

**BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE,
OFFICE OF THE MONTANA STATE AUDITOR**

IN THE MATTER OF

NATIONAL DENT BUSTERS, dba
NATIONAL PAINTESS DENT
REPAIR,

Respondent.

Case No. INS-2022-00295

**FINAL AGENCY ACTION AND
DEFAULT ORDER**

On August 18, 2022, counsel for the Commissioner of Securities and Insurance, Office of the Montana State Auditor (“Commissioner”), served a Notice of Proposed Agency Action and Opportunity for Hearing (“NOPAA”) on National Dent Busters, dba National Paintless Dent Repair (“Respondent”) by US Mail with tracking capability.

The NOPAA was delivered August 23, 2022. A copy of the tracking receipt is attached and marked as Exhibit A. A copy of the NOPAA is attached as Exhibit B. The NOPAA provided Respondent an opportunity for an administrative hearing if requested within 24 days of the date of the NOPAA. The deadline for Respondent to request an administrative hearing to challenge the NOPAA was September 11, 2022. The NOPAA warned that failure to respond and request a hearing by the deadline would result in a default order.

Therefore, a default order will issue, since Respondent has failed to request an administrative hearing. Mont. Admin. R. 1.3.214. The Commissioner considered the evidence and exhibits and makes the following determinations:

FINDINGS OF FACT

1. During the time period of time at issue in this matter, Respondent engaged in the business of automobile repair, doing business as “National Paintless Dent Repair”. Respondent is owned by Guy Raymond Marvin, Sr. and Guy Joseph Marvin. Respondent is operating at 2385 US Highway 93 South Kalispell, Montana 59901. Respondent is engaged in the business of paint-less dent repairs for automobiles.

2. On or about July 21, 2022, Duane Emerson contacted the CSI regarding several paint-less dent repair shops waiving the comprehensive deductible for customers. Mr. Emerson included photos of Facebook advertisements and messages by Respondent. Respondent states that they waive deductibles and are located in Bigfork.

3. On or about August 2, 2022, CSI Investigator Bryan Stanley contacted Mr. Emerson. Mr. Emerson advised various paint-less dent repair businesses arrived from outside of Montana after a hailstorm occurred on July 18, 2022. Mr. Emerson advised the businesses, like Respondent, advertise the waiver of the deductible on Facebook and through other methods.

4. Investigator Stanley reviewed Respondent’s website and did not find any mention of a deductible waiver, but did find a Michigan address and phone number that is the same address used by Respondent and Guy Raymond Marvin, Sr. as a business address.

5. Investigator Stanley then reviewed Respondent’s Facebook page under the “National Paintless Dent Repair” business name. Investigator Stanley located a post made by Respondent advertising that Respondent would waive deductibles so customers would have zero out-of-pocket costs. The Facebook post advertised that Respondent was performing repairs on dents to automobiles caused by hail, and Respondent could be found behind Elite Auto located at 2385 US Highway 93 South Kalispell, Montana.

6. On or about August 3, 2022, Investigator Stanley called Respondent at Respondent’s advertised phone numbers, 866-322-4245 and 406-758-0370, and left voicemails with each phone number. Investigator Stanley then received a phone call and voicemail from Guy Raymond Marvin, Sr. Investigator Stanley returned the call and spoke

with Guy Raymond Marvin, Sr. Guy Raymond Marvin, Sr. stated he was the owner of Respondent and responsible for the advertising. Guy Raymond Marvin, Sr. stated Respondent was operating behind Elite Auto in Kalispell, Montana, and Respondent operated under the business names “National Dent Busters” and “National Paintless Dent Repair.” Guy Raymond Marvin, Sr. admitted Respondent offered to waive the insurance deductible to help customers. Investigator Stanley advised this was a violation of Montana law. Guy Raymond Marvin, Sr. advised other repair shops were offering the deductible waiver and Respondent’s business would be negatively affected if Respondent didn’t offer the waiver.

CONCLUSIONS OF LAW

7. The Commissioner has jurisdiction over this matter pursuant to Mont. Code Ann. §§ 30-14-225 and 33-1-311.

8. The Commissioner is tasked with enforcement of the Montana Insurance Code, including the prohibition on the advertisement, promise to provide, or offer of any coupon, credit, or rebate to pay all or part of an insurance deductible under a casualty or property insurance policy, and the Insurance Fraud Protection Act, Mont. Code Ann. §§ 30-14-225 and 33-1-1201, *et seq.*

9. “A person engaged in the sale, repair, or replacement of automobile glass or in the business of automobile repair may not advertise, promise to provide, or offer any coupon, credit, or rebate to pay all or part of an insurance deductible under a casualty or property insurance policy, including any incentive to purchase automobile glass or automobile repairs offered to the customer in which the customer, in conjunction with the purchase of automobile glass or automobile repairs, receives cash or other valuable consideration.” Mont. Code Ann. § 30-14-225(1)(a).

10. Upon a determination that a person has violated the Montana Insurance Code, the Commissioner has authority to fine such person up to \$25,000 per violation pursuant to Mont. Code Ann. §§ 33-1-317 and 33-1-1211.

