State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
WILLIAM LAWRENCE HELD,	)	**Case No. 12-0507390C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On June 29, 2012, 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 William Lawrence Held. After reviewing the Petition, the 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. William Lawrence Held, ("Held") is currently a Missouri resident with a residential address of 51 Appaloosa Way, Wright City, Missouri 63390.

2. On March 5, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Held'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. Held signed the Application in the "Applicant's Certification and Attestation" section.

5. Background Question No. 1 of the Application asks the following:

Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?

"Crime" includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license or juvenile offenses. "Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

"Had a judgment withheld or deferred" includes circumstances in which a guilty plea was entered and/or a finding of guilt is made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence—sometimes called an "SIS" or "SES").

If you answer yes, you must attach to this application:
a) a written statement explaining the circumstances of each incident,
b) a copy of the charging document, and
c) a copy of the official document which demonstrates the resolution of the charges or any final judgment[.]

6. Held marked "Yes" to Question No. 1.

7. With his application, Held included the results of a criminal record check which showed felony convictions in case numbers CR197-2050F and CR199-907FX. Held also included a written statement that disclosed a conviction for "Possession, Sale, and Trafficking of a Controlled Substance" for which he was sentenced to serve ten years in the Department of Corrections. Held further disclosed that he completed his sentence and probation in 2007. Held did not provide the Department with a case number, copies of any charging documents, or copies of any documents demonstrating the resolution of the charges.

8. On April 2, 2012, the Department received a second letter from Held that disclosed three additional convictions for Possession of Marijuana, Distribution/Delivery/ Manufacturing a Controlled Substance, and Possession of Marijuana. Once again, Held did not provide the Department with case numbers, copies of any charging documents, or copies of any documents demonstrating the resolution of the charges.

9. Through their investigation, the Consumer Affairs Division ("Division") discovered the following convictions:

a. On August 13, 1998, Held pleaded guilty to two (2) felonies. The Information charged Held with knowingly possessing cocaine in Count 1, and knowingly possessing heroin in Count 2. In Count 1, Held pleaded guilty to Possession Of Controlled Substance Except 35 Grams Or Less Of Marijuana, a Class C Felony, in violation of § 195.202. In Count 2, Held pleaded guilty to Possession Of Controlled Substance Except 35 Grams Or Less Of Marijuana, a Class C Felony, in violation of § 195.202. The court sentenced Held to seven (7) years' confinement for each count, but suspended the execution of both sentences and placed Held on supervised probation for five (5) years. *State of Missouri v. William L. Held*, St. Louis Co. Cir. Ct., Case No. 2198R-01650-01.

b. On November 5, 1999, Held pleaded guilty to four (4) felonies. The Information charged Held with knowingly possessing heroin in Count 1, knowingly possessing cocaine in Count 2, knowingly possessing more than 35 grams of marijuana in Count 3, and knowingly possessing a short barreled shotgun in Count 4. In Counts 1, 2, and 3, Held pleaded guilty to Possession Of A Controlled Substance, all Class C Felonies, all in violation of § 195.202. In Count 4, Held pleaded guilty to Possession Of A Short Barreled Shotgun, a Class C Felony, in violation of § 571.020. The court sentenced Held to seven (7) years' confinement for each count, but suspended the imposition of all four (4) sentences, placed Held on five (5) years' probation, and ordered Held to complete one-hundred twenty (120) days' shock incarceration. On May 5, 2004, Held's probation was revoked on all counts. Held was sentenced to seven (7) years' confinement for each count, all four sentences to be served concurrently. *State of Missouri v. William L. Held*, St. Charles Co. Cir. Ct., Case No. CR197-2050FX.

c. On August 7, 2000, Held pleaded guilty to six (6) felonies. The Information charged Held with selling heroin in Counts 1, 2, 3, and 4, knowingly possessing more than 30 grams of any compound or mixture containing any quantity of amphetamine in Count 5, and knowingly possessing heroin in Count 6. In Counts 1, 2, 3, and 4, Held pleaded guilty to Sale Of A Controlled Substance, all Class B Felonies, all in violation of § 195.211. In Count 5, Held pleaded guilty to Trafficking A Controlled Substance – 2nd Degree, a Class B Felony, in violation of § 195.223. In Count 6, Held pleaded guilty to Possession Of A Controlled Substance, a Class C Felony, in violation of § 195.202. In Counts 1, 2, 3, 4, and 5, the court sentenced Held to ten (10) years' confinement for each count. In Count 6, the court sentenced Held to seven (7) years' confinement. The sentences entered for each count were ordered to be served concurrent with one another, but consecutive to the

sentence entered in case number CR197-2050FX. On May 5, 2004, the court amended the judgment and ordered that the sentences entered for each count were to be served concurrent with the sentence entered in case number CR 197-2050FX. *State of Missouri v. William Lawrence Held*, St. Charles Co. Cir. Ct., Case No. CR199-907FX.

