



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

P.O. Box 690, Jefferson City, Mo. 65102-0690

**In the Matter of:**

**Rolland J. Labriola,**

**Applicant.**

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**Case No. 12-1106583C**

**CONSENT ORDER**

John M. Huff, Director of the Department of Insurance, Financial Institutions and Professional Registration takes up the above matter for consideration and disposition. The Consumer Affairs Division, through legal counsel Kevin V. Spear, and Applicant Rolland J. Labriola have reached a settlement in this matter and have consented to the issuance of this Consent Order.

1. John M. Huff is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration ("Director" of the "Department") whose duties, pursuant to Chapters 374 and 375, RSMo,<sup>1</sup> include the supervision, regulation and discipline of insurance producers.

2. The Consumer Affairs Division ("Division") has the duty of conducting investigations into the acts of insurance producers under the insurance laws of this state and is

<sup>1</sup> All statutory references are to the 2011 Supplement to the Revised Statutes of Missouri unless otherwise noted.

authorized by the Director to investigate and to recommend enforcement action for violations of the insurance laws of this state.

3. On July 31, 2012, the Department received an electronic resident insurance producer license application ("Application") from Rolland J. Labriola ("Labriola").

4. On October 16, 1998, Labriola pleaded guilty to Possession of Cocaine, a severity level 4 nonperson Felony in violation of K.S.A. § 65-4160. The court sentenced Labriola to eleven months in the custody of the Kansas Department of Corrections but suspended the execution of that sentence and placed Labriola on two years' probation. Labriola was granted a release from probation on March 27, 2002. *State of Kansas v. Rolland Jacob Labriola*, Ford Co. Cir. Ct., Case No. 98CR513.

5. On April 27, 2001, Labriola pleaded guilty to Possession Of Controlled Substance Except 35 Grams or Less Of Marijuana, a Class C Felony in violation of § 195.202 RSMo (2000). The court sentenced Labriola to 4 years in the custody of the Missouri Department of Corrections, but suspended the execution of that sentence and placed Labriola on five years' probation and ordered him to serve four days shock incarceration and complete fifty hours of community service. Labriola successfully completed all portions of his probation and was granted a release from probation on March 1, 2004. *State of Missouri v. Rolland Labriola*, St. Charles Co. Cir. Ct., Case No. 00CR127263-01.

6. Labriola acknowledges and understands that pursuant to § 375.141.1(6) the Director may refuse to issue an insurance producer license to Labriola because Labriola has been convicted of two felonies which are also crimes of moral turpitude.

7. Labriola acknowledges and understands that he has the right to consult counsel at his own expense.



8. This Consent Order is entered pursuant to § 374.046. As such, any interested person aggrieved by this Consent Order may request a hearing before the Director or review of this Consent Order in a circuit court under § 374.055. Although under the Department's interpretation of the relevant statutes, review of this Consent Order by the Administrative Hearing Commission is not available, Labriola nevertheless may have the right, under § 621.045, to submit this Consent Order to the Administrative Hearing Commission for a determination that the facts agreed to in this Consent Order constitute grounds to refuse Labriola's license.

9. Labriola stipulates and agrees to waive any waivable rights that he may have to a hearing before the Administrative Hearing Commission or the Director, and any rights to seek judicial review or other challenge or contest of the terms and conditions of this Consent Order and forever releases and holds harmless the Department, the Director and his agents, and the Division from all liability and claims arising out of, pertaining to, or relating to this matter.

10. Each signatory to this Consent Order certifies by signing that he or she is fully authorized, in his or her own capacity, or by the named party he or she represents, to accept the terms and provisions of this Consent Order in their entirety, and agrees, in his or her personal or representational capacity, to be bound by the terms of this Consent Order.

#### **Conclusions of Law**

11. The Director has grounds to refuse Labriola's insurance producer license application pursuant to § 375.141.1(6).

12. The Director may impose orders in the public interest under § 374.046.

13. The terms set forth in this Consent Order are an appropriate disposition of this matter and entry of this Consent Order is in the public interest.

### Order

IT IS ORDERED that the Department will issue an insurance producer license to Rolland J. Labriola, subject to the conditions set forth herein.

1. Rolland J. Labriola shall report to the Department of Insurance, Financial Institutions and Professional Registration any arrest, citation, guilty plea, nolo contendere plea, finding of guilt or conviction concerning a felony or crime of moral turpitude within five business days of such arrest, citation, plea or finding.
2. Rolland J. Labriola shall report to the Department of Insurance, Financial Institutions and Professional Registration any violation of or failure to comply with the laws set forth in Chapters 374 and 375, RSMo within five business days of such violation or failure to comply.
3. Rolland J. Labriola shall report to the Department any administrative action taken against Labriola in another jurisdiction or by another governmental agency in this state within five business days after he receives notification of the initiation of such administrative action.
4. Rolland J. Labriola shall respond to all inquiries and consumer complaints forwarded or otherwise communicated to him by the Department or a consumer within five business days of receipt. Labriola shall report in writing all consumer complaints, both written and oral, to the Consumer Affairs Division within five business days of receipt. If a complaint was not communicated to Labriola by the Department, Labriola shall send the Department, within five business days of receipt, a copy of the complaint along with Labriola's responses to the consumer.



5. Rolland J. Labriola will voluntarily surrender his license to the Department within five business days of Labriola's entry of a guilty plea, nolo contendere plea, finding of guilt or conviction for a felony or crime of moral turpitude, regardless of whether sentence is imposed, suspended, or executed.
6. Unless Rolland J. Labriola's license has been surrendered, revoked, refused renewal, or has expired and not been renewed, the special conditions listed in paragraphs 1 through 5 will expire five (5) years from the date of the execution of this Consent Order.

IT IS ORDERED that if Rolland J. Labriola maintains his insurance producer license beyond the initial term and complies with the terms of this Consent Order, Labriola may apply to renew his license and the Director shall consider the renewal application in accordance with Chapters 374 and 375 without regard to the underlying convictions contained in this Consent Order.

IT IS ORDERED that if Rolland J. Labriola violates or otherwise fails to comply with the terms and conditions of this Consent Order, the Director may pursue additional legal remedies, as necessary and without limitation, as authorized by Chapters 374 and 375 RSMo.

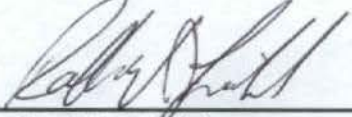
SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 11<sup>th</sup> DAY OF JANUARY, 2013.

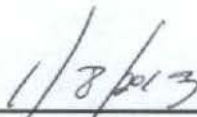


  
JOHN M. HUFF  
Director, Missouri Department of Insurance,  
Financial Institutions and Professional  
Registration

**CONSENT AND WAIVER OF HEARING**

The undersigned persons understand and acknowledge that Rolland J. Labriola may have the right to a hearing, but that Rolland J. Labriola has waived the hearing and consented to the issuance of this Consent Order.

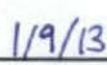
  
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Rolland J. Labriola  
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Bridgeton, Missouri 63044

  
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Date

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Counsel for Respondent  
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