



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: **November 14, 2022**

Place: **In Person**

Virtual

Taylorsville SOB

Google Meet

Time: **9:00 AM**

4315 S. 2700 W.

Big Cottonwood Room

Taylorsville, UT 84129

ATTENDEES

TITLE & ESCROW COMMISSION

xChair, Kim Holbrook (*Insurer, Davis County*)

xDarla Milovich (*Agency, Salt Lake County*)

xVice Chair, Chase Phillips (*Agency, Weber County*)

xCal Robinson (*Agency, Iron County*)

xJeff Mathews (*Public Member, Morgan County*)

xPerri Babalis, *AG Counsel - TEC*

DEPARTMENT STAFF

xJon Pike, *Insurance Commissioner*

xReed Stringham, *Deputy Comm.*

Tracy Klausmeier, *P&C Dir.*

xShelley Coudreaut, *AG Counsel - UID*

Patrick Lee, *Finance Dir.*

xAdam Martin, *MC Examiner*

xMichael Covington, *CE Specialist*

xRandy Overstreet, *Licensing Dir.*

xSteve Gooch, *PIO Recorder*

PUBLIC

Kim Cruz

Sam Bell

William Fry

Matt Sager

Bob Rice

Blake Heiner

Matt Ryden

Wade Taylor

Nancy Frandsen

Nathan Sprague

Branda Hansen

Cort Ashton

MINUTES — Approved

General Session: (Open to the Public)

- **Welcome** / Kim Holbrook, Chair (9:00 AM)
- **Telephone Roll Call**
- **Adopt Minutes of Previous Meeting**
 - October 17 TEC meeting
 - **Motion by Chase to adopt minutes. Seconded by Darla. Motion passes 5-0.**
 - YEA: Kim, Chase, Darla, Cal, Jeff
 - NAY: None
 - October 17 TEC/REC meeting
 - **Motion by Chase to adopt minutes. Seconded by Cal. Motion passes 4-0.**
 - YEA: Kim, Chase, Cal, Jeff
 - NAY: None
 - ABSTAIN: Darla
- **Concurrence Reports**
 - Licenses

- **Motion by Cal to concur. Seconded by Chase. Motion passes 5-0.**
 - YEA: Kim, Chase, Cal, Darla, Jeff
 - NAY: None
 - Penalties
 - William Justin Fry (Docket #2022-4438)
 - William Justin Fry was convicted of a 3rd degree felony. Under 31A-23a-111, the insurance commissioner can revoke a license if a licensee is convicted of a felony.
 - Chase asks if a licensee can dispute it in anyway. Adam says he hasn't been notified and the statute requires revocation. Shelley says notice is required even though the statute allows revocation, and that notice was given. In this case, there were a number of criminal cases that were violations of a protective order, domestic violence, aggravated assault, and wrongful appropriation. He was convicted of aggravated assault, which is a 3rd degree felony and included restitution. Under the code, he no longer qualifies for a license due to the convictions.
 - William Fry says he wasn't given notice and found out about the meeting from his boss. He says some charges were dismissed and the aggravated assault is a plea in abeyance for 18 months, after which it will be removed from his record.
 - Shelley says the process is for the TEC to review and vote on whether to concur with the action, not for Mr. Fry to be heard. After the TEC votes, notice will be sent and then Mr. Fry will have the opportunity to be heard through agency action.
 - **Motion by Chase to concur. Seconded by Darla. Motion passes 5-0.**
 - YEA: Kim, Chase, Darla, Cal, Jeff
 - NAY: None
 - First Integrity Title Insurance Agency (Docket #2022-4439)
 - First Integrity was the final audit to be under the \$5,000 forfeiture max. They had numerous violations including unlicensed activity, no qualifier, and having a bank with no office in Utah. They were set up properly but fell out of compliance over time. They have agreed to pay the fine and are just waiting on it to be final.
 - **Motion by Cal to concur. Seconded by Darla. Motion passes 5-0.**
 - YEA: Kim, Chase, Darla, Cal, Jeff
 - NAY: None
 - Continuing education
 - Kim says it looks like there are a lot of good topics and a lot of providers offering classes.
 - **Motion by Chase to concur. Seconded by Cal. Motion passes 5-0.**
 - YEA: Kim, Chase, Darla, Cal, Jeff
 - NAY: None
 - Steve notes that licensees can get CE credit for attending TEC meetings. The change to electronic meetings has created a burden on Michael Covington having to look up names and license numbers for attendees. Going forward, if a licensee wants CE credit for attending a TEC meeting and is attending virtually, they will need to send Steve an email with their license number — sgooch@utah.gov.
- **Board Duties & Responsibilities / Perri**
 - **Update on 2022 Goals**
 - ULTA report / Kim
 - The ULTA had its first roundtable to educate and give everyone a voice on title topics. Several people dialed in. The ULTA will have a roundtable every month after the TEC meeting, and there's another scheduled for today. Anyone interested in attending can contact Kim or Meg Watson for info.
 - The ULTA's midwinter convention is coming up Feb. 9-10 and will be held in Springville; info is on the ULTA website. The annual convention is in July in Logan.

