



Insurance Department

State of Utah Title & Escrow Commission Meeting Meeting Information

State of Utah

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

Date: August 17, 2020

Time: 9:00 AM

**Place: TELECONFERENCE ONLY
or by telephone: 1-877-820-7831
passcode: 827555#**

ATTENDEES

TITLE & ESCROW COMMISSION

Chair, Nancy Frandsen (<i>Insurer, Salt Lake County</i>)	Darla Milovich (<i>Agency, Salt Lake County</i>)
Vice Chair, Alison McCoy (<i>Agency, Tooele County</i>)	Chase Phillips (<i>Agency, Weber County</i>)
Randy Smart (<i>Public Member, Salt Lake County</i>)	Eddie Vasquez, <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>	Danny Schoenfeld, <i>Finance Dir.</i>	Adam Martin, <i>MC Examiner</i>
Michael Covington, <i>CE Specialist</i>	Steve Gooch, <i>PIO Recorder</i>	

AGENDA

General Session: (Open to the Public)

- **Welcome** / Nancy Frandsen, Chair
- **Telephone Roll Call**
- **Adopt Minutes of Previous Meeting**
- **Concurrence Reports** / Reed
 - Licenses
 - Attorney exemptions
 - Samuel Bell
 - Quarterly continuing education report
- **Board Duties & Responsibilities**
 - Annual board member training / Eddie Vasquez
- **Update on 2020 Goals**
 - ULTA report / Nancy
 - Real Estate Commission report / Darla
- **New Business**
 - Five-year review of R592-1 / Steve
- **Old Business**
- **Other Business**
 - Elect new chair & vice chair
- **Hot Topics**

Executive Session (None)

- **Adjourn**
- **Next Meeting: September 28, 2020** — Copper Room

2020 Meeting Schedule in Copper Room

Jan 13 Canceled	Feb 10	Mar 9 Canceled	Apr 13 Canceled	May 11	Jun 8 Canceled
Jul 20	Aug 17	Sept 28	Oct 19	Nov 9	Dec 14

* bold dates denote quarterly required in-person meetings

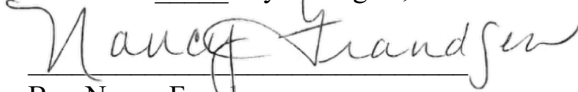
2020 Goals

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

In accordance with Utah Code § 52-4-207(4), as Chair of the Title and Escrow Commission, I, Nancy Frandsen, determine that holding a meeting at an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location, due to the current Covid-19 Pandemic.

Pursuant to Utah Code § 52-4-207(5) this determination is valid for 30 days from the date of this determination.

Dated this 12th day of August, 2020.

A handwritten signature in cursive script that reads "Nancy Frandsen". The signature is written in black ink and is positioned above a horizontal line.

By: Nancy Frandsen

Chair, Title and Escrow Commission

**Title Agency Licensing
July 2020**

New Licenses:

Agency ID	Name	Orig Issue Date	Expire Date	LOA
194455	REI TITLE	LLC	7/31/2022	TE
194455	REI TITLE	LLC	7/31/2022	TS

Renewed Licenses:

Agency ID	Name	Orig Issue Date	Expire Date	LOA
6528	DIXIE TITLE COMPANY	6/21/1984	8/31/2022	TE
6528	DIXIE TITLE COMPANY	6/21/1984	8/31/2022	TS
6295	HICKMAN LAND TITLE COMPANY	7/15/1976	7/31/2022	TE
6295	HICKMAN LAND TITLE COMPANY	7/15/1976	7/31/2022	TMR
6295	HICKMAN LAND TITLE COMPANY	7/15/1976	7/31/2022	TS
15687	PLACER TITLE INSURANCE AGENCY OF UTAH INC	7/19/2006	7/31/2022	TE
15687	PLACER TITLE INSURANCE AGENCY OF UTAH INC	7/19/2006	7/31/2022	TS
6556	PROVO ABSTRACT COMPANY INC	7/14/1976	7/31/2022	TE
6556	PROVO ABSTRACT COMPANY INC	7/14/1976	7/31/2022	TS
6359	PROVO ABSTRACT COMPANY INC	7/16/1976	7/31/2022	TE
6359	PROVO ABSTRACT COMPANY INC	7/16/1976	7/31/2022	TS

