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

UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

ARTISAN TITLE INSURANCE
AGENCY, INC., License No. 352917,
6975 South Union Park #390
Cottonwood Heights, UT 84047

Respondent.

**STIPULATION
AND ORDER**

Docket No. 2014-040 PC

Enforcement Case No. 3430

Mark E. Kleinfield
Administrative Law Judge

STIPULATION

The Utah Insurance Department (“Department”), by and through its legal counsel, and Artisan Title Insurance Agency, Inc., a Utah licensed title agency (“Respondent”), hereby stipulate and agree as follows:

1. Respondent Artisan Title Insurance Agency, Inc., is an active Utah licensed title insurance agency authorized to do business in the state of Utah under License No. 352917. Respondent’s address is 6975 South Union Park, #390, Cottonwood Heights, UT 84047.

2. The Department has jurisdiction over the parties and subject matter of this administrative action.

3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-210; acknowledges that this Stipulation and Order is an informal proceeding pursuant to Utah Code § 63G-4-202; and irrevocably waives the right to any hearing, review or appeal concerning this matter.

4. Respondent knows of its right to be represented by legal counsel and waives this right by either having sought the advice of legal counsel or by having voluntarily chosen not to do so.

5. This signed Stipulation and the signed and adopted Order by both the Commissioner and the Title and Escrow Commission, along with the Findings of Fact, the Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

6. If an administrative hearing were held, the Department could offer witnesses and introduce evidence that would support the Findings of Fact presented below; therefore, the Findings of Fact and Conclusions of Law presented below are hereby admitted to.


7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.

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

9. Respondent enters into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.

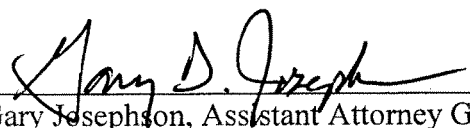
10. The persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

Dated this 10th day of March, 2014.



Artisan Title Insurance Agency, Inc.
David Delahunty, President

Dated this 12th day of March, 2014.



Gary Josephson, Assistant Attorney General
Attorney for Utah Insurance Department

Based upon the foregoing Stipulation and Department file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. On October 1, 2013, a Department representative made a visit to Respondent and a review of compliance with agency producer licensing requirements was performed. A SIRCON licensing screen indicated that Respondent was initially licensed by the Department on August 24, 2010. A review of Department records indicated that Respondent had not filed its proposed escrow filing charges as required.

2. On October 1, 2013, Mr. Delahunty, Respondent's president, was advised to file Respondent's rates and to provide the Department with a list of closings/title business conducted from August 24, 2010 through October 1, 2013.

3. On October 21, 2013, Mr. Delahunty emailed the Department and stated that 1,724 title reports were prepared and 1,293 closings were conducted between August 24, 2010 through October 1, 2013.

4. Mr. Delahunty was cooperative during the investigation and took full responsibility for the lapse in Respondent's compliance to the Department's requirements.

5. Respondent has had two prior enforcement actions: one for failing to timely pay an assessment; and one for lapsed license.

6. On November 25, 2013, Respondent agreed to a proposed enforcement action of an administrative forfeiture in the amount of \$1,500.00.

Based upon the foregoing Stipulation and Findings of Fact, the following Conclusions of Law are made:

CONCLUSIONS OF LAW

1. Utah Code § 31A-19a-209(2)(a) requires a title agency to file with the Commissioner a schedule of the escrow charges or any changes to the schedule of escrow charges that the agency proposes to use prior to conducting a real estate closing or providing services in connection with the issuance of title insurance policies.

2. Because Respondent failed to file its escrow charges with the Department, Respondent was in violation of Utah Code § 31A-19a-209 during the period August 24, 2010 through October 1, 2013.

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

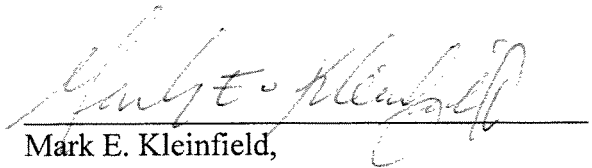
RECOMMENDED ORDER

IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION APPROVE AND ADOPT THE FOLLOWING ORDER, WITH PENALTY:

Based on the Stipulation, Findings of Fact and Conclusions of Law, Respondent, Artisan Title Insurance Agency, Inc., is 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 Title and Escrow adopting the Commissioner's Order.

DATED this 12th day of March, 2014.

Todd E. Kiser
Utah Insurance Commissioner



Mark E. Kleinfeld,
Administrative Law Judge
Utah Insurance Department
Room 2110, State Office Building
Salt Lake City, Utah 84114
Telephone (801) 538-3800

ADOPTION OF RECOMMENDED ORDER, WITH PENALTY

By a vote of 4 to 0, taken in open meeting on this date, the Utah Title and Escrow Commission hereby adopts the recommended Order, with Penalty.

DATED this 14th day of April, 2014.



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 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 _____ day of APR 14 2014, 2014.

TODD E. KISER,
Commissioner,
Utah Insurance Department,

BY: 

Mark E. Kleinfield
Administrative Law Judge