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UTAH STATE  
INSURANCE DEPT

BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

HOME ABSTRACT & TITLE CO. INC.  
2380 Washington Blvd., Suite 200  
Ogden, UT 84401-1535  
License No. 1254

**STIPULATION AND ORDER**

Docket No. 2011-036 PC

Enf. Case No. 2778

**STIPULATION**

1. Respondent, Home Abstract & Title Co. Inc. is a licensed title insurance agency in the State of Utah, holding License No. 1254.
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.

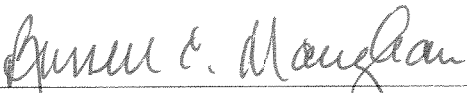
3. Respondent is aware of its right to a hearing at which it may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived its right to such hearing and to any appeal related thereto.

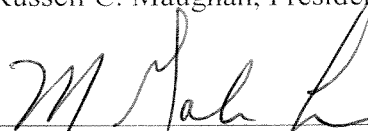
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

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 Commission is solely for purpose of disposition of the matter entitled herein.

DATED this 15<sup>th</sup> day of MARCH, 2011.

  
\_\_\_\_\_  
HOME ABSTRACT & TITLE CO. INC.  
Russell C. Maughan, 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 November 8, 2010, the Department produced a list of all agency and individual title producers who had reinstated their licenses during the month of October, 2010. In reviewing and comparing the list with SIRCON Licensing, the data revealed that Respondent Home Abstract & Title Co. Inc.'s agency license and all Respondent's appointments and associations lapsed on September 30, 2010. Respondent's license was reinstated on October 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 October 1, 2010 and October 18, 2010.

3. On or about December 20, 2010, Russell C. Maughan responded with a written statement that Respondent had conducted 8 closings between October 1, 2010 and October 18, 2010, while the agency's license was lapsed.

4. Respondent Home Abstract & Title Co. Inc's. owner Russell C. Maughan agreed to entering into a stipulation agreement acknowledging his lapse, accepting full responsibility and agreeing to the proposed penalty.

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.

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 8 closings between October 1, 2010 through October 18, 2010 without an active license, an appointment by an insurer.

4. An administrative forfeiture in the amount of \$1500.00 to be paid in three monthly installments 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 Home Abstract & Title Co. Inc. shall 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 be assessed an administrative forfeiture in the amount of \$1500.00. This forfeiture shall be paid in three installments of \$500.00 dollars each, the first being due 30 days after issuance if this order, the second being due 60 days after issuance of this order, and the third being due 90 days after issuance of this order.

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

DATED this 22<sup>nd</sup> 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.



Title and Escrow Commission

**NOTIFICATION**

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose penalties of up to \$10,000 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