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**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

FIRST AMERICAN TITLE INSURANCE
AGENCY, LLC

Attn: Mark Webber, State Manager
560 South 300 East
Salt Lake City, UT 84111
License No. 91822

STIPULATION AND ORDER

Docket No. 2012-146 PC

Enf. Case No. 3180

STIPULATION

1. Respondent, First American Title Insurance Agency, Inc., is a licensed title insurance agency in the State of Utah, holding License 91822.
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 10th day of August, 2012.



FIRST AMERICAN TITLE INSURANCE AGENCY, LLC
Mark Webber, State Manager



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, Courtney K. McCann's producer license lapsed on May 31, 2011. McCann's license was reinstated on January 18, 2012.
2. A review of SIRCON licensing screens noted that Ms. McCann's association with Respondent was also terminated May 31, 2011; Ms. McCann was re-associated with Respondent on February 21, 2012.
3. A letter from the Department was sent to Ms. McCann requesting a narrative statement regarding any title insurance business conducted by her from May 31, 2011 through January 18, 2012; Ms. McCann responded with a written reply stating that she had conducted twenty nine (29) closings on behalf of Respondent during that period.
4. Respondent's State Manager Mark Webber and Ms. McCann were cooperative during the investigation and took full responsibility for their actions.
6. On June 14, 2012, Respondent agreed to an administrative forfeiture in the amount of \$3,000.00 and on June 18, 2012, Respondent paid the forfeiture in full to the Department.

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. Section 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. Utah Code Ann. Section 31A-23a-302 (1) mandates the following:

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.

3. Respondent was in violation of the above statutes when is allowed Ms. McCann to conduct twenty nine (29) closings for Respondent during the time her license was lapsed and she was not associated with Respondent.

4. An administrative forfeiture by Respondent in the amount of \$3,000.00 is appropriate in this matter. The forfeiture was paid in full by Respondent on June 18, 2012.

Based upon the forgoing Stipulation, Findings of Fact and Conclusions of Law, the Commissioner now enters the following:

RECOMMENDED ORDER

IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION IMPOSE

THE FOLLOWING PENALTY:

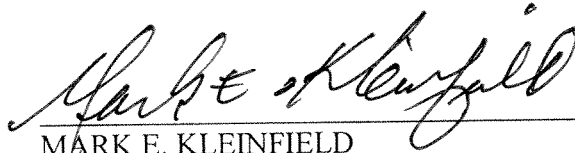
1. Respondent, First American Title Insurance Agency, LLC. be assessed an

administrative forfeiture in the amount of \$3,000.00.

2. The Commissioner notes that the recommended administrative forfeiture was paid on June 18, 2012.

DATED this 20th day of August, 2012.

NEAL T. GOOCH
Insurance Commissioner

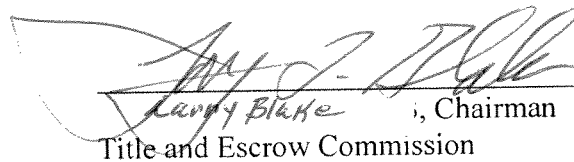


MARK E. KLEINFELD
Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone: (801) 538-3800

ADOPTION OF RECOMMENDED ORDER AND IMPOSITION OF PENALTY

By a vote of 4 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 10th day of September, 2012.



Andy Blake, 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 \$5,000.00 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 \$10,000.00 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.

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 10th day of September, 20 .

NEAL T. GOOCH
INSURANCE COMMISSIONER


MARK E. KLEINFELD
Administrative Law Judge



Insurance Department

State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

NEAL T. GOOCH
Commissioner

CERTIFICATE OF MAILING

I do hereby certify that on this date I mailed, by regular mail postage prepaid, a true and correct copy of the attached:

STIPULATION & ORDER

To the following:

First American Title Insurance
Attn: Mark Webber
560 South 300 East
Salt Lake City, UT 84111

DATED this 10th day September, 2012

A handwritten signature in cursive script, reading "Linda Hardy", written over a horizontal line.

Linda Hardy
Market Conduct
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901
801-538-3860

**UTAH
Invoice**

Printed Date: September 10, 2012

Invoice Date: June 18, 2012
Balance Due: \$0.00
Due Date: July 23, 2012
Invoice ID: 587130

FIRST AMERICAN TITLE INSURANCE AGENCY LLC
560 SOUTH 300 EAST
SALT LAKE CITY UT 84111

Item Description	Amount
Monetary Penalty Agency	\$3,000.00
Original Amount Due	<u>\$3,000.00</u>
Payments Received	
6/18/2012 Check	\$3,000.00
Balance Due	<u>\$0.00</u>

**UTAH
Invoice**

Printed Date: September 10, 2012

Invoice Date: June 18, 2012
Balance Due: \$0.00
Due Date: July 23, 2012
Invoice ID: 587130

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114-6901