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MAR 29 2013

UTAH STATE  
INSURANCE DEPT.

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BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH

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<p><b>COMPLAINANT:</b></p> <p>UTAH INSURANCE DEPARTMENT</p> <p><b>RESPONDENT:</b></p> <p>EAGLE GATE TITLE INSURANCE AGENCY, INC. Atten: Matthew Pettey 59 West University Parkway Orem, UT 84058 License No. 380298</p>	<p><b>STIPULATION AND ORDER</b></p> <p>Docket No. 2013-043 LC</p> <p>Enf. Case No. 3268</p>
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**STIPULATION**

1. Respondent, Eagle Gate Title Insurance Agency, Inc. ("Agency"), is a licensed title agency in the State of Utah, holding License 380298. Respondent was first licensed by the State of Utah on June 15, 2011.

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 29 day of March, 2013.

  
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EAGLE GATE TITLE INSURANCE AGENCY, INC.  
Matthew Pettey, 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 January 22, 2013, the Department conducted a targeted audit of Respondent. Respondent was first licensed by the Department of June 15, 2011, but had not filed its proposed escrow filing rates with the Department as required by Utah Code Ann. § 31A-19a-209.
2. With the cooperation of Respondent, the auditor determined that Respondent had conducted approximately 1,000 closings between June 15, 2011 and January 22, 2013, without ever having filed its rates with the Department.
3. Respondent has agreed to an administrative forfeiture in the amount of \$1,000.

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-19a-209 requires every title insurer to file with the Department a schedule of the escrow charges that it proposed to use in this state for services.
2. Respondent violated the above provision when it failed to file its rate schedule with the Department.
3. An administrative forfeiture in the Amount of \$1,000 is appropriate in this matter.

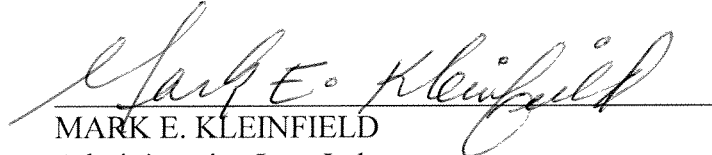
**RECOMMENDED ORDER**

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

1. Respondent, Eagle Gate Title Insurance Agency, Inc., be assessed an administrative forfeiture in the amount of \$1,000.00 to be paid to the Department within thirty (30) days of the date of the Order.

DATED this 1<sup>st</sup> day of April, 2013.

TODD E. KISER  
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 8<sup>th</sup> day of April, 2013.

  
LARRY TURNER BLAKE, Chairman  
Utah Title and Escrow Commission

**NOTIFICATION TO RESPONDENT**

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.

**COMMISSIONER CONCURRENCE**

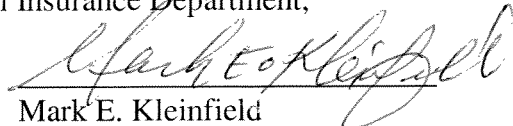
**WITH COMMISSION IMPOSED PENALTIES**

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 8<sup>th</sup> day of April, 2013.

TODD E. KISER,  
Commissioner,  
Utah Insurance Department,

BY:



Mark E. Kleinfield  
Administrative Law Judge

CERTIFICATE OF MAILING

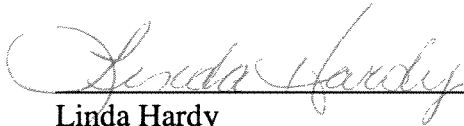
I do hereby certify that on this date I mailed, by regular mail postage prepaid, a true and correct copy of the attached:

STIPULATION  
&  
ORDER

To the following:

**Eagle Gate Title Insurance Agency, Inc.**  
Attn: Matthew Pettey  
59 West University Parkway  
Orem, UT 84058

DATED this 8<sup>th</sup> day April, 2013



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

**UTAH  
Invoice - Original**

Printed Date: April 08, 2013  
Invoice Date: April 08, 2013  
Balance Due: \$1,000.00  
Due Date: May 08, 2013  
Invoice ID: 628982  
Payor ID: 166570

EAGLE GATE TITLE INSURANCE AGENCY INC  
59 W UNIVERSITY PKWY  
OREM UT 84058-7333

<b>Item Description</b>	<b>Amount</b>
4/8/2013 Monetary Penalty Agency	\$1,000.00
E-Case 3268 Docker 2013-043 LC	
<b>Original Amount Due</b>	<u>\$1,000.00</u>
<b>Payments Received</b>	
	<u><b>Balance Due</b></u>

**UTAH  
Invoice - Original**

Invoice Date: April 08, 2013  
Balance Due: \$1,000.00  
Due Date: May 08, 2013  
Invoice ID: 628982  
Payor ID: 166570  
Payor Name: EAGLE GATE TITLE  
INSURANCE  
AGENCY, INC.

Make checks payable to: Utah Insurance Department

Send payment to:

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