11. Here, on or about July 29, 2022, Respondent engaged in the business of automobile repair and advertised or offered a coupon, credit, or rebate to pay all or part of an insurance deductible und a casualty or property insurance policy. This conduct constitutes a prohibited practice under Mont. Code Ann. § 30-14-225.

ORDER

THEREFORE, based on the foregoing findings of fact and conclusions of law, it is hereby ORDERED that:

1. Respondent shall pay a fine of \$1,000 to the State of Montana within 30 days of the date of this Order. Payment must be made by check or money order payable to the State of Montana.

2. Payment shall be sent to the Commissioner of Securities and Insurance, Office of the Montana State Auditor, Attn: Brandy Morrison, Paralegal, 840 Helena Avenue, Helena, MT 59601.

DATED this 15th day of September, 2022.



TROY DOWNING

Commissioner of Securities & Insurance,
Office of the Montana State Auditor

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2022, I caused a copy of the foregoing, *Final Agency Action and Default Order* to be served on the following persons by the following means:

1 Mail
_____ E-Mail

1. Guy Raymond Marvin, Sr. and Guy Joseph Marvin
National Dent Busters
1535 Thomas Rd.
South Boardman, MI 49680



BRANDY MORRISON
Paralegal

Track Another Package +

Tracking Number: 9114902200852051893151

Remove X

Your item was delivered in or at the mailbox at 1:43 pm on August 23, 2022 in SOUTH BOARDMAN, MI 49680.

USPS Tracking Plus® Available ∨

✓ Delivered, In/At Mailbox

August 23, 2022 at 1:43 pm
SOUTH BOARDMAN, MI 49680

Feedback

Get Updates ∨

| | |
|----------------------|---|
| Text & Email Updates | ∨ |
| Tracking History | ∨ |
| USPS Tracking Plus® | ∨ |
| Product Information | ∨ |

See Less ^



Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

Feedback

KEVIN BRATCHER

Legal Counsel

Commissioner of Securities & Insurance,

Office of the Montana State Auditor

840 Helena Avenue

Helena, MT 59601

Phone: (406) 444-2040

Fax: (406) 444-3497

Email: kevin.bratcher@mt.gov

E-Service: CSILegalService@mt.gov

Counsel for the Commissioner of Securities and Insurance

**BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE,
OFFICE OF THE MONTANA STATE AUDITOR**

IN THE MATTER OF

NATIONAL DENT BUSTERS, dba
NATIONAL PAINTLESS DENT
REPAIR,

Respondent.

Case No. INS-2022-00295

**NOTICE OF PROPOSED AGENCY
ACTION AND OPPORTUNITY FOR
HEARING**

TO: Guy Raymond Marvin Sr. and Guy Joseph Marvin
National Dent Busters
1535 Thomas Rd.
South Boardman, MI 49680

The Commissioner of Securities and Insurance, Office of the Montana State Auditor ("Commissioner" or "CSI"), has cause to believe that National Dent Busters, dba National Paintless Dent Repair ("Respondent") has violated the Montana Insurance Code, Mont. Code Ann. § 33-1-101, *et seq.* The Commissioner proposes to levy a \$1,000.00 fine. The Commissioner has the authority to undertake this action pursuant to the Montana Insurance Code, including Mont. Code Ann. §§ 30-14-225, 33-1-311, 33-1-317, and 33-1-1211.

Acceptance of the penalty will resolve this matter and it will be deemed a Final Agency Action based on the facts and law set out below. If Respondent chooses not to accept the penalty, an administrative hearing must be requested; that request must be in



writing and received by the Commissioner **within 24 days** of the date this Notice, as described in the Statement of Rights below. Failure to timely request a hearing can result in entry of a default order as stated in the Possibility of Default section below.

FACTUAL ALLEGATIONS

1. Respondent is engaged in the business of automobile repair, doing business as “National Paintless Dent Repair”. Respondent is owned by Guy Raymond Marvin, Sr. and Guy Joseph Marvin. Respondent is operating at 2385 US Highway 93 South Kalispell, Montana 59901. Respondent is engaged in the business of paint-less dent repairs for automobiles.

2. On or about July 21, 2022, Duane Emerson contacted the CSI regarding several paint-less dent repair shops waiving the comprehensive deductible for customers. Mr. Emerson included photos of Facebook advertisements and messages by Respondent. Respondent states that they waive deductibles and are located in Bigfork.

3. On or about August 2, 2022, CSI Investigator Bryan Stanley contacted Mr. Emerson. Mr. Emerson advised various paint-less dent repair businesses arrived from outside of Montana after a hailstorm occurred on July 18, 2022. Mr. Emerson advised the businesses, like Respondent, advertise the waiver of the deductible on Facebook and through other methods.

4. Investigator Stanley reviewed Respondent’s website and did not find any mention of a deductible waiver, but did find a Michigan address and phone number that is the same address used by Respondent and Guy Raymond Marvin, Sr. as a business address.