- The meeting also gave an education update, noting that CE webinars happen on the second Friday of each month, plus lunch-and-learns, prelicensing courses, and an education day.
- The roundtable also includes a TEC update, a legislative update, and a Q&A.
- Kim says the TEC/REC meeting in October was good and it's nice to have the lines of communication open.
- **New Business**
- **Old Business**
 - R592-18 update / Reed
 - Reed notes that this rule implements the statutory prohibition on below-cost escrow services. For the time being, the UID will not continue its efforts to enact the rule.
 - About 18 months ago, the UID proposed repealing the statute on below-cost escrow. The law is difficult to enforce and isn't really doing anything. There was strong opposition from industry about proceeding, saying the industry needs the statute to preserve the financial health of the industry. Since that time, the UID has supported that prohibition. The UID has a directive from the legislature to prohibit below-cost escrow, and the industry saying they need the prohibition for the financial health of the industry. In the past few months, the UAR has expressed problems with the rule, and the ULTA is now negotiating with the UAR about what a repeal would look like. The UID also did a survey about whether to repeal the rule: 55% support the rule, 45% don't support the rule, and 2/3 didn't respond. Basically, 1/6 of the industry supports the rule, 1/6 doesn't support the rule, and 2/3 didn't care enough to complete the 3-question survey. Comparing this result to the ULTA's numbers from earlier in the year that said roughly all of its members supported the rule, it's quite a contrast. The UID now has to ask itself 1) whether the prohibition on below-cost escrow is really necessary to preserve the financial health of the industry and 2) is the legislature going to repeal the prohibition. With those two questions, it makes sense to press pause on the rule at least until the next legislative session is over.
 - Chase doesn't have a problem with pausing. He says there are a lot of people who may have changed their opinion from how they originally felt. Pausing is wise.
 - Commissioner Pike says he, Reed, and Tracy have spent considerable time reviewing the recent happenings and the survey. He thanks everyone involved to date for their time and effort. It makes sense to pause for now, and we'll take it back up after the 2023 session.
 - Kim thanks everyone who has participated in the process, and says we're all looking forward to a solution that works for the industry.
- **Other Business**
 - **22:00** — Cort Ashton asks for clarification regarding the penalty guidelines. If First Integrity was turned in by a competitor, would the fine have been different? Adam says the UID's standard policy was that all problems found in an audit would fall under a \$5,000 cap. The removal of the cap was discussed at the last meeting, because all agencies have now been through an audit. Going forward, if any violations are discovered in an audit, they will fall under the normal penalties in the statute. First Integrity was the last company under the old audit structure, and if the same violations would have resulted from an investigation, the penalties would have been different.
- **Hot Topics**

Executive Session (None)

- **Adjourn** (9:35 AM)
 - **Motion by Chase to adjourn. Seconded by Cal. Motion passes 5-0.**
 - YEA: Kim, Chase, Darla, Cal, Jeff
 - NAY: None
- **Next Meeting: December 19, 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

Proposed 2023 Meeting Schedule

Jan 9	Feb 13	Mar 13	Apr 10*	May 8	Jun 12
Jul 10	Aug 14	Sept 18	Oct 16*	Nov 13	Dec 11

*Proposed TEC/REC meeting immediately following