



## State of Missouri

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

IN RE: )  
)  
CHRISTOPHER J. HENDRIX, ) Case No. 180705769C  
)  
Applicant )

#### **ORDER REFUSING TO ISSUE AN INSURANCE PRODUCER LICENSE**

On October 1, 2018, the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Christopher J. Hendrix. 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 FACTS**

1. Christopher J. Hendrix (“Hendrix”) is a Missouri resident with a residential, mailing and business address of record of 7500 E 126<sup>th</sup> Street, Grandview, Missouri 64030.
2. On February 27, 2018, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Hendrix’s resident producer license application (“Application”).
3. The “Attestation” section of the Application, states, in relevant part:
  1. I hereby certify that, under penalty of perjury, 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. Hendrix accepted the “Attestation” section of the Application.
5. Background Question No. 4 of the Application asks, in part, “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?”

6. Hendrix marked “Yes” in response to Background Question No. 4, but did not provide any documentation.
7. During its investigation, the Consumer Affairs Division (“Division”) discovered the following delinquent tax obligation:

On or about July 29, 2016, the Jackson County Clerk entered a judgment against Hendrix for unpaid taxes for the 2013 filing year as follows.

The [Department of Revenue], under Section 143.902, RSMo, hereby certifies that the following assessment of individual income tax, interest, additions to tax, penalties, and fees have been made and become final [in the amount of \$1,631.79]. Interest continues to accrue as provided by law until the full amount of the tax liability is paid.

*Department of Revenue v. Christopher J. Hendrix*, Jackson Co. Cir. Ct., Case No. 1616-MC09839.

8. Background Question 7 of the Application asked:

Do you have a child support obligation in arrearage?

If you answer yes,

- a) by how many months are you in arrearage?
- b) are you currently subject to and in compliance with any repayment agreement?
- c) are you the subject of a child support related subpoena/warrant?  
(If you answered yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.)

9. In response to Background Question No. 7, Hendrix stated that he had a child support obligation thirty eight (38) months in arrears, that he was in compliance with a repayment agreement, and that he was not subject to a child support related subpoena or warrant. However, Hendrix did not provide any supporting documentation as directed by the Application.
10. Based upon records provided by the Family Support Division, Hendrix’s child support obligation ended in March 2013, but he is currently making payments on his arrearage. As of September 24, 2018, Hendrix is in arrears in the amount of \$21,589.82.
11. On March 7, 2018, after reviewing Hendrix’s Application, Division Investigator Dennis Fitzpatrick (“Investigator Fitzpatrick”) sent an inquiry letter to Hendrix at the address Hendrix provided the Department for his residential, mailing and business addresses. Said inquiry letter requested documentation and information about Hendrix’s child

support obligation and tax lien. The inquiry letter further requested a response within twenty days and warned Hendrix that a failure to respond could be grounds for discipline.

12. The United States Postal Service did not return the March 7, 2018 inquiry letter to the Division, and, therefore, it is presumed received by Hendrix.
13. Hendrix never responded to the March 7, 2018 inquiry letter.
14. On April 9, 2018, Investigator Fitzpatrick sent Hendrix a second inquiry letter by the same method. It was substantially identical to the first inquiry letter, except for the cautionary header "**SECOND REQUEST**" and the new date.
15. The United States Postal Service did not return the April 9, 2018 inquiry letter, and, therefore, it is presumed received by Hendrix.
16. Hendrix never responded to the April 9, 2018 inquiry letter.
17. Hendrix did not demonstrate any reasonable justification for his failure to respond to the Division's inquiry letters.

### **CONCLUSIONS OF LAW**

18. Section 375.141.1, RSMo<sup>1</sup> provides, in part:
  1. The director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for any one or more of the following causes:
    - (2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;
  - \* \* \*
  - (13) Failing to comply with an administrative or court order imposing a child support obligation; or
  - (14) Failing to comply with any administrative or court order directing payment of state or federal income tax.
19. Rule 20 CSR 100-4.100(2)(A), Required Response to Inquiries by the Consumer Affairs Division, provides:

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<sup>1</sup> All statutory references are to RSMo (2016) unless otherwise noted.

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.

20. "The principal purpose of § 375.141 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).
21. The Director may refuse to issue an insurance producer license to Hendrix pursuant to § 375.141.1(2) because Hendrix twice violated a Department regulation, 20 CSR 100-4.100(2)(A), when he failed to respond to two inquiry letters and failed to provide a reasonable justification for the delays.
22. The Director may refuse to issue an insurance producer license to Hendrix pursuant to § 375.141.1(2) because Hendrix accepted the Attestation section of the Application, but omitted pertinent or material information in connection with his Application in that he failed to provide the documentation of either his failure to pay state income tax or his child support obligation.
23. The Director may refuse to issue an insurance producer license to Hendrix pursuant to § 375.141.1(13) because, on good faith basis and belief, the Division believes Hendrix is still in arrearage with an administrative or court order imposing a child support obligation.
24. The Director may refuse to issue an insurance producer license to Hendrix under § 375.141.1(14) because Hendrix failed to comply with an administrative or court order directing payment of state income tax. *Department of Revenue v. Christopher J. Hendrix*, Jackson Co. Cir. Ct., Case No. 1616-MC09839.
25. The Director should consider Hendrix's history and all of the circumstances surrounding Hendrix's Application. Issuing an insurance producer license to Hendrix would not be in the interest of the public. Accordingly, the Director should exercise her discretion and refuse to issue an insurance producer license to Hendrix.
26. An Order refusing to issue an insurance producer license to Hendrix would be in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the **REQUEST TO ISSUE** the insurance producer license of **Christopher J. Hendrix** is hereby **REFUSED**.

**SO ORDERED.**

**WITNESS MY HAND THIS** 12<sup>th</sup> **DAY OF** AUGUST, 2019.



  
**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.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of August, a copy of the foregoing Order and Notice was served upon the Applicant in this matter UPS, to the following address:

Christopher J. Hendrix  
7500 E. 126<sup>th</sup> Street  
Grandview, Missouri 64030

Tracking No. 1Z0R15W84299244468



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