Lapsed Licenses:

Agency ID	Name	Orig Issue Date	Expired Date	LOA
181836	INFINITY TITLE INSURANCE AGENCY LLC	7/20/2016	7/31/2020	TE
181836	INFINITY TITLE INSURANCE AGENCY LLC	7/20/2016	7/31/2020	TMR
181836	INFINITY TITLE INSURANCE AGENCY LLC	7/20/2016	7/31/2020	TS

Reinstated Licenses:

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

**Title Agent Licensing
July 2020**

New Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	LOA
1881754	BARTLETT	GARETT	7/13/2020	4/30/2023	TS
137799	BELL	SAMUEL	7/28/2020	12/31/2022	TE
137799	BELL	SAMUEL	7/28/2020	12/31/2022	TS
1882040	BREMS	LIESL	7/2/2020	6/30/2023	TE
1883686	LARSEN	JEFFREY	7/14/2020	4/30/2023	TE
1881979	MOORE	KATHRYN	7/2/2020	2/28/2023	TMR
1867900	THOMPSON	DARCY	7/21/2020	6/30/2023	TMR

Renewed Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	LOA
104155	AUGASON	CATHERINE	7/27/2004	7/31/2022	TE
30294	AVIS	WILLIAM	2/18/1994	7/31/2022	TE
30294	AVIS	WILLIAM	2/18/1994	7/31/2022	TMR
30294	AVIS	WILLIAM	2/18/1994	7/31/2022	TS
32880	Aubrey	Robin	3/27/1998	7/31/2022	TMR
32880	Aubrey	Robin	1/12/2001	7/31/2022	TS
32880	Aubrey	Robin	6/24/1998	7/31/2022	TE
103099	BAWDEN	JEREMY	6/23/2004	7/31/2022	TE
77953	BOND	CRYSTAL	6/7/2002	7/31/2022	TMR
77953	BOND	CRYSTAL	11/19/2004	7/31/2022	TE
1721582	BOREN	HADLEE	9/19/2017	7/31/2022	TE
39660	CALLAHAN	LAURIE	1/14/2000	7/31/2022	TS
39660	CALLAHAN	LAURIE	1/29/2004	7/31/2022	TE
1719892	CANOLES	MISTY	8/10/2017	7/31/2022	TS
1608718	DENISON	JAMIE	7/9/2018	7/31/2022	TS
1739829	DURHAM JOLLEY	JAMIE	12/29/2017	7/31/2022	TE
103733	GONZALEZ	GAYLEN	7/13/2004	7/31/2022	TS
93796	GORING	JENNY	8/28/2003	7/31/2022	TE

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	LOA
1411774	HARMAN	JACOB	9/11/2014	7/31/2022	TMR
1411774	HARMAN	JACOB	5/11/2016	7/31/2022	TE
101430	HENDRICKS	DAWNA	4/29/2004	7/31/2022	TE
36424	IVIE	KELI	1/28/1999	7/31/2022	TMR
36424	IVIE	KELI	1/24/2000	7/31/2022	TE
7460	JACKSON	HEATHER	7/27/1998	7/31/2022	TE
126967	JOHNSON	SYLVIA	6/2/2006	7/31/2022	TE
93930	KING	KEVIN	9/8/2003	7/31/2022	TS
93930	KING	KEVIN	11/14/2006	7/31/2022	TE
43653	KNOWLES	NINA	2/16/1995	7/31/2022	TE
43653	KNOWLES	NINA	10/25/1993	7/31/2022	TS
1755047	LAMBERT	SCOTT	4/5/2018	7/31/2022	TMR
53288	LARA	JOHN	5/18/1990	7/31/2022	TE
53288	LARA	JOHN	5/18/1990	7/31/2022	TS
1766586	MASON	MARTI	6/8/2018	7/31/2022	TE
125680	MCGREGOR	CATHERINE	3/1/2006	7/31/2022	TMR
125680	MCGREGOR	CATHERINE	12/21/2012	7/31/2022	TE
44931	MCKEE	NATALIE	1/24/1996	7/31/2022	TE
34733	MCKINNON	ANGIE	5/14/1982	7/31/2022	TE
34733	MCKINNON	ANGIE	5/14/1982	7/31/2022	TS
151733	MINNICK	KARL	9/10/2007	7/31/2022	TS
128205	MOCK	BROOKE	5/3/2006	7/31/2022	TE
122091	MORGAN	HILLARY	12/13/2005	7/31/2022	TE
122091	MORGAN	HILLARY	12/13/2005	7/31/2022	TS
37565	MORRIS	JIM	11/20/1981	7/31/2022	TE
37565	MORRIS	JIM	11/20/1981	7/31/2022	TS
36195	MUDROCK	JARROD	3/15/1999	7/31/2022	TS
36195	MUDROCK	JARROD	5/11/2004	7/31/2022	TE
44800	Mayeda	Shauna	4/1/1978	7/31/2022	TE
44800	Mayeda	Shauna	4/1/1978	7/31/2022	TS
101339	NEWELL	DOUGLAS	4/27/2004	7/31/2022	TS
101339	NEWELL	DOUGLAS	2/6/2006	7/31/2022	TE
79695	Nelson-Barkey	Kristina	7/31/2002	7/31/2022	TE

