



Insurance Department

State of Utah

GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor
TODD E. KISER
Commissioner

State of Utah Title & Escrow Commission Meeting Meeting Information

Date: August 13, 2018

Time: 9:00 AM

Place: East Building, Copper Room
or by telephone: **1-877-820-7831**
passcode: **827555#**

ATTENDEES

TITLE & ESCROW COMMISSION

Chair, James Swan (<i>Insurer, Salt Lake County</i>)	Nancy Frandsen (<i>Insurer, Salt Lake County</i>)
Vice Chair, Alison McCoy (<i>Agency, Tooele County</i>)	David Moore (<i>Agency, Salt Lake County</i>)
Randy Smart (<i>Public Member, Salt Lake County</i>)	Perri Babalis, <i>AG Counsel - TEC</i>

DEPARTMENT STAFF

Todd Kiser, <i>Ins. Commissioner</i>	Reed Stringham, <i>Deputy Comm.</i>	Tracy Klausmeier, <i>P&C Dir.</i>
Randy Overstreet, <i>Licensing Dir.</i>	Tanna Shurtliff, <i>Examiner</i>	Steve Gooch, <i>PIO Recorder</i>

AGENDA

General Session: (Open to the Public)

- **Welcome** / James Swan, Chair
- **Telephone Roll Call**
- **Adopt Minutes of Previous Meeting**
- **Concurrence Reports**
 - Licenses
 - Penalties
 - Attorney Exemptions
 - Continuing Education
 - *Quarterly: January / April / July / October*
- **Board Duties & Responsibilities** / Perri
- **Update on 2018 Goals**
 - ULTA report / Alison
 - Real Estate Commission report / Nancy
- **New Business**
 - Changes to R592-10 / David
- **Old Business**
 - Minimum E&O requirements / David
- **Other Business**
- **Hot Topics**
 - Guidance from UID regarding R592-6-4(24)

Executive Session (None)

- **Adjourn**
- **Next Meeting: September 10, 2018** — Copper Room

2018 Meeting Schedule in Copper Room

Jan 8	Feb 12 (Aspen)	Mar 12	Apr 9	May 14	Jun 11
Jul 9	Aug 13	Sept 10	Oct 1	Nov 5	Dec 10

2018 Goals

- 1. Make sure testing is relevant
- 2. Find a way to work with the Real Estate Commission
- 3. Report back on ULTA meetings and work with them as a liaison
- 4. Address consumer education and things that make the industry vulnerable

Title Agency Licensing

July 2018

New Licenses:

Agency ID	Name	Orig Issue Date	Expr Date	QualCd
(none)				

Renewed Licenses:

Agency ID	Name	Orig Issue Date	Expr Date	QualCd
6528	DIXIE TITLE COMPANY	21-Jun-84	31-Aug-20	TE
6528	DIXIE TITLE COMPANY	21-Jun-84	31-Aug-20	TS
6295	HICKMAN LAND TITLE COMPANY	15-Jul-76	31-Jul-20	TE
6295	HICKMAN LAND TITLE COMPANY	15-Jul-76	31-Jul-20	TMR
6295	HICKMAN LAND TITLE COMPANY	15-Jul-76	31-Jul-20	TS
15687	PLACER TITLE INSURANCE AGENCY OF UTAH INC	19-Jul-06	31-Jul-20	TE
15687	PLACER TITLE INSURANCE AGENCY OF UTAH INC	19-Jul-06	31-Jul-20	TS
6556	PROVO ABSTRACT COMPANY, INC	14-Jul-76	31-Jul-20	TE
6556	PROVO ABSTRACT COMPANY, INC	14-Jul-76	31-Jul-20	TS
6359	PROVO LAND TITLE COMPANY	16-Jul-76	31-Jul-20	TE
6359	PROVO LAND TITLE COMPANY	16-Jul-76	31-Jul-20	TS

Renewed Licenses:

