missouri state income taxes, with interest updated to December 31, 2013.

CONCLUSIONS OF LAW

18. Section 385.209 RSMo, Supp. 2013, provides, in part:

1. 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:

* * *

(2) Violated any provision in sections 385.200 to 385.220, or violated any rule, subpoena, or order of the director;

(3) Obtained or attempted to obtain a license through material misrepresentation or fraud;

* * *

(13) Failed to comply with any administrative or court order directing payment of state or federal income tax[.]

19. Regulation 20 CSR 100-4.100(2) states:

(2) Except as required under subsection (2)(B)—

(A) Upon receipt of any inquiry from the division, every person shall mail to the division an adequate response to the inquiry within twenty (20) days from the date the division mails the inquiry. An envelope's postmark shall determine the date of mailing. When the requested response is not produced by the person within twenty (20) days, this nonproduction shall be deemed a violation of this rule, unless the person can demonstrate that there is reasonable justification for that delay.

(B) This rule shall not apply to any other statute or regulation which requires a different time period for a person to respond to an inquiry by the department. If another statute or regulation requires a shorter response time, the shorter response time shall be met. This regulation operates only in the absence of any other applicable laws.

20. Just as the principal purpose of § 375.141, the insurance producer disciplinary statute, is not to punish licensees or applicants, but to protect the public, *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984), the purpose of § 385.209 is not to punish applicants for a motor vehicle extended service contract producer license, but to protect the public.
21. The Director may refuse to issue Waldow an MVESC producer license pursuant to § 385.209.1(13) because Waldow failed to comply with an administrative and court order directing payment of state income tax. The Certificate of Tax Lien – Individual Income Tax, filed on June 21, 2013, by the Director of Revenue in *Department of Revenue v. Christopher C. Waldow*, St. Charles Co. Cir. Ct., No. 1311-MC02673, which became the judgment of the court upon its filing, remains unsatisfied.
22. The Director also may refuse to issue Waldow an MVESC producer license under § 385.209.1(3) because Waldow falsely answered no to Question No. 4 and failed to disclose his delinquent tax obligation in his Application, in order to misrepresent to the Director that he had no delinquent tax obligations and, accordingly, in order to improve the chances that the Director would approve his Application and issue him an MVESC producer license.
23. The Director also may refuse to issue Waldow an MVESC producer license under § 385.209.1(2) because Waldow violated a rule of the Director, in that Waldow failed to respond to two written inquiries from the Consumer Affairs Division—on September 18, 2013, and October 9, 2013—without demonstrating reasonable justification for either of his failures to respond, each time thereby violating regulation 20 CSR 100-4.100(2), which is a rule of the Director.
24. The Director has considered Waldow's history and all of the circumstances surrounding Waldow's Application. Granting Waldow an MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue an MVESC producer license to Waldow.

25. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Christopher C. Waldow** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 3RD DAY OF APRIL, 2014.




JOHN M. HUFF
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.

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April, 2014, a copy of the foregoing Order and Notice was served upon the applicant in this matter by certified mail at the following address:

Christopher C. Waldow
2014 Green Glen #102
St. Louis, Missouri 63122

Certified No. 7009 3410 0001 9254 7318



Angie Gross
Investigations Section
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.1922
Facsimile: 573.522.3630
Email: angie.gross@insurance.mo.gov