



## State of Missouri

### DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:

STEVEN CURTIS PRESSON,

Applicant.

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Case No. 12-0305269C

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

On September 13, 2012, the Consumer Affairs Division ("Division") submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Steven Curtis Presson. 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. Steven Curtis Presson, ("Presson") is a Missouri resident with a residential address of 7 Oak Forest Drive, St. Peters, Missouri 63376.
2. On December 19, 2011, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Presson'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. Presson 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 and 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. Presson marked "Yes" to Question No. 1, and included a letter dated December 8, 2011 and related court documents for the following cases. Presson also sent a more detailed letter dated January 26, 2011.
    - a. On September 24, 2001, Presson pleaded guilty to DWI – Alcohol – Persistent Offender, a Class D Felony, in violation of § 577.010. The court sentenced Presson to five (5) years' confinement, but suspended the execution of sentence and placed Presson on supervised probation for five (5) years. The court further ordered Presson to complete one-hundred and nineteen (119) days' Shock confinement. On or about October 7, 2003, Presson's probation was revoked and he was ordered to serve five (5) years' confinement in the Missouri Department of Corrections. *State of Missouri v. Steven C. Presson*, St. Charles Co. Cir. Ct., Case No. 01CR124647-01.

- b. On March 16, 2004, Presson pleaded guilty to DWI – Alcohol – Persistent Offender, a Class D Felony, in violation of § 577.010. The court sentenced Presson to three (3) years' confinement. *State of Missouri v. Steven C. Presson*, St. Louis Co. Cir. Ct., Case No. 2102R-05322-01.
  - c. On October 12, 2004, Presson pleaded guilty to Passing Bad Check – Less Than \$500, a Class A Misdemeanor, in violation of § 570.120. The court ordered Presson to pay a fine and costs. *State of Missouri v. Steven C. Presson*, Randolph Co. Cir. Ct., Case No. 04CR177364.
  - d. On November 7, 2005, Presson pleaded guilty to Passing Bad Check – \$500 Or More – No Account/Insufficient Funds, a Class D Felony, in violation of § 570.120. The court sentenced Presson to three (3) years' confinement, but suspended the execution of sentence and placed Presson on supervised probation for five (5) years. *State of Missouri v. Steven C. Presson*, St. Charles Co. Cir. Ct., Case No. 0511-CR00995-01.
7. Through their investigation, the Division also discovered the following pending criminal charges that Presson failed to disclose on his Application:
- a. On December 2, 2011, Presson was arraigned and formally charged with two counts of DWI – Alcohol – Chronic Offender, both Class B Felonies, both in violation of § 577.010. There is currently a hearing scheduled for October 19, 2012 and a Jury Trial scheduled for December 19, 2012. *State of Missouri v. Steven Curtis Presson*, St. Charles Co. Cir. Ct., Case No. 1111-CR02528-01.

### 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[.]
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.
  10. Presson may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(3) because he attempted to obtain a license through material misrepresentation or fraud when he failed to disclose the following pending charges on his application:
    - a. *State of Missouri v. Steven Curtis Presson*, St. Charles Co. Cir. Ct., Case No. 1111-CR02528-01 (DWI – Alcohol – Chronic Offender, a Class B Felony, in violation of § 577.010).
    - b. *State of Missouri v. Steven Curtis Presson*, St. Charles Co. Cir. Ct., Case No. 1111-CR02528-01 (DWI – Alcohol – Chronic Offender, a Class B Felony, in violation of § 577.010).
  11. Each attempt to obtain a license through material misrepresentation or fraud is a separate and sufficient cause to refuse Presson's license pursuant to § 385.209.1(3).
  12. Presson may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(5) because he has been convicted of three felonies:
    - a. *State of Missouri v. Steven C. Presson*, St. Charles Co. Cir. Ct., Case No. 01CR124647-01 (DWI – Alcohol – Persistent Offender, a Class D Felony, in violation of § 577.010).
    - b. *State of Missouri v. Steven C. Presson*, St. Louis Co. Cir. Ct., Case No. 2102R-05322-01 (DWI – Alcohol – Persistent Offender, a Class D Felony, in violation of § 577.010).
    - c. *State of Missouri v. Steven C. Presson*, St. Charles Co. Cir. Ct., Case No. 0511-CR00995-01 (Passing Bad Check – \$500 Or More – No Account/Insufficient Funds, a Class D Felony, in violation of § 570.120).
  13. Each felony conviction is a separate and sufficient cause to refuse Presson's license pursuant to § 385.209.1(5).

14. The Director has considered Presson's history and all of the circumstances surrounding Presson's Application. Granting Presson 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 Presson'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 Steven Curtis Presson is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 17<sup>th</sup> DAY OF SEPTEMBER, 2012.



  
JOHN M. HUFF  
DIRECTOR

**NOTICE**

**TO: Applicant and any unnamed persons aggrieved by this Order:**

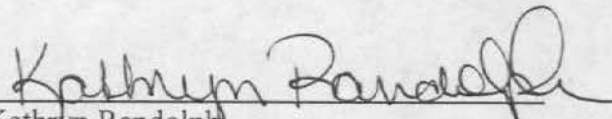
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 19th day of September, 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:

Steven Curtis Presson  
7 Oak Forest Drive  
St. Peters, Missouri 63376

Certified No. 7009 3410 0001 8931 3599

  
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Paralegal

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