Agency ID	Name	Orig Issue Date	Expr Date	Lapse Date	QualCd
181836	INFINITY TITLE INSURANCE AGENCY LLC	20-Jul-16	31-Jul-18	30-Aug-18	TE
181836	INFINITY TITLE INSURANCE AGENCY LLC	20-Jul-16	31-Jul-18	30-Aug-18	TMR
181836	INFINITY TITLE INSURANCE AGENCY LLC	20-Jul-16	31-Jul-18	30-Aug-18	TS

Reinstated Licenses:

Agency ID	Name	Orig Issue Date	Expr Date	Reinstate Date	QualCd
6481	ACTION TITLE COMPANY, INC	8-Jun-82	30-Jun-02	6-Jul-18	TE
6481	ACTION TITLE COMPANY, INC	8-Jun-82	30-Jun-20	6-Jul-18	TS
175579	PLATINUM TITLE SERVICES LLC	25-Jun-14	30-Jun-20	18-Jul-18	TE
175579	PLATINUM TITLE SERVICES LLC	25-Jun-14	30-Jun-20	18-Jul-18	TS

Title Agent Licensing

July 2018

New Licenses:

Indiv ID	Name	Orig Issue Date	Expr Date	QualCd
1759697	AUGAT, AARON	3-Jul-18	31-May-21	TE
1770999	BICKEL, GARRY	16-Jul-18	31-May-21	TS
1773170	CHRISTENSEN, TREVOR	26-Jul-18	30-Sep-20	TMR
1772980	CUSWORTH, JESSICA	30-Jul-18	31-Mar-21	TMR
1608718	DENISON, JAMIE	9-Jul-18	31-Jul-20	TS
1771777	HIRSCHI, ANGELA	16-Jul-18	31-Aug-20	TE
1771777	HIRSCHI, ANGELA	16-Jul-18	31-Aug-20	TS
1730468	JORGENSEN, LOGAN	9-Jul-18	31-Jan-21	TE
1773532	NIELSEN, STEVEN	31-Jul-18	31-Aug-20	TE
1772336	WOLLEBAEK, TRISHA	17-Jul-18	30-Apr-21	TE

Renewed Licenses:

Indiv ID	Name	Orig Issue Date	Expr Date	QualCd
104155	AUGASON, CATHERINE	27-Jul-04	31-Jul-20	TE
32880	Aubrey, Robin	24-Jun-98	31-Jul-20	TE
32880	Aubrey, Robin	27-Mar-98	31-Jul-20	TMR
32880	Aubrey, Robin	12-Jan-01	31-Jul-20	TS
103099	BAWDEN, JEREMY	23-Jun-04	31-Jul-20	TE
77953	BOND, CRYSTAL	19-Nov-04	31-Jul-20	TE
77953	BOND, CRYSTAL	7-Jun-02	31-Jul-20	TMR
1416077	BYWATER-WILLE, TRACY	22-Feb-10	31-Jul-20	TE
39660	CALLAHAN, LAURIE	14-Jan-00	31-Jul-20	TS
39660	CALLAHAN, LAURIE	29-Jan-04	31-Jul-20	TE
103733	GONZALEZ, GAYLEN	13-Jul-04	31-Jul-20	TS
93796	GORING, JENNY	28-Aug-03	31-Jul-20	TE
96853	Gwilliam, Elizabeth	12-Dec-03	31-Jul-20	TE
1411774	HARMAN, JACOB	11-Sep-14	31-Jul-20	TMR
1411774	HARMAN, JACOB	11-May-16	31-Jul-20	TE

Renewed Licenses (continued):

