



State of Missouri

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

IN RE:

**TEDDY GENE ROBERTSON, JR.,
Applicant.**

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Case No. 181207982C

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

On January 17, 2019, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Jonathan C. McCutchen. After reviewing the Petition, 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. Teddy Gene Robertson, Jr. (“Robertson”) is a Missouri resident with a residential address of record of 2939 Highland House, Arnold, MO 63010.
2. On July 26, 2018, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Robertson’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.

5. I further certify, under penalty of perjury, that a) I have no child support obligation, b) I have a child support obligation and I am currently in compliance with that obligation, or c) I have a child support obligation that is in arrears, I am in compliance with a repayment plan to cure the arrears, and I have provided all information and documentation requested in Background Information Question 36.7.
4. On July 23, 2018, Robertson signed the “Applicant’s Certification and Attestation” section of the Application under oath before a notary public.

5. Background Information Question No. 36.4 of the Application asked:

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. Robertson answered “no” in response to Background Information Question No. 36.4 on his Application.
 7. During its investigation, the Division discovered the following judgments entered against Robertson:
 - a. On May 16, 2014, the Jefferson County Circuit Court entered a judgment against Robertson for unpaid state income tax for the 2010 filing year as follows:

The Director 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 \$1,000.13]. Interest continues to accrue as provided by law until the full amount of the tax liability is paid.

Dep’t of Revenue v. Teddy G. Robertson, Jefferson Co. Cir. Ct., Missouri, Case No. 14JE-MC01062.

- b. On August 12, 2016, the Jefferson County Circuit Court entered a judgment against Robertson for unpaid state income tax for the 2011 filing year as follows:

The Director 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 \$1,430.01]. Interest continues to accrue as provided by law until the full amount of the tax liability is paid.

Dep't of Revenue v. Teddy G. Robertson, Jefferson Co. Cir. Ct., Missouri, Case No. 16JE-MC01462.

8. Robertson did not submit any documentation showing that the delinquency for the 2015 filing year has been satisfied or that he is in compliance with a payment plan.
9. It is inferable that Robertson failed to disclose his state income tax obligations in his response to Background Question No. 36.4 of the Application in order to misrepresent to the Director that he did not have any delinquent income tax obligation, and consequently improve the chances that the Director would approve his Application and issue him a motor vehicle extended service contract ("MVESC") producer license.
10. Background Information Question No. 36.7 of the Application asked:

Do you currently have or have you had a child support obligation?

If you answer yes:

- a) are you in arrearage?
 - b) by how many months are you in arrearage? _____ months
 - c) what is the total amount of your arrearage? _____
 - d) are you currently subject to a repayment agreement to cure the arrearage? (if you answer yes, provide documentation showing an approved repayment plan from the appropriate state child support agency.)
 - e) are you in compliance with said repayment agreement? (If you answer yes, provide documentation showing proof of current payments from the appropriate state child support agency.)
 - f) are you the subject of a child support related subpoena/warrant? (If you answer yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.)
 - g) have you ever been convicted of a misdemeanor or felony for failure to pay child support?
11. Robertson answered "yes" in response to Background Information Question No. 36.7. Robertson responded to subparts "a)" through "g)" by indicating that he was not in arrears.

12. During its investigation, the Division discovered that Robertson is subject to a child support order requiring Robertson to pay \$175.00 per month for the support of his minor child. *Brianna E. Wensler v. Teddy G. Robertson*, Jefferson Co. Cir. Ct., Missouri, Case No. 12JE-AD00233.
13. The Division also discovered that as of the date Robertson filed his application, July 26, 2018, Robertson had an arrearage owed on his child support obligation of \$4,630.47.
14. Robertson did not submit any statement explaining his arrearage or why he failed to disclose it in response to Background Information Question No 36.7. Nor did Robertson provide any documentation indicating that he is in compliance with the administrative or court orders imposing child support obligations or that he has entered into a payment plan to cure his arrears.
15. It is inferable that Robertson failed to disclose his arrearage in his response to Background Question No. 36.7 of the Application in order to misrepresent to the Director that he did not owe an arrearage on his child support obligation, and consequently improve the chances that the Director would approve his Application and issue him an MVESC producer license.
16. Special Investigator Andrew Engler (“Engler”), sent an inquiry letter dated July 31, 2018 to Robertson’s address of record on his application. This inquiry letter requested Robertson provide a payment agreement or a letter of compliance from the Department of Revenue, as well as a statement explaining Robertson’s child support arrearage and his failure to disclose the arrearage. This inquiry letter cited 20 CSR 100-4.100 and informed Robertson “[f]ailure to respond could result in an administrative action against your MVESC license.”
17. The United States Postal Service did not return the July 31, 2018 inquiry letter to the Division as undeliverable.
18. Robertson failed to provide a written response to the Division’s July 31, 2018 inquiry letter and failed to demonstrate a reasonable justification for the delay.
19. Engler sent another inquiry letter to Robertson, dated August 27, 2018. This inquiry letter requested Robertson provide a payment agreement or a letter of compliance from DOR as well as a statement explaining Robertson’s child support arrearage and his failure to disclose the arrearage. This inquiry letter cited 20 CSR 100-4.100 and informed Robertson “[f]ailure to respond could result in a refusal to issue your MVESC license.”
20. The United States Postal Service did not return the August 27, 2018 inquiry letter to the Division as undeliverable.
21. Robertson failed to provide a written response to the Division’s August 27, 2018 inquiry letter and failed to demonstrate a reasonable justification for the delay.
22. On October 16, 2018 the Director issued a subpoena ordering Robertson to appear on November 8, 2018 at 2:30 p.m.