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	LOA
35173	OLIVER	GLENNA	10/18/1999	7/31/2022	TS
35173	OLIVER	GLENNA	10/18/1999	7/31/2022	TE
34424	PADOVICH	MELANIE	12/15/1999	7/31/2022	TE
1538158	PARKIN	KIRSTEN	9/12/2013	7/31/2022	TE
1396590	PAULI	CAROL	8/19/2013	7/31/2022	TE
55163	PHILLIPS	ADAM	6/28/2005	7/31/2022	TS
55163	PHILLIPS	ADAM	9/9/1999	7/31/2022	TMR
55163	PHILLIPS	ADAM	1/24/2002	7/31/2022	TE
44930	PINKELMAN	EMILIE	4/6/2006	7/31/2022	TE
84380	REEDER	ASHLEE	11/27/2002	7/31/2022	TE
96853	REEDER	ELIZABETH	12/12/2003	7/31/2022	TE
54186	REES	VONNA	10/5/1993	7/31/2022	TS
31187	REYES	DENIECE	1/21/1994	7/31/2022	TE
30483	SCERBO	DONNA	12/28/1998	7/31/2022	TS
30483	SCERBO	DONNA	1/7/1994	7/31/2022	TE
33612	SHAW	KELLI	2/24/1998	7/31/2022	TE
33612	SHAW	KELLI	7/8/2004	7/31/2022	TS
34165	SUTTON	LORI	7/28/1998	7/31/2022	TE
42692	THOMPSON	DON	11/25/2003	7/31/2022	TE
42692	THOMPSON	DON	10/6/2003	7/31/2022	TS
80424	TROOP	STEVEN	8/15/2003	7/31/2022	TE
80424	TROOP	STEVEN	4/2/2014	7/31/2022	TS
100005	UPCHURCH	AMY	4/27/2004	7/31/2022	TE
100005	UPCHURCH	AMY	3/30/2004	7/31/2022	TS
37721	WALKER	VICTORIA	6/2/1986	7/31/2022	TE
103396	WELSH	SHANAE	6/24/2004	7/31/2022	TE
30799	WILLIAMS	RONDA	4/4/1996	7/31/2022	TE
41619	WILLIAMS	TINA	5/28/2003	7/31/2022	TS
41619	WILLIAMS	TINA	1/11/1996	7/31/2022	TE

Lapsed Licenses

Individual ID	Last Name	First Name	Orig Issue Date	Expired Date	LOA
36357	BAGLEY	LARELL	12/10/1975	6/30/2020	TE
36357	BAGLEY	LARELL	12/10/1975	6/30/2020	TS
1747925	BICKEL	JO-ANN	7/5/2018	6/30/2020	TS
1747925	BICKEL	JO-ANN	2/14/2018	6/30/2020	TE
1751146	BROWN	DEBORAH	3/7/2018	6/30/2020	TE
27926	CHILD	PAUL	4/10/1995	6/30/2020	TE
27926	CHILD	PAUL	6/16/1994	6/30/2020	TS
144848	JAMES	NICOLE	1/11/2016	6/30/2020	TE
1632239	MCQUARRIE	JUSTIN	10/29/2015	6/30/2020	TMR
1747354	Nichols	Katelyn	2/16/2018	6/30/2020	TE
30069	ROBINSON	JAMES	2/26/2018	6/30/2020	TS

