



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

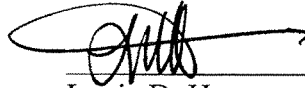
8. The only promises, agreement and understanding that the parties have regarding this matter are contained in this Stipulation.

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

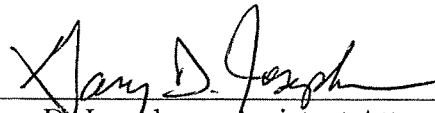
that they are authorized to sign and bind the parties.

Dated this 21 day of July 2014, 2014.



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Louie D. Hamner, President  
Magellan Title

Dated this 28<sup>th</sup> day of July, 2014.



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Gary D. Josephson, Assistant Attorney General  
Utah Insurance Department

Based upon the foregoing Stipulation and Department file, the Administrative Law Judge makes the following Findings of Fact:

**FINDINGS OF FACT**

1. Respondent's license lapsed on February 28, 2014 and was reinstated on March 4, 2014. During this license lapsed period, Respondent conducted title and escrow insurance business.
2. Respondent's employee, Chris Sparks, had his individual producer license lapse on October 31, 2013. His license was reinstated on January 17, 2014. Respondent's designation

of Sparks had also lapsed during this time period. During this license lapsed period, Sparks conducted five escrow closings.

3. Respondent's employee, Dustin Wright, had his individual producer license lapse on December 31, 2013. His license was reinstated on January 21, 2014. Respondent's designation of Wright had also lapsed during this time period. During this license lapsed period, Wright conducted eight closings.

4. Respondent's employee, Lesley Ulibarri, conducted title and escrow business on its behalf, while at the same time maintaining an active real estate license and receiving compensation for real estate business activity.

5. Respondent was cooperative during the investigation and took full responsibility for the violations.

6. On June 4, 2014, Respondent agreed to an administrative forfeiture in the amount of \$5,000.00.

Based upon the foregoing Stipulation and Findings of Fact, the Administrative Law Judge enters the following Conclusions of Law:

#### **CONCLUSIONS OF LAW**

1. Respondent violated Utah Code Section 31A-23a-103 because Respondent and two of its agents conducting title and escrow business during the time period that the licenses were lapsed.

2. Respondent violated Utah Code Section 31A-23a-302 because Respondent's

required agency designations of producers had lapsed with the licenses.

3. As an unfair method of competition, Respondent violated Utah Adm. Code R592-6-4(13) by compensating one of its employees, who, at the same time, was licensed and receiving compensation for conducting real estate business.

4. An administrative forfeiture in the amount of \$5,000.00 is reasonable and appropriate in this matter.


**RECOMMENDED ORDER**

IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION IMPOSE THE FOLLOWING PENALTY:

Respondent, Magellan Title is assessed an administrative forfeiture in the amount of \$5,000.00 to be paid to the Department within thirty (30) days of the date of the Commission's Order.

DATED this 29<sup>th</sup> day of July, 2014.


TODD E. KISER  
Insurance Commissioner

  
MARK E. KLEINFELD  
Administrative Law Judge  
Utah Insurance Department

**ADOPTION OF RECOMMENDED ORDER AND IMPOSITION OF PENALTY**

By a vote of 4 to 0, taken in open meeting on this date, the Title and Escrow Commission hereby adopts the recommended order of the presiding officer and imposes the penalty recommended above.

DATED this 8<sup>TH</sup> day of SEPTEMBER, 2014.

  
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Jeff Winkler, 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 8<sup>th</sup> day of September, 2019.

TODD E. KISER,  
Commissioner,  
Utah Insurance Department,

BY:



Mark E. Kleinfeld  
Administrative Law Judge