DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

IN RE:	)	
	)	DIFP File No. 091231897C
LISA GIACOMINO	)	AHC Case No. 10-0849 DI

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF DISCIPLINE

John M. Huff, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration hereby makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. John M. Huff is the Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration (hereinafter, "Director" of the "Department") whose duties, pursuant to Chapters 374 and 375 RSMo (Supp. 2010)[1] include the supervision, regulation, and discipline of insurance producers.

2. On February 9, 2006, in *United States of America v. Lisa Marie Giacomino,* Case Number 2:04CR00210-LRS, in the United States District Court, Eastern District of Washington, Giacomino pleaded guilty to two felony counts of Distribution of a Mixture or Substance Containing Cocaine Base in violation of 21 U.S.C. § 841(a)(1) and was

sentenced to 28 months' imprisonment on each count, to run concurrently, and three years of supervised release upon release from imprisonment.

3. On February 11, 2009, the Director received Giacomino's non-resident insurance producer application on which she failed to disclose her criminal history.

4. The Department issued Lisa Giacomino a non-resident insurance producer license (No. 0433923) on February 11, 2009 which expired on February 11, 2011.

5. At some time before June 12, 2009, the State of California denied Giacomino an unrestricted insurance producer license. *In the Matter of the Application of Lisa Giacomino a.k.a. Lisa Marie Giacomino,* File No. LBB 5414-B, Order of Summary Denial and for Issuance of Restricted License.

6. On June 12, 2009, the Director received a letter from Giacomino notifying him of the denial by California.

7. On June 28, 2009, Consumer Affairs Division Special Investigator Les Hogue ("Hogue") mailed a letter to Giacomino at her address of record, requesting a detailed letter of explanation regarding allegations of failure to disclose prior court action in her application for licensure. Hogue requested a written response by July 20, 2009. The letter was not returned as undeliverable. Giacomino did not respond to the June 28, 2009 letter.

8. On July 28, 2009, Hogue mailed a second letter to Giacomino at her address of record, again requesting a detailed letter of explanation regarding allegations of failure to disclose prior court action in her application for licensure. Hogue requested a

---

[1] All statutory references are to the Revised Statutes of Missouri (Supp. 2010) unless otherwise noted.

response by August 7, 2009. The letter was not returned as undeliverable. Giacomino did not respond to the July 28, 2009 letter.

9. On May 12, 2010, the Director filed a Complaint with the Administrative Hearing Commission, seeking a finding that sufficient cause existed for disciplining Giacomino's insurance producer license pursuant to:

a. § 375.141.1(1) and (3) for failing to disclose her felony convictions on her 2009 application;

b. § 375.141.1(2) for violating 20 CSR 100-4.100(2) by failing to respond to two Division inquiries;

c. § 375.141.1(6) for being convicted of two felonies that involved moral turpitude; and

d. § 375.141.1(9) for having her California insurance license application denied.

10. On February 12, 2011, Giacomino was personally served with a copy of the Complaint, the Administrative Hearing Commission's notice of complaint/notice of hearing, and order dated January 28, 2011 rescheduling the hearing. Giacomino did not file an answer.

11. On April 29, 2011, the Director filed a motion for summary decision with the Administrative Hearing Commission. Giacomino was given until May 13, 2011 by the Administrative Hearing Commission to respond, but she did not respond.

12. The Administrative Hearing Commission issued its Decision on June 7, 2011 finding cause to discipline Giacomino's license pursuant to §§ 375.141.1(1), (2), (3), (6)

and (9).

13. On July 8, 2011, the Administrative Hearing Commission certified its record of the proceeding pursuant to § 621.110.

14. On July 12, 2011, the Director mailed, by U.S. Mail Priority Mail, a notice of the disciplinary hearing to be held at 9:30 a.m. on August 4, 2011, in the Department's offices, 301 West High Street, Room 530, Jefferson, City, Missouri. The record reflects that the notice was delivered to Giacomino on July 14, 2011.

15. Giacomino did not appear at the disciplinary hearing. At the hearing, counsel representing the Consumer Affairs Division, Tamara W. Kopp, presented the Decision and record of the Administrative Hearing Commission. Ms. Kopp moved to supplement the record with Exhibit D, the original certified copy of the California order, to replace the copy of the California order, Exhibit D in the Administrative Hearing Commission's record. The Hearing Officer granted the motion and also took official notice of the Administrative Hearing Commission's record of proceedings.

16. Counsel for the Consumer Affairs Division recommended that Giacomino's non-resident insurance producer license be revoked.

17. The Director hereby adopts, incorporates, and finds in accordance with the Administrative Hearing Commission's June 7, 2011 Decision, including its Findings of Fact and Conclusions of Law, as if fully set out herein as Findings of Fact and as Conclusions of Law of this Order. *Director of Dep't of Ins., Fin. Insts. & Prof. Reg'n v. Lisa Giacomino*, No. 10-0849 DI (Mo. Admin. Hrg. Comm'n June 7, 2011).

CONCLUSIONS OF LAW

18. Pursuant to § 375.141 and § 621.110 RSMo (2000), the Director has discretion to discipline Giacomino's non-resident insurance producer license, including revocation of such license.

19. Based on the nature and severity of Giacomino's conduct, sufficient grounds exist to revoke Giacomino's non-resident insurance producer license pursuant to §§ 375.141.1(1), (2), (3), (6) and (9).

20. This Order is in the public interest.

ORDER OF DISCIPLINE

Based on the evidence presented and the recommendation to revoke, the non-resident insurance producer license of Lisa Giacomino (No. 0433923) is hereby REVOKED.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 23RD DAY OF SEPTEMBER, 2011.

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing, including all attachments, was mailed, with sufficient postage attached, via certified mail and regular mail through the United States Postal Service, certified mail #7008 2810 0000 2014 8700, on this 23rd day of September, 2011 to:

Lisa Giacomino
4678 East Olney Ave.
Gilbert, Arizona 85234-7837

Kathryn Randolph

Kathryn Randolph