

Ar

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

RECEIVED
MAY 21 2012
UTAH STATE
INSURANCE DEPT.

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

BERGUNDY BISCHOFF
416 West 800 North
Orem, UT 84057
License No. 259398

STIPULATION AND ORDER

Docket No. 2012-103 PC

Enf. Case No. 3118

STIPULATION

1. Respondent, Bergundy Bischoff, is a licensed title insurance producer in the State of Utah, holding License No. 259398.
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 her right to a hearing at which she may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived her right to such hearing and to any appeal related thereto.

4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner and Title and Escrow Commission 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 her rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Title and Escrow Commission is solely for purpose of disposition of the matter entitled herein.

DATED this 14 day of May, 2012.


BERGUNDY BISCHOFF


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. Respondent is employed by Utah First Title Insurance Agency, Inc. Respondent's title insurance producer license lapsed on September 30, 2011.

2. On November 8, 2011, the Department created a list of all title producers who had renewed or reinstated their licenses during the month of October, 2011. After reviewing the list, it was determined that Respondent's license was reinstated October 14, 2011.

3. A review of SIRCON licensing screens noted that Respondent's association with Utah First Title Insurance Agency, Inc. was terminated September 30, 2011, and Respondent was re-associated with Utah First Title Insurance Agency, Inc. on November 28, 2011.

3. A letter from the Department was sent to Respondent requesting a narrative statement regarding any title insurance business she conducted from September 30, 2011 to October 14, 2011; Respondent's written reply stated that she had conducted twenty-one (21) closings during that period.

4. As a result of the above, an agency audit of Utah First Title Insurance Agency, Inc. was conducted which confirmed the statement made by Respondent.

5. Respondent and Utah First Title Insurance Agency, Inc. were cooperative during the investigation and took full responsibility for their actions.

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

CONCLUSIONS OF LAW

1. In acting as a title insurance agent and conducting twenty-one closings during the time her license was lapsed, Respondent violated Utah Code Ann. § 31A-23a-103(1)(c).

Based upon the foregoing Stipulation, Findings of Fact and Conclusions of Law, the presiding officer enters the following:


RECOMMENDED ORDER

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

1. Respondent Bergundy Bischoff be assessed an administrative forfeiture in the amount of \$1,500.00.
2. The administrative forfeiture to be paid to the Department within thirty (30) day of the date of the imposition of the penalty by the Title and Escrow Commission.

DATED this 22nd day of May, 2012.

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 11th day of June, 2012.



Dirk Donald Keyes, Chairman
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 \$2,500.00 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation.

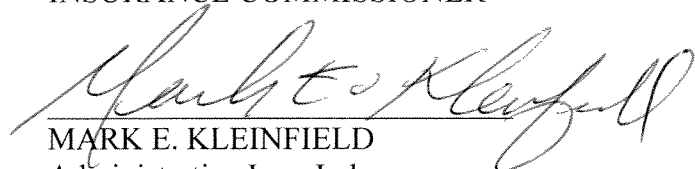
You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

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 11th day of June, 2012.

NEAL T. GOOCH
INSURANCE COMMISSIONER


MARK E. KLEINFELD
Administrative Law Judge