

1 in Scottsdale, Arizona. On or about July 23, 2008, Schmeissing filed a Complaint with the
2 Department stating that NAW refused to refund the contract price after she made a request
3 to cancel the contract.

4 8. On June 15, 2009, the Department's Consumer Affairs Division sent a letter
5 to NAW requesting NAW to produce, on June 29, 2009, proof that it is licensed to do
6 business in Arizona along with a list of all Auto warranty contracts sold to Arizona
7 residents..

8 9. On August 31, 2009, the Department's Investigations Division sent a second
9 letter to NAW requesting NAW to produce, on September 22, 2009, proof that it is licensed
10 to do business in Arizona along with a list of all auto warranty contracts sold to Arizona
11 residents and the Articles of Incorporation / Organization for Nationwide Auto Warranty.

12 10. NAW has not responded to the Department's repeated requests for
13 documentation.

14 CONCLUSIONS OF LAW

15 1. The Director has jurisdiction over this matter.

16 2. Respondent's conduct, as alleged above, constitutes offering and issuing
17 service contracts without a permit, within the meaning of A.R.S. § 20-1095.01(A).

18 3. Respondent is not exempt from the permit requirement, within the meaning of
19 A.R.S. § 20-1095.02(A).

20 4. Service company contracts issued by Respondent are enforceable and valid
21 contracts, within the meaning of A.R.S. §20-1095.05.

22 5. "Solicit" means attempting to sell insurance or asking or urging a person to
23 apply for a particular kind of insurance from a particular company, A.R.S. § 20-281(15).

24 6. Respondent's conduct, as alleged above, constitutes soliciting insurance in
25 this state for any class of insurance without being licensed, a violation of A.R.S. § 20-282.
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NOTICE OF OPPORTUNITY FOR HEARING

Pursuant to Title 20 of the Arizona Revised Statutes, Respondents are hereby notified that they may request a hearing pursuant to A.R.S. § 20-161 to contest the order to cease and desist. Such a request must be in writing and received at the following address within thirty (30) days from the date hereof:

Arizona Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85012
ATTN: Director's Office

Upon receipt of a timely written request for hearing, the Director will issue an order setting the time and place of the hearing.

DATED AND EFFECTIVE this 25th day of September, 2009.

Gerrit L. Marks, Deputy Director
for CHRISTINA URIAS, Director
Arizona Department of Insurance

COPY of the foregoing mailed this 25th day of Sept., 2009 to:


Lynette Evans
Assistant Attorney General
1275 West Washington
Phoenix, Arizona 85007
Attorney for the Department

Nationwide Auto Warranty
Attention: Jim Voll, Director
470 Weber Street North
Waterloo, Ont N2J 4G4.
Respondent

Nationwide Auto Warranty
Attention: Jim Voll, Director
470 Weber Street North, Suite 205C
Waterloo, Ont N2L 6J2
Respondent

1 Nationwide Auto Warranty
Attention: Jim Voll, Director
2 1300 Military Road
Kenmore, NY 14217
3 Respondent

4 Gerrie Marks, Deputy Director
5 Mary E. Kosinski, Exec. Assistant for Reg. Affairs
Catherine M. O'Neil, Consumer Legal Affairs Officer
6 Jack Sneathen, Property and Casualty Division
7 Chuck Gregory, Acting Assistant Director
Arnold Sniegowski, Investigator
8 Department of Insurance
2910 North 44th Street, Suite 210
9 Phoenix, Arizona 85018

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11 Curvey Waters Burton

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