5. Investigator Stanley then reviewed Respondent’s Facebook page under the “National Paintless Dent Repair” business name. Investigator Stanley located a post made by Respondent advertising that Respondent would waive deductibles so customers would have zero out-of-pocket costs. The Facebook post advertised that Respondent was performing repairs on dents to automobiles caused by hail, and Respondent could be found behind Elite Auto located at 2385 US Highway 93 South Kalispell, Montana.

6. On or about August 3, 2022, Investigator Stanley called Respondent at Respondent's advertised phone numbers, 866-322-4245 and 406-758-0370, and left voicemails with each phone number. Investigator Stanley then received a phone call and voicemail from Guy Raymond Marvin, Sr. Investigator Stanley returned the call and spoke with Guy Raymond Marvin, Sr. Guy Raymond Marvin, Sr. stated he was the owner of Respondent and responsible for the advertising. Guy Raymond Marvin, Sr. stated Respondent was operating behind Elite Auto in Kalispell, Montana, and Respondent operated under the business names "National Dent Busters" and "National Paintless Dent Repair." Guy Raymond Marvin, Sr. admitted Respondent offered to waive the insurance deductible to help customers. Investigator Stanley advised this was a violation of Montana law. Guy Raymond Marvin, Sr. advised other repair shops were offering the deductible waiver and Respondent's business would be negatively affected if Respondent didn't offer the waiver.

ASSERTIONS OF LAW

7. The Commissioner has jurisdiction over this matter pursuant to Mont. Code Ann. §§ 30-14-225 and 33-1-311.

8. The Commissioner is tasked with enforcement of the Montana Insurance Code, including the prohibition on the advertisement, promise to provide, or offer of any coupon, credit, or rebate to pay all or part of an insurance deductible under a casualty or property insurance policy, and the Insurance Fraud Protection Act, Mont. Code Ann. §§ 30-14-225 and 33-1-1201, *et seq.*

9. If, after conducting a hearing under Mont. Code Ann. § 33-1-701, the Commissioner determines that a person has violated Mont. Code Ann. § 30-14-225(1)(a), the Commissioner may impose a penalty. Mont. Code Ann. §§ 33-1-317 and 33-1-1211. That penalty can be a civil fine up to \$ 25,000. Mont. Code Ann. § 33-1-317.

10. "A person engaged in the sale, repair, or replacement of automobile glass or in the business of automobile repair may not advertise, promise to provide, or offer any coupon, credit, or rebate to pay all or part of an insurance deductible under a casualty or

property insurance policy, including any incentive to purchase automobile glass or automobile repairs offered to the customer in which the customer, in conjunction with the purchase of automobile glass or automobile repairs, receives cash or other valuable consideration.” Mont. Code Ann. § 30-14-225(1)(a).

11. Here, on or about July 29, 2022, Respondent engaged in the business of automobile repair and advertised or offered a coupon, credit, or rebate to pay all or part of an insurance deductible und a casualty or property insurance policy. This conduct constitutes a prohibited practice under Mont. Code Ann. § 30-14-225.

PROPOSED AGENCY ACTION

WHEREFORE, the Commissioner proposes to order the following:

1. A fine in the amount of \$1,000.00 to the State of Montana pursuant to Mont. Code Ann. §§ 30-14-225, 33-1-317, 33-1-1211.

STATEMENT OF RIGHTS

Respondent is entitled to contest the Commissioner’s proposed action by requesting an administrative hearing. To do so, **within 24 days of the date this Notice**, Respondent must submit a written hearing request to CSI at 840 Helena Avenue, Helena, MT 59601 or CSILegalService@mt.gov. A hearing request may, but does not have to, include a response to the allegations set forth above. If a hearing is requested, Respondent will be provided notice of the time, place, and nature of the hearing. Respondent will be entitled to attend this hearing and respond and present evidence and arguments on all issues involved in this action.

Respondent has the right to retain legal counsel to represent, accompany, and advise them at any and all stages of this proceeding or may also elect to represent themselves; however, a business entity may not appear on its own behalf or through an agent other than an attorney licensed to practice law. Admin. R. Mont. 1.3.231.

Administrative hearings are conducted by an impartial hearing examiner appointed by the Commissioner under the provisions of the Montana Administrative Procedures Act. Formal proceedings may be waived pursuant to Mont. Code Ann. § 2-4-603.

CONTACT WITH COMMISSIONER'S OFFICE

If there are questions or concerns, please contact CSI at 406-444-2040 or CSILegalService@mt.gov. If represented by an attorney, please ensure this contact is made by the attorney.

POSSIBILITY OF DEFAULT

Failure to timely provide a written hearing request shall result in the entry of a default order imposing the Commissioner's proposed action, without additional notice, pursuant to Admin. R. Mont. 1.3.214.

DATED this 18 day of August, 2022.



KEVIN BRATCHER

Counsel for Commissioner of Securities & Insurance

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2022, I caused a copy of the foregoing, *Notice of Proposed Agency Action and Opportunity For Hearing*, to be served on the following persons by the following means:

1 Mail
 E-Mail

1. Guy Raymond Marvin, Sr. and Guy Joseph Marvin
National Dent Busters
1535 Thomas Rd.
South Boardman, MI 49680



BRANDY MORRISON

Paralegal