



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

ROBERT J. HULL,

Applicant.

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Case No. 200104

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

On October 21, 2013, 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 Robert J. Hull. 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. Robert J. Hull ("Hull") is a Missouri resident with a residential address of record of 474 Oak Hill Drive, Lake St. Louis, Missouri, 63367.
2. On January 23, 2013, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Hull's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. 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): _____
4. Hull marked "Yes" to Background Question No. 4, identifying "Missouri" as the jurisdiction, but did not include any further explanation or documentation.
5. On February 25, 2013, Consumer Affairs Division investigator Dennis Fitzpatrick mailed an inquiry letter to Hull noting his "Yes" answer to Question No. 4, advising that Fitzpatrick had received information concerning two judgments against Hull for unpaid

taxes which had not been satisfied and requesting copies of any repayment schedules related to his unpaid taxes.

6. Fitzpatrick mailed the February 25, 2013 letter by first class mail to Hull's address of record, with sufficient postage attached.
7. The February 25, 2013 letter was not returned as undeliverable.
8. Hull never responded to the February 25, 2013 letter and has not demonstrated any justification for his failure to respond.
9. On May 22, 2013, Fitzpatrick mailed a second inquiry letter to Hull, again noting his "Yes" answer to Question No. 4, advising that Fitzpatrick had received information concerning two judgments against Hull for unpaid taxes which had not been satisfied and requesting copies of any repayment schedules related to his unpaid taxes.
10. Fitzpatrick mailed the May 22, 2013 letter by first class mail to Hull's address of record, with sufficient postage attached.
11. The May 22, 2013 letter was not returned as undeliverable.
12. Hull never responded to the May 22, 2013 letter and has not demonstrated any justification for his failure to respond.
13. The Consumer Affairs Division's investigation revealed that on March 5, 2012, 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 Hull owed \$5,158.00 in delinquent taxes, interest and penalties, which, upon filing, became the judgment of the court under § 143.902. The judgment remains unsatisfied.¹
14. The Consumer Affairs Division's investigation further revealed that on January 25, 2013, the Director of the Missouri Department of Revenue filed another Certificate of Tax Lien – Individual Income Tax in the St. Charles County Circuit Court, certifying that Hull owed \$4,039.74 in delinquent taxes, interest and penalties, which, upon filing, became the judgment of the court under § 143.902. That judgment also remains unsatisfied.²
15. On August 21, 2013, the Missouri Department of Revenue provided an affidavit showing that, as of that date, Hull owed \$4,471.58 in delinquent Missouri state income taxes, with interest updated to August 31, 2013, for tax year 2008, and \$4,103.68 in delinquent Missouri state income taxes, with interest updated to August 31, 2013, for tax year 2009.

¹ *Department of Revenue v. Robert J. Hull*, St. Charles Co. Cir. Ct., No. 1211-MC01481.

² *Department of Revenue v. Robert J. Hull*, St. Charles Co. Cir. Ct., No. 1311-MC00353.

CONCLUSIONS OF LAW

16. Section 385.209 RSMo, Supp. 2012, 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;

* * *

 - (13) Failed to comply with any administrative or court order directing payment of state or federal income tax[.]
17. 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.
18. 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.

19. The Director may refuse to issue Hull an MVESC producer license pursuant to § 385.209.1(13) because Hull 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 March 5, 2012, by the Director of Revenue in *Department of Revenue v. Robert J. Hull*, St. Charles Co. Cir. Ct., No. 1211-MC01481, which became the judgment of the court upon its filing, remains unsatisfied.
20. The Director also may refuse to issue Hull an MVESC producer license pursuant to § 385.209.1(13) because Hull 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 January 25, 2013, by the Director of Revenue in *Department of Revenue v. Robert J. Hull*, St. Charles Co. Cir. Ct., No. 1311-MC00353, which became the judgment of the court upon its filing, remains unsatisfied.
21. The Director also may refuse to issue Hull an MVESC producer license under § 385.209.1(2) because Hull violated a rule of the Director, in that Hull failed to respond to two written inquiries from the Consumer Affairs Division—on February 25, 2013, and May 22, 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.
22. The Director has considered Hull’s history and all of the circumstances surrounding Hull’s Application. Granting Hull 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 Hull.
23. This order is in the public interest.

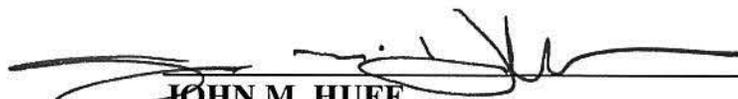
ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Robert J. Hull** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 25th DAY OF OCTOBER, 2013.




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 28th day of October, 2013, a copy of the foregoing Order and Notice was served upon the applicant in this matter by regular and certified mail at the following address:

Robert J. Hull
474 Oak Hill Drive
Lake St. Louis, Missouri 63367

Certified No. 7009 3410 0001 9255 0370



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