



State of Missouri

**DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION**

IN RE:

NICHOLAS MICHAEL BUZZETTA,)
)
) **Case No. 170317222C**
)
Applicant.)

ORDER REFUSING TO ISSUE
MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On June 1, 2017, 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, 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. Nicholas Michael Buzzetta ("Buzzetta") is a Missouri resident with a residential and mailing address of 1288 Golden Gate Lane, Saint Peters, Missouri 63376-5231.
2. The Department of Insurance, Financial Institutions and Professional Registration ("Department") has never issued Buzzetta a motor vehicle extended service contract ("MVESC") producer license.
3. On September 3, 2013, Buzzetta pled guilty to two counts of DWI – Alcohol - Persistent Offender, a Class D Felony, in violation of § 577.010, RSMo.¹ The court sentenced Buzzetta to three years' incarceration on each count, but suspended execution of the sentences and placed Buzzetta on supervised probation for five years. *State v. Nicholas Michael Buzzetta*, St. Charles Co. Cir. Ct., Case No. 1311-CR03293-01.
4. On May 6, 2016, the Department received Buzzetta's first Application for Motor Vehicle Extended Service Contract Producer License ("2016 Application").
5. The Employment History section of the 2016 Application prompted: "Account for all time for the past five years. List all employment experience starting with your current employer working back five years. Include full and part-time work, self-employment, military service, unemployment and full-time education."

¹ All criminal statutory references are to the version of the Missouri Revised Statutes pursuant to which the court rendered judgment.

6. In portions of his Employment History on the 2016 Application, Buzzetta indicated he was a "Transfer rep." for both "Stop Repair Bills" in "St. Peters MO" from November 2014 until October 2015, and for "Dealer Protection Direct" in "St. Peters MO" from December 2015 and as of the date he submitted the 2016 Application.²
7. On August 2, 2016, the Director, the state regulator of service contracts, refused Buzzetta's 2016 Application and refused to issue him a MVEESC producer license as the culmination of a Department administrative proceeding known as *In re Nicholas Michael Buzzetta*, DIFP Case No. 160621321C (the "2016 administrative action"), pursuant to § 385.209.1(5) for having been convicted of the felonies described above.³
8. On February 16, 2017, the Department received Buzzetta's second Application for Motor Vehicle Extended Service Contract Producer License ("2017 Application").
9. The Employment History section of the 2017 Application prompted: "Account for all time for the past five years. List all employment experience starting with your current employer working back five years. Include full and part-time work, self-employment, military service, unemployment and full-time education."
10. As his Employment History on the 2017 Application, Buzzetta indicated he was a "Transfer rep." for each of four employers during various dates:
 - a. "Stop Repair Bills" in "St. Peters MO" from November 2014 until October 2015;
 - b. "Dealer Protection" in "St. Peters MO" from November 2015 until July 2016;
 - c. "National Vehicle Service Admin." in "St. Peters MO" from July 2016 until November 2016; and
 - d. "Auto Repair Network" in "Lake Saint Louis MO" from December 2016 and as of the date he submitted the 2017 Application.⁴
11. Buzzetta falsely answered "No" to Background Information Question 36.2 of the 2017 Application, which asked:

Have you ever been named or involved as a party in an administrative proceeding or action regarding any professional or occupational license, or regarding the lack of such license or registration?

"Involved" means having a license censured, suspended, revoked, canceled, terminated or being assessed a fine, a voluntary forfeiture, a

² In response to fields 17 through 23 of the 2016 Application, Buzzetta also identified his business address as "Dealer Protection Direct / 5301 Veterans Memorial Pkwy St. Peters MO 63376[.]"

³ Buzzetta did not appeal the refusal of his 2016 Application in the 2016 administrative action.

⁴ In response to fields 17 through 23 of the 2017 Application, Buzzetta also identified his business address as "Auto Repair Network / 2163 W Terra Lane O'Fallon MO 63366[.]"

cease and desist order, a prohibition order, a consent order, or being placed on probation. ... "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial.

* * *

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a certified copy of the official document which demonstrates the resolution of the charges and/or a final judgment.

12. The 2017 Application's "Applicant's Certification and Attestation" section provided, in relevant part:

I hereby certify, under penalty of perjury, that all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.

13. Buzzetta signed the 2017 Application before a notary and under oath.
14. It is inferable, and hereby found as fact, that Buzzetta failed to disclose the 2016 administrative action on his 2017 Application in order to materially misrepresent to the Director that he had not previously been refused a MVEESC producer license and thereby improve the chances that his 2017 Application would be approved and he would be granted licensure.
15. On January 5, 2010, NRRM, LLC, a Missouri limited liability company, registered the fictitious business name "StopRepairBills" with the Missouri Secretary of State. NRRM, LLC has been licensed by the Department as a MVEESC business entity producer to sell, offer, negotiate, and solicit MVEESCs with consumers since August 18, 2010. Its address of record is in Saint Peters, Missouri.
16. Dealer Protection LLC, a Missouri limited liability company, has been licensed by the Department as a MVEESC business entity producer to sell, offer, negotiate, and solicit MVEESCs with consumers since September 14, 2015. Its address of record is in Saint Peters, Missouri.
17. On September 24, 2015, Vehicle Service Administration LLC, a Missouri limited liability company, registered the fictitious business name "National Vehicle Service Administration" with the Missouri Secretary of State. Vehicle Service Administration

LLC has been licensed by the Department as a MVESC business entity producer to sell, offer, negotiate, and solicit MVESCs with consumers since January 1, 2012. Its address of record is in Missouri.