Indiv ID	Name	Orig Issue Date	Expr Date	QualCd
101430	HENDRICKS, DAWNA	29-Apr-04	31-Jul-20	TE
36424	IVIE, KELI	24-Jan-00	31-Jul-20	TE
36424	IVIE, KELI	28-Jan-99	31-Jul-20	TMR
72743	IVORY, FRANKLIN	2-Jan-02	31-Jul-20	TMR
7460	JACKSON, HEATHER	27-Jul-98	31-Jul-20	TE
126967	JOHNSON, SYLVIA	2-Jun-06	31-Jul-20	TE
29108	JONES, DAN	7-Mar-94	31-Jul-20	TS
29108	JONES, DAN	3-Dec-93	31-Jul-20	TE
93930	KING, KEVIN	8-Sep-03	31-Jul-20	TS
93930	KING, KEVIN	14-Nov-06	31-Jul-20	TE
43653	KNOWLES, NINA	25-Oct-93	31-Jul-20	TS
43653	KNOWLES, NINA	16-Feb-95	31-Jul-20	TE
53288	LARA, JOHN	18-May-90	31-Jul-20	TS
53288	LARA, JOHN	18-May-90	31-Jul-20	TE
125680	MCGREGOR, CATHERINE	1-Mar-06	31-Jul-20	TMR
125680	MCGREGOR, CATHERINE	21-Dec-12	31-Jul-20	TE
44931	MCKEE, NATALIE	24-Jan-96	31-Jul-20	TE
34733	MCKINNON, ANGIE	14-May-82	31-Jul-20	TS
34733	MCKINNON, ANGIE	14-May-82	31-Jul-20	TE
151733	MINNICK, KARL	10-Sep-07	31-Jul-20	TS
128205	MOCK, BROOKE	3-May-06	31-Jul-20	TE
37565	MORRIS, JIM	20-Nov-81	31-Jul-20	TS
37565	MORRIS, JIM	20-Nov-81	31-Jul-20	TE
36195	MUDROCK, JARROD	15-Mar-99	31-Jul-20	TS
36195	MUDROCK, JARROD	11-May-04	31-Jul-20	TE
44800	Mayeda, Shauna	1-Apr-78	31-Jul-20	TE
44800	Mayeda, Shauna	1-Apr-78	31-Jul-20	TS
101339	NEWELL, DOUGLAS	27-Apr-04	31-Jul-20	TS
101339	NEWELL, DOUGLAS	6-Feb-06	31-Jul-20	TE
79695	Nelson-Barkey, Kristina	31-Jul-02	31-Jul-20	TE
35987	OGDEN, LINDA	6-Sep-89	31-Jul-20	TE
35987	OGDEN, LINDA	6-Sep-89	31-Jul-20	TS

Renewed Licenses (continued):

Indiv ID	Name	Orig Issue Date	Expr Date	QualCd
35173	OLIVER, GLENNA	18-Oct-99	31-Jul-20	TS
35173	OLIVER, GLENNA	18-Oct-99	31-Jul-20	TE
34424	PADOVICH, MELANIE	15-Dec-99	31-Jul-20	TE
1538158	PARKIN, KIRSTEN	12-Sep-13	31-Jul-20	TE
1396590	PAULI, CAROL	19-Aug-13	31-Jul-20	TE
55163	PHILLIPS, ADAM	24-Jan-02	31-Jul-20	TE
55163	PHILLIPS, ADAM	9-Sep-99	31-Jul-20	TMR
55163	PHILLIPS, ADAM	28-Jun-05	31-Jul-20	TS
44930	PINKELMAN, EMILIE	6-Apr-06	31-Jul-20	TE
84380	REEDER, ASHLEE	27-Nov-02	31-Jul-20	TE
54186	REES, VONNA	5-Oct-93	31-Jul-20	TS
31187	REYES, DENIECE	21-Jan-94	31-Jul-20	TE
30483	SCERBO, DONNA	7-Jan-94	31-Jul-20	TE
30483	SCERBO, DONNA	28-Dec-98	31-Jul-20	TS
34165	SUTTON, LORI	28-Jul-98	31-Jul-20	TE
42692	THOMPSON, DON	25-Nov-03	31-Jul-20	TE
42692	THOMPSON, DON	6-Oct-03	31-Jul-20	TS
80424	TROOP, STEVEN	15-Aug-03	31-Jul-20	TE
80424	TROOP, STEVEN	2-Apr-14	31-Jul-20	TS
100005	UPCHURCH, AMY	30-Mar-04	31-Jul-20	TS
100005	UPCHURCH, AMY	27-Apr-04	31-Jul-20	TE
37721	WALKER, VICTORIA	2-Jun-86	31-Jul-20	TE
37616	WELLS, JANET	30-Jan-84	31-Jul-20	TE
103396	WELSH, SHANAE	24-Jun-04	31-Jul-20	TE
41619	WILLIAMS, TINA	11-Jan-96	31-Jul-20	TE
41619	WILLIAMS, TINA	28-May-03	31-Jul-20	TS
30799	WILLIAMS, RONDA	4-Apr-96	31-Jul-20	TE
1551962	White, Lori	6-Jan-14	31-Jul-20	TE