Reinstated Licenses

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	Reinstated D	LOA
68166	EGAN	MERI	7/27/2001	6/30/2022	7/7/2020	TE
43972	GILES	STEPHEN	10/13/1999	6/30/2022	7/7/2020	TE
1572805	HALVORSEN	COLTON	4/15/2016	6/30/2022	7/7/2020	TE
98256	HARRIS	MICHELLE	1/29/2004	5/31/2022	7/7/2020	TE
1755452	HOUGHTON	LINDSEY	3/29/2018	5/31/2022	7/23/2020	TS
1717239	OSTROM	COURTNEY	7/27/2017	4/30/2022	7/6/2020	TE

2020 Requests for Exemption from Title Agency Training Reqs.

(31A-23a-204)

		Date					
		Utah Insurance Department				Title and Escrow Commission	
Month	Name Supporting Information	Received	Preliminary Approval	Preliminary Disapproval	Applicant Notified	Concur	Non-concur
July	<p>Jeffrey Scott Breglio Year licensed as attorney – Licensed with Utah State Bar since 1998. Ins license history – Licensed Producer with Title Exam line from 2009 to 2011; then had Title Escrow since 2014, and Title Exam line recently added again effective 7/6/2020. Real estate experience – Real estate experience for over 20 years as attorney, investor, real estate agent, escrow officer, private lender and national real estate educator. For the last six years has been an escrow officer closing nearly 600 transactions. Legal real estate experience – Involved as practicing attorney in real estate law since 2001, focusing on asset protection and transactional documentation. Represents real estate brokerages, agents, contractors, private lenders and real estate investors. Has drafted and reviewed thousands of purchase contracts, seller-financing contracts and all-inclusive notes and deeds, conveyance deeds, reconveyances, trust deed assignments and modifications, title commitments, policies and clearings, and in resolving and litigating numerous other transactional issues from breach of contract to probate to quiet title actions, as well as assisting real estate agents with licensing concerns before the DRE.</p>	07/03/2020 (a state holiday)	07/09/2020		07/09/2020	07/20/2020	

2020 Requests for Exemption from Title Agency Training Reqs.

(31A-23a-204)

		Date						
		Utah Insurance Department				Title and Escrow Commission		
Month	Name Supporting Information	Received	Preliminary Approval	Preliminary Disapproval	Applicant Notified	Concur	Non- concur	
August	<p>Samuel Bell Year licensed as attorney – Licensed with Utah State Bar since 2005. Ins license history – Licensed Producer with Title Escrow and Title Examination lines since 7/28/2020. Real estate experience – Real estate experience for over 20 years as attorney, investor, real estate agent, escrow officer, private lender and national real estate educator. For the last six years has been an escrow officer closing nearly 600 transactions. Legal real estate experience –15 years of transactional and litigation experience as attorney practicing and advising title companies, buyers, sellers, property owners, investors, real estate brokerages and agents, developers and contractors at a very deep level on all aspects of real estate law. Worked closely with the title and escrow issues related to large scale real estate transactions, litigated property, title, and escrow issues, including interacting and filing claims against title insurance, addressing coverage questions, and reviewing escrow files and accountings. Also involved in briefing and arguing appeals which have formed some of the basis for real estate laws in Utah, and involved in the legislative process pertaining to real estate and title related legislation.</p>	07/28/2020	07/31/2020		07/31/2020			

2020 Requests for Exemption from Title Agency Training Reqs.

(31A-23a-204)

		Date					
		Utah Insurance Department				Title and Escrow Commission	
Month	Name Supporting Information	Received	Preliminary Approval	Preliminary Disapproval	Applicant Notified	Concur	Non- concur
	(continued) Non-legal real estate experience – Experienced as a Division of Real Estate licensed CE instructor teaching real estate contracts and real estate law, and also as a continuing legal education instructor for Utah State Bar, and was CCIM real estate attorney of the year finalist in 2015 and 2017.						

