

UTAH INSURANCE DEPARTMENT
State Office Building, Room 3110
Salt Lake City, UT 84114
Tammy Greening, Investigator
Telephone (801) 538-3786
tgreening@utah.gov

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

**UTAH INSURANCE DEPARTMENT,
COMPLAINANT**

vs

**ARCHES TITLE INSURANCE
AGENCY, LLC**
(License No. 497350)

**NOTICE OF INFORMAL
AGENCY ACTION AND ORDER**

Docket No.: 2016-061 PC
Enf. Case No. 3776

Judge Gregory Soderberg, J.D.
Administrative Law Judge

The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Ann. §§ 31A-2-201 and 63G-4-201 and Utah Admin. Code R590-160. Based upon information contained in agency files or known to the Department, the Administrative Law Judge enters the following findings of fact:

FINDINGS OF FACT

1. Respondent is a licensed title insurance agency authorized to do the business of title insurance in the State of Utah, holding license number 497350.
2. Respondent was assessed the Title Assessment fee in the amount of \$375.00, pursuant to Utah Code Ann. §§ 31A-23a-415 and 31A-41-202, on October 21, 2015, which was due by

November 30, 2015.

3. Respondent failed to pay the Title Assessment when due.

4. Thereafter, Respondent was emailed a courtesy reminder indicating a past due amount for the Title Assessment on December 22, 2015.

5. Respondent failed to file its 2016 Annual and Controlled Reports for calendar year 2015 by the annual due date of April 30.

6. As of the date of this Notice of Informal Agency Action and Order, no response, payment, or filing has been received from Respondent.

7. Respondent also failed to file its 2015 Annual and Controlled Business Reports for calendar year 2014.

Based upon the foregoing findings of fact, the Administrative Law Judge enters the following conclusions of law:

CONCLUSIONS OF LAW

1. In failing to pay the assessment when due, Respondent violated Utah Admin. Rule R592-10-8.

2. In failing to file the 2016 Annual and Controlled Business Reports by the annual due date of April 30, Respondent violated Utah Code Ann. § 31A-23a-413 and Utah Admin. Rule R592-11-3(4).

3. Pursuant to Utah Code Ann. Subsection § 31A-2-308(1)(b)(ii), when a licensee violates an Insurance Department Rule, the commissioner may assess an administrative forfeiture of up to \$5,000.00 per violation.

Based upon the foregoing findings of fact and conclusions of law, the Administrative Law Judge now enters the following Order:

ORDER

IT IS HEREBY ORDERED:

1. Respondent is assessed an administrative forfeiture in the amount of \$1,000.00. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final.

2. Respondent shall also pay the past due assessment fee in the amount of \$375.00 in addition to the forfeiture assessed herein. Said payment shall be made no later than ten (10) days after the date this Order becomes final.

3. Respondent shall file the 2016 Annual and Controlled Business Reports for calendar year 2015 no later than ten (10) days after the date this Order becomes final.

4. This Order shall become final fifteen (15) days after the date of mailing unless a written request for a hearing is received from the Respondent in the offices of the department prior to that date. A written request for a hearing shall be signed by the person making the request and shall state the basis for the relief requested.

NOTIFICATION

If you request a hearing regarding this matter, please contact the Investigator, Tammy Greening at (801) 538-3786. Failure to request a hearing will be considered a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.


You are further notified that a failure to obey an Order of the commissioner may subject you to further penalties, including forfeitures of up to \$5,000.00 per violation and the suspension

or revocation of your license and the filing of an action to enforce this Order in District Court which may impose forfeitures of up to \$10,000.00 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.

DATED this 13th day of May, 2016.

TODD E. KISER
INSURANCE COMMISSIONER



GREGORY SODERBERG, J.D.
Administrative Law Judge