



1. Respondents Fidelity National Title Insurance Company, ID No. 1338, and Chicago Title Insurance Company, ID No. 224, both hold active certificates of authority from the Utah Insurance Department and have the following business address of 601 Riverside Avenue, Building Five, Fifth Floor, Jacksonville, FL 32204.

2. The Utah Insurance Commissioner and the Title and Escrow Commission have jurisdiction over the parties and subject matter of this administrative action.

3. Respondents acknowledge notice of agency action pursuant to Utah Code § 63G-4-201; acknowledge that this Stipulation and Order is an informal proceeding pursuant to Utah Code § 63G-4-202; and irrevocably waive the right to any hearing, review or appeal concerning this matter.

4. In regards to this administrative proceeding, Respondents have the advice and assistance of legal counsel.

5. This signed Stipulation; the signed and adopted Order by both the Utah Insurance Commissioner, through the administrative law judge, and the Title and Escrow Commission; and the Findings of Fact and Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

6. The parties agree to the Findings of Fact below; however, Respondents do not admit to any liability arising out of the facts.

7. The issuance of the fully signed and adopted Order proposed below is for the purpose of effecting a full and complete global settlement of this and any and all similar cases involving Respondents and now pending before the Department.

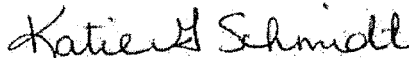
8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.

9. Respondents enter into this Stipulation voluntarily, knowingly, and free from coercion of any kind.

10. The persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

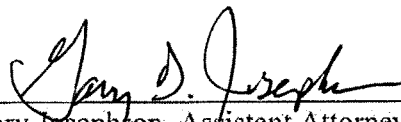
11. Respondents understand that this Stipulation is only fully effective upon approval and signing of the Order by both the administrative law judge and the Utah Title and Escrow Commission.

Dated this 27<sup>th</sup> day of August, 2014.



Katie G. Schmidt, Esq., Authorized Representative,  
Fidelity National Insurance Company and Chicago Title  
Insurance Company

Dated this 27<sup>th</sup> day of August, 2014.



Gary Josephson, Assistant Attorney General  
Utah Insurance Department

Based upon the foregoing Stipulation and information in the Department file, the Administrative law Judge makes the following Findings of Fact:

**FINDINGS OF FACT**

1. As a result of complaints received by the Department, an investigation was conducted concerning the Respondents. The Department investigation found that Respondents were issuing title insurance policies directly to Utah consumers, without having bona fide offices located in the State of Utah.
2. The investigation also determined the Respondents were conducting escrow closings without having required escrow rates previously filed with the Department.
3. Through the investigation, it was determined that at least forty-one title insurance policies were issued to Utah consumers and at least the same number of escrow closings were conducted without escrow rates being filed with the Department.
4. Respondents were cooperative and responsive during the investigation.
5. The Department and Respondents have agreed to the imposition of administrative penalties as follows: (a) \$123,000.00 for insuring title policies directly to consumers without bona fide Utah offices; and (b) \$102,500.00 for conducting escrow closings without filed escrow rates. Penalties total \$225,500.00. Each Respondent agrees to pay one-half of the total penalty.
6. Also, the Department and Respondents have agreed that this Stipulation is to be a global settlement that includes any and all similar cases involving Respondents and now pending before the Department.
7. Finally, the Respondents have agreed to prepare a comprehensive corrective action plan listing the actions to be taken to ensure future compliance with Utah insurance

statutes and rules. The action plan shall be submitted to the Department for approval within 90 days of the Commission's signed Order.

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

**CONCLUSIONS OF LAW**

1. Utah Code Section 31A-14-211 states that an authorized foreign title insurer may only insure property in the State through a resident title insurance producer or through a bona fide office in Utah. In violation of Section 31A-14-211, Respondents issued title insurance policies to Utah consumers without offices in Utah.
2. Utah Code Section 31A-19-209 requires title insurers, agencies, and individual producers to file escrow rates with the Department prior to issuing any title insurance or conducting any escrow closings. In violation of Section 31A-19-209, Respondents issued title insurance and conducted escrow closings without having rates on file with the Department.
3. An administrative forfeiture in the total amount of \$225,500.00, with each Respondent paying one-half of the forfeiture, for a full and complete global settlement of this and any and all similar cases involving Respondents and now pending before the Department is reasonable and appropriate in this matter. Also, requiring Respondents to provide a proposed action plan filing within 90 days is also appropriate.

Based on the Findings of Fact and Conclusions of Law, the following is recommended :

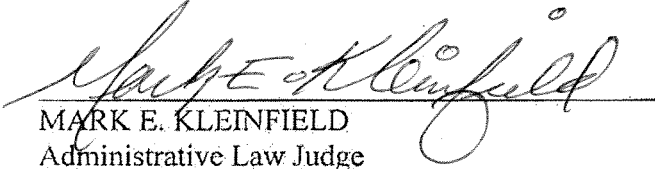
**RECOMMENDED ORDER**

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

1. Respondents, Fidelity National Title Insurance Company and Chicago Title Insurance Company, shall be assessed an administrative forfeiture in the amount of \$225,500.00, with each Respondent paying one-half of the forfeiture, to be paid to the Department within thirty (30) days of the date of the Commission's Order.
2. Respondents shall prepare an action plan listing actions to be taken in the future to ensure compliance with Utah insurance statutes and rules. This plan shall be submitted to the Department for appraisal within 90 days of the date of the fully signed Order.

DATED this 27<sup>th</sup> day of August, 2014.

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 above.

DATED this 8<sup>th</sup> day of SEPTEMBER, 2014.

  
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JEFFERY D. WIENER, Chairman  
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 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.

**COMMISSIONER CONCURRENCE**

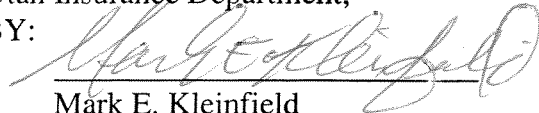
**WITH COMMISSION IMPOSED PENALTIES**

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 September, 2014.

TODD E. KISER,  
Commissioner,  
Utah Insurance Department,

BY:



Mark E. Kleinfield  
Administrative Law Judge