

DEC 18 2017

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY ms

In the Matter of:

**PURRFECTWAGS and
FITZWILLIAM, BRIAN (a/k/a Brian Fitz)
Respondents.**

No. 17A-096-INS

ORDER TO CEASE AND DESIST

The State of Arizona Department of Insurance ("Department") has received evidence that **PurrfectWags and Brian Fitzwilliam a/k/a Brian Fitz** (collectively "Respondents") unlawfully transacted insurance business, as provided in Arizona Revised Statutes ("A.R.S.") § 20-106 in the State of Arizona without a certificate of authority from the Department. Accordingly, the Interim Director of Insurance of the State of Arizona (the "Interim Director") makes the following Findings of Fact and Conclusions of Law and enters the following Order pursuant to A.R.S. § 20-401.02.

FINDINGS OF FACT

1. PurrfectWags is not a duly organized limited liability company or corporation in the State of Arizona. PurrfectWags does not hold a Certificate of Authority with the Department as a property/casualty insurer. PurrfectWags is not a registered tradename with the Arizona Secretary of State.

2. The Respondents' only known addresses, per marketing information posted on the PurrfectWags' website, is: PO Box 10893, Glendale, Arizona, 85318 (mailing) and info@purrfectwags.com (business e-mail).

3. Brian Fitzwilliam a/k/a Brian Fitz, an individual, appears to be a member, officer or director of PurrfectWags.

1 4. On or about November 16, 2017, the Department received information that
2 Respondents were marketing as a pet insurance company.

3 5. On or about December 6, 2017, the Department confirmed that Respondents
4 were marketing pet insurance on Google, Pinterest, and the PurrfectWags' website.

5 6. The PurrfectWags' website states in part (with emphasis added) the following:

- 6 • PurrfectWags is a **PPO style health assurance plan** for all your pets.
- 7 • We deliver quality assurance coverage, prompt claim payment, and
8 **unsurpassed service both before and after you purchase an assurance**
9 **plan.**
- 10 • **Pet health insurance** is on the brink of major growth, and PurrfectWags
11 is looking for the support of the community to help spread the word.
- 12 • We [PurrfectWags] are an organically grown **company founded in**
13 **Glendale, Arizona.**

14 7. PurrfectWags is not exempt from the licensing requirement.

15 **CONCLUSIONS OF LAW**

16 1. The Interim Director has jurisdiction over this matter.

17 2. It is unlawful for any insurer to transact insurance business as provided in A.R.S.
18 § 20-106 in this state without a certificate of authority from the Interim Director. A.R.S. § 20-
19 401.01.

20 3. The transaction of business in violation of A.R.S. § 20-401.01 by an insurer does
21 not impair the validity of any act or contract of the insurer and does not prevent the insurer
22 from defending any action at law or suit in equity in any court of this state, except that an
23 insurer transacting insurance business in this state without a certificate of authority is not
24

1 permitted to maintain an action in any court of this state to enforce any right, claim or demand
2 arising out of the transaction of the business until the insurer obtains a certificate of authority.
3 A.R.S. § 20-402(A).

4 4. If an insurer transacting business in violation of A.R.S. § 20-401.01 fails to pay
5 any claim or loss within the provisions of the insurance contract, any person who acted directly
6 or indirectly as an insurance producer for or otherwise represented or aided the insurer in the
7 solicitation, negotiation, procurement or effectuation of the insurance contract or renewal of the
8 contract is liable to the insured for the full amount of the claim or loss in the manner provided
9 by the provisions of the insurance contract. A.R.S. § 20-402(B).

10 5. Respondents' conduct, as alleged above, constitutes transacting insurance
11 business in this state, within the meaning of A.R.S. § 20-106.

12 6. Any unauthorized insurer who knowingly transacts any unauthorized act of an
13 insurance business is guilty of a class 5 felony, within the meaning of A.R.S. § 20-401.06.

14 7. Grounds exist for the Interim Director to order Respondents to cease and desist
15 engaging in the transaction of insurance, within the meaning of A.R.S. § 20-401.02.

16 **ORDER**

17 **IT IS HEREBY ORDERED THAT:**

18 1. Respondents shall immediately cease and desist from unlawfully transacting
19 insurance business in this state.

20 2. This Order shall become effective immediately and shall remain in full force and
21 effect until otherwise stayed, modified, vacated or set aside.

22 . . .

23 . . .


1 **NOTICE OF OPPORTUNITY FOR HEARING**

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

6 Arizona Department of Insurance
7 2910 North 44th Street, Suite 210
8 Phoenix, Arizona 85018
9 ATTN: Director's Office

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

12 DATED AND EFFECTIVE this 14th day of December, 2017.

13 
14 LESLIE R. HESS
15 Interim Director of Insurance

16 **COPY** mailed the 18th day of December, 2017
17 by Regular Mail and Certified Mail, Return Receipt Requested, to:

18 Brian Fitzwilliam
19 PurrfectWags
20 PO Box 10893
21 Glendale, AZ 85318
22 Respondents

23 **COPY** of the foregoing delivered same date to:

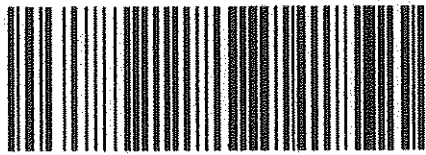
24 Mary E. Kosinski, Regulatory Legal Affairs Officer
Catherine M. O'Neil, Consumer Legal Affairs Officer
Steven Fromholtz, Assistant Director, Consumer Protection Division
Wendy Greenwood, Investigator
Arizona Department of Insurance
2910 N. 44th Street, Suite 210
Phoenix, Arizona 85018-7269

1 COPY sent same date via electronic mail to:

2 Brian Fitzwilliam
3 PurrfectWags
4 info@purrfectwags.com

5 *Maidene Scheiner*
6 Maidene Scheiner

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE
CERTIFIED MAIL™



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