



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:)
)
 JAMES BRIAN HELSTEIN,) Case No. 171114447C
)
 Applicant.)

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On September 13, 2018, 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 James Brian Helstein. After reviewing the Petition, 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. James Brian Helstein ("Helstein") is a Missouri resident with a current residential address of 3834 Marcia Drive, St. Charles, MO, 63304.
2. On June 29, 2017, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Helstein's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. Background Information Question Number 1 of the Application asks, in relevant part:

Have you ever been convicted of a crime, had a judgment withheld or deferred, received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"), or are you currently charged with committing a crime?

4. Helstein answered "Yes" to Background Information Question Number 1 on his Application. Helstein provided a Missouri CaseNet printout as well as the following information regarding his criminal history:

An officer had pulled me over while I was driving and said my vehicle smelled like marijuana. The officer then searched my vehicle and found a small amount of marijuana and a small amount of methamphetamine. I was charged with a class C possession of a controlled substance after being arrested and was sentenced to 5 years probation. While on probation I was charged with possession again. At this time I was sentenced to 4 years in prison. I was released on October 15, 2016 after serving a year in prison.

5. After an investigation based on the information provided by Helstein, the Division found three felony convictions for the class C felony of Possession of Controlled Substance Except 35 Grams or less of Marijuana.
 - a. On July 7, 2014, Helstein pled guilty to the class C felony of Possession of Controlled Substance Except 35 Grams or Less of Marijuana, in violation of § 195.202¹. *State v. James B. Helstein* Lincoln Co. Cir. Ct., Case No.13L6-CR01018-01. The court suspended imposition of sentence and placed Helstein on probation for five years. On December 15, 2015, Helstein's probation was revoked (for violation of the conditions for parole, specifically, residency, reporting, and supervision violations as well as testing positive for amphetamines on or about September 2, 2015) and he was sentenced to four years in the Department of Corrections.
 - b. On July 21, 2014, Helstein pled guilty to the class C felony of Possession of Controlled Substance Except 35 Grams or Less of Marijuana, in violation of § 195.202. *State v. James B. Helstein*, St. Louis Co. Cir. Ct., Case No. 13SL-CR07047-01. The court suspended imposition of sentence and placed Helstein on probation for five years. On May 5, 2016, the Court revoked Helstein's probation (for violations to the terms of Helstein's probation, specifically residency and reporting violations) and sentenced him to three years in the Department of Corrections to be served concurrently with the sentence in 13L6-CR01018-01.
 - c. On June 23, 2017, Helstein pled guilty to the class C felony of Possession of Controlled Substance Except 35 Grams or Less of Marijuana in violation of § 195.202. *State v. James B. Helstein*, St. Louis Co. Cir. Ct., Case No. 16SL-CR03831-01. Helstein was sentenced to seven years in the department of corrections; however, the court suspended execution of sentence and placed

¹ All criminal statutory references are to those contained in the version of the Missouri Revised Statutes pursuant to which each judgment was rendered.

Helstein on probation for five years.

CONCLUSIONS OF LAW

6. Section 385.209.1, RSMo. (Supp. 2016)² provides, in relevant part:

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[.]

7. The Director may refuse to issue a motor vehicle extended service contract producer license to Helstein under § 385.209.1(5) because Helstein has been convicted of a felony. More particularly, Helstein has been convicted of three felonies on three separate charges of the class C felony of Possession of Controlled Substance Except 35 Grams or Less of Marijuana, in violation of § 195.202. *State v. James B. Helstein*, Lincoln Co. Cir. Ct., Case No. 13L6-CR01018-01, *State v. James B. Helstein*, St. Louis Co. Cir. Ct., Case No. 13SL-CR07047-01, and *State v. James B. Helstein*, St. Louis Co. Cir. Ct., Case No. 16SL-CR03831-01.
8. Each felony conviction constitutes a separate and sufficient ground for the Director to refuse to issue Helstein a motor vehicle extended service contract producer license under § 385.209.1(5).
9. The above-described instances are grounds upon which the Director may refuse to issue Helstein a motor vehicle extended service contract producer license. Helstein has three felony convictions.
10. The Director has considered Helstein's history and all of the circumstances surrounding Helstein's Application. Issuing Helstein a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion and refuses to issue Helstein a MVESC producer license.
11. This order is in the public interest.

² All statutory references are to the 2016 Missouri Revised Statutes unless otherwise noted.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **James Brian Helstein** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 12th DAY OF AUGUST, 2019.



Chlora Lindley-Myers

CHLORA LINDLEY-MYERS

**Director, Missouri Department of Insurance,
Financial Institutions and Professional Registration**

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.

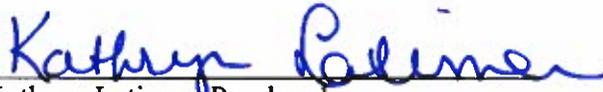
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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of August, 2019, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

James Brian Helstein
3834 Marcia Drive
St. Charles, MO 63304

No. 1Z0R15W84298990412



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