STATE OF MISSOURI
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN THE MATTER OF:	)	
	)	
Allen H. Lenzini,	)	Case No. 09A000174
	)	
Applicant.	)	
	)	
Serve at:	)	
	)	
11409 Oxbridge Ct. St. Louis, Missouri 63146	))	
	)	

REFUSAL TO ISSUE INSURANCE PRODUCER LICENSE

On August 20, 2009, Elfin L. Noce, as Legal Counsel for the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Allen H. Lenzini ("Lenzini"). After reviewing the Petition, and the investigative report, the Director issues the following findings of fact, conclusions of law and summary order:

FINDINGS OF FACT

1. Allen H. Lenzini ("Lenzini") is a Missouri resident with an address of 11409 Oxbridge Ct., St. Louis, Missouri 63146.

2. On February 12, 2009, the Department of Insurance, Financial Institutions & Professional Registration ("Department") received Lenzini's electronic Uniform Application for Resident Individual Producer License ("Application").

3. Under "Background Questions" question #1 of the Application asks: "Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld? '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 contender, or having been given probation, a

entered a plea of guilty or nolo contender, or having been given probation, a suspended sentence or a fine."

4. Lenzini answered "No" to Background Question #1.

5. On or about September 3, 1985, Lenzini pleaded guilty to felony burglary and stealing, after which the court suspended the imposition of sentence and placed Lenzini on probation for 4 years and ordered restitution and court costs.

6. Under "Background Questions" question #2 of the Application asks: "Have you or any business in which you are or were an owner, partner, officer or director, or member or manager of limited liability company, ever been involved in an administrative proceeding regarding any professional or occupational license, or registration?"

7. Lenzini answered "No" to Background Question #2.

8. On September 26, 2002, the Commissioner of Insurance of the State of Texas revoked Lenzini's General Life, Accident, Health and HMO License, finding that Lenzini intentionally made a material misstatement in his license application and obtained a license by fraud or misrepresentation.

9. On July 2, 2003, in *Commissioner of Securities v. Allen H. Lenzini*, Case No. 02-1257 SE, the Administrative Hearing Commission found that Lenzini's securities agent license was subject for discipline for making a false and misleading statement about a material fact on his application for securities industry registration and on July 28, 2003, the Commissioner of Securities of the State of Missouri revoked the registration of Lenzini as an agent.

CONCLUSIONS OF LAW

10. Section 375.141, RSMo (Supp. 2008) provides, in part:

> 1. The director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for any one or more of the following causes:
>
> (1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application;
>
> . . .
>
> (3) Obtaining or attempting to obtain a license through material misrepresentation or fraud;
>
> . . .

(9) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory;

. . .

11. The principal purpose of § 375.141, RSMo 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).

12. Pleading guilty to felony and serving 4 years probation, having his Texas insurance producer license revoked, and having his registration as an agent revoked by the Missouri Commissioner of Securities are all memorable events not likely to be forgotten; the most likely explanation for an applicant's failure to disclose such events on an application is that he intentionally failed to disclose the events in order to improve his chances of succeeding with his application.

13. Lenzini may be refused an insurance producer license based upon § 375.141.1(1), RSMo (Supp. 2008), for intentionally providing materially incorrect, misleading, incomplete or untrue information by answering "No" to Background Question #1.

14. Lenzini may be refused an insurance producer license based upon § 375.141.1(1), RSMo (Supp. 2008), for intentionally providing materially incorrect, misleading, incomplete or untrue information by answering "No" to Background Question #2.

15. Lenzini may be refused an insurance producer license based upon § 375.141.1(3), RSMo (Supp. 2008), for attempting to obtain a license through material misrepresentation on his Application by answering "No" to Background Question #1.

16. Lenzini may be refused an insurance producer license based upon § 375.141.1(3), RSMo (Supp. 2008), for attempting to obtain a license through material misrepresentation on his Application by answering "No" to Background Question #2.

17. Lenzini may be refused an insurance producer license based upon § 375.141.1(9), RSMo (Supp. 2008), for having his Texas General Life, Accident, Health and HMO License revoked.

18. Lenzini may be refused an insurance producer license based upon § 375.141.1(8), RSMo (Supp. 2008), for use of dishonest practice of making similar misrepresentations on his applications for his Texas General Life, Accident, Health and HMO License, securities industry registration, and Missouri insurance producer license.

19. In applying his discretion, the Director has considered the history of Lenzini and

all of the circumstances surrounding Lenzini's Application including Lenzini's misrepresentations in the Application. Lenzini's history of making similar misrepresentations on his Texas General Life, Accident, Health and HMO License application and on his securities industry registration application demonstrates repeated dishonesty by Lenzini and raises questions of Lenzini's ability to comply with Missouri law and whether he can meet the significant responsibilities required of a licensed insurance producer. For these reasons, the Director exercises his discretion in refusing to issue an insurance producer license to Lenzini.

20. This order is in the public interest.

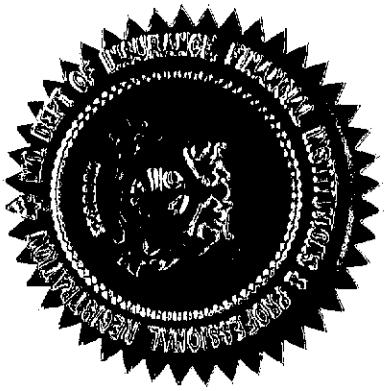
ORDER

IT IS THEREFORE ORDERED that issuance of the insurance producer license of Applicant Allen H. Lenzini is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 25th DAY OF August, 2009.

JOHN M. HUFF
DIRECTOR



NOTICE

TO: Allen H. Lenzini 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 thirty (30) days after the mailing of this notice pursuant to Section 621.120, RSMo.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of August, 2009, a copy of the foregoing notice and order was served upon the Allen H. Lenzini in this matter by certified mail.

Karen Crutchfield

Karen Crutchfield
Senior Office Support Staff