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UTAH STATE
INSURANCE DEPT.

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

<p>COMPLAINANT:</p> <p>UTAH INSURANCE DEPARTMENT</p> <p>RESPONDENT:</p> <p>ACCESS TITLE COMPANY, INC. 1455 S. State Street, Suite C Orem, UT 84097 License No. 4571</p>	<p>STIPULATION AND ORDER</p> <p>Docket No. 2012-145 PC</p> <p>Enf. Case No. 3195</p>
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STIPULATION

1. Respondent, Access Title Company, Inc., is a licensed title insurance agency in the State of Utah, holding License 4571.
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 20 day of August, 2012.



ACCESS TITLE COMPANY, INC.
Wayne G. Tanner, President/Owner



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. On or about April 11, 2012, the Department created a list of all title producers who had renewed or reinstated their licenses during the month of March, 2012. After reviewing the list, it was determined that Respondent had failed to renew its agency producer license which lapsed on February 29, 2012. Respondent's agency license was not reinstated until March 15, 2012.

2. A review of Respondent's SIRCON licensing screen indicated that Respondent's association with its title and escrow producers also terminated on February 29, 2012. It was not until May 7, 2012, when the producers were re-associated with Respondent.

3. On May 8, 2012, a letter from the Department was sent to Access Title Company requesting a narrative statement regarding any title insurance business conducted from February 29, 2012 through March 15, 2012.

4. On June 1, 2012, Matthew B. Wirth, the previous President of Access Title Company, responded with a written reply stating that seventeen (17) closings had been conducted during the period its license was lapsed.

5. Previously, Respondent had allowed its license to lapse on December 31, ²⁰⁰⁵~~2001~~ with reinstatement on February 15, 2006; and again its license lapsed on February 28, 2010 with reinstatement on March 15, 2010. *W.T.*

6. Respondent's current president and owner, Wayne G. Tanner, was helpful and responded promptly during the investigation. He took full responsibility for the lapse.

7. Respondent has agreed to an administrative forfeiture in the amount of \$1,500.00, and will prepare and submit to the Department a comprehensive business plan outlining specific policies and procedures regarding future timely renewal of its agency/producer license.

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

CONCLUSIONS OF LAW

1. Respondent violated Utah Code Ann. § 31A-23a-103(1)(a) when it conducted seventeen (17) closings between February 29, 2012 and March 15, 2012, when its license had lapsed.

2. Respondent violated Utah Code Ann. § 31A-23a-302(1) when it failed to designate individual producers acting on its behalf between March 15, 2012 and May 7, 2012.

3. An administrative forfeiture in the amount of \$1,500.00 is appropriate in this matter.

Based on the forgoing Findings of Fact and Conclusions of Law, the presiding officer now enters the following:

RECOMMENDED ORDER

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


1. Respondent, Access Title Company, Inc., be assessed an administrative forfeiture in the amount of \$1,500.00 to be paid to the Department within thirty (30) days of the date of the

imposition of the penalty by the Title and Escrow Commission.

2. Within thirty (30) days of the date of the Order, Respondent shall prepare and submit to the Department a comprehensive business plan outlining specific policies and procedures regarding future timely renewal of its agency/producer license.

DATED this 27 day of August, 2012.

NEAL T. GOOCH
Insurance Commissioner


MARK E. KLEINFELD
Administrative Law Judge
Utah Insurance Department

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.


UTAH TITLE AND ESCROW COMMISSION
Larry Blake, Chairman

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 10th day of September, 20 .

NEAL T. GOOCH
INSURANCE COMMISSIONER


MARK E. KLEINFELD
Administrative Law Judge