July 28, 2020

Utah Insurance Department
350 N. State St.
State Office Building Rm. 3110
Salt Lake City, UT 84114

RE: Attorney Exemption from 3-year License Requirement

Dear Utah Title Commission:

I am requesting for an exemption from the three-year licensing requirement for title examination and escrow to license an agency title insurance producer as required by 31A-23a-204(1)(a)(i). I am a licensed attorney and in good standing with the Utah State Bar. I have practiced real estate law in Utah since 2005, including doing the following:

- Transactional experience including:
 - Real estate transactions, including drafting documents, reviewing and negotiating contracts of sale, including real estate purchase contracts (REPC), commercial transactions, and residential transactions;
 - Negotiating and securing construction and permanent financing;
 - Title review, due diligence, consulting and negotiations with title companies, researching and drafting opinions of title, coordinating with title companies, pre-closing;
 - Zoning, development, construction including drafting agreements, entitlements work, reviewing surveys, plats, drafting plat notes, and general counsel;
 - Working as general and litigation counsel with homeowners associations, subdivisions, condominiums, planned unit developments, including drafting CC&Rs, amendments;
 - Probate-related transactions and conveyances;
 - General counsel to title companies, real estate brokerages, property management companies, HOAs, title officers, and real estate agents; and
 - General counsel to property investors, owners, developers, construction companies, and contractors.
- Litigation experience consisting of the following:
 - Judicial foreclosures;
 - Substitute trustee in non-judicial foreclosures;
 - Litigating the validity of non-judicial foreclosures;
 - Homeowner association (HOA) lien foreclosure;

- Representing both homeowners and HOAs in litigation concerning boundaries, covenants, easements, etc.;
- State construction registry litigation - mechanics lien filing and litigation;
- Real estate disputes or litigation involving:
 - Commercial and residential real estate purchase contracts and leases;
 - Boundary line disputes;
 - Rights-of-way and/or easement disputes;
 - Zoning issue;
 - Property tax disputes;
 - Title issues;
 - Mineral and gas rights;
 - Water rights and usage;
 - Landlord/tenant issues; and
 - Probate litigation involving real property assets, claims, and disputes.

In addition to my law experience, I also participated in the following:

- Division of Real Estate licensed CE instructor teaching real estate contracts and real estate law;
- Continuing legal education instructor for the Utah State Bar;
- Testifying at various senate and house committee hearings regarding various real estate and title related legislation and bills. Work with state senators and legislators on drafting and revising bills; and
- CCIM real estate attorney of the year finalist in 2015 and 2017.

My experience over the past 15 years as an attorney practicing and advising title companies, buyers, sellers, property owners, investors, real estate brokerages and agents, developers and contractors has given me an opportunity to work at a very deep level on all aspects of real estate law. In working through these transactions, I have had to work closely with the title and escrow issues related to large scale real estate transactions. I have also litigated property, title, and escrow issues. Much of the litigation has required me to interact with and file claims against title insurance, address coverage questions, and review the escrow files and accountings. Additionally, I have been involved in briefing and arguing appeals which have formed some of the basis for real estate laws in Utah. Last, I have been involved in the legislative process, including drafting legislation, testifying in committee hearings about legislation, and advising state senators and representatives about the impacts and consequences of various real estate and

title related legislation. Having been involved in the law-making processes, both case law and statutory, has required me to understand title and escrow issues and real estate law at a level equivalent to many experienced title escrow and title examination licensees. My experience qualifies me for an exemption from both the title examination and escrow time requirements of 31A-23a-204(1)(a).

If you have any questions, please let me know.



