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RECEIVED
MAY 21 2012
UTAH STATE
INSURANCE DEPT.

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

UTAH FIRST TITLE INSURANCE
AGENCY, INC.

Attn: Charles Walker, President
416 West 800 North
Orem, UT 84057
License No. 103467

STIPULATION AND ORDER

Docket No. 2012-102 PC

Enf. Case No. 3119

STIPULATION

1. Respondent, Utah First Title Insurance Agency, Inc., is a licensed title insurance agency in the State of Utah, holding License 103467.
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 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 its 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 14th day of May, 2012.



UTAH FIRST TITLE INSURANCE AGENCY, INC.
CHARLES S. WALKER, 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. Respondent's producer Bergundy Bischoff's producer license lapsed on September 30, 2011. 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 producer Bergundy Bischoff's license was reinstated October 14, 2011.

2. A review of SIRCON licensing screens noted that Ms. Bischoff's association with Respondent was terminated September 30, 2011, and Ms. Bischoff was re-associated with Respondent on November 28, 2011.

3. A letter from the Department was sent to Ms. Bischoff requesting a narrative statement regarding any title insurance business conducted by her from September 30, 2011 to October 14, 2011; Ms. Bischoff responded with a written reply stating that she had conducted twenty-one (21) closings during that period.

4. As a result of the above, an agency audit of Respondent was conducted which confirmed the statement made by Ms. Bischoff.

5. Respondent's President, Charles S. Walker, and Ms. Bischoff 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 using the services of Bergundy Bishoff as a title insurance agent to conduct twenty-one closings for Respondent during the time Ms. Bishoff's license was lapsed, Respondent violated Utah Code Ann. § 31A-23a-103(2)(c).

2. In utilizing the services of Ms. Bischoff as a title insurance agent when she was not appointed to the agency, Respondent violated Utah Code Ann. § 31A-23a-302(1).

RECOMMENDED ORDER

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

1. Respondent, Utah First Title Insurance Agency, Inc. 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 \$5,000 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.

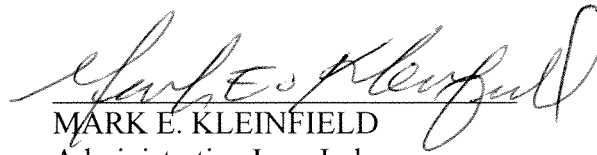
You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

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