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

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UTAH INSURANCE DEPARTMENT,

Complainant,

v.

LESLEY ANN ULIBARRI  
License # 447789  
6925 S. Union Park Center, Suite 400  
Midvale, UT 84047

Respondent.

**STIPULATION AND ORDER**

Docket No. 2014-076 PC

Enf. Case No. 3512

Mark E. Kleinfield  
Administrative Law Judge

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**STIPULATION**

The Utah Insurance Department ("Department"), by and through its legal counsel, and Lesley Ann Ulibarri, a Utah licensed title insurance producer ("Respondent"), hereby stipulate and agree as follows:

1. Respondent is an active Utah licensed title insurance producer authorized to do business in the state of Utah under License No. 447789. Respondent's business address is 6925 Union Park Center, Suite 400, Midvale, 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-4-201; 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 her 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 any 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 accepted by the parties.

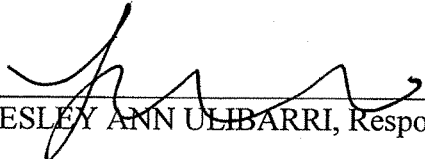
7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.

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


9. Respondents enter 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 29 day of September, 2014.

  
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LESLEY ANN ULBARRI, Respondent

Dated this 30<sup>th</sup> day of September, 2014.

  
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UTAH DEPARTMENT OF INSURANCE  
Gary D. Josephson, Assitant Attorney General

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

**FINDINGS OF FACT**

1. The Department investigation of this matter was initiated in February, 2014, regarding possible violations by Respondent of the dual licensing statute and rule.
2. The investigation determined that Respondent was an active real estate licensee with the real estate license expiration date of March 31, 2014.
3. Records of real estate transactions conducted by Respondent were obtained from the Department of Real Estate and records of Respondent's title business transactions were obtained from Magellan Title, her employer.
4. It was determined that Respondent conducted two real estate transactions as a dual licensee without permission from the Commissioner.

5. Respondent and her employer were cooperative during the investigation and took responsibility for her actions. Respondent has since allowed her real estate license to lapse.

6. The Department and Respondent have agreed to imposition of administrative penalties as follows:

(a) Respondent is to pay a forfeiture in the amount of \$2,500.00;

(b) Respondent is to be placed on supervised probation for 12 months, supervised by Louie Hamner, President of Magellan Title. The escrow files of Respondent shall be monitored and Mr. Hamner will present a quarterly report to the Department which will include all activities related to escrow closings.

(c) A random sampling of HUD-1 documents will be chosen by the Department each quarter.

(d) The first report shall be submitted 90 days following entry of the Order and every 90 days thereafter.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

#### **CONCLUSIONS OF LAW**

1. Utah Code Section 31A-2-405 and Administrative Rule R 592-5-4 addresses (a) dual licensed title licensees' requirement for approval of the Commissioner in order to conduct title insurance business; (b) the findings required before approval is given; and (c) the penalties for not obtaining such approval.

2. Respondent violated the above referenced insurance laws by conducting two real

estate transactions as a dual licensee without permission from the Insurance Commissioner.

3. The proposed administrative forfeiture of \$2,500.00; supervised probation for a period of 12 months; and the requirement that quarterly reports be submitted to the Department are appropriate in this matter.

**RECOMMENDED ORDER**


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

1. Respondent, Lesley Ann Ulibarri shall be assessed an administrative forfeiture in the amount of \$2,500.00 to be paid within 30 days of the date of the full signing of the Commission's Order.

2. Respondent shall be placed on supervised probation for 12 months. Respondent will be supervised by Louie Hamner, President of Magellan Title. The escrow files of Respondent shall be monitored and Mr. Hamner will present a quarterly report to the Department which will include all activities related to escrow closings. A random sampling of HUD-1 documents will be chosen by the Department each quarter. The first report shall be submitted 90 days following entry of the Order and every 90 days thereafter.

DATED this 6<sup>th</sup> day of October, 2014.

TODD E. KISER  
Insurance Commissioner

  
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MARK E. KLEINFELD  
Administrative Law Judge  
Utah Insurance Department

**COMMISSIONER CONCURRENCE**

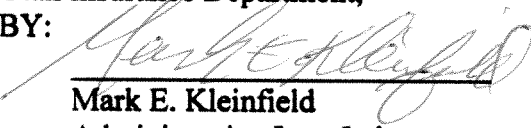
**WITH COMMISSION IMPOSED PENALTIES**

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 20 day of October, 2014.

TODD E. KISER,  
Commissioner,  
Utah Insurance Department,


BY:

  
Mark E. Kleinfeld  
Administrative Law Judge

**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 20 day of October, 2014.

  
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JEFFERY D. WIENER, 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.