CONCLUSIONS OF LAW

10. Section 385.209 RSMo (Supp. 2011)[1] 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:
>
> * * *
>
> (5) Been convicted of any felony[.]

11. 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.

12. Held may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(5) RSMo (Supp. 2011) because he has been convicted of **twelve** felonies:

    a. *State of Missouri v. William L. Held*, St. Louis Co. Cir. Ct., Case No. 2198R-01650-01 (Possession Of Controlled Substance Except 35 Grams Or Less Of Marijuana, a Class C Felony, in violation of § 195.202).

    b. *State of Missouri v. William L. Held*, St. Louis Co. Cir. Ct., Case No. 2198R-01650-01 (Possession Of Controlled Substance Except 35 Grams Or Less Of Marijuana, a Class C Felony, in violation of § 195.202).

    c. *State of Missouri v. William L. Held*, St. Charles Co. Cir. Ct., Case No. CR197-2050FX (Possession Of A Controlled Substance, a Class C Felony, in

[1] All statutory references are to the 2011 Supplement to the Revised Statutes of Missouri unless otherwise noted.

violation of § 195.202).

d. *State of Missouri v. William L. Held*, St. Charles Co. Cir. Ct., Case No. CR197-2050FX (Possession Of A Controlled Substance, a Class C Felony, in violation of § 195.202).

e. *State of Missouri v. William L. Held*, St. Charles Co. Cir. Ct., Case No. CR197-2050FX (Possession Of A Controlled Substance, a Class C Felony, in violation of § 195.202).

f. *State of Missouri v. William L. Held*, St. Charles Co. Cir. Ct., Case No. CR197-2050FX (Possession Of A Short Barreled Shotgun, a Class C Felony, in violation of § 571.020).

g. *State of Missouri v. William Lawrence Held*, St. Charles Co. Cir. Ct., Case No. CR199-907FX (Sale Of A Controlled Substance, a Class B Felony, in violation of § 195.211).

h. *State of Missouri v. William Lawrence Held*, St. Charles Co. Cir. Ct., Case No. CR199-907FX (Sale Of A Controlled Substance, a Class B Felony, in violation of § 195.211).

i. *State of Missouri v. William Lawrence Held*, St. Charles Co. Cir. Ct., Case No. CR199-907FX (Sale Of A Controlled Substance, a Class B Felony, in violation of § 195.211).

j. *State of Missouri v. William Lawrence Held*, St. Charles Co. Cir. Ct., Case No. CR199-907FX (Sale Of A Controlled Substance, a Class B Felony, in violation of § 195.211).

k. *State of Missouri v. William Lawrence Held*, St. Charles Co. Cir. Ct., Case No. CR199-907FX (Trafficking A Controlled Substance – 2nd Degree, a Class B Felony, in violation of § 195.223).

l. *State of Missouri v. William Lawrence Held*, St. Charles Co. Cir. Ct., Case No. CR199-907FX (Possession Of A Controlled Substance, a Class C Felony, in violation of § 195.202).

13. Each felony conviction is a separate and sufficient cause to refuse Held's license pursuant to § 385.209.1(5) RSMo (Supp. 2011).

14. The Director has considered Held's history and all of the circumstances surrounding Held's Application. Granting Held a motor vehicle extended service contract producer license would not be in the interest of the public. Accordingly, the Director

exercises his discretion to refuse Held's motor vehicle extended service contract producer license.

15. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **William Lawrence Held** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 2ND **DAY OF** JULY**, 2012.**

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 5th day of July, 2012 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:

William Lawrence Held
51 Appaloosa Way
Wright City, MO 63390

Certified No. 7009 3410 0001 8931 3353

Kathryn Randolph

Kathryn Randolph
Paralegal
Missouri Department of Insurance, Financial Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Email: kathryn.randolph@insurance.mo.gov