



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-4-210; 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 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 agreed to.

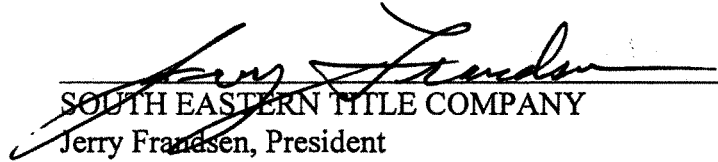
7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter addressed herein.

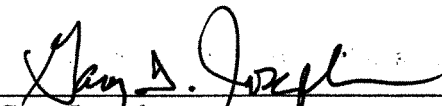
8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.

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 23<sup>rd</sup> day of September 2014.

  
SOUTH EASTERN TITLE COMPANY  
Jerry Frandsen, President

Sept. 30<sup>th</sup>, 2014   
Gary Josephson  
Assistant Attorney General  
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 May 6, 2014, the Department compiled a list of all title producers who had renewed their licenses during the month of April, 2014. After reviewing the list and SIRCON licensing, it was determined that Respondent's license had lapsed on March 31, 2014 and was not reinstated until April 11, 2014. During the period of license lapse, Respondent's agents were not associated to it.

2 The Department investigator requested from Respondent a narrative statement of all title business conducted between March 31, 2014 and April 11, 2014.

3. On July 10, 2014, Respondent's president, Jerry Frandsen, replies and stated that the company conducted 18 closings and issued 26 commitments between March 31, 2014 and April 11, 2014.

4. Respondent had a similar license lapse in 2012. Mr. Frandsen was cooperative 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 referenced statutes in conducting title business during the period 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 that will ensure 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, South Eastern Title Company is assessed an administrative forfeiture in the amount of \$1,500.00 to be paid to the Department within 30 days of the date the Commission's Order.
2. Within 90 days from the fully signed and adopted 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 insurance laws 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

**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

**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.