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APR 28 2011

UTAH STATE
INSURANCE DEPT

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

MOUNTAIN VIEW TITLE & ESCROW,
INC.
5732 South 1475 East, Suite 100
Ogden, UT 84403
License No. 2164

STIPULATION AND ORDER

Docket No. 2011-063 PC

Enf. Case No. 2787

STIPULATION

1. Respondent, Mountain View Title & Escrow, Inc. is an active licensed title agency in the State of Utah, holding License No. 2164.
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.

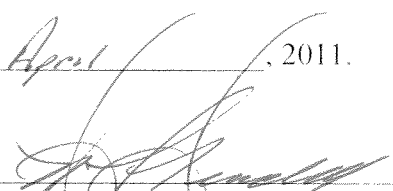
3. Respondent is aware of its right to a hearing at which it may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived its right to such hearing and to any appeal related thereto.


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 25 day of April, 2011.


MOUNTAIN VIEW TITLE & ESCROW, INC
Michael L. Hendry, President


UTAH INSURANCE DEPARTMENT
M. Gale Lemmon
Assistant Attorney General

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

FINDINGS OF FACT

1. On or about December 6, 2010, the department generated a list of all agency and individual title producers who had reinstated their licenses during November, 2010. A review of department data revealed that one of Respondent's agents, James T. Holden, had allowed his license to lapse on August 31, 2010. The license was not reinstated until November 15, 2010.

2. Due to the lapse in license, Holden's association with Respondent terminated on August 31, 2010.

3. On November 20, 2010 a market conduct examiner sent a request to Holden requesting a narrative statement regarding any title insurance business conducted on behalf of Respondent during the period September 1, 2010, through November 15, 2010.

4. On or about December 28, 2010, Holden responded with a written reply. Holden stated that he had been involved in 26 closings on behalf of Respondent during the time period.

5. The HUD-1 documents also indicated Respondent allowed an unlicensed escrow officer, Holden, to conduct 26 closings.

6. When contacted by the market conduct examiner, Respondent was cooperative and helpful in the investigation, and provided the examiner with requested documents. Respondent did have a policy in place to note all producers up for renewal, however in 2006 Respondent was fined \$6,000.00 for allowing business to be conducted by an unlicensed/unassociated producer.

6. Respondent agrees to an administrative forfeiture and agrees to submit a comprehensive business plan to the Department outlining specific policies and procedures regarding timely renewal of the agency and individual licensees associated with the agency.

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 as follows:

(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.

(c) 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-23a-302 states in part:

(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. . . .

(7) (a) When a license is held by an agency, both the agency itself and any individual designated under the agency license shall be considered to be the holder of the agency license for purposes of this section.

3. Respondent violated the above provisions when it allowed an unlicensed individual to conduct 26 closings on its behalf.

4. An administrative forfeiture in the amount of \$2,500 is appropriate.

Based upon the foregoing Stipulation, 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 Mountain View Title & Escrow, Inc. be assessed an administrative forfeiture in the amount of \$2,500 to be paid to the Department of Insurance within 30 days of the adoption of this Order by the Title and Escrow Commission.

2. Respondent is ordered to prepare and submit within 30 days a comprehensive business plan to the Department that outlines specific policies and procedures with regards to the timely renewal of the agency and individual licensees associated with the agency.

DATED this 3rd day of May, 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 OF 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 herein above.

DATED this 9th day of May, 2011.




CORTLUND G. ASHTON, Chairman
Title and Escrow Commission

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 9th day of May, 2011.

NEAL T. GOOCH
INSURANCE COMMISSIONER


MARK E. KLEINFELD
Administrative Law Judge