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

<p>UTAH INSURANCE DEPARTMENT,           Complainant,           v.           SOUTHERN UTAH TITLE COMPANY OF          CEDAR CITY          210 North 300 West, Suite 100          Cedar City, UT 84720          License No. 3295           BARRY ORTON          210 North 300 West, Suite 100          Cedar City, UT 84720          License No. 145622           Respondents.</p>	<p><b>STIPULATION AND ORDER</b></p> <p>Docket No. 2015-016 PC</p> <p>Enf. Case No. 3580</p> <p>Judge Mark E. Kleinfeld          Administrative Law Judge</p>
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**STIPULATION**

The Utah Insurance Department ("Department"), by and through its legal counsel, and Southern Utah Title Company of Cedar City and Barry Orton ("Respondents"), Utah title insurance licensees hereby stipulate and agree as follows:

- Respondent Southern Utah Title Company of Cedar City is an active Utah licensed title insurance agency authorized to do business in the State of Utah under License No.



3295. Respondent Barry Orton is an active Utah licensed producer and escrow officer authorized to do business in the State of Utah under License No. 145622. Respondents' business address is 210 North 300 West, Suite 100, Cedar City, Utah 84720.

2. The Department has jurisdiction over the parties and subject matter of this administrative action.

3. Respondents 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 waive the right to any hearing, review or appeal concerning this matter.

4. Respondents have the right to be represented by legal counsel and waive 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 of 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.

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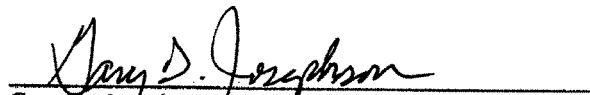
9. Respondents enter into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.

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 27<sup>th</sup> day of February, 2015.

  
Joseph McPhie, General Manager  
SOUTHER UTAH TITLE COMPANY OF CEDAR CITY

  
Barry Orton, Licensee

  
Gary D. 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. In March, 2014, an anonymous complaint was received by the Department alleging that Respondent Southern Utah Title of Cedar City and Respondent Barry Orton

("Orton") provided edible items as a method of self-promotion. Clients were invited (via e-mail to the office of Southern Utah Title Company of Cedar City by Respondent Barry Orton to participate in the event described as "Tasty Tuesdays" ("event"). One client posted pictures of the weekly event on the social networking site FaceBook.

2. The Department determined that the Tasty Tuesdays event where edibles were provided was not an allowed event under Utah Admin. Code R592-6-5(5).

3. The Department concluded that the event was an opportunity for self-promotion created by Respondents.

4. Respondents were cooperative during the investigation, and neither Respondent has any prior violations of Department statutes or rules.


5. Respondent Southern Utah Title Company of Cedar City has agreed to the Department's recommendation of six (6) months of probation and a forfeiture of \$2,000.00 with \$1,000.00 suspended pending successful completion of probation.

6. Respondent Barry Orton has agreed to the Department's recommendation of six (6) months of probation and a forfeiture of \$1,000.00 with \$500.00 suspended pending successful completion of probation.

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

#### CONCLUSIONS OF LAW

1. Utah Admin. Code R592-6-5(5) was violated by Respondents when they provided edible items as a form of self promotion at the "Tasty Tuesday" events and extending an

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invitation to clients to visit the offices of Respondents.

2. Based on the Findings and Fact and Conclusions of Law, the settlement agreement appears reasonable.

**RECOMMENDED ORDER**

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

1. Respondent Southern Utah Title Company of Cedar City will pay a forfeiture of \$2,000.00 with \$1,000.00 suspended pending successful completion of probation.

2. Respondent Southern Utah Title Company of Cedar City is placed on probation for a period of six (6) months. The terms of probation are that Respondent Southern Utah Title Company of Cedar City (a) shall not violate any insurance statutes or rules, (b) shall conduct a continuing education program for all employees concerning current market rules; and (c) shall pay the administrative forfeiture of \$1,000.00 within ten (10) days of the fully signed Order.

3. Any violation during the term of probation shall be cause for reinstatement of the statutory penalty, additional probation, and the possibility of suspension or revocation of license.

4. Respondent Barry Orton will pay a forfeiture of \$1,000.00 with \$500.00 suspended pending successful completion of probation.

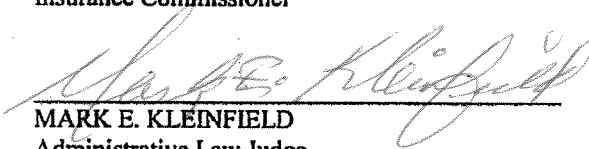
5. Respondent Barry Orton is placed on probation for a period of six (6) months. The terms of probation are that Respondent shall not violate any insurance statutes or rules and shall pay the \$500.00 within ten days of the fully signed Order.

6. Any violation during the term of probation shall be cause for reinstatement of the statutory penalty, and the possibility of suspension or revocation of license.



DATED this 2<sup>nd</sup> day of March, 2015.

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 3 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.

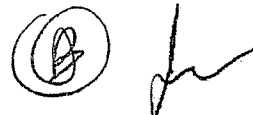
DATED this 16 day of March, 2015.

  
JEFFREY D. WEINER, Chairman  
Title and Escrow Commission

**NOTIFICATION TO RESPONDENTS**

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 16 day of March, 2015.

TODD E. KISER,  
Commissioner,  
Utah Insurance Department,

BY:

  
Mark E. Kleinfeld  
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.

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