Lapsed Licenses:

Indiv ID	Name	Orig Issue Date	Expr Date	Lapse Date	QualCd
1482992	IVIE, JEROMY	20-Dec-12	30-Jun-18	30-Jul-18	TS
1482992	IVIE, JEROMY	10-Feb-12	30-Jun-18	30-Jul-18	TE
144848	JAMES, NICOLE	11-Jan-16	30-Jun-18	30-Jul-18	TE
130929	MAUGHAN, PAULA	29-Jun-06	30-Jun-18	30-Jul-18	TS
1554094	MILNE, CONNOR	6-Feb-14	30-Jun-18	30-Jul-18	TS
96891	MORTON, DEREK	6-Dec-06	30-Jun-18	30-Jul-18	TE
96891	MORTON, DEREK	22-Mar-04	30-Jun-18	30-Jul-18	TS

Reinstated Licenses:

Indiv ID	Name	Orig Issue Date	Expr Date	Reinstate Date	QualCd
111101	CONFORTI, LINDSEY	8-Sep-05	31-Aug-19	30-Jul-18	TE
50663	KERR, TIMOTHY	29-Jan-93	30-Apr-20	2-Jul-18	TS
50663	KERR, TIMOTHY	29-Jan-93	31-Jan-03	2-Jul-18	TS
93017	WILSON, JUSTIN	13-Jul-15	30-Jun-20	27-Jul-18	TS
36896	WILSON, WENDY	20-Oct-89	31-May-20	1-Aug-18	TE
93017	WILSON, JUSTIN	7-Aug-03	30-Jun-20	27-Jul-18	TMR
36896	WILSON, WENDY	20-Oct-89	31-Mar-04	1-Aug-18	TE

R592. Insurance, Title and Escrow Commission.

R592-10. Title Insurance Regulation Assessment for Agency Title Insurance Producers and Title Insurers.

R592-10-1. Authority.

This rule is promulgated by the Title and Escrow Commission (Commission) pursuant to Subsections:

(1) 31A-2-404(2)(d) which requires the Commission to determine by rule the assessment required by 31A-23a-415; and

(2) 31A-23a-415(2)(d) which requires the Commission to establish the amount of costs and expenses that will be covered by the assessment.

R592-10-2. Purpose and Scope.

(1) The purposes of this rule are to:

(a) establish the categories of costs and expenses incurred by the department in administering, investigating and enforcing the provisions of Title 31A, Chapter 23a, Parts IV and V related to the marketing of title insurance and the audits of agency title insurance producers;

(b) require the reporting by an agency title insurance producer and a title insurer of the mailing address and physical location of each office in each county where the agency title insurance producer or title insurer maintains an office;

(c) establish a calculation method for the calculation of the number of agency title insurance producer or title insurer offices; and

(d) determine the premium year used in calculating the assessment of title insurers.

(2) This rule applies to all title insurers and agency title insurance producers.

R592-10-3. Definitions.

(1) For the purpose of the rule the Commission adopts the definitions as set forth in Sections 31A-1-301, 31A-2-402, and the following:

(a) "Office" means each physical location of an agency title insurance producer or a title insurer in a county. Office includes any physical location that is open and available to the public.

R592-10-4. Costs and Expenses.

