

1 June 22, 2009, Feng filed a Complaint with the Department stating that Agape refused to
2 refund unused premium after he made a request to cancel the contract (the "Feng
3 Complaint").

4 7. On June 30, 2009, the Department's Consumer Affairs Division sent a letter
5 (the "June 30th letter") to Agape at Agape's contract address requesting it to produce, on
6 July 20, 2009, proof that it is licensed to do business in Arizona and documentation
7 regarding the Feng Complaint. Agape failed to respond to the Department's letter. On
8 September 14, 2009, the Department again mailed the June 30th letter to Agape requesting
9 an immediate response. Agape failed to respond to the Department's second request.

10 8. January 20, 2010, Feng notified the Department that Agape had refunded his
11 unearned premium.

12 **CONCLUSIONS OF LAW**

13 1. The Director has jurisdiction over this matter.

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

16 3. Agape is not exempt from the permit requirement, within the meaning of
17 A.R.S. § 20-1095.02(A).

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

20 5. Grounds exist for the Director to order Respondents to cease and desist their
21 violation pursuant to A.R.S. § 20-1095.09(B).

22 **ORDER**

23 IT IS THEREFORE ORDERED:

24 1. Respondents shall immediately cease and desist from offering or soliciting
25 warranty service contract applications, taking or proposing to make any warranty service
26 contract, taking or receiving any application for warranty service contracts, taking or

1 collecting any premium, fees, commission, or any other consideration for any warranty
2 service contract, issuing or delivering warranty service contracts to residents of this state,
3 or otherwise offering or issuing service contracts to Arizona residents.

4 2. Respondents shall pay all valid claims arising out of acts covered by any and
5 all service contract issued by them to Arizona residents for so long as such claims may
6 legally be brought against the contract holders.

7 3. This Order shall become effective immediately and shall remain in full force
8 and effect until otherwise stayed, modified, vacated or set aside.

9 **NOTICE OF OPPORTUNITY FOR HEARING**

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

14 Arizona Department of Insurance
15 2910 North 44th Street, Suite 210
16 Phoenix, Arizona 85012
17 ATTN: Director's Office

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

20 DATED AND EFFECTIVE this 27th day of January, 2010.

21 *Dennis Morales, Deputy Director*
22 for CHRISTINA URIAS, Director
23 Arizona Department of Insurance

24 COPY of the foregoing mailed this
25 27th day of Jan., 2010 to:

26 Lynette Evans
Assistant Attorney General
1275 West Washington

1 Phoenix, Arizona 85007
Attorney for the Department

2 Agape Auto Services, LLC
3 P.O. Box 12187
4 Zephyr Cove, NV 89448
Respondent

5 Agape Auto Services, LLC
6 c/o Julie Bachman A Law Corporation, PC
7 400 Dorla Ct.
8 Zephyr Cove, NV 89448
9 Statutory Agent for Respondent

8 Agape Auto Services, LLC
9 400 Dorla Court
10 Box 10162
11 Zephyr Cove, NV 89448
12 Respondent

11 Julie Bachman A Law Corporation, PC
12 400 Dorla Ct.
13 Zephyr Cove, NV 89448
14 Respondent

14 Gerrie Marks, Deputy Director
15 Mary E. Kosinski, Exec. Assistant for Reg. Affairs
16 Mary Butterfield, Assistant Director
17 Catherine M. O'Neil, Consumer Legal Affairs Officer
18 Jack Sneathen, Property and Casualty Division
19 Chuck Gregory, Acting Assistant Director
20 Arnold Sniegowski, Investigator
21 Department of Insurance
22 2910 North 44th Street, Suite 210
23 Phoenix, Arizona 85018

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21 Curvey Walters Burton

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