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UTAH STATE
INSURANCE DEPT.

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

COMPLAINANT:	STIPULATION AND ORDER
UTAH INSURANCE DEPARTMENT	Docket No. 2012-168 LC
RESPONDENT:	Enf. Case No. 3223
BONNEVILLE SUPERIOR TITLE COMPANY, INC. 7050 Union Park Center #110 Midvale, UT 84047 License No. 2657	

STIPULATION

1. Respondent, Bonneville Superior Title Company, Inc. ("Bonneville"), is a licensed title insurance agency in the State of Utah, holding License 2657.
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 30th day of October, 2012.



BONNEVILLE SUPERIOR TITLE COMPANY, INC.
Kirk D. Smith, 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. On or about July 5, 2012, the Department created a list of all title producers who had renewed or reinstated their licenses during the month of June, 2012. After reviewing the list, it was determined that Respondent had failed to renew its agency producer license which lapsed on May 31, 2012; Respondent's agency license was reinstated June 7, 2012.

2. A SIRCON screen review indicated that Respondent's association with its title and escrow producers also terminated on May 31, 2012. It was not until July 30, 2012 that the producers were re-associated with Respondent.

3. On August 7, 2012, a letter from the Department was sent to Bonneville requesting a narrative statement regarding any title insurance business it conducted from May 31, 2012 through June 7, 2012.

4. On August 11, 2012, Kirk D. Smith, President of Bonneville, responded with a written reply stating that eighty-two (82) closings had been conducted from May 31, 2012 to June 7, 2012, the period its license was lapsed.

5. Respondent's president Kirk D. Smith, was forthcoming and responded promptly during the investigation. He took full responsibility for the lapse.

6. Respondent has agreed to an administrative forfeiture in the amount of \$1,500.00.

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) 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. 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 violated of the above statutes when it conducted eighty-two (82) closings between May 31, 2012 and June 7, 2012, the period when its license was lapsed and its producers were not designated to it.

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

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

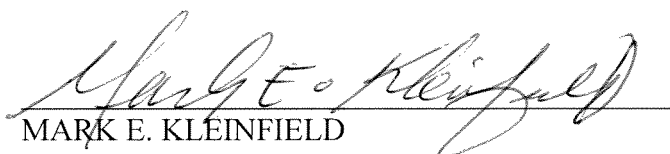
RECOMMENDED ORDER

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

1. Respondent, Bonneville Superior 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 Order.

DATED this 6th day of November, 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 19th day of November, 2012.


LARRY TURNER BLAKE, Chairman
Title and Escrow Commission

COMMISSIONER CONCURRENCE

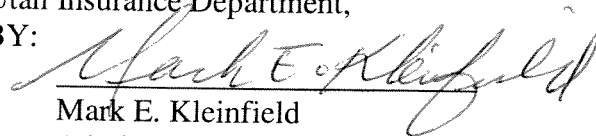
WITH COMMISSION IMPOSED PENALTIES

The Commissioner of the Utah Insurance Department hereby concurs with the above and forgoing Utah Title and Escrow Commission imposed penalties in the present adjudicative proceedings.

Dated this 19th day of November, 2012.

NEAL T. GOOCH,
Commissioner,
Utah Insurance Department,

BY:



Mark E. Kleinfeld
Administrative Law Judge

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.