The amount of costs and expenses that will be covered by the assessment imposed by 31A-23a-415 for any fiscal year in which an assessment exists:

(1) will be for a Market Conduct Examiner I as determined by the department's budget as approved by the Utah State Legislature, including any approved salary increases or increases in benefits; and

(2) will include the following expenses:

(a) salary and state paid benefits;

(b) travel expenses, including daily vehicle expenses;

(c) computer hardware and software expenses;

(d) e-commerce expenses;

(e) wireless communications expenses; and

(f) training expenses.

R592-10-5. Office Report.

(1) An agency title insurance producer and a title insurer shall submit a completed Office Report Form not later than 30 days after the date a change described below occurs in a county where the agency title insurance producer or title insurer maintains an office:

- (a) the opening or closing of an office;
- (b) a change of address of an office; or
- (c) a change in the manager of an office.

(2) An Office Report Form shall be submitted electronically via email to licensing.uid@utah.gov.

(3) The department's Office Report Form, which is available on the department's website, shall be used to report changes in offices.

(a) An actual copy of the form may be used or may be adapted to a particular word processing system.

(b) If adapted, the content, size, font, and format must be similar.

R592-10-6. Calculation Method for the Calculation of the Number of Agency Title Insurance Producer Offices.

(1) All offices reported in accordance with Section R592-10-5 will be included in the calculation of the title insurance assessment.

(2) An annual assessment calculation for an agency title insurance producer or title insurer that is calculated using incorrect numbers of offices because the number of offices was incorrectly reported will not be recalculated.

(3) An agency title insurance producer or title insurer found to have improperly reported their offices may be subject to penalties in accordance with Section R592-10-9.

R592-10-7. Premium Year for Title Insurer Assessment.

(1) The title insurance assessment shall be calculated using direct premiums written during the preceding calendar year.

(2) The direct premiums written shall be taken from the insurer's annual statements for that year.

R592-10-8. Assessment Payment.

(1) An annual assessment shall be paid by the due date on the invoice.

(2) Payments shall be made in accordance with R590-102, Insurance Department Fee Payment Rule.

R592-10-9. Penalties.

A person found, after a hearing or other regulatory process, to be in violation of this rule shall be subject to penalties as provided under 31A-2-308.

R592-10-10. Enforcement Date.

The commissioner will begin enforcing this rule 45 days from the rule's effective date.

R592-10-11. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, that invalidity will not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: title insurance

Date of Enactment or Last Substantive Amendment: May 19, 2009

Notice of Continuation: July 12, 2013

**Authorizing, and Implemented or Interpreted Law: 31A-2-201;
31A-23a-415**

R592. Insurance, Title and Escrow Commission.

R592-6. Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business.

R592-6-1. Authority.

This rule is promulgated pursuant to Section 31A-2-404(2), which authorizes the Title and Escrow Commission (Commission) to make rules for the administration of the Insurance Code related to title insurance, including rules related to standards of conduct for a title insurer, agency title insurance producer or individual title insurance producer.

R592-6-2. Purpose and Scope.

(1) The purpose of this rule is to identify certain practices, which the Commission finds creates unfair inducements for the placement of title insurance business and as such constitute unfair methods of competition. These practices include the payment of expenses that are considered normal, customary, reasonable and recurring in the operation of a client of a title producer.

(2) This rule applies to all title producers and all employees, representatives and any other party working for or on behalf of said entities whether as a full time or part time employee or as an independent contractor.

R592-6-3. Definitions.

For the purpose of this rule the Commission adopts the definitions as set forth in Section 31A-1-301 and 31A-2-402, and the following:

(1) "Bona fide real estate transaction" means:

(a) a preliminary title report is issued to a seller or listing agent in conjunction with the listing of a property; or

(b) a commitment for title insurance is ordered, issued, or distributed in a purchase and sale transaction showing the name of the proposed buyer and the sales price, or in a loan transaction showing the proposed lender and loan amount.