23. The subpoena was sent via certified mail to the address Mr. Robertson used on his application.
24. The subpoena was delivered and signed for on October 19, 2018.
25. Robertson did not appear as ordered.

CONCLUSIONS OF LAW

26. Section 385.209¹ provides, 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:

* * *

(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;

* * *

(12) Failed to comply with an administrative or court order imposing a child support obligation; [or]

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

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

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.

28. Section 143.902.1(2) provides, in relevant part:

If any taxpayer fails to pay any tax, interest, additions to tax or penalties imposed by this chapter when due and the assessment for which has become final, the

¹ All civil statutory references are to the Revised Statutes of Missouri 2016, unless otherwise indicated.

director may file ... [a] certificate of lien specifying the amount of the tax, interest, additions to tax and penalties due and the name of the liable taxpayer. ... From the time of the filing of the certificate of lien or certificate of delinquency with the clerk of the circuit court, the amount of the tax, interest, additions to tax and penalties specified therein shall have the full force and effect of a default judgment of the circuit court until satisfied.

29. The Director may refuse to issue an MVESC producer license to Robertson pursuant to § 385.209.1(2) because Robertson failed to respond to two inquiries from the Division without demonstrating reasonable justification for his failure to respond, thereby violating 20 CSR 100-4.100(2), a rule of the Director.
30. The Director may refuse to issue an MVESC producer license to Robertson § 385.209.1(2) because Robertson violated a subpoena of the director when he did not appear on November 8, 2018, after being properly served.
31. Each instance in which Robertson violated a rule or subpoena of the Director is a separate and sufficient cause for refusal pursuant to § 385.209.1(2).
32. The Director may refuse to issue an MVESC producer license to Robertson pursuant to § 385.209.1(3) because Robertson attempted to obtain an MVESC producer license through material misrepresentation or fraud when he failed to disclose his failure to comply with an order imposing child support and his failure to comply with an administrative or court order directing the payment of state or federal income tax.
33. The Director may refuse to issue an MVESC producer license to Robertson pursuant to § 385.209.1(12) because Robertson failed to comply with one or more administrative or court orders imposing child support obligations as evidenced by his substantial arrearages which had accrued by the date of his application. *Brianna E. Wensler v. Teddy G. Robertson*, Jefferson Co. Cir. Ct., Missouri, Case No. 12JE-AD00233.
34. The Director may refuse to issue an MVESC producer license to Robertson pursuant to § 385.209.1(13) because Robertson failed to comply with two administrative or court orders directing payment of Missouri state income tax for the 2010 and 2011 filing years. *Dep't of Revenue v. Teddy G. Robertson*, Jefferson Co. Cir. Ct., Missouri, Case No. 16JE-MC01462, and *Dep't of Revenue v. Teddy G. Robertson*, Jefferson Co. Cir. Ct., Missouri, Case No. 14JE-MC01062.
35. The Director has considered Robertson's history and all of the circumstances surrounding Robertson's Application, and exercises her discretion to refuse to issue Robertson an MVESC producer license.
36. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Teddy Gene Robertson, Jr.** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 15th **DAY OF** August, 2019.



Chlora Lindley Myers

CHLORA LINDLEY-MYERS

**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.

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th of August, 2019, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

Teddy Gene Robertson, Jr.
2939 Highland House
Arnold, MO 63010

No. 1Z0R15W84296737691



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