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

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

1<sup>st</sup> National Title Insurance Agency, LLC

2445 N. 860 W.  
Pleasant Grove, Utah 84064  
Attn: Jax Petty  
License No. 98274

**NOTICE OF INFORMAL  
ADJUDICATIVE PROCEEDING  
AND ORDER**

Docket No.: 2013-140 PC

Enforcement Case No.: 3408

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The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Ann. §§ 31A-2-101 and 63-46b-3 and Utah Admin. Code R590-160.

Based upon information contained in agency files or known to the Commissioner, the Commissioner makes the following:

**FINDINGS OF FACT**

1. Respondent is a licensed title insurance agency in the State of Utah, bearing license number 98274.
2. Respondent failed to file an Annual Report and a Controlled Business Report for the calendar year 2012 with the Commissioner by the thirtieth day of April 2013.

3. Respondent failed to respond to an inquiry of the Commissioner dated August 2, 2013 requesting the filing of its Annual Report and Controlled Business Report due April 30, 2013.

4. Respondent also failed to file an Annual Report and a Controlled Business Report in the year 2012.

5. Respondent failed to pay the Branch Office and Recovery Fund Assessments due by November 30, 2012 and November 15, 2013.

6. Respondent failed to notify the Commissioner within 30 days of a change to a business address.

7. As of the date of this Notice of Informal Adjudicative Proceeding and Order, no response has been received and the time for response and any extensions granted has expired.

Having entered his Findings of Fact, the Commissioner now enters his:

### **CONCLUSION OF LAW**

1. In failing to file an Annual Report and a Controlled Business Report with the Commissioner when due, Respondent violated Utah Code Ann. §31A-23a-413 and Utah Admin. Code, Rule(s) R592-11-4, R592-11-5, and R592-11-6.

2. In failing to submit a response to an inquiry from the Commissioner, the Respondent violated Utah Code Ann. §31A-2-202(4).

3. In failing to pay an assessment when due, Respondent violated Utah Code Ann. §31A-23a-415 and Utah Admin. Code, Rule R592-9-5.

4. In failing to notify the Commissioner of a change in the business address, Respondent violated Utah Code Ann. §31A-23a-412.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commissioner now enters the following:

**ORDER**

**IT IS HEREBY ORDERED:**

1. Respondent shall pay an administrative forfeiture in the amount of \$6,500.00. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final.

2. Respondent shall properly file the documents herein found not to be properly filed, to be received in the offices of the Utah Insurance Department no later than ten (10) days after this Order becomes final.

3. Respondent shall pay all outstanding title assessments herein found not to be paid, to be received in the offices of the Utah Insurance Department no later than 10 (ten) days after this Order becomes final.

4. Respondent shall update the business email address for the agency no later than 10 (ten) days after this Order becomes final.

5. This Order shall become final fifteen (15) days after the date of mailing unless a written request for a hearing is received from the Respondent in the offices of the department prior to that date. A written request for a hearing shall be signed by the person making the request and shall state the basis for the relief requested.

**NOTIFICATION**

If you request a hearing regarding this matter, the department will be represented by M. Gale Lemmon, Assistant Attorney General, 160 East 300 South, Fifth Floor, (PO Box 140874), Salt Lake City, Utah 84114-0874, Telephone Number (801) 366-0375. Failure to request a hearing will be considered a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

You are further 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 of the filing of an action to enforce this Order 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.

**Questions regarding this Adjudicative Proceeding should be directed to Tammy Greening at the Utah Insurance Department (801) 538-3786.**

DATED THIS 26 day of November, 2013.

TODD E. KISER  
INSURANCE COMMISSIONER



MARK KLEINFELD, J.D.  
ADMINISTRATIVE LAW JUDGE  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone (801) 538-3800