



**DEPARTMENT OF COMMERCE AND INSURANCE**

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

<b>In re:</b>	)	
	)	<b>DCI No. 2010270614H</b>
<b>Anthony Michael Lamanna,</b>	)	
	)	<b>AHC No. 20-0309</b>
<b>Respondent.</b>	)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF DISCIPLINE**

Based on the competent and substantial evidence on the whole record, I, Chlora Lindley-Myers, Director of the Missouri Department of Commerce and Insurance, hereby issue the following Findings of Fact, Conclusions of Law, and Order of Discipline:

**FINDINGS OF FACT**

1. Chlora Lindley-Myers is the Director of the Missouri Department of Commerce and Insurance (“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 in the State of Missouri.

2. Lamanna has a non-resident insurance producer license.

<sup>1</sup> All civil statutory references are to the 2016 Missouri Revised Statutes unless otherwise indicated.

3. On January 17, 2020, the Director filed a Complaint with the Missouri Administrative Hearing Commission (“Commission”) pursuant to § 621.045, by which she sought the Commission’s determination that cause exists to discipline Lamanna’s license.

4. Counsel for the Director served Lamanna with a copy of the Complaint via the United States Postal Service, certified mail. On February 6, 2020, the United States Postal Service returned the certified mail receipt to the Department with no date of delivery. Neither Lamanna nor anyone on his behalf filed an answer or other responsive pleading.

5. On June 26, 2020, the Director filed a Motion for Summary Decision. The Commission gave Lamanna until July 17, 2020 to file any response, but he filed nothing.

6. August 27, 2020, the Commission entered its Order granting, in part, the Director’s Motion for Summary Decision and found that the Director had cause to discipline Lamanna’s non-resident insurance producer license pursuant to § 375.141.1(1), (6), and (9). *Director, Dep’t of Commerce and Ins. v. Lamanna*, Case No. 20-0309 (Mo. Admin. Hrg. Comm’n August 27, 2020).<sup>2</sup>

7. In its Decision, the Commission found the following facts, among others:

a. On or about July 30, 2018, Lamanna pled guilty to Burglary, a Class 4 felony, in violation of Ohio Rev. Code § 2911.12(B),<sup>3</sup> and violating a Protection Order, Consent Agreement, Anti-Stalking, a Class 1 misdemeanor, in

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<sup>2</sup> The Commission also found that there was not cause to discipline Lamanna’s insurance producer license pursuant to § 375.141.1(2), based on the Director’s claim that Lamanna had violated a Missouri insurance law, and § 375.141.1(6), based on the Director’s claim that Lamanna’s domestic violence conviction was a crime of moral turpitude. *Id.* The Commission granted Lamanna summary decision on the Director’s claim that Lamanna violated insurance laws of another state. *Id.*

<sup>3</sup> All Ohio criminal statutory references are to that version in effect at the time of the commission of the crime.

violation of Ohio Rev. Code § 2919.27(A)1. *State of Ohio v. Anthony M. Lamanna*, Cuyahoga Co. Ct. of Comm. Pleas, Case No. CR-626486-A.

- b. On September 19, 2018, the Court sentenced Lamanna to serve thirty days in the county jail, two years of community control on each count, and placed him under the supervision of the Adult Probation Department's Domestic Violence Unit, with certain additional conditions.
- c. The basis for the charges involved an incident that occurred on February 24, 2018. On that date, Lamanna forced his way into the residence of his former fiancé's mother without the permission of either his former fiancé or her mother. At the time, his former fiancé and their child were living with the former fiancé's mother. During the February 24, 2018, incident, Lamanna pushed his former fiancé to the ground more than once, and Lamanna attempted to remove their child from the residence. When law enforcement arrived at the residence, Lamanna was in the kitchen of the residence holding the child.
- d. At the time of the February 24, 2018, incident, there was an Order of Protection in place directing that Lamanna not approach either his former fiancé or their child. The Order of Protection was the result of an incident that occurred on December 25, 2017, when Lamanna threatened to use force or did use force against his fiancé, with whom he resided at the time.
- e. On March 19, 2019, Lamanna filed an electronic renewal application.
- f. Lamanna accepted the attestation on the renewal application wherein he

certified, under penalty of perjury, that the information he provided on the renewal application was true and complete.

