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BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

NATIONAL TITLE AGENCY
5295 S. Commerce Drive #259
Murray, UT 84107
License No. 245855

STIPULATION AND ORDER

Docket No. 2011-029 PC

Enf. Case No. 2769

RECEIVED

MAR 31 2011

UTAH STATE
INSURANCE DEPT.

STIPULATION

1. Respondent, National Title Agency is a limited liability company organized in the State of Utah and a licensed title insurance agency in the State of Utah, holding License No. 245855.
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 30 day of MARCH, 2011.



NATIONAL TITLE AGENCY
William D. Rowley, Member/Manager

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 December 1, 2010, the Department produced a list of all agency and title producers who had reinstated their licenses during the month of November, 2010. In reviewing and comparing the list with SIRCON Licensing, the data revealed that Respondent National Title Agency's license and all Respondent's appointments had lapsed on August 31, 2010.

Respondent's license was not reinstated until November 18, 2010.

2. On November 30, 2010, a Market Conduct examiner sent a letter to Respondent requesting a narrative statement regarding any title business conducted between August 31, 2010 and November 18, 2010.

3. On or about January 10, 2011, Bill Rowley responded with a written statement that National title Agency had conducted 69 closings between August 31, 2010 and November 18, 2010.

4. On January 18, 2011, Respondent signed a stipulation agreement, acknowledged his lapse of license and accepted full responsibility for complying with statutory licensing renewal provisions, and agreed to the recommended forfeiture.

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

CONCLUSIONS OF LAW

1. Utah Code Ann. § 31A-23a-103 states:

(1) (a) Unless exempted from the licensing requirement under Section 31A-23a-201 or 31A-23a-207, a person may not perform, offer to perform, or advertise any service as a producer, limited line producer, customer service representative, consultant, managing general agent, or reinsurance intermediary in Utah, without a valid individual or agency license issued under this chapter.

(b) A valid license includes at least one license type and one line of authority pertaining to that license type.

© A person may not utilize the services of another as a producer, limited line producer, customer service representative, consultant, managing general agent, or reinsurance intermediary if that person knows or should know that the other does not have a license as required by law.

(2) This part may not be construed to require an insurer to obtain an insurance producer license.

(3) An insurance contract is not invalid as a result of a violation of this section.

2. Utah Code Ann. § 31A-23-302(1) requires an agency designation:

(1) An agency shall designate an individual that has an individual producer, limited line producer, customer service representative, consultant, managing general agent, or reinsurance intermediary license to act on the agency's behalf in order for the licensee to do business for the agency in this state. . . .

2. Utah Code Ann. § 31A-23a-408 states:

No person may represent himself as acting in behalf of an insurer unless a written agency contract is in effect giving the person authority from the insurer and the insurer has appointed that person to act in behalf of the insurer.

3. Respondent violated the above provisions by conducting 69 closings between September 1, 2010 through November 18, 2010 without an active license, appointment or association.

4. An administrative forfeiture in the amount of \$5,000.00 and probation for a period of 12 months 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 be ordered to prepare and submit to the Department a comprehensive business plan outlining specific policies and procedures regarding future timely renewal of its agency license.

2. Respondent National Title Agency shall be assessed an administrative forfeiture in the amount of \$5,000.00, to be paid within 30 days of the imposition of the penalty by the Title & Escrow Commission.

3. Respondent shall be placed on probation for a period of twelve months. The terms of probation are that Respondent shall have no further violations of the Utah Insurance Code, Department Rules or any order of the Commissioner.

DATED this 30 day of MARCH, 2011.


NEAL T. GOOCH
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 11 day of April, 2011.



Chairman
Title and Escrow Commission

NOTIFICATION

You are further notified that a failure to obey an Order of the commissioner may subject you to further penalties, including 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 District Court, which may impose forfeitures 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 11 day of April, 2011.

NEAL T. GOOCH
INSURANCE COMMISSIONER


MARK E. KLEINFELD
Administrative Law Judge