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

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UTAH INSURANCE DEPARTMENT,

Complainant,

v.

SUTHERLAND TITLE COMPANY  
License # 4641  
920 East Oak Wood Lane, Suite 100  
Salt Lake City, UT 84117

Respondent.

**STIPULATION AND ORDER**

Docket No. 2014-100 LC

Enf. Case No. 3534

Mark E. Kleinfield  
Administrative Law Judge

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**STIPULATION**

The Utah Insurance Department (“Department”), by and through its legal counsel, and Sutherland Title Company, a Utah licensed title insurance agency (“Respondent”), hereby stipulate and agree as follows:

1. Respondent is an active Utah licensed title insurance agency authorized to do business in the state of Utah under License No. 4641. Respondent’s business address is 920 East Oak Wood Lane, Suite 100, Salt Lake City, UT 84117.

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 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 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.

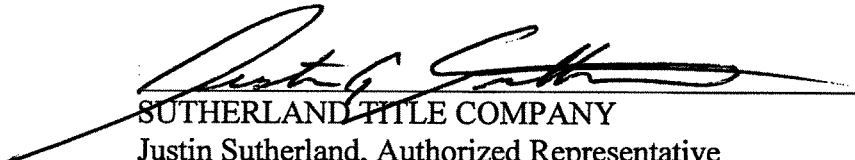
8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.

9. 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 22 day of September, 2014.

  
SUTHERLAND TITLE COMPANY  
Justin Sutherland, Authorized Representative

*Sept. 29, 2014*

  
UTAH INSURANCE DEPARTMENT  
Gary D. Josephson, Assistant Attorney General

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

**FINDINGS OF FACT**

1. On April 4, 2014, the Department compiled a list of all title producers who had renewed their licenses during the month of March 2014. After reviewing the list and SIRCON licensing, it was determined that Respondent's license had lapsed on February 28, 2014 and was reinstated March 7, 2014. Respondent's producers were re-associated on March 12, 2014.

2. On June 10, 2014, the Department investigator requested from Respondent a narrative statement of all title business conducted between February 28, 2014 and March 7, 2014.

3. On June 30, 2014, Justin Sutherland replied and stated that the company conducted 11 closings and issued four commitments on behalf of the insurer between February 28, 2014 and March 7, 2014.

4. Respondent was cooperative and helpful during the investigation, and took full responsibility for the lapse.

5. Respondent has agreed an administrative forfeiture of \$1,500.00. In addition, Respondent will prepare and submit a comprehensive business plan that outlines specific policies and procedures to be put in place to ensure future compliance with license renewal requirements.

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-23a-103 requires every insurance producer to have an active license to conduct any title business in Utah.

2. Utah Code Section 31A-23a-302 requires an agency to designate with the Department any individual acting on the agency's behalf.

3. Respondent violated the above statutes in conducting title business during the period when its license was lapsed.

4. The proposed administrative forfeiture of \$1,500.00, and the requirement that Respondent submit to the Department a comprehensive business plan outlining procedures and policies ensuring future compliance with Utah law and Department rules are appropriate in this matter.

#### **RECOMMENDED ORDER**

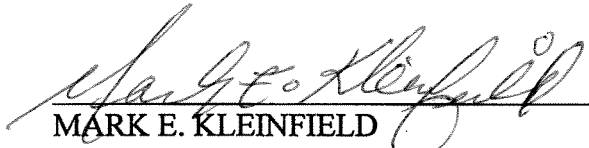
IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION IMPOSE THE FOLLOWING PENALTY:

1. Respondent, Sutherland Title Company shall be assessed an administrative forfeiture in the amount of \$1,500.00 to be paid to the Department within 30 days of the date of the Commission's Order.

2. Within 90 days of the full signing of this Order, Respondent shall submit a comprehensive business plan outlining specific procedures and policies it shall put in place regarding its license renewals and associations ensuring future compliance with Utah statutes and Department rules.

DATED this 29<sup>th</sup> day of September, 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 20 day of October, 2014.

  
JEFFERY D. WIENER, Chairman  
Title and Escrow Commission

**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, 2011.

TODD E. KISER,  
Commissioner,  
Utah Insurance Department,

BY:

  
Mark E. Kleinfield  
Administrative Law Judge

**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.

CERTIFICATE OF MAILING

The undersigned hereby certify that on this date, a true and correct copy of the foregoing STIULATION AND ORDER was mailed, postage prepaid, to the following:

**Justin Sutherland**  
**Sutherland Title Company**  
920 East Wood Oak Lane, Suite 100  
Salt Lake City, UT 84117

DATED this 20<sup>th</sup> day October, 2014



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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

S. JEFF BRIDGEFORTH  
SUTHERLAND TITLE COMPANY  
920 EAST WOOD OAK LANE  
SUITE 100  
SALT LAKE CITY UT 84117

Printed Date: October 20, 2014  
Invoice Date: October 20, 2014  
Balance Due: \$1,500.00  
Due Date: November 24, 2014  
Invoice ID: 727412  
Payor ID: 6974

Date	Item Description	Amount	
10-20-2014	Monetary Penalty Agency	\$1,500.00	E-Case 3534 Docket # 2014-100 LC

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: October 20, 2014  
Balance Due: \$1,500.00  
Due Date: November 24, 2014  
Invoice ID: 727412  
Payor ID: 6974

**E-Case 3534 Docket # 2014-100 LC**

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