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**RECEIVED**  
DEC 04 2013  
UTAH STATE  
INSURANCE DEPT

**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<br/>AGENCY, INC.<br/>59 West University Parkway<br/>Orem, UT 84058<br/>License No. 380298</p> | <p><b>STIPULATION AND ORDER</b></p> <p>Docket No. 2014-005 PC</p> <p>Enf. Case No. 3404</p> |
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**STIPULATION**

1. Respondent, Eagle Gate Title Insurance Agency, Inc., is a licensed title insurance agency in the State of Utah, holding license number 380298.
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.

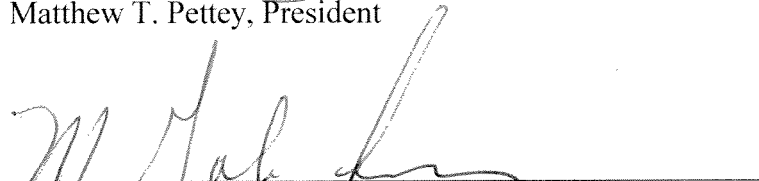
5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to its rights set forth herein.

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 2 day of December, 2013.

  
EAGLE GATE TITLE INSURANCE AGENCY, INC.  
Matthew T. Petty, 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 August 8, 2013, the Department created a list of all title producers who had reinstated their licenses during the month of July, 2013. When the list was compared to the Department's SIRCON licensing database, it was revealed that Respondent's license had lapsed on June 30, 2013 and was not reinstated until July 12, 2013. Respondent's agent associations had also terminated when the license lapsed.
2. On September 3, 2013, a letter from the Department was sent to Respondent requesting a narrative statement outlining all title business conducted between June 30, 2013 and July 12 2013.
3. A response from Respondent's President was received by the Department on September 27, 2013, stating that Respondent had conducted 54 closings/commitments during the time its license had lapsed between June 30, 2013, and July 12, 2013.
4. Respondent's President was cooperative during the investigation and took full responsibility for the lapse. 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. § 31A-23a-103 requires a title agency to be licensed in order to conduct any title business in Utah. Respondent was in violation of this provision when 54

closings/commitments were conducted during the period its license was lapsed.

2. Utah Code Ann. Section 31A-23a-302 requires that an agency's producers and other personnel be associated/designated to it. Respondent also violated this provision by utilizing non-associated producers during the lapse period.

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

Based upon the Stipulation of the parties and the foregoing 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:

Respondent, Eagle Gate Title Insurance Agency, 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 Commission's Order.

DATED this 10<sup>th</sup> day of December, 2013.

TODD E. KISER  
Insurance Commissioner



MARK E. KLEINFELD  
Administrative Law Judge  
Utah Insurance Department  
State Office Bldg., Room 3110  
Salt Lake City, UT 84114  
Telephone (801) 538-3890

**ADOPTION OF RECOMMENDED ORDER AND IMPOSITION OF PENALTY**

By a vote of 5 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 13<sup>th</sup> day of January, <sup>2014</sup>2013.

  
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KIRK D. SMITH 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 \$5,000.00 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.