



M. GALE LEMMON #4363
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, Fifth Floor
PO Box 140874
Salt Lake City, UT 84114
Telephone: 801-366-0375

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UTAH STATE
INSURANCE DEPT.

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

<p>COMPLAINANT:</p> <p>UTAH INSURANCE DEPARTMENT</p> <p>RESPONDENT:</p> <p>MONUMENT TITLE INSURANCE, INC. 6975 S Union Part Center, Suite 490 Cottonwood Heights, UT 84047 License No. 98130</p>	<p>STIPULATION AND ORDER</p> <p>Docket No. 2011-091 LC</p> <p>Enf. Case No. 2834</p>
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STIPULATION

1. Respondent, Monument Title Insurance, Inc. is an active licensed title agency in the State of Utah, holding License No. 98130.
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 19th day of May, 2011.



MONUMENT TITLE INSURANCE, INC
By Ron Motzkus, Owner



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 February 7, 2011, the Department generated a list of all agency and individual title producers who had reinstated their licenses during January 2011. A review of SIRCON data and the list revealed that one of Respondent's agents, Bridgett K. Ellis, had allowed her license to lapse on October 31, 2010. The license was not reinstated until January 11, 2011.

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

3. On February 22, 2011, a market conduct examiner sent a request to Ellis requesting a narrative statement regarding any title insurance business conducted on behalf of Respondent during the period October 31, 2010 and January 11, 2011.

4. On or about March 2, 2011, Ellis responded with a written reply stating she had conducted 22 closings on behalf of Respondent during the time period.

5. The HUD-1 documents confirmed Ellis's statement.

6. When contacted by the market conduct examiner, Respondent was cooperative and agrees to an administrative forfeiture as recommended herein.

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 22 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:

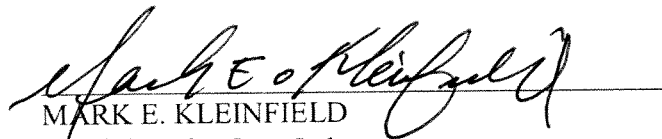
RECOMMENDED ORDER

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

1. Respondent Monument Title Insurance, Inc. be assessed an administrative forfeiture in the amount of \$2,500 to be paid to the Department of Insurance within 30 days of issuance of the Order.

DATED this 26th 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 13th day of June, 2011.



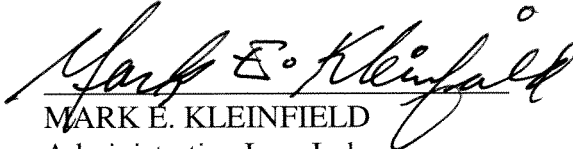
CORTLUND G. ASHTON, Chairman
Title and Escrow Commission

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 13th day of June, 2011.

NEAL T. GOOCH
INSURANCE COMMISSIONER


MARK E. KLEINFELD
Administrative Law Judge

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 \$2,500.00 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.