



## State of Missouri

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

IN RE:

STEVEN CURTIS PRESSON,

Applicant.

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Case No. 12-1204619C

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

On May 23, 2013, 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 1226 Postgrove Drive, St. Louis, Missouri 63146.
2. Presson is currently incarcerated and being held at Ozark Correctional Center, 929 Honor Camp Lane, Fordland, Missouri 65652.
3. On December 19, 2011, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Presson's first Application for Motor Vehicle Extended Service Contract Producer License ("2011 Application").
4. On September 17, 2012, Presson's 2011 Application was refused pursuant to § 385.209.1(3) (attempting to obtain a license through material misrepresentation or fraud) and § 385.209.1(5) (having been convicted of any felony), RSMo (Supp. 2011). *In re: Steven Curtis Presson*, Case No. 12-0305269C (see *Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License*).
5. On October 9, 2012, Presson filed a Complaint before the Administrative Hearing Commission ("Commission") appealing the Director's Order. *Steven Curtis Presson v. Director, Dep't of Ins., Fin. Insts. & Prof'l Reg.*, No. 12-1840 DI.

6. On March 25, 2013, the Commission entered a Decision finding that cause existed to deny Presson's 2011 Application pursuant to § 385.209.1(3) and (5), RSMo (Supp. 2012)<sup>1</sup>. *Id.*
7. Pursuant to § 536.110, Presson had thirty (30) days after the mailing or delivery of the notice of the Commission's final decision to appeal the Decision to the circuit court. The Commission mailed the Decision on March 25, 2013. Thirty (30) days from the mailing of the Commission's Decision expired April 23, 2013. As of the date of the Petition, no appeal had been filed.
8. As part of his Complaint, Presson submitted to the Commission a second Application for Motor Vehicle Extended Service Contract Producer License ("2012 Application") and a check for his application fee.
9. The Commission hand-delivered the 2012 Application and check to the Department, which received Presson's 2012 Application on October 31, 2012.
10. As part of Presson's 2012 Application, the Department also received an undated letter from Presson, a reference letter from Rodney Matheson dated October 3, 2012, a reference letter from Aaron Kalist dated October 2, 2012, and an email sent to Presson from Rhea Ford on October 1, 2012.
11. 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.
12. Presson signed the 2012 Application in the "Applicant's Certification and Attestation" section.
13. 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?

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<sup>1</sup> All statutory references are to RSMo (2000) as updated by RSMo (Supp. 2012) unless otherwise indicated.

"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[.]

14. Presson marked "Yes" to Background Question No. 1, and in his letter dated October 3, 2012 that was attached to his 2012 Application, stated:

"I marked yes on section 33 question 1 due to passing bad check on my background history. All information pertaining to this charge was sent in with original application. Please disregard all other DUI charges per application instructions these charges need not apply."

15. Through their investigation, the Division discovered the following convictions relating to "passing bad check[s]":

- a. On October 12, 2004, Presson pleaded guilty to Passing Bad Check – Less Than \$500, a Class A Misdemeanor, in violation of § 570.120, RSMo (Supp. 2002). The court ordered Presson to pay a fine and costs. *State of Missouri v. Steven C. Presson*, Randolph Co. Cir. Ct., Case No. 04CR177364.
- b. 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, RSMo (Supp. 2002). 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.

16. Through their investigation, the Division discovered the following convictions that Presson failed to disclose on his 2012 Application:

- a. On September 24, 2001, Presson pleaded guilty to DWI – Alcohol – Persistent Offender, a Class D Felony, in violation of § 577.010, RSMo (2000). 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, RSMo (2000). 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.

