

GARY D. JOSEPHSON #5299
Assistant Attorney General
SEAN D. REYES #7969
Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, Fifth Floor
P.O. Box 140874
Salt Lake City, UT 84114-0874
Telephone (801) 366-0375
Email: gjosephson@utah.gov

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

<p>UTAH INSURANCE DEPARTMENT, Complainant, vs. BARTLETT TITLE INSURANCE AGENCY, INC, License No. 103332 1993 N. State Street, Provo, UT 84604 Respondent.</p>	<p style="text-align: center;">STIPULATION AND ORDER</p> <p>Docket No: 2014-022PC Enforcement Case No. 3454 Mark E. Kleinfield Administrative Law Judge</p>
---	--

STIPULATION

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

1. Respondent, Bartlett Title Insurance Agency, Inc., is an active Utah licensed title insurance agency authorized to do business in the state of Utah under License No. 103332. Respondent’s address is 1993 N. State Street, Provo, UT 84604.
2. The Department has jurisdiction over the parties and the 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 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 having voluntarily 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 to and accept the Findings of Fact and Conclusions of Law presented below.

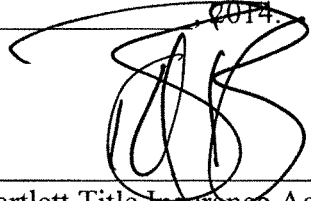
7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.

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.

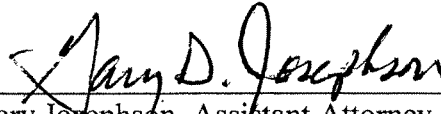
10. The persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign for and bind the parties.

Dated this 25 day of March, 2014.



Bartlett Title Insurance Agency, Inc.
Bruce Bartlett, President

Dated this 26th 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 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 September 30, 2013 and was not reinstated until October 8, 2013. The SIRCON screen also indicated that Respondent's associations were terminated on September 30, 2013. All Respondent's producers were re-associated on February 3, 2014.
2. On December 2, 2013, a letter was sent to Bruce Bartlett requesting a narrative response regarding any title business conducted between September 30, 2013 and October 8, 2013.
3. On December 23, the Department received a reply from Mr. Bartlett stating that Respondent had conducted 3 closings and issued 5 search commitments between September 30,

2013 and October 8, 2013.

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

5. Based on a history of three lapsed licenses, the Department offered an enforcement action of a stipulation and administrative forfeiture of \$3,000.00.

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 conducted 3 closings and issued 4 search commitments during the period its license had lapsed, and because its producer associations were lapsed from September 30, 2013 to February 3, 2014, Respondent was in violation of the above statutory provisions.

3. An administrative forfeiture in the amount of \$3,000.00 is appropriate.


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, Bartlett Title Insurance Agency, Inc. is assessed a \$3,000.00 administrative forfeiture to be paid to the Department within thirty (30) days of the date of the Commission's adoption of the Order.

DATED this 26th 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.

Dated this ____ day of APR 14 2014, 201__.

TODD E. KISER,
Commissioner,
Utah Insurance Department,

BY:



Mark E. Kleinfeld
Administrative Law Judge



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Insurance Department

UTAH Invoice - Original

BRUCE BARTLETT
BARTLETT TITLE INSURANCE AGENCY INC
1993 N STATE ST
PROVO UT 84604-1012

Printed Date: April 14, 2014
Invoice Date: April 14, 2014
Balance Due: \$3,000.00
Due Date: May 14, 2014
Invoice ID: 687708
Payor ID: 12536

Date	Item Description	Amount
04-14-2014	Market Conduct Exam Billing	\$3,000.00

E-Case 3454 Docket 2014-022 PC

No Adjustments

No Payments

Balance Amount Due \$3,000.00

UTAH Invoice - Original

Make check payable to: Utah Insurance Department
Send payment to:
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114-6901

Invoice Date: April 14, 2014
Balance Due: \$3,000.00
Due Date: May 14, 2014
Invoice ID: 687708
Payor ID: 12536

E-Case 3454 Docket 2014-022 PC

Detach and Return this Voucher with Payment
Payments Will Not Be Processed without Voucher

CERTIFICATE OF MAILING

I do hereby certify that on this date I mailed, by regular mail postage prepaid, a true and correct copy of the attached:

STIPULATION
&
ORDER

To the following:

Bartlett Title Insurance Agency, Inc.
1993 N State Street
Provo, UT 84604-1012

DATED this 14th April, 2014


Linda Hardy