State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
NICHOLAS MICHAEL BUZZETTA,	)	**Case No. 160621321C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On July 28, 2016, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Nicholas Michael Buzzetta. After reviewing the Petition and the Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Nicholas Michael Buzzetta ("Buzzetta") is a Missouri resident with a residential and mailing address of 1288 Golden Gate Lane, St. Peters, Missouri 63376.

2. On May 6, 2016, the Department of Insurance, Financial Institutions and Professional Registration received Buzzetta's Application for Motor Vehicle Extended Service Contract Producer License ("Application").

3. Buzzetta answered "Yes" to Background Question No. 1 of the Application which asked, in relevant part: "Have you ever been convicted of a crime, had a judgment withheld or deferred, received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"), or are you currently charged with committing a crime?"

4. On his Application, Buzzetta disclosed his criminal background, attached copies of court records entered in case number 1311-CR03293-01, and attached a letter to explain the circumstances of his convictions. In his letter, Buzzetta stated verbatim, in part:

> My Name is Nick Buzzetta and the reason for this letter is to apply for my Motor Vehicle Extended Service Producer License. At the age of 22 I was going down the wrong path and was destroying everything in my life that I worked so hard to achieve. On September 13, 2013 I was charged with two counts of felony DWI. The first offence happened on December 14, 2012 and the second offence happened on February 16, 2013. Once being

charged with these offenses I was court ordered to complete five years of probation. I completed a fourteen month DWI court program which I was ordered to remain sober, attend two AA classes a week, two treatment classes a week and randomly drug tested throughout the length of the program.

5. The court records Buzzetta provided with his Application revealed that:

   a. On September 3, 2013, Buzzetta pled guilty to two (2) counts of DWI – Alcohol, Persistent Offender, a Class D Felony, in violation of § 577.010 RSMo.[1] The court sentenced Buzzetta to 3 years' incarceration, suspended execution of sentence, and placed Buzzetta on supervised probation for five (5) years. *State v. Nicholas Michael Buzzetta*, St. Charles Co. Cir. Ct., Case No. 1311-CR03293-01.

CONCLUSIONS OF LAW

6. Section 385.209 RSMo. (Supp. 2013)[2] provides, in part:

   1. The director may suspend, revoke, refuse to issue, or refuse to renew a registration or license under sections 385.200 to 385.220 for any of the following causes, if the applicant or licensee or the applicant's or licensee's subsidiaries or affiliated entities acting on behalf of the applicant or licensee in connection with the applicant's or licensee's motor vehicle extended service contract program has:

   * * *

   (5) Been convicted of any felony[.]

7. The Director may refuse to issue a motor vehicle extended service contract ("MVESC") producer license to Buzzetta pursuant to § 385.209.1(5) because Buzzetta has been convicted of two (2) felonies:

   a. DWI – Alcohol, Persistent Offender, a Class D Felony. *State v. Nicholas Michael Buzzetta*, St. Charles Co. Cir. Ct., Case No. 1311-CR03293-01.

8. Each of Buzzetta's felony convictions constitutes a separate and sufficient cause for refusal pursuant to § 385.209.1(5).

---

[1] All criminal statutory references are to those contained in the version of the Revised Statutes of Missouri under which the court rendered judgment.

[2] All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement.

9. The Director has considered Buzzetta's history and all of the circumstances surrounding Buzzetta's Application. Issuing Buzzetta a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue Buzzetta a MVESC producer license.

10. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Nicholas Michael Buzzetta** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 2nd **DAY OF** August, **2016.**

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

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.

[The remainder of this page intentionally left blank]

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of August, 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

Nicholas Michael Buzzetta
1288 Golden Gate Lane
St. Peters, Missouri 63376

No. 1Z0R15W84296904750

Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-6515
Facsimile: (573) 526-5492
Email: Kathryn.Latimer@insurance.mo.gov