(2) "Business Activities" shall include sporting events, sporting activities, musical and art events. In no case shall such business activities rise to the level of ceremonies, for example, award banquets, recognition events or similar activities sponsored by or for clients, or include travel by air, or other commercial transportation.

(3) "Business meals" shall include breakfast, brunch, lunch, dinner, cocktails and tips. In no case shall such business meals raise to the level of ceremonies, for example, awards banquets, recognition events or similar activities sponsored by or for clients.

(4)(a) "Client" means any person, or group, who influences, or who may influence, the placement of title insurance business or who is engaged in a business, profession or occupation of:

(i) buying or selling interests in real property; and

(ii) making loans secured by interests in real property.

(b) "Client" includes real estate agents, real estate brokers, mortgage brokers, lending or financial institutions, builders, developers, subdividers, attorneys, consumers, escrow companies and the employees, agents, representatives, solicitors and groups or associations of any of the foregoing.

(5) "Discount" means the furnishing or offering to furnish title insurance, services constituting the business of title insurance or escrow services for a total charge less than the amounts set forth in the applicable rate schedules filed pursuant to Section 31A-19a-203 or 31A-19a-209.

(6) "Official trade association publication" means:

(a) a membership directory, provided its exclusive purpose is that of providing the distribution of an annual roster of the association's members to the membership and other interested parties; or

(b) an annual, semiannual, quarterly or monthly publication containing information and topical material for the benefit of the members of the association.

(7) "Title insurance business" means the business of title insurance and the conducting of escrow.

(8) "Title producer" means a title insurer, agency title insurance producer, or individual title insurance producer.

(9) "Trade Association" means a recognized association of persons, a majority of whom are clients or persons whose primary activity involves real property.

R592-6-4. Unfair Methods of Competition, Acts and Practices.

In addition to the acts prohibited under Section 31A-23a-402, the Commission finds that providing or offering to provide any of the following benefits by parties identified in Section R592-6-2 to any client, either directly or indirectly, except as allowed in Section R592-6-5 below, is a material and unfair inducement to obtaining title insurance business and constitutes an unfair method of competition.

(1) The furnishing of a title insurance commitment when the title producer is aware that no policy is intended to be issued without one of the following:

(a) sufficient evidence in the file of the title producer that a bona fide real estate transaction or listing agreement exists; or

(b) request from a proposed insured to issue a title insurance commitment together with a payment of a minimum cancellation fee of \$200.

(2) The paying of any charges for the cancellation of an existing title insurance commitment issued by a competing organization, unless that commitment discloses a defect which gives rise to a claim on an existing policy.

(3) Furnishing escrow services pursuant to Section 31A-23a-406:

(a) for a charge less than the charge filed pursuant to Section 31A-19a-209(5); or

(b) the furnishing of escrow services, for a charge, which are less than the actual cost of providing the services.

(4) Waiving all or any part of established fees or charges for services which are not the subject of rates or escrow charges filed with the commissioner.

(5) Deferring or waiving any payment for insurance or services otherwise due and payable, including a series of real estate transactions for the same parcel of property.

(6) Furnishing services not reasonably related to a bona fide title insurance, escrow, settlement, or closing transaction,

including non-related delivery services, accounting assistance, or legal counseling.

(7) The paying for, furnishing, or waiving all or any part of the rental or lease charge for space which is occupied by any client.

(8) Renting or leasing space from any client, regardless of the purpose, at a rate which is excessive or inadequate when compared with rental or lease charges for comparable space in the same geographic area, or paying rental or lease charges based in whole or in part on the volume of business generated by any client.

(9) Furnishing any part of a title producer's facilities, for example, conference rooms or meeting rooms, to a client or its trade association, for anything other than the providing of escrow or title services, or meetings related to such, without receiving a fair rental or lease charge comparable to other rental or lease charges for facilities in the same geographic area.

(10) The co-habitation or sharing of office space with a client of a title producer.

(11) Furnishing all or any part of the time or productive effort of any employee of the title producer, for example, secretary, clerk, messenger or escrow officer, to any client.

