

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. ADVANCED TITLE COMPANY, INC., License No. 2877, Del R. Brady, President 71 North 100 West Vernal, UT 84078 Respondent.</p>	<p>STIPULATION AND ORDER</p> <p>Docket No. 2014-035 PC Enforcement Case No. 3465 Mark E. Kleinfield Administrative Law Judge</p>
---	---

STIPULATION

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

1. Respondent, Advanced title company, Inc., is an active Utah licensed title insurance agency authorized to do business in the state of Utah under License No. 2877. Respondent’s address is 71 North 100 West, Vernal, UT 84078.

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 the 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 and Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

6. The Findings of Fact and Conclusions of Law presented below are hereby accepted by the parties.

7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter addressed in the Findings of Fact and Conclusions of Law.

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 of behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.


11. If the Order is not signed and fully adopted by both the Administrative law Judge and the Title and Escrow Commission, this Stipulation will be void and of no effect.

Dated this 10 day of April, 2014.



ADVANCED TITLE COMPANY, INC.
Del R. Brady, President

Dated this 14th day of April, 2014.



UTAH INSURANCE DEPARTMENT
Gary Josephson
Attorney for 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. In January, 2014, the Department compiled and reviewed a list of all title producers who had reinstated their license during the month of November 2013. The Department's review revealed that Respondent's license had lapsed on November 30, 2013 and was re-instated on December 11, 2013. In addition, the review revealed that all Respondent's

title producer associations terminated on November 30, 2013 and were re-associated on January 21, 2014.

2. On January 15, 2014, a Department letter was sent to Respondent requesting a narrative statement regarding any and all title insurance business conducted between November 30, 2013 and December 11, 2013.

3. In response, Respondent stated that it had conducted fourteen (14) closings and had issued eighteen (18) search commitments between November 30, 2013 and December 11, 2013. Respondent was cooperative during the investigation and took full responsibility for its actions.

4. On March 12, 2014, the Department offered a stipulated resolution of this matter to Respondent. On March 12, 2014, Respondent's president agreed to the imposition of an administrative penalty and forfeiture in the amount of \$1,500.00 to resolve this matter.

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 states that authorization to conduct insurance business in this state requires an individual or agency to hold an active license.

2. Utah Code Ann. § 31A-23a-302 requires an agency to designate an individual or individuals who have individual producer, limited line producer, customer service representative, consultant, managing general agent, or reinsurance intermediary licenses to act on the agency's behalf in order for the licensee to do business in Utah.

3. Respondent was in violation of the above provisions during the period the agency license and producer designations were lapsed, which was between November 30, 2013 and December 11, 2013.

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

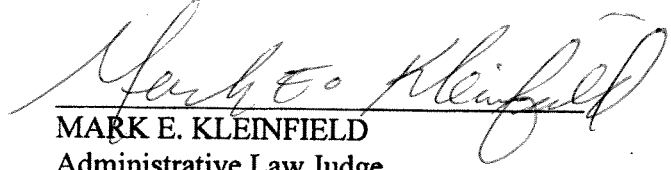
RECOMMENDED ORDER

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 Advanced Title company, Inc. shall be assessed an administrative forfeiture in the amount of \$1,500.00 to be paid to the Department within thirty days of the full signing and adoption of the Order.

DATED this 23rd day of April, 2014.

Todd E. Kiser
Utah Insurance Commissioner



MARK E. KLEINFELD
Administrative Law Judge
Utah Insurance Department

ADOPTION OF RECOMMENDED ORDER, WITH PENALTY

By a vote of 3 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 9th day of June, 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.

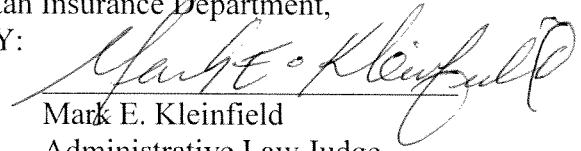
COMMISSIONER CONCURRENCE

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 9th day of June, 2011.

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


Mark E. Kleinfield
Administrative Law Judge

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:

Advanced Title Company
Attn: Del R. Brady
71 North 100 West
Vernal, Utah 84078

DATED this 13th day June, 2014



LINDA HARDY
UTAH INSURANCE DEPARTMENT
STATE OFFICE BUILDING, ROOM 3110
SALT LAKE CITY, UT 84114-6901



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Insurance Department

UTAH Invoice - Original

DEL R BRADY
ADVANCED TITLE COMPANY, INC
71 NORTH 100 WEST
VERNAL UT 84078

Printed Date: June 13, 2014
Invoice Date: June 13, 2014
Balance Due: \$1,500.00
Due Date: July 8, 2014
Invoice ID: 697058
Payor ID: 6643

Date	Item Description	Amount
06-13-2014	Monetary Penalty Agency	\$1,500.00

E-Case 3465 Docket 2014-035 PC

No Adjustments

No Payments

Balance Amount Due \$1,500.00

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: June 13, 2014
Balance Due: \$1,500.00
Due Date: July 8, 2014
Invoice ID: 697058
Payor ID: 6643

E-Case 3465 Docket 2014-035 PC

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