- g. Before submitting his renewal application, Lamanna notified the NIPR Warehouse<sup>4</sup> about his convictions for burglary and violation of a protective order and provided documents in support.
- h. On April 7, 2019, the Department renewed Lamanna's non-resident insurance producer license. After renewing the license, the Division conducted an investigation into Lamanna's criminal and licensing history.
- i. Division investigators sent several inquiry letters to Lamanna asking for additional information and documentation, to which he eventually responded.
- j. Lamanna did not provide information regarding any administrative actions against him to the NIPR Warehouse. In response to Background Question Number 2 on the renewal application asking about whether Lamanna had been the subject of an administrative action, Lamanna answered "No."
- k. On January 16, 2019, the Louisiana insurance department issued an order revoking Lamanna's insurance producer license, effective 30 days following the issuance of the order.
- l. On May 14, 2019, the state of Washington entered its Order Revoking

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<sup>4</sup> The NIPR Warehouse "is an electronic database maintained by the National Association of Insurance Commissioners, of which Missouri is a member. The NIPR Warehouse allows licensees to report information regarding criminal charges and convictions as well as disciplinary actions against their licenses." *Director, Dep't of Commerce and Ins. v. Lamanna*, No. 20-0309 (Admin. Hrg. Comm'n August 27, 2020).

License, with an effective date of May 29, 2019, revoking Lamanna's insurance producer license in that state.

- m. On July 22, 2019, the state of Mississippi issued its Denial of Application to Renew Mississippi Non-Resident Insurance Producer License.
- n. On August 13, 2019, the state of Pennsylvania issued its Consent Order (revoking Lamanna's non-resident insurance producer license).
- o. On August 23, 2019, the state of Indiana entered its Administrative Order Notice of Nonrenewal of License, refusing to renew Lamanna's non-resident insurance producer license in that state.
- p. On September 9, 2019, the state of Ohio issued its Order granting Lamanna's resident insurance producer license application for renewal and imposing a civil penalty.
- q. On October 17, 2019, the state of Michigan entered its Order Accepting Stipulation (revoking Lamanna's non-resident insurance producer license).

*Id.*

8. Based on the foregoing findings, the Commission found cause to discipline Lamanna's license pursuant to:

- a. Section 375.141.1(1) because Lamanna intentionally provided incorrect or untrue information on his application when he failed to disclose his Louisiana license revocation, and this failure to disclose was material;
- b. Section 375.141.1(6) because Lamanna has been convicted of burglary, a felony and a crime of moral turpitude, and violation of an order of protection,

a crime of moral turpitude; and

c. Section 375.141.1(9) because Lamanna had insurance producer licenses, or their equivalents, revoked, suspended, and denied in five other states.

9. On October 23, 2020, the Commission certified the record of its proceeding to the Director pursuant to § 621.110.

10. On November 17, 2020, the Department sent Lamanna a Notice of Hearing to his address of record before the Commission.

11. On December 16, 2020, the Director, through her Hearing Officer Cheryl C. Nield (“Hearing Officer”), held a Disciplinary Hearing to determine the appropriate disciplinary action, if any, to be taken against Lamanna’s insurance producer license. *Disciplinary Hearing Transcript* at 3. Neither Lamanna nor anyone on his behalf appeared; however, Shelley A. Woods appeared on behalf of the Division as did Marjorie Thompson, Chief of the Investigations Section for the Division, who testified. *Id.* at 4, 8-10.

12. At the Disciplinary Hearing, the Hearing Officer admitted the Commission’s certified record of its proceeding into evidence as Exhibit 1, copies of the Notice of Hearing sent to Lamanna and the shipment receipt from United Parcel Service as Exhibit 2, and the United Parcel Service Delivery receipts as Exhibits 3 and 4. *Id.* at 6-8.

13. At the Disciplinary Hearing, the Division recommended revocation of Lamanna’s insurance producer license. *Id.* at 10.

14. The Director hereby incorporates the Commission’s Decision referenced herein and finds in accordance with the same. *Director, Dep’t of Commerce and Ins., v. Lamanna*, Case No. 20-0309 (Mo. Admin. Hrg. Comm’n August 27, 2020).

