



**FINAL ORDER**  
**EFFECTIVE**  
**1-16-2017**

**State of Missouri**

**DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND  
PROFESSIONAL REGISTRATION**

**IN RE:**

**CHARLES MICHAEL ALDRIDGE,**

**Applicant.**

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**Case No. 161110486C**

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

On December 6, 2016, the Consumer Affairs Division, through counsel, submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Charles Michael Aldridge. After reviewing the Petition, the Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and order:

**FINDINGS OF FACT**

1. Charles Michael Aldridge ("Aldridge") is a Missouri resident with a residential address of 28 Delray Ct., St. Peters, Missouri 63376.
2. On August 15, 2016, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Aldridge's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. The "Applicant's Certification and Attestation" section of the Application states, in relevant part:
  1. I hereby certify, under penalty of perjury, that all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.

\* \* \*

4. I further certify, under penalty of perjury, that a) I have no outstanding state or federal income tax obligations, or b) I have an outstanding state or

federal income tax obligation and I have provided all information and documentation requested in Background Information Question 36.4.

4. Aldridge accepted the "Applicant's Certification and Attestation" section by signing the Application under oath and before a notary public.
5. Background Question No. 4 of the Application asks:

Have you failed to pay state or federal income tax?

Have you failed to comply with an administrative or court order directing payment of state or federal income tax?

Answer "Yes" if the answer to either question (or both) is "Yes."

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each administrative or court order,
- b) copies of all relevant documents (i.e. demand letter from the Department of Revenue or Internal Revenue Service, etc.),
- c) a certified copy of each administrative or court order, judgment, and/or lien, and
- d) a certified copy of the official document which demonstrates the resolution of the tax delinquency (i.e. tax compliance letter, etc.).

6. Aldridge answered "No" in response to Background Question No. 4.
7. Contrary to Aldridge's response, during its investigation, the Consumer Affairs Division ("Division") of the Department discovered the following delinquent state income tax obligations that Aldridge failed to disclose on his Application:
  - a. On April 23, 2012, the St. Charles County Circuit Court entered a judgment against Aldridge for unpaid income taxes for the 2006 and 2007 filing years as follows:

[Department] of Revenue, under Section 143.902, RSMo, hereby certifies that the following assessment of tax, interest, additions to tax, penalties, and fees have been made and become final [in the amount of \$4,571.03]. Interest continues to accrue as provided by law until the full amount of the tax liability is paid.

*Department of Revenue v. Charles M. Aldridge*, St. Charles Co. Cir. Ct., Case No. 1211-MC02991.

8. On August 19, 2016, after reviewing Aldridge's Application and his delinquent tax obligation, Special Investigator Andrew Engler of the Division sent an inquiry letter to Aldridge. The inquiry letter requested that Aldridge provide a payment plan or a letter of compliance from the Missouri Department of Revenue. The inquiry letter further requested a response within twenty (20) days and warned Aldridge that failure to respond could result in the Department refusing to issue a motor vehicle extended service contract ("MVESC") producer license to Aldridge.
9. The United States Postal Service did not return the August 19, 2016 inquiry letter to the Division as undeliverable, and therefore it is presumed received by Aldridge.
10. Aldridge failed to respond to the Division's August 19, 2016 inquiry letter, and failed to demonstrate a reasonable justification for the delay.
11. On September 12, 2016, after receiving no response from Aldridge, Special Investigator Andrew Engler sent a second inquiry letter to Aldridge. The inquiry letter requested the same documentation previously requested in the August 19, 2016 inquiry letter. The inquiry letter further requested a response within twenty (20) days and warned Aldridge that failure to respond could result in an administrative action.
12. The United States Postal Service did not return the September 12, 2016 inquiry letter to the Division as undeliverable, and therefore it is presumed received by Aldridge.
13. Aldridge failed to respond to the Division's September 12, 2016 inquiry letter, and failed to demonstrate a reasonable justification for the delay.
14. It is inferable, and hereby found as fact, that Aldridge failed to disclose his delinquent tax obligations on his Application in order to misrepresent his tax compliance to the Director, and accordingly, in order to improve the chances that the Director would approve his Application and issue him a MVESC producer license.

### CONCLUSIONS OF LAW

15. Section 385.209 RSMo (Supp. 2013)<sup>1</sup> states, in relevant 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:

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<sup>1</sup> All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement unless otherwise indicated.

\* \* \*

(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; [or]

\* \* \*

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

16. Title 20 CSR 100-4.100(2)(A) Required Response to Inquiries by the Consumer Affairs Division states:

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.

17. "There is a presumption that a letter duly mailed has been received by the addressee." *Clear v. Missouri Coordinating Bd. for Higher Educ.*, 23 S.W.3d 896, 900 (Mo. App. 2000) (internal citations omitted).

18. The Director may refuse to issue a MVESC producer license to Aldridge pursuant to § 385.209.1(2) because Aldridge failed to respond to two (2) inquiry letters from the Division and failed to provide a reasonable justification for the delays, thereby twice violating 20 CSR 100-4.100(2)(A), a rule of the Director.

19. Each violation of a rule of the Director is a separate and sufficient ground for refusal pursuant to § 385.209.1(2).

20. The Director may refuse to issue a MVESC producer license to Aldridge pursuant to § 385.209.1(3) because Aldridge attempted to obtain a MVESC producer license through material misrepresentation or fraud by his false answer to Background Question No. 4 of the Application, claiming that he had never failed to pay state income tax and never failed to comply with an administrative or court order directing payment of state income tax. *Department of Revenue v. Charles M. Aldridge*, St. Charles Co. Cir. Ct., Case No. 1211-MC02991.

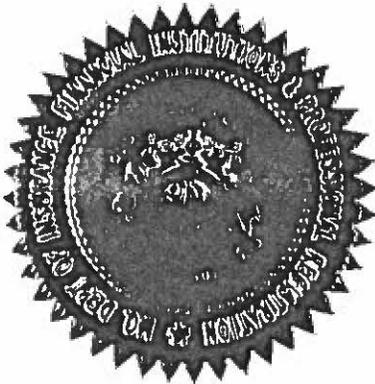
21. The Director may refuse to issue a MVESC producer license to Aldridge pursuant to § 385.209.1(13) because Aldridge failed to comply with an administrative or court order directing payment of state income tax as evidenced by the outstanding judgment in the amount of \$4,571.03 entered in *Department of Revenue v. Charles M. Aldridge*, St. Charles Co. Cir. Ct., Case No. 1211-MC02991.
22. The Director has considered Aldridge's history and all of the circumstances surrounding Aldridge's Application. Granting Aldridge a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion to refuse to issue a MVESC producer license to Aldridge.
23. This Order is in the public interest.

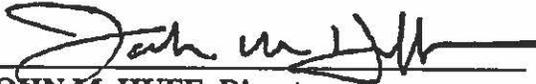
**ORDER**

**IT IS THEREFORE ORDERED** that Charles Michael Aldridge's motor vehicle extended service contract producer license application is hereby **REFUSED**.

**SO ORDERED.**

**WITNESS MY HAND THIS 15<sup>th</sup> DAY OF DECEMBER, 2016.**



  
**JOHN M. HUFF, Director**  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration

## **NOTICE**

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

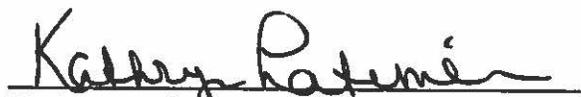
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 15th day of December 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Charles Michael Aldridge  
28 Delray Ct.  
St. Peters, Missouri 63376

Tracking No. 1Z0R15W84293666504



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