

MISSOURI COURT OF APPEALS EASTERN DIVISION  
OPINION SUMMARY

GEORGE A VARGO,	)	No. ED100756
	)	
Respondent,	)	
	)	Appeal from the Circuit Court of
vs.	)	St. Charles County
	)	
DIRECTOR OF REVENUE,	)	Hon. William E. Alberty
	)	
Appellant.	)	FILED: December 2, 2014

The Director of Revenue appeals the trial court's judgment reinstating George Vargo's driving privileges. The trial court found that Vargo did not refuse to submit to a breath test in that he distrusted the breathalyzer and requested a blood test instead but was denied that option.

REVERSED AND REMANDED.

DIVISION ONE HOLDS: Established Missouri precedent instructs that Vargo's conduct constitutes a refusal, regardless of his concern about the breathalyzer or his offer to provide a blood sample.

Opinion by: Clifford H. Ahrens, J.                      Lawrence E. Mooney, P.J., and Glenn A. Norton, J.,  
concur.

Attorney for Appellant:              Rachel M. Jones

Attorney for Respondent:              Patrick Jerome Coyne

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.**