



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Insurance Department

JONATHAN T. PIKE
Insurance Commissioner

Title & Escrow Commission Meeting

(<https://insurance.utah.gov/licensee/title/tec>)

Date: **October 17, 2022**

Place: **In Person**

Virtual

Time: **9:00 AM**

Taylorsville SOB
4315 S. 2700 W.
Big Cottonwood Room
Taylorsville, UT 84129

Google Meet
meet.google.com/qxc-ktxb-yyu
916-245-3052 Phone
582 500 920# Password

ATTENDEES

TITLE & ESCROW COMMISSION

Chair, Kim Holbrook (*Insurer, Davis County*) Darla Milovich (*Agency, Salt Lake County*)
Vice Chair, Chase Phillips (*Agency, Weber County*) Cal Robinson (*Agency, Iron County*)
Jeff Mathews (*Public Member, Morgan County*) Perri Babalis, *AG Counsel - TEC*

DEPARTMENT STAFF

Jon Pike, *Insurance Commissioner* Reed Stringham, *Deputy Comm.* Tracy Klausmeier, *P&C Dir.*
Randy Overstreet, *Licensing Dir.* Patrick Lee, *Finance Dir.* Adam Martin, *MC Examiner*
Shelley Coudreaux, *AG Counsel - UID* Michael Covington, *CE Specialist* Steve Gooch, *PIO Recorder*

AGENDA

General Session: (Open to the Public)

- **Welcome** / Kim Holbrook, Chair
- **Telephone Roll Call**
- **Adopt Minutes of Previous Meeting**
- **Concurrence Reports** / Kim
 - Licenses
- **Board Duties & Responsibilities** / Perri
- **Update on 2022 Goals**
 - ULTA report / Kim
- **New Business**
 - Follow up on amendments to 31A-23a-409 / Reed
 - Amendments to 31A-23a-406 / Reed
 - Resolution on electronic meetings / Shelley
- **Old Business**
- **Other Business**
 - Expiring board member terms / Steve
 - Insurer member (Darla)
 - Agency member (Chase)
- **Hot Topics**

Executive Session (None)

- **Adjourn**
- **Next Meeting: November 14, 2022** — Big Cottonwood Room, Taylorsville State Office Building

2022 Meeting Schedule

Jan 10	Feb 14	Mar 14	Apr 11	May 9	Jun 13
Jul 11	Aug 22	Sept 12	Oct 17*	Nov 14	Dec 19

*Proposed TEC/REC meeting immediately following

2022 Goals

1. Continue making sure testing is relevant
2. Continue working with the Real Estate Commission
3. Continue working with the ULTA as a liaison
4. Increase awareness of wire fraud's effect on consumers and agencies
5. Increase awareness of affiliated business arrangements (ABA)

**Title Agency Licensing
September 2022**

New licenses

Agency ID	Name	Orig. Issue Date	Expire Date	LOA
202108	REAL ADVANTAGE TITLE AGENCY II, LLC	2022-09-20	2024-09-30	TS

Renewal Licenses

Agency ID	Name	Orig. Issue Date	Expire Date	LOA
6542	BASIN LAND TITLE & ABSTRACT, INC	2000-09-11	2024-09-30	TE
6542	BASIN LAND TITLE & ABSTRACT, INC	2000-09-11	2024-09-30	TS
188911	BCHH OF UTAH TITLE AGENCY, LLC	2018-09-12	2024-09-30	TE
188911	BCHH OF UTAH TITLE AGENCY, LLC	2018-09-24	2024-09-30	TS
188879	CLOSING USA OF UTAH, LLC	2018-09-27	2024-09-30	TE
188879	CLOSING USA OF UTAH, LLC	2018-09-27	2024-09-30	TS
6575	MERIDIAN TITLE COMPANY	1982-03-16	2024-09-30	TE
6575	MERIDIAN TITLE COMPANY	1982-03-16	2024-09-30	TS
7815	WASATCH TITLE INSURANCE AGENCY, LLC	2000-09-28	2024-09-30	TE
7815	WASATCH TITLE INSURANCE AGENCY, LLC	2000-09-28	2024-09-30	TS

Lapsed Licenses

Agency ID	Name	Orig. Issue Date	Expired Date	LOA
6223	SECURITY TITLE INSURANCE AGENCY OF UTAH, INC	1982-04-08	2022-09-30	TMR
6223	SECURITY TITLE INSURANCE AGENCY OF UTAH, INC	1982-04-08	2022-09-30	TS

