

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

RENEE LYNETTE LINHARDT,)	No. ED94178
Respondent,)	Appeal from the Circuit Court of
v.)	St. Louis County
)	Hon. Barbara Wallace
DIRECTOR OF REVENUE, Appellants.)	FILED: August 31, 2010

OPINION SUMMARY

Renee Lynnette Linhardt (“Driver”) filed a petition against the Director of Revenue, State of Missouri (“Director”) in the Circuit Court of St. Louis County challenging the suspension of her driving privileges for failure to maintain financial responsibility pursuant to Section 303.025.¹ The trial court dismissed the petition for failure to exhaust all administrative remedies and remanded the case to the Director for an administrative hearing. The Director appeals only the trial court’s remand for an administrative hearing. We affirm the trial court’s dismissal of Driver’s petition and vacate its order remanding the case to the Director.

JUDGMENT AFFIRMED IN PART, VACATED IN PART.

DIVISION FOUR HOLDS: We affirm the trial court’s dismissal of Driver’s petition. However, the trial court lacked authority to remand the case for an administrative hearing because the Driver waived any available judicial action when she failed to exhaust the administrative remedies available under Section 303.041.

Opinion by: Nannette A. Baker, J.

Kurt S. Odenwald, P.J., and Robert G. Dowd, Jr., J., concur.

Attorneys for Appellant: Jonathan Hale

Attorneys for Respondent: Michael Kielty

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
SHOULD NOT BE QUOTED OR CITED.**

¹ All statutory references are to RSMo. 2000, unless otherwise indicated.