Samuel E. Bell

8158 Farm Brook Way

Cottonwood Heights, UT 84093

Sam@everestgp.com

Utah State Bar Number: 10791

Title Escrow and Title Examination License Number: 787213

Work Phone: 801-910-1264

Approval Date	2nd Quarter May-July 2020 Approved Title Courses	Provider Name	Totals	Comments
May-20				
5/1/2020	May 2020 Closer Training	Southern Utah Title Ins Co	8	
5/6/2020	Whose (Signature) Line Is It Anyway	Fulghum		
	Receiverships and the Effect on Real Property	Fulghum		
5/7/2020	Remote Online Notarization	Backman Stewart Title Srvs LTD		
	Entities	Backman Stewart Title Srvs LTD		
	Uniform Policy Preparation	Backman Stewart Title Srvs LTD		
	Title Marketing Rules	Backman Stewart Title Srvs LTD		
5/30/2020	Legal Access	Utah Land Title Association		
Jun-20				
6/1/2020	Who Can Sign	Utah Insurance Department	6	Post Approval Filing
6/1/2020	Using Power of Attorney: How to Avoid Fraud	Utah Insurance Department		Post Approval Filing
6/1/2020	Forms Update -Subject to Sale of Buyer's Residence, Time Clauses	Utah Insurance Department		Post Approval Filing
6/1/2020	Profile of a Fraudster	First American Title Ins Co		
6/1/2020	Exclusions From Coverage	Fulghum		
6/1/2020	Policies- The Inside Story	Fulghum		
Jul-20				
7/1/2020	July 2020 Closer Training	Southern Utah Title Company	13	
7/1/2020	Cyber Security Trends and COVID-19	American Land Title Asssocation		
7/6/2020	The New Technology Horizon	Utah Land Title Association		
7/6/2020	And The Beat Goes On	Utah Land Title Association		
7/13/2020	Legislative Update	Utah Land Title Association		
7/13/2020	Upholding Ethical Standards	Utah Land Title Association		
7/15/2020	Bankruptcy & Real Estate Transactions	Stewart Title Ins Agency of UT Inc		
7/15/2020	Goofy Ways To Screw Up Your Property Titles	Stewart Title Ins Agency of UT Inc		
7/15/2020	Searching & Examining Real Estate Titles	Stewart Title Ins Agency of UT Inc		
7/15/2020	Title Coverages	Stewart Title Ins Agency of UT Inc		
7/15/2020	Easements: Legal & Practical Perspectives	Stewart Title Ins Agency of UT Inc		
7/23/2020	SSU - Fraud: I Did Not See That Coming	Old Republic National Title		
7/27/2020	Mortgage Modifications	Utah Land Title Association		

Open and Public Meetings Act

A Summary of Key Provisions for Legislators | May 2020

The Open and Public Meetings Act (OPMA) requires that members of a public body be “provided with annual training on the requirements of [the Open and Public Meetings Act]” (Section 52-4-104). This document is intended to facilitate compliance with that requirement and to help legislators understand OPMA. This summary is intended for a state legislative audience and does not attempt to explain or address requirements for other public bodies. Key terms are defined at the end of the document.

OPMA’s stated goal is to ensure that the state, its agencies, and its political subdivisions deliberate and take action openly (Section [52-4-102](#)).

Public Notice

(Section [52-4-202](#))

A public body is required to provide public notice of a meeting at least 24 hours before the meeting. The public notice is required to:

- specify the date, time, and place of the meeting;
- include an agenda that specifies the topics the public body will consider;
- be posted on the Utah Public Notice Website and at the location of the meeting; and
- be provided to a newspaper or local media correspondent.

A public body may discuss an item raised by the public that is not listed on the agenda but may not take final action on the item at the meeting.

Minutes and Recordings

(Section [52-4-203](#))

- A public body is required to keep written minutes and a recording of all meetings unless the meeting is a site visit or traveling tour where no vote or action is taken.
- A recording of the open portions of the meeting must be posted on the Utah Public Notice Website within three business days after the public meeting.
- Draft minutes are required to be made available to the public within 30 days after the meeting.
- The approved minutes and any public materials distributed at the meeting must, within three business days after their approval, be:
 - posted on the Utah Public Notice Website; and
 - made available at the public body's office.

2020 Amendments to OPMA

- [2020 S.J.R. 16](#) modifies the legislative rules relating to electronic meetings and enacts legislative rules relating to electronic meetings during emergencies.

