

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

Kirkwood Cleaners c/o Charles Kirkwood,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>File No.: GC-2019-0030</u></b>
	)	
	)	
Spire Missouri d/b/a Spire,	)	
	)	
Respondent	)	

**NOTICE OF DEFICIENCY**

Issue Date: August 1, 2018

On July, 31, 2018, Kirkwood Cleaners c/o Charles Kirkwood, filed a formal Complaint against Spire Missouri d/b/a Spire. The complaint was signed by one, Charles Kirkwood. The Complaint is deficient in the following respects:

1. Kirkwood Cleaners is a fictitious name for Kirkwood Cleaners, LLC, Charter Number X001186612, located at 11479 Fair Acres Road, St. Louis, MO 63136, a limited liability company registered with the State of Missouri since August 21, 2014.
2. Commission Rule 4 CSR 240-2.040(5), specifically addressing practice before the Commission, states:

A natural person may represent himself or herself. Such practice is strictly limited to the appearance of a natural person on his or her own behalf and shall not be made for any other person or entity.

The basis for these Commission Rules is found in Sections 484.010 and 484.020.<sup>1</sup> Section 484.010 defines the practice of law as “the appearance as an advocate in a representative capacity or the drawing of papers, pleadings or documents or the performance of any act in such capacity in connection with proceedings pending or prospective before any court of record, commissioner, referee or any body, board, committee or commission constituted by law or having authority to settle controversies.” Section 484.020 restricts the practice of law and engagement in law business to licensed attorneys.<sup>2</sup>

3. It does not appear from the face of the Complaint that Charles Kirkwood is duly licensed to practice law.
4. The Complaint is defective in that the Complainant is a limited liability company and not a natural person, because its Complaint, accordingly, must have been signed and presented by a duly licensed attorney, and because it is not apparent from the face of the Complaint that the Complaint has been signed or filed by a duly licensed attorney.

Because the Complaint is deficient, the Commission shall take no further action in this matter until such time as the deficiency is corrected. Per Rule 4 CSR 240-2.116, the Commission may dismiss this cause for lack of prosecution if no action has occurred within 90 days.

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<sup>1</sup> All statutory citations refer to RSMo 2000 unless otherwise noted.

<sup>2</sup> “The law does not treat individuals and corporations equally. The law allows an individual to bear the risk that representation without an attorney may entail. Natural persons may represent themselves in situations which, if done for someone else, would constitute the practice of law. Unlike individuals, corporations are not natural persons, but are creatures of statute. Businesses operating in corporate form are entitled to certain benefits that are denied to others. In addition to benefits, however, corporations also have certain restrictions placed upon them. One such restriction in Missouri is that a corporation may not represent itself in legal matters, but must act solely through licensed attorneys.” (Internal citations omitted). *Reed v. Labor and Indus. Relations Com'n*, 789 S.W.2d 19, 21 (Mo. banc 1990).



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style with a large initial "M".

Morris L. Woodruff  
Secretary

Paul T. Graham, Regulatory Law  
Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this first day of August, 2018.