(12) Paying for all or any part of the salary of a client or an employee of any client.

(13) Paying, or offering to pay, either directly or indirectly, salary, commissions or any other consideration to any employee who is at the same time licensed as a real estate agent or real estate broker or as a mortgage lender or mortgage company subject to 31A-2-405 and R592-5.

(14) Paying for the fees or charges of a professional, for example, an appraiser, surveyor, engineer or attorney, or for the pre-payment of fees and charges of a client or party to the transaction, for example subordination, loan or HOA payoff request fees, whose services are required by any party or client to structure or complete a particular transaction. This subsection does not include the pre-payment of overnight delivery/mail fees that will be recovered through closing of a transaction.

(15) Sponsoring, cosponsoring, subsidizing, contributing fees, prizes, gifts, food or otherwise providing anything of value for an activity of a client, except as allowed under Subsection R592-6-5. Activities include open houses at homes or property for sale, meetings, breakfasts, luncheons, dinners, conventions, installation ceremonies, celebrations, outings, cocktail parties, hospitality room functions, open house celebrations, dances, fishing trips, gambling trips, sporting events of all kinds, hunting trips or outings, golf or ski tournaments, artistic performances and outings in recreation areas or entertainment areas.

(16) Sponsoring, cosponsoring, subsidizing, supplying prizes or labor, except as allowed under Subsection R592-6-5 or otherwise providing things of value for promotional activities of a client. Title producers may attend activities of a client if there is no additional cost to the title producer, other than their own entry fees, registration fees, meals, and provided that these fees are no greater than those charged to clients or others attending the function.

(17) Providing gifts or anything of value to a client in

connection with social events such as birthdays or job promotions. A letter or card in these instances will not be interpreted as providing a thing of value.

(18) Furnishing or providing access to the following, even for a cost:

- (a) building plans;
- (b) construction critical path timelines;
- (c) "For Sale by Owner" lists;
- (d) surveys;
- (e) appraisals;
- (f) credit reports;
- (g) mortgage leads for loans;
- (h) rental or apartment lists; or
- (i) printed labels.

(19) Newsletters cannot be property specific or cannot highlight specific customers.

(20) A title producer cannot provide a client access to any real property information that the title producer pays to produce, develop, or maintain, except as otherwise permitted by R592-6-5.

(21)(a) A title producer cannot provide title or escrow services on real property where an existing or anticipated investment loan or financing has been or will be provided by said title producer, including its owners or employees.

(b) Subsection (21)(a) does not apply to such transactions involving seller financing.

(22) Paying for any advertising on behalf of a client.

(23) Advertising jointly with a client on subdivision or condominium project signs, or signs for the sale of a lot or lots in a subdivision or units in a condominium project. A title producer may advertise independently that it has provided title insurance for a particular subdivision or condominium project but may not indicate that all future title insurance will be written by that title producer.

(24) Advertisements may not be placed in a publication, including an internet web page and its links, that is hosted, published, produced for, distributed by or on behalf of a client.

(25) A donation may not be made to a charitable organization created, controlled or managed by a client.

(26) A direct or indirect benefit, provided to a client which is not specified in Section R592-6-5 below, will be investigated by the department for the purpose of determining whether it should be defined by the Commission as an unfair inducement under Section 31A-23a-402(8).

(27) Title producers who have ownership in, or control of, other business entities, including I.R.C. Section 1031 qualified intermediaries and escrow companies, may not use those other business entities to enter into any agreement, arrangement, or understanding or to pursue any course of conduct, designed to avoid the provisions of this rule.

R592-6-5. Permitted Advertising, Business Entertainment, and Methods of Competition.

Except as specifically prohibited in Section R592-6-4 above, the following are permitted:

(1) In addition to complying with the provisions of 31A-23a-402 and R590-130, Rules Governing Advertisements of Insurance, advertisement by title producers must comply with the following:

(a) the advertisement must be purely self-promotional; and
(b) advertisement in official trade association publications are permissible as long as any title producer has an equal opportunity to advertise in the publication and at the standard rates other advertisers in the publication are charged.