## CONCLUSIONS OF LAW

15. Section 621.110 outlines the procedure after the Commission finds cause to discipline a license. That statute provides, in relevant part:

Upon a finding in any cause charged by the complaint for which the license may be suspended or revoked as provided in the statutes and regulations relating to the profession or vocation of the licensee . . . the commission shall deliver or transmit by mail to the agency which issued the license the record and a transcript of the proceedings before the commission together with the commission's findings of fact and conclusions of law. The commission may make recommendations as to appropriate disciplinary action but any such recommendations shall not be binding upon the agency. . . . Within thirty days after receipt of the record of the proceedings before the commission and the findings of fact, conclusions of law, and recommendations, if any, of the commission, the agency shall set the matter for hearing upon the issue of appropriate disciplinary action and shall notify the licensee of the time and place of the hearing. . . . The licensee may appear at said hearing and be represented by counsel. The agency may receive evidence relevant to said issue from the licensee or any other source. After such hearing the agency may order any disciplinary measure it deems appropriate and which is authorized by law[.]

16. Where an agency seeks to discipline a license, the Commission “finds the predicate facts as to whether cause exists” for the discipline, and then the agency “exercises final decisionmaking authority concerning the discipline to be imposed.” *State Board of Reg’n for the Healing Arts v. Trueblood*, 368 S.W.3d 259, 267-68 (Mo. App. W.D. 2012) (citing § 621.110).

17. Section 374.051.2, relating to a proceeding to revoke or suspend a license, states, in relevant part:

If a proceeding is instituted to revoke or suspend a license of any person under sections 374.755, 374.787, and 375.141, the director shall refer the matter to the administrative hearing commission by directing the filing of a complaint. The administrative hearing

commission shall conduct hearings and make findings of fact and conclusions of law in such cases. The director shall have the burden of proving cause for discipline. If cause is found, the administrative hearing commission shall submit its findings of fact and conclusions of law to the director, who may determine appropriate discipline.

18. The Director has discretion to discipline Lamanna's insurance producer license, including the discretion to revoke such license. §§ 374.051.2, 375.141, and 621.110.

19. The principal purpose of § 375.141 is not to punish licensees, but to protect the public. *Ballev v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984).

20. Section 375.141.1 provides, in relevant part, as follows:

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;

\* \* \*

(6) Having been convicted of a felony or crime involving moral turpitude; [or]

\* \* \*

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

21. Section 621.110 authorizes the Department to receive evidence relevant to the appropriate disciplinary action, from Lamanna or any other source, including the



Division.

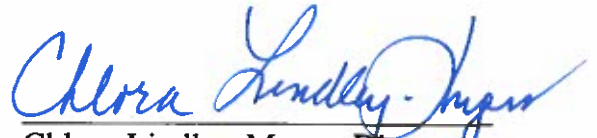
22. Based on the Commission's finding of cause for discipline pursuant to multiple statutory grounds and the seriousness of the conduct involved, revocation of Lamanna's non-resident insurance producer license pursuant to § 375.141.1(1), (6), and (9) is appropriate.

23. This Order is in the public interest.

**ORDER**

Based on the foregoing findings and conclusions, the insurance producer license of Anthony Michael Lamanna (License No. 8403325) is hereby **REVOKED**.

**SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 19<sup>th</sup> DAY OF April, 2021.**

  
Chlora Lindley-Myers, Director,  
Missouri Department of  
Commerce and Insurance



**CERTIFICATE OF SERVICE**

I hereby certify that on this 20<sup>th</sup> day of April, 2021, a copy of the foregoing Findings of Fact, Conclusions of Law and Order of Discipline was served via UPS, with signature required, to the following:

Anthony Michael Lamanna  
12861 Walnut Hill Drive  
Apartment 310  
North Royalton, Ohio 44133-6663

Tracking No. 1Z0R15W84297653921

Anthony Michael Lamanna  
6090 Royalton Rd.  
North Royalton, Ohio 44133

Tracking No. 1Z0R15W84295894335

  
Kathryn Latimer, Paralegal  
Missouri Department of Commerce and  
Insurance  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: 573.751.2619  
Facsimile: 573.526.5492  
Email: [kathryn.latimer@insurance.mo.gov](mailto:kathryn.latimer@insurance.mo.gov)