BEFORE THE
DEPARTMENT OF CORPORATIONS
STATE OF CALIFORNIA

In the Matter of the Accusation of:
MICHAEL J. BOSCHETTI
4478 Lakeview Drive
Vacaville, CA 95688

ORDER OF DISMISSAL

The attached Proposed Order of Dismissal of the Administrative Law Judge is hereby adopted by the Department of Corporations as its Order in the above-entitled matter, with the following technical and minor change pursuant to Government Code Section 11517(c)(2)(C):

On page 1, in the first paragraph under the heading of the Proposed Order of Dismissal, the date "October 22, 2003" is substituted for "February 25, 2003."

This Order shall become effective on February 25, 2004.


WILLIAM P. WOOD
California Corporations Commissioner
BEFORE THE
DEPARTMENT OF CORPORATIONS
STATE OF CALIFORNIA

In the Matter of the Accusation of:

MICHAEL J. BOSCHETTI
4478 Lakeview Drive
Vacaville, CA 95688

OAH No. N2003080285

Respondent.

PROPOSED ORDER OF DISMISSAL


Corporations Counsel Donald A. Newbold represented complainant, California Corporations Commissioner, Demetrios A. Boutris (complainant).

Respondent, Michael J. Boschetti (respondent), appeared and was represented by John Preston, Attorney at Law, 1060 Clarendon Crescent, Oakland, California, 94610.

On November 21, 2003, Corporations Counsel Donald A. Newbold (Newbold) submitted a three page fax transmittal, marked for identification as complainant's Exhibit 44. On November 24, 2003, Newbold submitted an additional three page fax transmittal, marked for identification as complainant's Exhibit 45.

FACTUAL FINDINGS


2. On October 22, 2003, hearing commenced on respondent's appeal from the Desist and Refrain Order.

3. At the hearing on October 22, 2003, no evidence was presented to support the Desist and Refrain Order.
4. At the hearing on October 22, 2003, Complainant made a motion to dissolve the Desist and Refrain Order.

LEGAL CONCLUSIONS

1. Based upon Factual Findings 3 and 4, cause does not exist for the Desist and Refrain Order on December 24, 2002.

ORDER

The Desist and Refrain Order issued to respondent on December 24, 2002 is hereby dissolved.

DATED: 12/18/2002

__________________________
DIANE SCHNEIDER
Administrative Law Judge
Office of Administrative Hearings
PROOF OF SERVICE BY MAIL

Re: In the Matter of the Accusation of Michael J. Boschetti
(OAH No. N2003080285)

I, Kathryn C. Chaney, declare as follows:

I am employed in the County of Sacramento, California. I am over the age of eighteen years and not a party to the within entitled action; my business address is 1515 K Street, Suite 200, Sacramento, California 95814. On February 27, 2004 following ordinary business practices, I placed for collection and mailing at the offices of the State of California, Department of Corporations, located at 1515 K Street, Suite 200, Sacramento, CA 95814:

(1) Order of Dismissal
(2) Proposed Order of Dismissal

in a sealed envelope, with postage fully prepaid (certified mail, return receipt requested), addressed as follows:

John S. Preston
Attorney at Law
1060 Clarendon Crescent
Oakland, CA 94610
(Cert Mail# 700125100008 1581 6395 and Regular Mail)

Donald Newbold
Corporations Counsel
Department of Corporations
1515 K Street, Suite 200
Sacramento, CA 95814
(Regular Mail)

Michael J. Boschetti
4478 Lakeview Drive
Vacaville, CA 95688
(Cert. Mail# 700125100008 1581 6388 and Regular Mail)

Office of Administrative Hearings
1515 Clay Street, Suite 206
Oakland, CA 94612
(Regular Mail)

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed February 27, 2004, at Sacramento, California.

Kathryn C. Chaney
(Type or print name)

(Signature)
STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF CORPORATIONS

TO: MICHAEL J. BOSCHETTI
4478 Lakeview Dr.
Vacaville, CA 95688

DESIST AND REFRAIN ORDER

(For violations of sections 25210 and 25401 of the Corporations Code)

The California Corporations Commissioner finds that:

1. Michael J. Boschetti possessing no certificate as a broker-dealer or agent offered and sold to a resident of California a security in the form of a viatical issued by The Alpha Capital Group, LLC by means of an oral communication containing false statements.

2. Beginning in or about November 1998, Michael J. Boschetti offered and sold a security in the form of a viatical issued by The Alpha Capital Group, LLC. There was at least one sale of a viatical by Michael J. Boschetti for $200,000, which occurred on November 25, 1998.

3. Michael J. Boschetti told an investor that he would receive a 50% return on his money in two years and a 100% return on his money if he waited until the viator’s (insured’s) demise. In addition, Michael J. Boschetti told an investor that there was no risk except for time, since there was a possibility that the viator would live longer than estimated. In fact, the investor did not receive this return on his investment and the principal invested is at risk.

Based upon the foregoing findings, the California Corporations Commissioner is of the opinion that Michael J. Boschetti has effected a transaction in a security as a broker-dealer without first having applied for and secured from the Commissioner a certificate, then in effect, authorizing him to act in that capacity, in violation of section 25210 of the Corporate Securities Law of 1968. Pursuant to Section 25532 of the Corporate Securities
Law of 1968, Michael J. Boschetti is hereby ordered to **DESIST and REFRAIN** from effecting any transaction in, or inducing or attempting to induce the purchase or sale of, any security in this state, unless and until he has applied for and secured from the Commissioner a certificate, then in effect, authorizing him to act in that capacity.

Further, Michael J. Boschetti offered and sold the security of The Alpha Capital Group, LLC in this State by means of written or oral communications which included untrue statements of a material fact or omitted to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, in violation of section 25401 of the Corporate Securities Law of 1968. Pursuant to Section 25532 of the Corporate Securities Law of 1968, Michael J. Boschetti is hereby ordered to **DESIST and REFRAIN** from offering and selling any security in the State of California, including but not limited to, by means of any written or oral communication which includes an untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made not misleading.

This Order is necessary, in the public interest, for the protection of investors and consistent with the purposes, policies, and provisions of the Corporate Securities Law of 1968.

Dated: December 24, 2002

Sacramento, California

DEMETRIOS A. BOUTRIS  
California Corporations Commissioner

By  
VIRGINIA JO DUNLAP  
Supervising Counsel  
Enforcement and Legal Services