



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS &
PROFESSIONAL REGISTRATION

IN RE:

Steve J. Galczynski,

Applicant.

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Case No. 12-0416378C

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

On May 31, 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 Steve J. Galczynski. 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. Steve J. Galczynski ("Galczynski") is a Missouri resident with a residential address of 837 Del Vista Ct., Villa Ridge, Missouri 63089.
2. On December 5, 2011, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Galczynski'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. Galczynski 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 judgement withheld or deferred, or are you currently charged with committing a crime?

"Crime" includes a misdemeanor, felony or a military offense. You may excluded 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 judgement 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 judgement[.]

6. Galczynski marked "Yes" to Question No. 1 and disclosed the following felony convictions:

- a. On May 3, 1991, Galczynski pleaded guilty to the Class C Felony of Stealing \$150 or more, in violation of § 569.170, RSMo. The court sentenced Galczynski on August 2, 1991, to four years in the custody of the Missouri Department of Corrections ("MO DOC"); said sentence "to run concurrently with causes number 90CR-6862 and 90CR-7809." *State of Missouri v. Stephen J. Galczynski*, St. Louis County Circuit Court, Case No. 2190R-07337-01; and
- b. On May 3, 1991, Galczynski pleaded guilty to the Class D Felony of Fraudulent Use of a Credit Device, in violation of § 570.130. The court sentenced Galczynski on August 2, 1991, to four years in the custody of MO DOC; said sentence "to run concurrently to sentences in cause number 90CR-7337 and 90CR-7809B." *State of Missouri v. Stephen J. Galczynski*, St. Louis County Circuit Court, Case No. 2190R-06862A;
- c. On May 3, 1991, Galczynski pleaded guilty to the Class C Felony of Receiving Stolen Property, in violation of § 569.080, RSMo. The court sentenced Galczynski on August 2, 1991, to four years in the custody of MO DOC; said sentence "to run concurrently to sentence in cause numbers 90CR-68[6]2 and 90CR-7337." *State of Missouri v. Stephen J. Galczynski*, St. Louis County Circuit Court, Case No. 2190R-07809B-01.

7. Galczynski failed to disclose the following criminal convictions:

a. On December 12, 1990, Galczynski pleaded guilty to the Class C Felony of Burglary in the 2nd degree, in violation of § 569.170, RSMo (1980) and the Class C Felony of Stealing, in violation of § 570.030, RSMo (1980). The court suspended the imposition of sentence and ordered Galczynski to three years supervised probation. *State of Missouri v. Stephen James Galczynski*, Jefferson County Circuit Court, Case No. CR189-1126-FX-03.

b. On February 26, 1992, the court found that Galczynski violated the terms of his probation in *State v. Galczynski*, Case No. CR189-1126-FX-03, and sentenced Galczynski to the custody of MO DOC for a period of three years on each count; said sentences to run concurrent with each other and consecutively "with St. Louis County #s 90CR-6862A, 90CR-7337 and 90CR-7809B." The court granted Galczynski credit for time served.

c. On July 10, 2009, Galczynski pleaded guilty to the Class C Felony of Stealing over \$150, in violation of § 570.030, RSMo (2005). On August 7, 2009, the court sentenced Galczynski to the custody of MO DOC for a period of three years. It suspended the execution of sentence and ordered Galczynski to five years of supervised probation with conditions. *State of Missouri v. Stephen James Galczynski*, St. Louis County Circuit Court, Case No. 09SL-CR00111-01.

CONCLUSIONS OF LAW

8. Section 385.209 RSMo (Supp. 2011) 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:

* * *

(3) Obtained or attempted to obtain a license through material misrepresentation or fraud;

* * *

(5) Been convicted of any felony;

* * *

(7) Been found in violation of law by a court of competent jurisdiction in an action instituted by any officer of any state of the United State in any matter involving motor vehicle extended service contracts, financial services, investments, credit, insurance, banking, or finance[.]

9. 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.

**CAUSE FOR ORDER TO REFUSE A MOTOR VEHICLE
EXTENDED SERVICE CONTRACT PRODUCER LICENSE**

10. Galczynski may be refused a motor vehicle extended service contract ("MVESC") producer license pursuant to § 385.209.1(3) for attempting to obtain a license through material misrepresentation or fraud. By signing the Application, Galczynski certified that all of the information submitted was true and complete. However, Galczynski provided false information or omitted pertinent or material information. Each of the following instances of material misrepresentation or fraud by Galczynski on his Application is a separate and sufficient ground for the Director to exercise his discretion to refuse the license:
- a. Galczynski failed to disclose his conviction for Class C Felony of Burglary in the 2nd degree, and the Class C Felony of Stealing. *State of Missouri v. Stephen James Galczynski*, Jefferson County Circuit Court, Case No. CR189-1126-FX-03;
 - b. Galczynski failed to disclose his probation violation and subsequent sentencing in *State v. Galczynski*, Case No. CR189-1126-FX-03; and
 - c. Galczynski failed to disclose his conviction for the Class C Felony of Stealing over \$150. *State of Missouri v. Stephen James Galczynski*, St. Louis County Circuit Court, Case No. 09SL-CR00111-01.
11. Galczynski's false or omitted information is material because such information would affect the Director's decision to issue a license. Galczynski is trying to conceal the information in an attempt to induce the Director to rely on Galczynski's Application to issue a MVESC producer license.
12. Galczynski may be refused a MVESC producer license pursuant to § 385.209.1(5) because he has been convicted of multiple felonies:
- a. The Class C Felony of Stealing \$150 or more. *State of Missouri v. Stephen J. Galczynski*, St. Louis County Circuit Court, Case No. 2190R-07337-01; and
 - b. The Class D Felony of Fraudulent Use of a Credit Device. *State of Missouri v. Stephen J. Galczynski*, St. Louis County Circuit Court, Case No. 2190R-06862A;
 - c. The Class C Felony of Receiving Stolen Property. *State of Missouri v. Stephen J. Galczynski*, St. Louis County Circuit Court, Case No. 2190R-07809B-01;

- d. The Class C Felony of Burglary in the 2nd degree, and the class C felony of stealing. *State of Missouri v. Stephen James Galczynski*, Jefferson County Circuit Court, Case No. CR189-1126-FX-03; and
 - e. The Class C Felony of Stealing over \$150. *State of Missouri v. Stephen James Galczynski*, St. Louis County Circuit Court, Case No. 09SL-CR00111-01.
13. Galczynski may be refused a MVESC producer license pursuant to § 385.209.1(7) because he has been convicted of the Class D Felony of Fraudulent Use of a Credit Device. *State of Missouri v. Stephen J. Galczynski*, St. Louis County Circuit Court, Case No. 2190R-06862A.
 14. Galczynski failed to disclose or misrepresented material facts on his Application that would impact his request for licensure; namely, two felony convictions. Galczynski has been convicted of a total of five felonies, all of which involved theft and dishonesty, and one of which occurred in 2009, for which he is still on probation. As such, granting Galczynski a MVESC producer license would not be in the interest of the public.
 15. The Director has considered Galczynski's history and all of the circumstances surrounding his application. Granting Galczynski a motor vehicle service contract producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion to refuse Galczynski's motor vehicle extended service contract producer license.
 16. The order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service producer license application of **Steve J. Galczynski**, is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 7TH DAY OF JUNE, 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 7th day of June, 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:

Steve J. Galczynski
837 Del Vista Ct.
Villa Ridge, Missouri 63089

Certified No. 7009 3410 0001 8931 3278



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