Reinstated Licenses

Agency ID	Name	Orig. Issue Date	Expire Date	Reinstated	LOA
(none)					

**Title Agent Licensing
September 2022**

New Licenses

Individual ID	Name	Orig. Issue Date	Expire Date	LOA
2059552	HESS, JAYDEN	2022-09-30	2025-01-31	TE
2053659	LEONARD, KRYSTAL	2022-09-02	2024-11-30	TE
1940010	MCNAIR, BRITTNEY	2022-09-30	2025-04-30	TE
2058005	OSTLER, KATELYN	2022-09-27	2025-03-31	TE
2057425	SHAFFER, VIRENE	2022-09-28	2024-12-31	TE
2054363	WOOLSEY, VANESSA	2022-09-27	2025-08-31	TS

Renewed Licenses

Individual ID	Name	Orig. Issue Date	Expire Date	LOA
1490140	BIENIEK, CLAIRE	2012-06-18	2024-09-30	TS
45888	BOMBARD, MICHELLE	2007-01-05	2024-09-30	TE
45888	BOMBARD, MICHELLE	1993-10-18	2024-09-30	TS
37010	BROUGH, BEN	2004-06-17	2024-09-30	TS
1405262	BUSK, PAMELA	2010-09-02	2024-09-30	TE
121979	CAIN, CHRISTOPHER	2005-11-22	2024-09-30	TE
121979	CAIN, CHRISTOPHER	2005-12-21	2024-09-30	TS
35042	CHAMPION, CARRIE	1998-01-29	2024-09-30	TE
78391	CHASE, RYANN	2002-06-21	2024-09-30	TE
31836	COTTLE, TRACY	1992-11-19	2024-09-30	TE
1416783	CRAGUN, SUE	2011-12-16	2024-09-30	TE
1416783	CRAGUN, SUE	2010-02-24	2024-09-30	TMR
37922	DAVIS, JAY	2000-06-20	2024-09-30	TE
37922	DAVIS, JAY	2000-06-20	2024-09-30	TS
1842236	DEHAAS, SHELBY	2019-10-29	2024-09-30	TE
40752	DEMMAN, MICHELLE	1998-06-01	2024-09-30	TE
75484	DREW, CLAIRE	2002-03-26	2024-09-30	TE
79914	EDDY, DAWN	2002-09-09	2024-09-30	TE
1412554	ERICKSON, JOHN	2010-02-03	2024-09-30	TE
81935	ESKELSEN, JODI	2002-09-30	2024-09-30	TE
73813	FREEMAN, DAVID	2002-02-06	2024-09-30	TE
73813	FREEMAN, DAVID	2016-11-21	2024-09-30	TS
32186	GLINES, MERVIN	1990-04-25	2024-09-30	TE
32186	GLINES, MERVIN	1988-07-20	2024-09-30	TS
70838	GREEN, THERESA	2001-10-25	2024-09-30	TE
95183	HIPWELL, MARY	2003-10-15	2024-09-30	TE
122022	HUDSON, JAMIE	2005-11-30	2024-09-30	TE
26452	Heinz, Annette	1991-11-20	2024-09-30	TE
30560	IVINS, KATHALEEN	1995-10-18	2024-09-30	TE
30560	IVINS, KATHALEEN	1994-06-30	2024-09-30	TMR
7460	JACKSON, HEATHER	1998-07-27	2024-07-31	TE
133340	JEX, NICOLE	2006-08-30	2024-09-30	TE
93808	KALLEN, CONNIE	2003-09-04	2024-09-30	TE
93808	KALLEN, CONNIE	2016-10-27	2024-09-30	TS
1776208	KILPATRICK, STEPHENIE	2018-08-13	2024-09-30	TE
1776208	KILPATRICK, STEPHENIE	2021-07-27	2024-09-30	TS
1875147	LUNDBERG, BRIGHAM	2020-08-13	2024-09-30	TMR

