

3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-210; acknowledges that this Stipulation and Order is part of 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 voluntarily having chosen not to do so.

5. This signed Stipulation, the signed and adopted Order by both the Insurance Commissioner 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 and accept the Findings of Fact and Conclusions of Law presented below.


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.

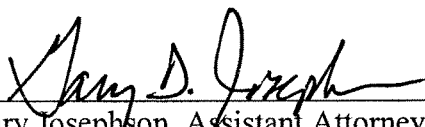
10. The persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

Dated this 20th day of March, 2014.



Box Elder Land Title Insurance Agency, Inc.
Susan R. Pugsley, President

Dated this 26th day of March, 2014.



Gary Josephson, Assistant Attorney General
Representing the 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 November 8, 2013, Department personnel reviewed a list of all title producers who had reinstated their licenses in October, 2013. A SIRCON licensing screen indicated that Respondent's license had lapsed on June 30, 2013 and was not reinstated until October 10, 2013. Respondent's producer associations also lapsed on June 30, 2013; all producers were re-associated on October 11, 2013.
2. On December 2, 2013, a Department letter was sent to Respondent's President, Susan Pugsley, requesting a narrative response regarding any title business conducted between June 30, 2013, and October 10, 2013.
3. On December 18, 2013 the Department received a reply from Ms. Pugsley stating that Respondent had conducted 60 closings and issued 76 search commitments between June 30,

2013 and October 10, 2013.

4. Throughout the investigation, Respondent's President, Susan Pugsley was cooperative, helpful and took full responsibility for the agency's actions.

5 On February 3, 2014, the Department offered an enforcement action with a stipulation and administrative forfeiture of \$1,500.00.

6. On February 18, 2013, via email, the Respondent accepted the proposed enforcement action.

Based upon the foregoing Stipulation and Findings of Fact, the following conclusions of law are entered:

CONCLUSIONS OF LAW

1. Utah Code Ann. § 31A-23a-103 requires that a license be issued by the Department for a person to perform, offer to perform, or advertise any service as a producer, limited line producer, customer service representative, consultant or managing general agent in the State.

2. Utah Code Ann. § 31A-23a-302(1) requires an agency to designate an individual who has an individual producer, limited line producer, customer service representative, consultant, managing general agent, or reinsurance intermediary license to act on behalf of the agency in order for it to do business in the state.

3. Because Respondent's licensed was lapsed during the period June 30, 2013 to October 10, 2013, and its associations was lapsed from June 30, 2013 to October 11, 2013, Respondent was in violation of the above statutory provisions.

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


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, Box Elder Land 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 Commission's Order.

DATED this 27 day of March, 2014.

TODD E. KISER
INSURANCE COMMISSIONER


MARK E. KLEINFELD
Administrative law Judge
Utah Insurance Department

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 of the presiding officer and imposes the recommended 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 any order of the Commission 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.

APR 14 2014

Dated this ____ day of _____, 201__.

TODD E. KISER,
Commissioner,
Utah Insurance Department,
BY: 

Mark E. Kleinfield
Administrative Law Judge