



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

MATTHEW LAMZIK,

Applicant.

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Case No. 130805488C

**ORDER REFUSING TO ISSUE
AN INSURANCE PRODUCER LICENSE**

On January 27, 2014, the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Matthew Lamzik. After reviewing the Petition, the Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Matthew Lamzik (“Lamzik”) is a Missouri resident with a residential, business, and mailing address of 18 Derby Ln., St. Peters, Missouri 63376.
2. On or about June 21, 2013, Lamzik submitted a Uniform Application for Individual Producer License/Registration (“Application”) to the Department of Insurance, Financial Institutions, and Professional Registration (“Department”).
3. Question 7 of the Application asks as follows:

Do you have a child support obligation in arrearage?

If you answer yes,

- a) by how many months are you in arrearage?
- b) are you currently subject to and in compliance with any repayment agreement?
- c) are you the subject of a child support related subpoena/warrant?
(If you answered yes, provide documentation showing proof of

current payments or an approved repayment plan from the appropriate state child support agency.)

4. Lamzik answered "Yes" to Question 7. He provided a handwritten document, along with his Application, wherein he indicated that he was 12 months in arrears on his child support but was not subject to or in compliance with a repayment agreement.

5. Based upon Lamzik's responses, the Department asked Lamzik to provide a copy of his child support order. Lamzik provided a copy of a "Marital Settlement Agreement" in his divorce case¹ that requires him to pay \$1,266.00 per month for the support of four minor children.² The Divorce Judgment further provides that Lamzik's child support "shall be paid by wage withholding." *Lamzik v. Lamzik*, St. Charles Co. Cir. Ct., Case No. 1111-FC04145.

6. After reviewing Lamzik's Application, Karen Crutchfield, Special Investigator with the Division, sent a letter to Lamzik's address of record by regular mail dated July 2, 2013. In this letter, Crutchfield asked Lamzik to provide a copy of his child support payment history as reported to the Department of Social Services, Family Services Division, Child Support Enforcement. She also inquired about a misdemeanor bad check charge that had been filed against Lamzik on February 26, 2013 that he had not reported on his Application.³

7. On July 9, 2013, Lamzik responded to Crutchfield via e-mail. Lamzik explained that he had contacted the Department of Social Services regarding his child support payment history, but that they had nothing on file relative to Lamzik or any payments he might have made at that time. He also indicated that he was not aware of the bad check charge, but that he would look into it and "rectify the situation as soon as possible."

8. On September 30, 2013, the State of Missouri, Department of Social Services, Family Support Division, Child Support Enforcement, opened a case pertaining to Lamzik's child support obligation. The Department's payment history shows that, since the time of his divorce in May 2012, Lamzik has paid a total of \$2,576.00. As of January 14, 2014, his total arrearage is \$22,744.00.

¹ *Kimberly A. Lamzik v. Matthew J. Lamzik*, St. Charles Co. Cir. Ct., Case No. 1111-FC04145. The "Judgment and Order of Dissolution of Marriage" ("Divorce Judgment"), entered on May 16, 2012, was by consent and incorporates the Marital Settlement Agreement as Exhibit 1 thereto.

² A fifth child had reached the age of majority and was emancipated at the time of the divorce, so child support was not included in the Divorce Judgment as to that child. The Divorce Judgment provides that Lamzik's child support obligation decreases over time and proportionally as each of the four other children reaches the age of majority. *Lamzik v. Lamzik*, St. Charles Co. Cir. Ct., Case No. 1111-FC04145.

³ *State v. Matthew Jay Lamzik*, St. Charles Co. Cir. Ct., Case No. 1311-CR01215.

9. As of January 27, 2014, Lamzik's misdemeanor bad check charge was still pending in St. Charles County. *State v. Lamzik*, St. Charles Co. Cir. Ct., Case No. 1311-CR01215. A summons was issued for Lamzik in February 2013, but was returned non-est. *Id.* The case was called in April 2013, but Lamzik failed to appear; the court then issued a warrant for Lamzik with a cash only bond in the amount of \$205.77. *Id.* The court further ordered that only the defendant could post the bond, and he had to post the full bond amount, not just 10%. The warrant is still outstanding as of January 27, 2014. *Id.*

10. Despite Lamzik's assurance in his July 9, 2013 e-mail to the Department that he would "rectify" the misdemeanor charge for writing a bad check, Lamzik is still under a pending warrant for the charge and six months after his assurance, he has failed to resolve the charge.

CONCLUSIONS OF LAW

11. Section 375.141.1 RSMo Supp. 2012,⁴ provides, in part:

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:

* * *

(13) Failing to comply with an administrative or court order imposing a child support obligation[.]

12. The principal purpose of § 375.141 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).

13. Lamzik may be refused an insurance producer license under § 375.141.1(13) because he failed to comply with an administrative or court order imposing a child support obligation. As part of the Divorce Judgment, Lamzik was ordered by the court to pay \$1,266.00 per month in child support for his four minor children, with the amount decreasing over time as each child reaches the age of majority.⁵ But since his divorce, Lamzik has only paid a total of \$2,576.00. His total arrearage, as of January 14, 2014, exceeds \$22,700.00.

⁴ All further statutory references are to RSMo Supp. 2012 unless otherwise noted.

⁵ Section 452.340.3 provides that a child support obligation generally terminates when a child turns 18, or 21 if the child is enrolled in a secondary school program of instruction, or vocational or higher education. Section 452.340.3 and .5.

14. Lamzik's lack of any sort of consistent payment history is troubling, and Lamzik's past due child support represents a significant impediment to ever being current on his obligations.

15. The Director has considered Lamzik's history and all of the circumstances surrounding Lamzik's Application, and exercises his discretion to refuse to issue an insurance producer license.

16. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the individual resident insurance producer license of **Matthew Lamzik** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 28TH DAY OF JANUARY, 2014.




JOHN M. HUFF
DIRECTOR

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

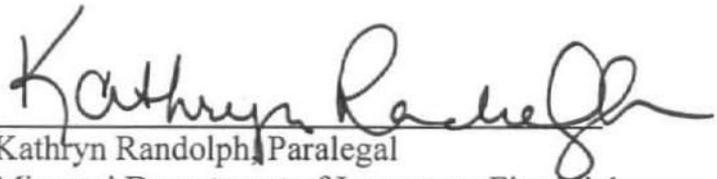
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of January, 2014, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, with signature required of addressee, at the following address:

Matthew Lamzik
18 Derby Ln.
St. Peters, MO 63376

Tracking No. 1Z0R15W84294999082



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