(2) A title producer may use free or paid social media services to promote its own business as long as such social media services are open and available to the general public. Additionally, the following shall be permitted and are not in violation of R592-6-4(22) and (24):

(a) a title producer may write or post on social media services about an event that directly involves the title producer and a client, and it may reference or link to the client's social media page or the client company's social media page; and

(b) a title producer may share, like, respond to, or comment on a client's social media page, post, or event as long as such action is free of charge. Paying a fee to share, like, respond, or comment on any social media service that involves a client or to increase visibility, ranking, or distribution of any social media involving a client is not an allowed exception to R592-6-4(22) and (24).

(3) A title producer may donate time to serve on a trade association committee and may also serve as an officer for the trade association.

(4) A title producer may have two self-promotional open houses per calendar year for each of its owned or occupied facilities, including branch offices. The title producer may not expend more than \$15 per guest per open house. The expenditures per guest may not be in the form of a gift, gift certificate, or coupons. The open house may take place on or off the title producer's premises but may not take place on a client's premises.

(5) A donation to a charitable organization must:

(a) not be paid in cash;
(b) if paid by a negotiable instrument, be made payable only to the charitable organization;

(c) be distributed directly to the charitable organization;
and

(d) not provide any benefit to a client.

(6) A title producer may distribute self-promotional items having a value of \$10 or less, including taxes, setup fees, shipping, and the like, to clients, consumers and members of the general public.

These self-promotional items shall be novelty items which are non-edible and may not be personalized or bear the name of the donee.

Self-promotional items may only be distributed in the regular course of business. Self-promotional items may not be given to clients or trade associations for redistribution by these entities.

(7) A title producer may make expenditures for business meals or business activities on behalf of any person, whether a client or not, as a method of advertising, if the expenditure meets all the following criteria:

(a) the person representing the title producer must be present

during the business meal or business activity;

(b) there is a substantial title insurance business discussion directly before, during or after the business meal or business activity;

(c) the total cost of the business meal, the business activity, or both is not more than \$50 per person, per day;

(d) no more than three individuals from an office of a client may be provided a business meal or business activity by a title producer in a single day; and

(e) the entire business meal or business activity may take place on or off the title producer's premises, but may not take place on a client's premises.

(8) A title producer may conduct continuing education programs that are approved by the appropriate regulatory agency, under the following conditions:

(a) the continuing education program shall address only title insurance, escrow or other topics related thereto;

(b) the continuing education program must be of at least one hour in duration;

(c) for each hour of continuing education, \$15 or less per person may be expended, including the cost of meals and refreshments; and

(d) no more than one such continuing education program may be conducted at each individual, physical office location of a client per calendar quarter.

(9) A title producer may acknowledge a wedding, birth or adoption of a child, or funeral of a client or members of the client's immediate family with flowers or gifts not to exceed \$75.

(10) A title producer may provide a property profile to a client through any means, including copies thereof. The property profile may include not more than the following:

(a) the last vesting deed of public record;

(b) a plat map reproduction and/or locator map;

(c) tax and property characteristics information from the Treasurer's and Assessor's offices; and

(d) Covenants, Conditions and Restrictions.

(11) A title producer may provide clients access to water, beverages, and edible treats at the title producer's premises.

(12) A title producer may provide a client the documents used to produce a title commitment. The title producer may provide access to the documents used to produce the title commitment through any means.

(13) A title producer may provide a client access to closing software as long as the access is related to a specific transaction identified in the title commitment.

R592-6-6. Enforcement Date.

The commissioner will begin enforcing the provisions of this rule 45 days from the effective date of the rule.

R592-6-7. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, such invalidity may not affect any other provision or application of this rule which can be given

effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: title insurance

Date of Enactment or Last Substantive Amendment: August 11, 2015

Notice of Continuation: June 13, 2014

Authorizing, and Implemented or Interpreted Law: 31A-2-404