State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS &
PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
	)	Case No. 111229917C
Amber M. Buzia	)	
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE NON-RESIDENT INSURANCE PRODUCER LICENSE

On January 18, 2012, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a non-resident insurance producer license to Amber M. Buzia. 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 summary order.

FACTUAL BACKGROUND

1. Amber M. Buzia ("Buzia") is an individual residing in Florida whose business and mailing address is 2123 West Fairbanks Avenue, Winter Park, Florida 32789. Buzia's residential address is 421 Hibiscus Road, Casselberry, Florida 32707.

2. On November 20, 2002, the Washington Insurance Commissioner revoked Buzia's Washington insurance agent license because Buzia failed to respond to inquiries in violation of RCW 48.17.475, a Washington insurance law. *In the Matter of Amber M. Buzia*, No. D 02-216, Order Revoking License.

3. On August 8, 2005, following a hearing on June 29, 2005, the New York Superintendent of Insurance revoked Buzia's New York insurance license and denied any pending application for license. *In the Matter of the Applications and/or Licenses of Amber M. Buzia*, No. 2005-0034-C, Final Determination and Order.

4. On or about September 22, 2011, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received an

electronic Uniform Application for Individual Insurance Producer License ("Application") submitted on behalf of Buzia.

5. In the section of the Application headed "Background Questions," Background Question #2 asks:

> Have you ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration?
>
> "Involved" means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation or surrendering a license to resolve an administrative action.
>
> "Involved" also means being named as a party to an administrative or arbitration proceeding, which is related to a professional or occupational license.
>
> "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial.
>
> INCLUDE Any business so named because of your actions, in your capacity as an owner, partner, officer, director, or member or manager of a Limited Liability Company.
>
> You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

6. Buzia answered "No" to Background Question #2.

JURISDICTION AND STATUTORY GROUNDS FOR REFUSAL

7. Section 375.141.1 RSMo Supp. 2011,[1] 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:
>
> (1) Intentionally providing materially incorrect, misleading,

[1] All statutory references are to the 2011 Supplement to the Revised Statutes of Missouri, unless otherwise indicated.

incomplete or untrue information in the license application;

(2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;

(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[.]

8. 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. 1984).

9. Buzia may be refused an insurance producer license pursuant to §375.141.1(1), because by answering "No" to Background Question #2, Buzia intentionally provided materially incorrect, misleading, incomplete or untrue information on her Application. Buzia's answer to Background Question #2 was materially incorrect, misleading, incomplete, or untrue in that she had been involved in two prior administrative proceedings – in Washington and New York – whereby her insurance licenses had been revoked or denied. Such information is material because it appears Buzia was attempting to conceal matters that may reflect negatively on her Application. *In the Matter of Amber M. Buzia*, No. D 02-216, Order Revoking License; *In the Matter of the Applications and/or Licenses of Amber M. Buzia*, No. 2005-0034-C, Final Determination and Order.

10. Buzia may be refused an insurance producer license pursuant to §375.141.1(3), because by answering "No" to Background Question #2, Buzia attempted to obtain a license through material misrepresentation or fraud. Buzia's response to Background Question #2 was a material misrepresentation in that she had been involved in two prior administrative proceedings – in Washington and New York – whereby her insurance license had been revoked or denied. Such information is material because it appears Buzia was attempting to conceal matters that may reflect negatively on her Application. *In the Matter of Amber M. Buzia*, No. D 02-216, Order Revoking License; *In the Matter of the Applications and/or Licenses of Amber M. Buzia*, No. 2005-0034-C, Final Determination and Order.

11. Buzia may be refused an insurance producer license pursuant to §375.141.1(2), because she violated a Washington insurance law by failing to respond to inquiries. *In the Matter of Amber M. Buzia*, No. D 02-216, Order Revoking License.

12. Buzia may be refused an insurance producer license pursuant to §375.141.1(9), because two states – Washington and New York – denied, suspended or revoked her insurance producer license, or its equivalent. *In the Matter of Amber M. Buzia*, No. D 02-216, Order Revoking License; *In the Matter of the Applications and/or Licenses of Amber M. Buzia*, No. 2005-0034-C, Final Determination and Order.

13. The Director has considered Buzia's history and all of the circumstances surrounding Buzia's Application for licensure and exercises his discretion in summarily refusing to grant Buzia's non-resident insurance producer license.

14. Granting Buzia's non-resident insurance producer license would not be in the public interest.

15. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the non-resident insurance producer license application of **Amber M. Buzia** is hereby summarily REFUSED.

SO ORDERED, SIGNED, AND OFFICIAL SEAL AFFIXED THIS 19th DAY OF January, 2012.

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, P.O. Box 1557, Jefferson City, Missouri within 30 days after the mailing of this notice pursuant to §621.120, RSMo. Under 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 20th day of January, 2012, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by regular and certified mail at the following address:

Amber M. Buzia Certified Mail No. 7008 2810 0000 2014 9004
2123 West Fairbanks Avenue
Winter Park, Florida 32789

Amber M. Buzia Certified Mail No. 7008 2810 0000 2014 9011
421 Hibiscus Road
Casselberry, Florida 32707

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