

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, UT 84114
Telephone (801) 538-3872

**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

SOUTHERN UTAH TITLE COMPANY
OF CEDAR CITY

Attn: Joseph McPhie
20 N Main, Ste 403
St. George, UT 84770
License No. 3295

STIPULATION
&
ORDER

Docket No. 2009-118-PC

Enf. Case No. 2313

STIPULATION

1. Respondent, Southern Utah Title Company of Cedar City, is a licensed title insurance agency in the State of Utah, holding License No. 3295.

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 neither admits nor denies 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.

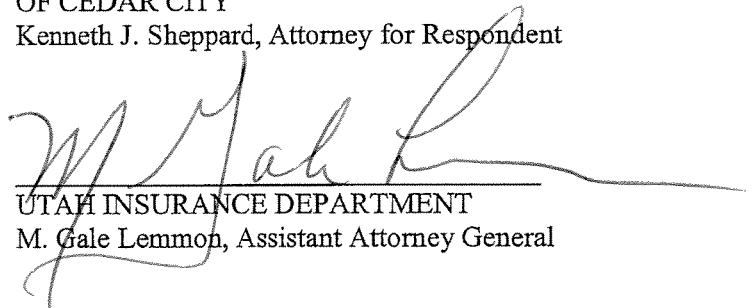
5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to its rights set forth herein.

6. Complainant and Respondent acknowledge that the issuance of this Order by the Commissioner is for the purpose of resolving any incidents of "cash split closings" conducted by the Respondent prior to September 25, 2008.

DATED this 21st day of October, 2009.



SOUTHERN UTAH TITLE COMPANY
OF CEDAR CITY
Kenneth J. Sheppard, Attorney for Respondent



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 June 16, 2008, Respondent, through its agent Jami Webster, conducted a split settlement on the sale of real estate with Stauffer Investments, seller, and The Dixie & Anne Leavitt Foundation, buyer.

2. Respondent handled the buyer's side of the sale and did not issue a title policy as part of the transaction conducted by the Respondent.

3. On or about August 15, 2008, Respondent, through its agent Jami Webster, conducted a second split settlement on the sale of real estate with Gregory and Jamilyn Evens, sellers, and Rich and Jim Wilson, buyers.

4. Respondent handled the buyer's side of the sale and did not issue a title policy as part of this second transaction conducted by the Respondent.

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

CONCLUSIONS OF LAW

1. In conducting split settlements in connection with the sale of real estate where the Respondent did not issue a title policy as part of the transactions, Respondent violated Utah Code Annotated § 31A-23a-506(1)(c).

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

RECOMMENDED ORDER

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

1. Respondent be assessed an administrative forfeiture in the amount of \$5,000,00 to be paid within 30 days of the date of the imposition of the penalty by the Title and Escrow Commission.

DATED this _____ day of **OCT 29 2009**, 2009.

D. KENT MICHIE
INSURANCE COMMISSIONER



MARK E. KLEINFELD, Esq.
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 OF PENALTY

By a vote of 3 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 penalties recommended herein above.

DATED this 9th day of November, 2009.



CANYON ANDERSON, Chairman
Title and Escrow Commission

NOTIFICATION

Respondent is hereby notified that failure to abide by the terms of this Order may subject it to further penalties, including additional forfeitures of up to \$5,000.00 per violation and the suspension or revocation of its 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.

CERTIFICATE OF MAILING

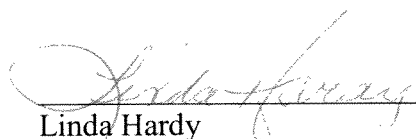
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

STIPULATION
&
ORDER

Southern Utah Title Company of Cedar City
Attn: Joseph McPhie
20 N. Main, Ste. 403
St, George, UT 84770

To the following:

DATED this 9th day of November 2009.



Linda Hardy

Court Clerk

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

UTAH
Invoice - Original

Printed Date: November 09, 2009
Invoice Date: November 09, 2009
Balance Due: \$5,000.00
Due Date: December 04, 2009
Invoice ID: 435200
Payor ID: 6772

SOUTHERN UTAH TITLE COMPANY OF CEDAR CITY
C/O JOSEPH MCPHIE
20 N MAIN SUITE 403
ST GEORGE UT 84770

Item Description	Amount
11/9/2009 Monetary Penalty Agency E-Case 2313 Docket 2009-118 PC	\$5,000.00
Original Amount Due	<u>\$5,000.00</u>

UTAH
Invoice - Original

Invoice Date: November 09, 2009
Balance Due: \$5,000.00
Due Date: December 04, 2009
Invoice ID: 435200
Payor ID: 6772
Payor Name: SOUTHERN UTAH
TITLE COMPANY OF
CEDAR CITY

Make checks payable to: Utah Insurance Department

Send payment to:

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