

M. GALE LEMMON #4363  
Assistant Attorney General  
MARK L. SHURTLEFF #4666  
Attorney General  
Attorneys for Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone: (801) 538-3872

RECEIVED

MAR 03 2010

UTAH STATE  
INSURANCE DEPT.

---

BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH

---

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

HERITAGE TITLE INSURANCE  
AGENCY, INC.  
45 East 200 North Ste 106  
Logan, UT 84321  
License No. 284336

**STIPULATION AND ORDER**

Docket No. 2010-042 PC

Enf. Case No. 2523

---

**STIPULATION**

1. Respondent, Heritage Title Insurance Agency, Inc. is a licensed title insurance agent in the State of Utah, holding License No. 284336.
2. Respondent stipulates with the Complainant, Utah Insurance Department, as follows:
  - a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;
  - b. Respondent admits the Findings of Fact and Conclusions made therefrom;

- c. Respondent stipulates to the summary entry of the Order herein which shall be in lieu of other administrative proceedings by Complainant in this matter; and
- d. Respondent and Complainant have negotiated the terms of the Order entered herein and Respondent agrees to its entry and further agrees to be bound by all its terms.

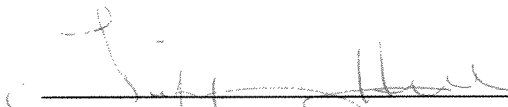
3. Respondent is aware of its right to a hearing at which it may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived its right to such hearing and to any appeal related thereto.

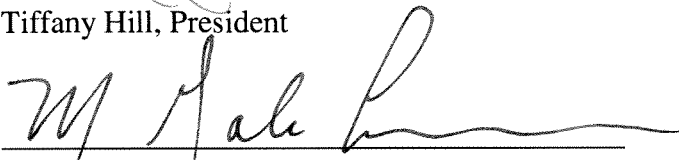
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to its rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for purpose of disposition of the matter entitled herein.

DATED this 24 day of February, 2010.

  
HERITAGE TITLE INSURANCE AGENCY INC.  
Tiffany Hill, President

  
UTAH INSURANCE DEPARTMENT  
M. Gale Lemmon  
Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

**FINDINGS OF FACT**

1. On or about August 21, 2009, Department staff, Sheila Curtis, received via email an advertisement from *The Real Estate Book*, Vol 10, No. 9 advertising real estate for sale in northern Utah and southern Idaho counties. This was followed by a hard copy of the book via postal service.

2. In the above mentioned publication, Respondent Heritage Title Insurance Agency Inc. had purchased and placed an advertisement.

3. On September 9, 2009 Curtis contacted Respondent via letter and advised Respondent that this advertisement was in violation of Department Rule R592-6-4(24) and asked for an explanation of the marketing violation.

4. On September 22, 2009, the Department received a response letter from Respondent stating: (1) Respondent was unaware that the subject advertisement was a violation of Department Rules, (2) that the ad had been pulled; and (3) that they would have no future presence in the publication.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

**CONCLUSIONS OF LAW**

1. Utah Insurance Department Rule R592-6-4 (24) (West 2009) states:  
“Advertisements may not be placed in a publication, including an internet web page and its links,

that is hosted, published, produced for, distributed by or on behalf of a client.”

2. By purchasing and placing the subject advertisement in the subject publication, Respondent violated Department Rule R590-4-6(24).

3. An administrative forfeiture in the amount of \$1500.00 and probation of six months, but \$500.00 of the forfeiture amount and the probation period stayed, is appropriate under the circumstances of this case.

### **RECOMMENDED ORDER**

**IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION IMPOSE THE FOLLOWING PENALTY:**

1. Respondent Heritage Title Insurance Agency, Inc. be assessed an administrative forfeiture in the amount of \$1500.00.

2. A stay of \$500.00 of the forfeiture amount be granted, provided that no further violations of the Insurance Code, Department Rules, or order of the Commission occur.

3. Respondent be placed on probation for a period of six months.

4. The terms of the probation be:

a. Respondent shall pay the portion of the administrative forfeiture not stayed to the Commissioner within 30 days of the imposition of the penalty by the Title and Escrow Commission.


b. Respondent shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner.

5. If any future violations occur within a six month period from the date of the

imposition of the penalty, the stay be immediately lifted and the entire forfeiture amount of \$1500.00 shall be immediately due and payable.

DATED this 1<sup>st</sup> day of March, 2010.

NEAL T. GOOCH  
Acting Insurance Commissioner



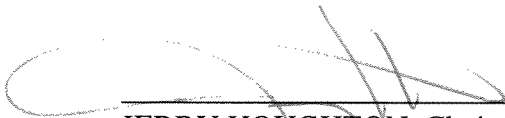
---

MARK E. KLEINFELD  
Administrative Law Judge  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone: (801) 538-3800

**ADOPTION OF RECOMMENDED ORDER AND IMPOSITION IF PENALTY**

By a vote of 5 to 0, taken in open meeting on this date, the Title and Escrow Commission hereby adopts the recommended order of the Presiding officer and imposes the penalty recommended above.

DATED this 8<sup>th</sup> day of March, 2010.



---

JERRY HOUGHTON, Chairman  
Title and Escrow Commission

**NOTIFICATION**

Respondent is hereby notified that failure to abide by the terms of this Order may subject

you to further penalties, including additional forfeitures of up to \$5,000.00 per violation and the suspension or revocation of your license, and the filing of an action to enforce this Order in the District Court, which may impose penalties of up to \$10,000.00 per day for continued violation.


You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

**CONCURRENCE WITH COMMISSION IMPOSED PENALTY**

On behalf of the Commissioner of the Utah Insurance Department I hereby concur  
with the penalty imposed by the Utah Title and Escrow Commission in the above matter.

DATED this 8<sup>th</sup> day of March, 2010.

NEAL T. GOOCH  
ACTING INSURANCE COMMISSIONER

  
MARK E. KLEINFELD  
Administrative Law Judge

**UTAH  
Invoice**

Printed Date: March 08, 2010

Invoice Date: March 08, 2010  
Balance Due: \$1,000.00  
Due Date: April 10, 2010  
Invoice ID: 451534

HERITAGE TITLE INSURANCE AGENCY INC  
45 EAST 200 NORTH SUITE 106  
LOGAN UT 84321

<b>Item Description</b>	<b>Amount</b>
Monetary Penalty Agency	\$1,000.00
<b>Original Amount Due</b>	<b>\$1,000.00</b>

---

**UTAH  
Invoice**

Printed Date: March 08, 2010

Invoice Date: March 08, 2010  
Balance Due: \$1,000.00  
Due Date: April 10, 2010  
Invoice ID: 451534

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department  
3110 State Office Building  
Salt Lake City, UT 84114-6901

**Detach and Return with Payment**

## CERTIFICATE OF MAILING

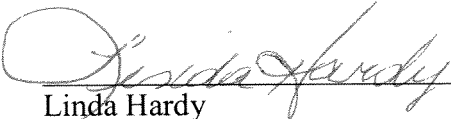
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

### STIPULATION & ORDER

To the following:

Heritage Title Insurance Agency, Inc.  
45 East 200 North Ste 106  
Logan, UT 84321

DATED this 8<sup>th</sup> day of March, 2010.



---

Linda Hardy  
Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, UT 84114-6901