Executive Order 2020-5

- Governor Herbert issued [Executive Order 2020-5](#) on March 18, 2020, suspending the enforcement of provisions of Sections 52-4-202 and 52-4-207 due to the COVID-19 Novel Coronavirus. This Order is in effect until June 30, 2020.

Closed Meetings

(Sections [52-4-204](#) and [52-4-205](#))

A public body may hold a closed meeting only for certain purposes, including to discuss:

- a person’s character, competence, or health;
- pending or imminent litigation;
- certain matters regarding acquisition or sale of real property, including water rights or shares;
- the deployment of security personnel, devices, or systems;
- an investigation of alleged criminal conduct;
- the receipt or review of an ethics complaint, if the public body is the Independent Legislative Ethics Commission;
- certain matters under the jurisdiction of a legislative ethics committee; and
- certain deliberations and decision making involved in the procurement process.

A public body may close a meeting only by a two-thirds vote with a quorum present, except that a majority vote is sufficient for closing a meeting of:

- the Health and Human Services Interim Committee to review a fatality review report;
- the Child Welfare Legislative Oversight Panel to review a fatality review report or review and discuss an individual case; or
- an ethics committee of the Legislature to receive legal advice or deliberate on a complaint.

No vote is required to close a meeting of the Independent Legislative Ethics Commission to review an ethics complaint if the publicly distributed agenda for the meeting states that the meeting will be closed.

A public body that closes a meeting is required to announce and record in the minutes the reasons for closing the meeting.

A public body may not close a meeting to discuss filling a midterm vacancy or temporary absence for an elected position, or to discuss a person whose name was submitted to fill a midterm vacancy or temporary absence for an elected position.

An ordinance, resolution, rule, regulation, contract, or appointment may not be approved during the closed portion of a meeting.

Emergency Meetings

(Section [52-4-202](#))

A public body may hold an emergency meeting and is not required to give 24-hour notice if unforeseen circumstances arise that require the public body to consider matters of an emergency or urgent nature. However, a public body may not hold an emergency meeting unless it attempts to notify all members of the public body and a majority of its members approve the meeting.

Definitions (Section 52-4-103)

Anchor Location means the physical location from which an electronic meeting originates, or the participants are connected.

Meeting means a convening of a public body with a quorum present to discuss, receive public comment about, or act upon a matter over which the public body has jurisdiction or advisory power.

Meeting does not mean a chance or social gathering or a convening of a public body that has both legislative and executive responsibilities in certain circumstances.

Public Body means an administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

Electronic Meetings

(Sections [52-4-207](#) and [JR1-1-402, 403, JR7-1-407](#))

A public body may not convene or conduct a meeting by electronic communications unless it has adopted procedures to govern electronic meetings. The Legislature's rule governing electronic legislative meetings states that a meeting may be held by electronic means during an emergency. Electronic meetings shall comply with OPMA, including posting written notice of the meeting at the anchor location.

When calculating a quorum for each vote during an electronic meeting a member is included if that member is:

- present in person at the anchor location; or
- participating and able to communicate electronically.

In a non-emergency situation, a committee member may remotely participate in a public meeting if:

- the member will be more than 50 miles away from the meeting location;
- at least three days before the meeting, the member requests permission of the chair to participate from a remote location; and
- the chair obtains permission from the speaker of the House of Representatives and president of the Senate to conduct an electronic meeting.

Penalties

(Sections [52-4-302](#) and [52-4-305](#))

Open Meetings - Any final action taken in a meeting that is in violation of certain open-meeting provisions of OPMA is voidable by a court.

Closed Meetings - It is a class B misdemeanor to knowingly or intentionally violate the closed meeting provisions of OPMA.

- is created by the Utah constitution, state statute, rule, ordinance, or resolution;
- expends, disburses, or is supported in whole or in part by tax revenue; and
- is vested with the authority to make decisions regarding the public's business.

Public body does not include a political party, political group, or political caucus, or a conference committee, rules committee, or sifting committee of the Legislature.