Renewed Licenses

Individual ID	Name	Orig. Issue Date	Expire Date	LOA
1768353	Larson, Kaitlin	2018-06-18	2024-09-30	TE
38278	MADDOX, JILL	1998-08-19	2024-09-30	TE
134361	MAXFIELD, MELANIE	2006-09-15	2024-09-30	TE
137694	MCCLURE, SHANNA	2014-01-28	2024-09-30	TE
77253	MENESES, LIMHI	2002-05-17	2024-09-30	TE
40598	MERBACK, CHRISTOPHER	1996-05-08	2024-09-30	TS
42398	MILLER, RACHEL	1997-10-17	2024-09-30	TE
38144	MORAN, ROBIN	1990-06-11	2024-09-30	TE
103955	MOUNTFORD, LARA	2006-05-01	2024-09-30	TE
75761	ORTON, BARRY	2003-04-16	2024-09-30	TE
75761	ORTON, BARRY	2002-04-02	2024-09-30	TS
42198	PARRY, CHRISTINE	2004-09-28	2024-09-30	TS
126134	PLATT, BRANDON	2006-03-08	2024-09-30	TS
45979	RUSSELL, WAYNE	1996-09-19	2024-09-30	TE
42040	SHAFER, HOLLY	1994-04-22	2024-09-30	TE
42040	SHAFER, HOLLY	1996-02-08	2024-09-30	TS
31622	SIMONSEN, JEFFERY	1993-10-26	2024-09-30	TE
31622	SIMONSEN, JEFFERY	1990-08-07	2024-09-30	TS
1583564	SNOW, EMILEE	2016-08-10	2024-09-30	TE
1697302	SPEECHLY, JEFFERY	2018-02-12	2024-09-30	TS
1847303	SPENCER, DEREK	2019-10-29	2024-09-30	TMR
1642475	STALLINGS, MARY	2015-12-09	2024-09-30	TMR
1750774	STEVENS, JOSEPH	2018-03-07	2024-09-30	TS
137816	STODDARD, SETH	2008-07-22	2024-09-30	TE
8414	TUTTLE, STEPHEN	2001-10-15	2024-09-30	TE
8414	TUTTLE, STEPHEN	2001-10-29	2024-09-30	TS
44741	VANDENBERG, JASON	1998-09-08	2024-09-30	TE
19422	WELKER, MICHAEL	2008-06-19	2024-09-30	TE
19422	WELKER, MICHAEL	2008-06-13	2024-09-30	TMR
19422	WELKER, MICHAEL	2008-06-13	2024-09-30	TS
35205	WOODWARD, CORINNE	1996-07-03	2024-09-30	TE

Lapsed Licenses

Individual ID	Name	Orig. Issue Date	Expired Date	LOA
34967	CROCKATT, JIM	1989-10-10	2022-08-31	TE
1858173	GOURDIN, NICOLAS	2019-12-31	2022-08-31	TS
1858173	GOURDIN, NICOLAS	2019-12-31	2022-08-31	TE
45822	HUTCHINGS, SHERRYL	1994-06-01	2022-08-31	TE
103535	MORGAN, CALLIE	2004-07-08	2022-08-31	TE
1744303	MURPHEY, HAYLI	2018-03-07	2022-08-31	TE
1841998	OLSEN, DALLAS	2019-10-01	2022-08-31	TE
1642364	PEART, SUSAN	2015-12-04	2022-08-31	TE
1642364	PEART, SUSAN	2016-05-02	2022-08-31	TS
1776161	QUINNEY, MATT	2018-08-16	2022-08-31	TMR
44517	RODGERS, JERILYN	1994-06-09	2022-08-31	TE
98960	SAJEC, BRANDI	2004-02-26	2022-08-31	TE
98960	SAJEC, BRANDI	2004-02-26	2022-08-31	TS
1855973	Vink, Shauna	2019-12-11	2022-08-31	TE
1866417	WHITLOCK, KIMBERLY	2020-02-25	2022-08-31	TS

Lapsed Licenses

Individual ID	Name	Orig. Issue Date	Expired Date	LOA
1869012	WILLIAMS, ROBBY	2020-03-27	2022-08-31	TS

Reinstated Licenses

Individual ID	Name	Orig. Issue Date	Expire Date	Reinstated	LOA
71083	POWELL, SCOTT	2004-08-09	2024-08-31	2022-09-09	TE
71083	POWELL, SCOTT	2001-10-31	2003-10-31	2022-09-09	TMR
71083	POWELL, SCOTT	2001-10-31	2024-08-31	2022-09-09	TMR
138102	RIDDLE, JADE	2008-04-15	2024-08-31	2022-09-28	TS
138102	RIDDLE, JADE	2008-04-21	2024-08-31	2022-09-28	TE

**Proposed Changes to Utah Code Sections
31A-23a-406 and 31A-23a-409**

31A-23a-406 Title insurance producer's business.

