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Assistant Attorney General
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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**

RECEIVED

APR 06 2009

UTAH STATE
INSURANCE DEPT.

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

TITLE ONE, A UTAH CORPORATION
6975 S. Union Park Center, Suite 120
Midvale, UT 84047
License No. 5769

**STIPULATION
&
ORDER**

Docket No. 2009-055 PC

Enf. Case No. 2351

STIPULATION

1. Respondent, Title One, A Utah Corporation, is a licensed title insurance agency in the State of Utah, holding License No. 5769.

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.

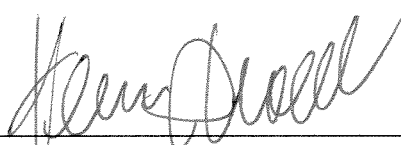
3. Respondent is aware of its right to a hearing at which it may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived its right to such hearing and to any appeal related thereto.

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 the purpose of disposition of the matter entitled herein.

DATED this 3rd day of April, 2009.



TITLE ONE, A UTAH CORPORATION
Kevin T. Shoell, Vice 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. In July 2008, Respondent's marketing representative, Chad Butler, arranged for the distribution of a flyer to real estate agents that advertised training to be held August 7, 2009, regarding working with mortgage loan brokers and sponsored by Residential Mortgage Professionals, a title client. That flyer had the names of the Mr. Butler as a contact and the offices of the Respondent as the location for the training, and constituted co-advertising with a title client.

2. During the same period, Respondent's marketing representative, Chad Butler, as a representative for Respondent, allowed his name to be placed on the web site of Residential Mortgage Professionals as the contact person for the training referred to in paragraph 1, above.

3. In August 2008, Respondent's marketing representative, Chad Butler, co-advertised himself and Respondent with AmTrust Mortgage Banking, a title client, training regarding electronic signatures, which training was to be held at the offices of Respondent.

4. Respondent failed to designate Mr. Butler as a title marketing representative on its license of Title One until October 3, 2008.

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

CONCLUSIONS OF LAW

1. In co-advertising with title clients, Respondent violated Utah Administrative Code Rule R590-153-6.B.

2. In allowing Mr. Butler to act as a title marketing representative of Respondent without having Mr. Butler designated on its license, Respondent violated Utah Code Annotated § 31A-23a-302(1).

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

ORDER

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

1. The Respondent be assessed an administrative forfeiture in the amount of \$1,500.00 to be paid within 30 days of the date of the imposition of the penalty by the Title and Escrow Commission.

DATED this 7th day of April, 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

IMPOSITION OF PENALTY

By a vote of 3 to 1, taken in open meeting on this date, the Title and Escrow Commission hereby imposes the penalties recommended in the Order herein above.

Dated this _____ day of APR 13 2009, 2009.


CANYON W. ANDERSON, 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 Commission in the above matter.

DATED this _____ day of APR 13 2008.

D. KENT MICHIE
INSURANCE COMMISSIONER



MARK E. KLEINFELD
Administrative Law Judge

UTAH
Invoice - Original

Printed Date: April 13, 2009
 Invoice Date: April 13, 2009
 Balance Due: \$1,500.00
 Due Date: May 13, 2009
 Invoice ID: 408696
 Payor ID: 7169

KEVIN T SHOELL
 TITLE ONE A UTAH CORPORATION
 6975 S UNION PARK CTR STE 120
 MIDVALE UT 84047

Item Description	Amount
4/13/2009 Monetary Penalty Agency E-Case 2351 Docket 2009-055 PC	\$1,500.00
Original Amount Due	<u>\$1,500.00</u>

UTAH
Invoice - Original

Invoice Date: April 13, 2009
 Balance Due: \$1,500.00
 Due Date: May 13, 2009
 Invoice ID: 408696
 Payor ID: 7169
 Payor Name: TITLE ONE, A UTAH
 CORPORATION

Make checks payable to: Utah Insurance Department

Send payment to:

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

CERTIFICATE OF MAILING

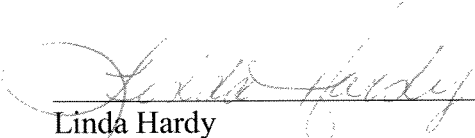
I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

STIPULATION
&
ORDER

Title One, A Utah Corporation
6975 S. Union Park Center, Suite 120
Midvale, UT 84047

To the following:

DATED this 13th day of April, 2009.



Court Clerk

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