Executive Order 2020-5

(Extended until June 30,2020)

A public body governed by OPMA may hold an electronic meeting even if the public body has not adopted a resolution, rule, or ordinance governing the use of electronic meetings. Furthermore, a public body that convenes or conducts an electronic meeting is not required to:

- post written notice at the principal office of the public body or specified body, or if no principal office exists, at the building where the meeting is to be held;
- post written notice at an anchor location;
- establish one or more anchor locations for the public meeting, at least one of which is in the building and political subdivision where the public body would normally meet if they were not holding an electronic meeting;
- provide space and facilities at an anchor location so that interested persons and the public may physically attend and monitor the open portions of the meeting; or
- if comments from the public will be accepted during the electronic meeting, provide space and facilities at an anchor location so that interested persons and the public may physically attend, monitor, and participate in the open portions of the meeting.

A public body that holds an electronic meeting shall:

- provide means by which interested persons and the public may remotely hear or observe, live, by audio or video transmission, the open portions of the meeting;
- if comments from the public will be accepted during the electronic meeting, provide a means by which interested persons and the public participating remotely may ask questions and make comments by electronic means in the open portions of the meeting; and
- if the public body has not adopted a resolution, rule, or ordinance governing the use of electronic meetings, adopt as soon as practicable a resolution, rule, or ordinance, which may be adopted at an electronic meeting pursuant to this Order, governing the use of electronic meetings in accordance with Section 52-4-207.

5-Year Reviews of Title Insurance Rules

- **R592-1:** Title Insurance Licensing.

Utah statute requires all state agencies to do 5-year reviews of their rules to ensure they continue to make sense in a changing world.

What must be done at the August 17 Title & Escrow Commission meeting is to make a yes-or-no determination of whether the above rule should stay on the books.

Rules cannot be amended as part of a 5-year review, but the need for future amendments can be discussed for inclusion on a future agenda.

R592. Insurance, Title and Escrow Commission.

R592-1. Title Insurance Licensing.

R592-1-1. Authority.

This rule is promulgated pursuant to Subsections 31A-2-404(2)(a)(ii) and (b), which direct the Title and Escrow Commission to make rules pertaining to the licensing of a title licensee and require the Title and Escrow Commission's concurrence in the issuance and renewal of title licensee licenses.

R592-1-2. Purpose and Scope.

- (1) The purpose of this rule is:
 - (a) to establish rules for the licensing of a title licensee; and
 - (b) to concur in the issuance and renewal of a title license in accordance with Section 31A-2-404(2)(b).
- (2) This rule applies to all title licensees and applicants for a title insurance license or renewal of a title insurance license.

R592-1-3. Definitions.

"Title licensee" has the same meaning as found in Section 31A-2-402(3).

R592-1-4. Licensing.

The Commission hereby grants its preliminary concurrence to the issuance or renewal of title insurance licenses issued by the commissioner, subject to final concurrence as specified in Section 5, to an applicant that:

- (1) complies with Sections 31A-23a-104, 31A-23a-105, 31A-23a-106, 31A-23a-107, 31A-23a-108, and 31A-23a-204; and
- (2) complies with Section 31A-23a-202 as an applicant for a renewal of a license; and
- (3) meets all other requirements for the issuance of a license.

R592-1-5. Commission Concurrence with License Issuance or Renewal.

(1) The commissioner will report to the Title and Escrow Commission, at an interval and in a format acceptable to the commissioner and the Commission, the names of title licensee applicants or licensees:

- (a) who were issued an initial license; and
 - (b) who were issued a renewal license.
- (2) At a meeting of the Commission, the Commission shall give final concurrence or shall not concur with the licensing action of the commissioner.
- (3) If the Commission votes to not concur with a licensing action of the commissioner for a licensee, the commissioner shall commence an administrative proceeding under the Utah Administrative Procedures Act to revoke, suspend, limit, or place on probation that license.

R592-1-6. Severability.

If any section, term, or provision of this rule shall be adjudged invalid for any reason, such judgment shall not affect, impair or invalidate any other section, term, or provision of this rule and the remaining sections, terms, and provisions shall be and remain in full force.

R592-1-7. Enforcement Date.

The commissioner will begin enforcing this rule upon the rule's effective date.

KEY: title insurance

Date of Enactment or Last Substantive Amendment: September 30, 2005

Notice of Continuation: September 4, 2015

Authorizing, and Implemented or Interpreted Law: 31A-2-402