(1) An individual title insurance producer or agency title insurance producer may do escrow involving real property transactions if all of the following exist:

(d) money deposited with the individual title insurance producer or agency title insurance producer in connection with any escrow is deposited:

(i) in a federally insured depository institution, as defined in Section 7-1-103, that:

(A) has an office in this state, if the individual title insurance producer or agency title insurance producer depositing the money is a resident licensee; and

(B) is authorized by the depository institution's primary regulator to engage in trust business, as defined in Section 7-5-1, in this state; and

(ii) in a trust account that is separate from all other trust account money that is not related to real estate transactions;

(6)

(a) A check from the trust account described in Subsection (1)(d) may not be drawn, executed, or dated, or money otherwise disbursed unless the segregated escrow account from which money is to be disbursed contains a sufficient credit balance consisting of collected and cleared money at the time the check is drawn, executed, or dated, or money is otherwise disbursed.

(b) As used in this Subsection (6), money is considered to be "collected and cleared," and may be disbursed as follows:

(i) cash may be disbursed on the same day the cash is deposited;

(ii) a wire transfer, ACH transfer, or Real Time Payment transfer may be disbursed on the same day the ~~wire~~ transfer is deposited;

31A-23a-409. Trust obligation for money collected.

(2) Money required to be deposited under Subsection (1) shall be deposited:

(a) in a federally insured trust account in a depository institution, as defined in Section 7-1-103, which:

(i) has ~~[an office]~~ a branch in this state, if the licensee depositing the money is a resident licensee;

(ii) has federal deposit insurance; and

(iii) is authorized by its primary regulator to engage in the trust business, as defined by Section 7-5-1, in this state; or

(b) in some other account, that:

(i) the commissioner approves by rule or order; and

(ii) provides safety comparable to an account described in Subsection (2)(a).

Roger Gardiner

From: Chris Basinger <chris@earnest.com>
Sent: Wednesday, September 15, 2021 3:11 PM
To: Roger Gardiner
Subject: Re: More information

CAUTION - EXTERNAL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Roger,

Thanks so much for reaching out! I'd be happy to provide a walkthrough of Earnnest in more detail, but in the meantime, I'll leave you two helpful links below for your review.

- [Earnnest Classic](#)
- [Earnnest Pro](#)

Often, there is a misperception that a party can unilaterally pull back transferred ACH funds for up to 60 days after the transfer.

1. U.S. Electronic Funds Transfer Act Section 1693(f) provides a 60-day window for consumers to **dispute** an error in an authorized ACH transfer.
2. If a financial institution determines the error exists, then the remedy is strictly limited to correcting the error, **not fully rescinding** the transaction. If no error is found, then no action is taken.
3. NACHA Rule 2.9 allows ACH transactions to be reversed **ONLY** if (1) the transaction is a **duplicate**; (2) the transaction amount is incorrect; and (3) there is an **incorrect recipient**; and (4) the transaction was completed on an earlier date than intended.
4. In 2021, NACHA reinforced Rule 2.9 by expressly prohibiting an attempted ACH reversal for any reason other than those expressly enumerated in the Rules.
5. **Bottom Line:** A consumer's right to correct inaccurate ACHs and rescind erroneous or fraudulent ACHs is essentially the same as the right to correct any other inaccurate payment transaction type.
 1. Since we're **A.** having the buyer create an account **B.** agree to our Terms of Service (TOS) **C.** having them verify their identity **D.** having them verify their bank account which **E.** is all time-stamped - it's going to be very hard for a buyer to meet the above criteria.

Please let me know if you need additional information or would like to schedule a walkthrough - happy to help!

Thank you,



Chris Basinger | VP of Sales

a: Earnnest | 206 Riverside Ct, Greer, SC 29650
e: chris@earnnest.com | w: www.earnnest.com
p: 864-607-3898

On Wed, Sep 15, 2021 at 1:46 PM 'Roger Gardiner' via Sales <sales@earnnest.com> wrote:

BOARD RESOLUTION

TITLE AND ESCROW COMMISSION

ELECTRONIC MEETINGS

WHEREAS, the Utah Open and Public Meeting Act, Utah Code, Title 52, Chapter 4, requires a public body to adopt a resolution governing the use of electronic meetings and establish the conditions under which a remote member is included in calculating a quorum.

NOW THEREFORE BE IT RESOLVED that the Title and Escrow Commission may hold board meetings electronically.

BE IT ALSO RESOLVED that a member of the Title and Escrow Commission who attends a meeting electronically is attending the meeting and is included in calculating a quorum.

APPROVED by the Title and Escrow Commission on this ____ day of October, 2022, by a vote of ____ for and ____ against.

Chairperson