18. On January 19, 2014, DHI Industries, LLC, a Missouri limited liability company, registered the fictitious business name "Auto Repair Network" with the Missouri Secretary of State. DHI Industries, LLC has been licensed by the Department as a MVESC business entity producer to sell, offer, negotiate, and solicit MVESCs with consumers since March 25, 2016. Its address of record is in Missouri.
19. Additionally, the Department confirmed during an investigation that Buzzetta's job duties at DHI Industries, LLC include selling, offering, negotiating, or soliciting MVESCs with consumers in or from Missouri.

CONCLUSIONS OF LAW

20. Section 385.209.1, RSMo⁵ provides, in relevant part:

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:

* * *

- (2) Violated any provision in sections 385.200 to 385.220, or violated any rule, subpoena, or order of the director;
- (3) Obtained or attempted to obtain a license through material misrepresentation or fraud;

* * *

- (5) Been convicted of any felony;

* * *

- (9) Been refused a license or had a license revoked or suspended by a state or federal regulator of service contracts, financial services, investments, credit, insurance, banking, or finance; [or]

* * *

⁵ All civil statutory references are to the 2013 Cumulative Supplement of the Missouri Revised Statutes.

(11) Unlawfully acted as a producer without a license[.]

21. Section 385.206.1 provides, in relevant part:

It is unlawful for any person in or from this state to sell, offer, negotiate, or solicit a motor vehicle extended service contract with a consumer, other than the following:

* * *

(6) A business entity producer or individual producer licensed under section 385.207[.]

22. Section 385.207.3 provides:

An individual, prior to selling, offering, negotiating, or soliciting a motor vehicle extended service contract with a consumer under subdivision (6) of subsection 1 of section 385.206, shall apply for and obtain licensure with the director as an individual producer in accordance with this section.

23. The Director may refuse to issue Buzzetta a MVESC producer license pursuant to § 385.209.1(2) because he violated § 385.206.1, in conjunction with § 385.207.3, when Buzzetta, in or from Missouri, sold, offered, negotiated, or solicited a MVESC with a consumer during his employment at DHI Industries, LLC and without being an individual licensed under § 385.207.

24. Each time Buzzetta sold, offered, negotiated, or solicited a MVESC with a consumer without being an individual licensed under § 385.207 is a separate violation of § 385.206.1. Each time Buzzetta violated § 385.206.1 is a separate and sufficient ground for refusal pursuant to § 385.209.1(2).

25. The Director may refuse to issue Buzzetta a MVESC producer license pursuant to § 385.209.1(3) because he attempted to obtain a license through material misrepresentation or fraud when he failed to disclose the 2016 administrative action, as required by the 2017 Application.

26. The Director may refuse to issue Buzzetta a MVESC producer license pursuant to § 385.209.1(5) because he has been convicted of two felonies, specifically DWI - Alcohol - Persistent Offender, a Class D Felony, in violation of § 577.010.

27. Each of Buzzetta's felony convictions is a separate and sufficient ground for refusal pursuant to § 385.209.1(5).

28. The Director may refuse to issue Buzzetta a MVESC producer license pursuant to § 385.209.1(9) because he previously has been refused a MVESC producer license. *In re Nicholas Michael Buzzetta*, DIFP Case No. 160621321C.

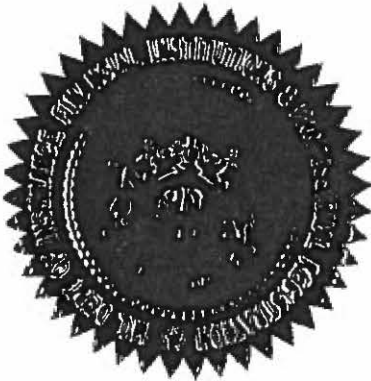
29. The Director may refuse to issue Buzzetta a MVESC producer license pursuant to § 385.209.1(11) because he unlawfully acted as a MVESC producer without a license.
30. The Director has considered Buzzetta's history and all of the circumstances surrounding Buzzetta's 2016 Application and 2017 Application. Issuing a MVESC producer license to Buzzetta would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse Buzzetta's 2017 Application for a MVESC producer license.
31. 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 30th DAY OF August, 2017.




CHLORA LINDLEY-MYERS
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.

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of August, 2017, 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
Saint Peters, Missouri 63376-5231

No. 1Z0R15W84297481527


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