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JUN 21 2013

UTAH STATE
INSURANCE DEPT.

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

<p>COMPLAINANT:</p> <p>UTAH INSURANCE DEPARTMENT</p> <p>RESPONDENT:</p> <p>1st LIBERTY TITLE LC 9488 Union Square, Suite 100 Sandy, UT 84070 License No. 371709</p>	<p>STIPULATION AND ORDER</p> <p>Docket No. 2013-089 PC</p> <p>Enf. Case No. 3323</p>
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STIPULATION

1. Respondent, 1st Liberty Title LC (“1st Liberty”), is a resident producer title insurance agency in the State of Utah, holding License 371709.
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.

7. If this agreement is not accepted or the penalty not imposed as agreed upon by the parties, then this Stipulation will be void and of no effect.

DATED this 13 day of June, 2013.



1st LIBERTY TITLE, LC
Jax Hale Petty, Vice 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 February 7, 2013, the Department created a list of all title producers who had reinstated their licenses during the month of January 2013. After reviewing the list and SIRCON licensing, it was determined that 1st Liberty's Vice President, Jax Hale Pettey's license had lapsed on August 31, 2012, and was not reinstated until January 10, 2013.

2. It was also determined that Jax Hale Pettey had never been associated to 1st Liberty.

3. On March 5, 2013, a letter from the Department was sent to Jax Hale Pettey requesting a narrative statement regarding any title insurance business conducted between August 31, 2012 and January 10, 2013.

4. On April 15, 2013, Jax Hale Pettey, Respondent's Vice President, sent a written reply stating that 86 closings were conducted between August 31, 2012 and January 10, 2013, the time period during which Pettey's license was lapsed.

5. Respondent was forthcoming during the investigation.

6. Respondent has agreed to an administrative forfeiture in the total amount of \$2,500.00.

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 requires that a title agency utilize the services of a licensed individual to conduct title business in this State. Respondent violated this statutory

mandate when it allowed Jax Hale Pettey to conduct 86 closings in its behalf while Pettey's license was lapsed.

2. Utah Code Ann. Section 31A-23a-302 (1) mandates that a licensed individual be designated to the title agency in order to conduct title business on its behalf. Respondent violated this provision by not having an active association with Jax Hale Pettey while he conducted 86 closings on its behalf.

3. An administrative forfeiture in the amount of \$2,500.00 is appropriate in this matter.


RECOMMENDED ORDER

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

1. Respondent, 1st Liberty Title LC, be assessed an administrative forfeiture in the amount of \$2,500.00 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.

DATED this 26th day of June, 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 day of July, 2013.



LARRY TURNER 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.

COMMISSIONER CONCURRENCE

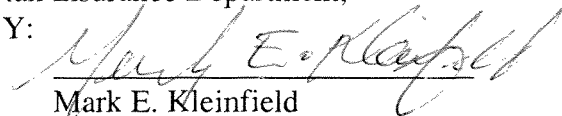
WITH COMMISSION IMPOSED PENALTIES

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 day of July, 2011.

TODD E. KISER,
Commissioner,
Utah Insurance Department,

BY:



Mark E. Kleinfield
Administrative Law Judge