17. Through their investigation, the Division also discovered the following criminal charges that were pending at the time of Presson's 2012 Application but have since been resolved. Presson failed to disclose said charges on his 2012 Application:

- a. On December 2, 2011, Presson was arraigned and formally charged with one count of DWI – Alcohol – Chronic Offender, a Class B Felony, in violation of § 577.010, RSMo (2000). On March 20, 2012, the prosecutor filed an Amended Information to add a second count of DWI – Alcohol – Chronic Offender, a Class B Felony, in violation of § 577.010, RSMo (2000). On January 23, 2013 Presson pleaded guilty to both Class B Felonies. On March 5, 2013, the court sentenced Presson to seven (7) years' confinement for each count, both sentences to be served concurrent. The court also ordered that Presson participate in a two (2) year Long Term Treatment Program for Cocaine Dependents. *State of Missouri v. Steven Curtis Presson*, St. Charles Co. Cir. Ct., Case No. 1111-CR02528-01.

18. Background Question No. 2 of the 2012 Application asks the following:

Have you ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration?

"Involved" means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding which is related to a

professional or occupational license. "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. INCLUDE any business so named because of your actions, in your capacity as an owner, partner, officer, director, or member or manager of a Limited Liability Company. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
  - b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
  - c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.
19. Presson marked "No" to Background Question No. 2.
  20. To the contrary, an Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License was entered on September 17, 2012. *In re: Steven Curtis Presson*, Case No. 12-0305269C.
  21. In addition, on October 9, 2012, Presson filed a Complaint before the Administrative Hearing Commission appealing the Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License. The Commission entered a Decision on March 25, 2013 finding that cause existed to deny Presson's 2011 Application pursuant to § 385.209.1(3) and (5). *Steven Curtis Presson v. Director, Dep't of Ins., Fin. Insts. & Prof'l Reg.*, No. 12-1840 DI.

### CONCLUSIONS OF LAW

22. Section 385.209 RSMo 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) Been refused a license or had a license revoked or suspended by a state or federal regulator of service contracts, financial services, investments, credit, insurance, banking, or finance[.]

23. 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.
24. 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 convictions and pending charges on his 2012 Application:
- 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, RSMo (2000)).
  - 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, RSMo (2000)).
  - c. *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, RSMo (2000)).
  - d. *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, RSMo (2000)).
25. 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 his involvement as a party in the following administrative proceedings on his 2012 Application:
- a. *In re: Steven Curtis Presson*, Case No. 12-0305269C (MVESC Producer License Application refused pursuant to § 385.209.1(3) and (5)).

- b. *Steven Curtis Presson v. Director, Dep't of Ins., Fin. Insts. & Prof'l Reg.*, No. 12-1840 DI (the Commission found that cause existed to deny Presson's MVESC Producer License Application pursuant to § 385.209.1(3) and (5)).
26. 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).
27. Presson may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(5) because he has been convicted of five 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, RSMo (2000)).
- 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, RSMo (2000)).
- 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, RSMo (Supp. 2002)).
- d. *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, RSMo (2000)).
- e. *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, RSMo (2000)).
28. Each felony conviction is a separate and sufficient cause to refuse Presson's license pursuant to § 385.209.1(5).
29. Presson may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(9) because he has been refused a license by a state regulator of service contracts. *In re: Steven Curtis Presson*, Case No. 12-0305269C.
30. The Director has considered Presson's history and all of the circumstances surrounding Presson's 2012 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 to issue Presson a motor vehicle extended service contract producer license.

31. This Order is in the public interest.

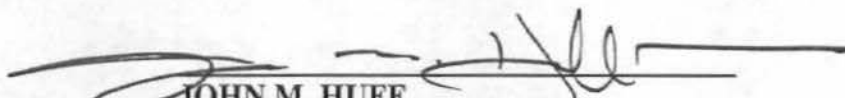
**ORDER**

**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 24<sup>TH</sup> DAY OF MAY, 2013.



  
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 30th day of May, 2013 a copy of the foregoing Order and Notice was served upon the Applicant in this matter by regular and UPS at the following address:

Steven Curtis Presson  
Ozark Correctional Center  
929 Honor Camp Lane  
Fordland, MO 65652

  
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  
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