

Before the  
Administrative Hearing Commission  
State of Missouri



BRENDA HENDRICK,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. 13-1214 RV
	)	
DIRECTOR OF REVENUE,	)	
	)	
Respondent.	)	

**DECISION**

Brenda Hendrick is not entitled to a refund of fees paid for tabs renewing her motor vehicle license plates.

**Procedure**

On July 8, 2013, Hendrick filed a complaint seeking a refund of fees paid for tabs renewing her license plates for an unspecified motor vehicle. The Director of Revenue (“Director”) filed an answer and motion for decision on the pleadings on July 31, 2013. Although we granted Hendrick until August 16, 2013, to file a response, she did not do so.

Regulation 1 CSR 15-3.446(4) provides:

A decision on the pleadings is a decision without hearing based solely on the complaint and the answer. The commission may grant a motion for decision on the pleadings if a party’s pleading, taken as true, entitles another party to a favorable decision.

## **Facts Taken as True for Purposes of Ruling on the Motion**

Based upon the complaint, which we take as true for purposes of ruling on the motion for decision on the pleadings, we find the following facts:

1. At some time before June 21, 2013, Hendrick paid fees to renew Missouri license plates on an unidentified motor vehicle.<sup>1</sup>
2. Hendrick's license plates were marked "physically disabled (handicapped)."
3. Hendrick was unable to transfer the plates to another motor vehicle.
4. At some time before June 21, 2013, Hendrick requested a refund of the fees she paid for the renewal of license plates.
5. On June 21, 2013, the Director issued a final decision denying Hendrick's refund application.

## **Conclusions of Law**

This Commission has jurisdiction over appeals from the Director's final decisions.<sup>2</sup> Hendrick has the burden to prove she is entitled to a refund.<sup>3</sup> Our duty is not merely to review the Director's decision, but to independently apply existing law to the facts and render the ultimate administrative decision.<sup>4</sup>

Hendrick argues she is entitled to a refund because the fees were paid for license plate tabs that will never be (and were never) used. The Director argues that no provision of law authorizes him to issue a refund under these circumstances. The Director is correct.

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<sup>1</sup> Hendrick does not specify how much she paid in fees and does not identify the motor vehicles in question.

<sup>2</sup>Section 621.050, RSMo 2000. Statutory references are to the 2012 Cumulative Supplement to the Missouri Revised Statutes unless otherwise noted.

<sup>3</sup>*Id.*

<sup>4</sup>*J.C. Nichols Co. v. Director of Revenue*, 796 S.W.2d 16, 20-21 (Mo. banc 1990).

