



DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:

MANDY J. BIANCO,

Applicant.

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Case No. 130710413C

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 Cheryl C. Nield, and Applicant Mandy J. Bianco 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 (the "Director" of the "Department") whose duties, pursuant to Chapters 374 and 375, RSMo,¹ include the supervision, regulation and discipline of insurance producers.

¹ All statutory references are to the 2012 Supplement to the Revised Statutes of Missouri unless otherwise noted.

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 authorized by the Director to investigate and to recommend enforcement action for violations of the insurance laws of this state.
3. Mandy J. Bianco (“Bianco”) is a Missouri resident with a residential address of 4143 W. Bethany Drive, Columbia, Missouri 65203.
4. On or about February 27, 2013, Bianco submitted her Uniform Electronic Application for Resident Individual Producer License (“Application”), along with attachments, to the Department.
5. Background Question 1 on the Application asks, in relevant part, “Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?”
6. Bianco answered “Yes” to Question 1. She provided a letter of explanation regarding her criminal past and court documents showing that she was convicted of two drug-related felonies in Missouri and was on probation at the time of her Application.
7. The following details Bianco’s two felony convictions:
 - a. *State of Missouri v. Mandy J. Bianco*, Boone Co. Cir. Ct., Case No. 06BA-CR06050-01. Bianco was initially charged with the Class C Felony of Possession of a Controlled Substance, Cocaine. Bianco was admitted into Callaway County, Missouri’s drug court program in May, 2007, but was discharged a month later. She then pleaded guilty on July 30, 2007, to Possession of a Controlled Substance, Alprazolam. On September 17, 2007, the court suspended imposition of sentence and placed Bianco on five years’ probation. On September 22, 2008,

the court revoked her probation, sentenced Bianco to four years in the Missouri Department of Corrections, and recommended institutional treatment under Chapter 559. In January, 2009, she was released from prison and placed on probation for five years. The court ordered Bianco to attend and complete the Callaway County Alternative Sentencing Court as a special condition of probation, which Bianco did.

- b. *State of Missouri v. Mandy J. Bianco*, Callaway Co. Cir. Ct., Case No. 08CW-CR01004-01. Bianco was charged with the Class C Felony of Possession of a Controlled Substance, and the Class A Misdemeanor of Possession of Drug Paraphernalia with Intent to Use. On October 20, 2008, she pleaded guilty to the charges and the court sentenced her to four years in the Missouri Department of Corrections on the Possession count, and 10 days in jail on the Possession of Drug Paraphernalia count, to be served concurrently with each other and concurrently with her Boone County case.
8. After reviewing Bianco's Application and attachments, Dennis Fitzpatrick, Special Investigator with the Division, sent a letter to Bianco's residential address by first class mail dated March 8, 2013. Fitzpatrick noted that Bianco was on probation, and he asked her to provide a letter from her probation officer regarding her probation status, pursuant to § 374.190.
9. On March 26, 2013, Bianco provided an e-mail response to Fitzpatrick, together with a copy of a letter from her probation officer, Layton Light, indicating that she was in compliance with the terms of her probation and not in violation status, and that with Earned Compliance Credit under § 217.703, her supervision would end in June 2013.

10. On June 20, 2013, Bianco e-mailed Fitzpatrick again, providing letters of reference from various employers and other individuals. Bianco also provided another letter from Mr. Light indicating that she had been discharged from supervision as of June 1, 2013.
11. Bianco acknowledges and understands that pursuant to § 375.141.1(6) the Director may refuse to issue an insurance producer license to Bianco because she has been convicted of felony offenses.
12. Bianco acknowledges and understands that pursuant to § 375.141.1(6) the Director may also refuse to issue an insurance producer license to Bianco because she has been convicted of crimes involving moral turpitude.
13. Bianco acknowledges and understands that she has the right to consult counsel at her own expense.
14. 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 relevant statutes, review of this Consent Order by the Administrative Hearing Commission is not available, Bianco 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 Bianco's license.
15. Except as provided in paragraph 14, above, Bianco stipulates and agrees to waive any waivable rights that she 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 Consumer Affairs Division from all liability and claims arising out of, pertaining to, or relating to this matter.

16. Bianco acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Bianco further acknowledges and understands that this administrative action should be disclosed on future applications and renewal applications and that it is her responsibility to comply with the reporting requirements of each state in which she is licensed.
17. 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

18. The Director has grounds to refuse Bianco's insurance producer license application pursuant to § 375.141.1(6).
19. The Director may impose orders in the public interest under § 374.046.
20. 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

21. IT IS ORDERED that the Department will issue a resident individual insurance producer license to Bianco, subject to the conditions set forth herein.

22. IT IS ORDERED that Bianco shall respond to all inquiries and consumer complaints forwarded or otherwise communicated to her by the Department or the consumer within five business days of receipt. Bianco shall immediately report in writing to the Department all other inquiries and consumer complaints within five business days of receipt.
23. IT IS ORDERED that Bianco shall report to the Department any violation of or failure to comply with the laws set forth in Chapters 374 and 375 within five business days of such violation or failure to comply.
24. IT IS ORDERED that Bianco shall report to the Department any administrative action taken against Bianco in another jurisdiction or by another governmental agency in this state within five business days after she receives notification of the initiation of such administrative action.
25. IT IS ORDERED that Bianco shall report to the Department any arrest, citation, guilty plea, nolo contendere plea, finding of guilty or conviction concerning a felony, misdemeanor or crime of moral turpitude within five business days of such arrest, citation, plea or finding.
26. IT IS ORDERED that Bianco shall report to the Department any change in employment within five business days.
27. The special conditions listed in paragraphs 22 through 26 will expire four years from the date this Consent Order is fully executed and issued.
28. IT IS ORDERED that if Bianco maintains her insurance producer license beyond the initial term and complies with the terms of this Consent Order, Bianco may apply to renew her 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. The renewed license will remain subject to the special conditions listed in paragraphs 22 through 26 of this Consent Order for four years from the date this Consent Order is fully executed and issued.

29. IT IS ORDERED that if Bianco 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.

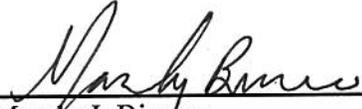
SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 27th DAY OF SEPTEMBER, 2013.



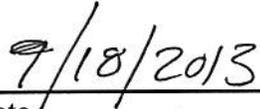

JOHN M. HUFF
Director, Missouri Department of
Insurance, Financial Institutions
and Professional Registration

CONSENT AND WAIVER OF HEARING

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



Mandy J. Bianco
4143 W. Bethany Drive
Columbia, MO 65203
Telephone: (573) 808-5010
Respondent

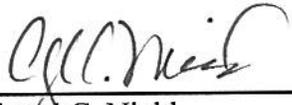


Date

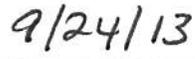
Counsel for Respondent
Name: _____
Missouri Bar No. _____
Address: _____

Telephone: _____

Date



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Date