



## 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:** Sept. 13, 2021

**Place:** In Person  
None

**Virtual**  
Google Meet

**Time:** 9:00 AM

### ATTENDEES

#### TITLE & ESCROW COMMISSION

xChair, Kim Holbrook ( <i>Insurer, Davis County</i> )	xDarla Milovich ( <i>Agency, Salt Lake County</i> )
xVice Chair, Chase Phillips ( <i>Agency, Weber County</i> )	Cal Robinson ( <i>Agency, Iron County</i> )
xRandy Smart ( <i>Public Member, Salt Lake County</i> )	xPerri Babalis, <i>AG Counsel - TEC</i>

#### DEPARTMENT STAFF

xJon Pike, <i>Insurance Commissioner</i>	xReed Stringham, <i>Deputy Comm.</i>	xTracy Klausmeier, <i>P&amp;C Dir.</i>
xRandy Overstreet, <i>Licensing Dir.</i>	Patrick Lee, <i>Finance Dir.</i>	xAdam Martin, <i>MC Examiner</i>
Michael Covington, <i>CE Specialist</i>	xSteve Gooch, <i>PIO Recorder</i>	xEddie Vasquez, <i>AG Counsel</i>

#### PUBLIC

Joseph McPhie	Matt Sager	Steve Strong
Trevor Mooney	Blake Heiner	Bob Rice
Susan Houghton	Wade Taylor	Nathan Sprague

### MINUTES — Approved

#### *General Session: (Open to the Public)*

- **Welcome** / Kim Holbrook, Chair (9:01 AM)
- **Reading of Anchor Location Determination**
- **Telephone Roll Call**
- **Adopt Minutes of Previous Meeting**
  - **Motion by Darla to adopt minutes. Seconded by Chase. Motion passes 4-0.**
- **Concurrence Reports**
  - Licenses
    - **Motion by Darla to concur. Seconded by Chase. Motion passes 4-0.**
- **Board Duties & Responsibilities** / Perri
- **Update on 2021 Goals**
  - ULTA report / Chase
    - The ULTA is taking a proactive role in responding to Commissioner Pike's letter to the TEC.
    - The ULTA sponsored a team at the senate's golf tournament. Chase participated and thought it was valuable in connecting the industry with senators, and was a great idea on the ULTA's part.

- The ULTA meets today, and many will be attending today's subcommittee meeting as well. Most of the conversation he's heard over the past month has been about escrow fees and how the UID will regulate them.
  - REC report / Darla
    - 28 new complaints, 15 closed complaints, 15 with the AG's office, and 474 pending.
    - Darla notes that there's not a lot to report each month, so she suggests removing this unless there's something pertinent that can be added to the meeting.
    - Chase notes that it's pretty rare for something to come up with the REC that directly affects title. He wonders if it would be good for the liaison to be a formal thing. Darla says members of the public don't offer input; the REC knows that she's there and listening to meetings, but that's about it. There's not much a TEC liaison could add.
    - Chase agrees. He thinks it's interesting to know the case counts, but it doesn't really help the TEC.
- **New Business**
  - Approval of assessments under R590-102-22 / Reed
    - Reed notes that the TEC is statutorily required to approve the UID's title assessments. Typically they were listed in a title rule in R592, but they are more appropriately placed in the UID's fee rule, R590-102.
    - The UID requests that the TEC vote to approve the assessments as outlined in R590-102.
    - **Motion by Randy to approve the assessments. Seconded by Darla. Motion passes 4-0.**
  - Annual report to the Title & Escrow Commission / Reed
    - The annual report lists the enforcement actions taken by the UID and how they were resolved. The outcome for all cases was "NAT: No action taken." This usually means the complaint wasn't valid, or it was so minor that Adam thought it best to educate the licensee about what to do in the future.
    - Adam says that he educates licensees when they are minor things that were missed during escrow, but the title company corrects within a reasonable time. He notes them in the company's file. Everyone gets one freebie, but if it comes up again action will be taken.
    - This year's report has about the same amount of complaints as in prior years. It does not include investigations or audits — just complaints.
    - Chase asks if any of the complaints on the list are ongoing issues. Adam says there are not.
    - **Motion by Chase to accept the annual report. Seconded by Randy. Motion passes 4-0.**
- **Old Business**
- **Hot Topics**
  - Proposed statutory change to in-person meeting requirement / Reed
    - Reed notes that the statute requires a quarterly in-person meeting, but COVID has shown us that it's possible to successfully hold electronic meetings. He proposes changing the statute to allow any title commission member to attend electronically. This will allow for more geographic diversity. He will submit proposed language at the next TEC meeting.
    - Chase asks if there will be clarifying language limiting electronic attendance to certain circumstances, or will it be indefinite permission for any meeting. Reed says it will be for any meeting. Chase thinks that will be very helpful and supports the change.
    - Randy asks if it would make sense to do one annual in-person meeting. Reed says that's a possibility. He can add something to that effect and have two separate proposals that can be discussed.
    - Kim thinks it's a timely decision and will increase diversity.
- **Other Business**
  - Review of subcommittee activities / Chase
    - Chase says he expects that the subcommittee will have a formal letter after today's meeting, which immediately follows this TEC meeting. He doesn't expect a complete response with

proposed language, but it will include an outline. The goal is to have proposed language ready for the next TEC meeting on Oct. 16.

- Chase appreciates the letter that Reed sent after the first subcommittee meeting. It helped the subcommittee stay focused and spurred a lot of necessary debate and ideas.
- Today's subcommittee meeting will discuss 2-3 different possibilities. Chase expects that there will be a formal letter by the end of this week or early next week. He says the industry is being proactive in trying to make it easy for the UID to regulate. They don't want to create something that is unnecessary in terms of overregulation or something that is difficult for the UID to regulate. They want something sensible and workable.
- Commissioner Pike asks if it's clear that the UID wants a proposed change to the statute, not a rule amendment. Chase says initially they wanted to do a rule, but now everyone is in agreement. He says it could go down the rabbit hole toward a statutory and rule change, but the statute is the focus. He says the subcommittee participants recognize and appreciate the approach that the UID has taken. They're grateful for the opportunity to have a voice. Everyone is looking for what's best for the industry, and don't want something that is likely to be challenged.
- Commissioner Kiser thanks the subcommittee for their work and says having the TEC make the determination is the best route and makes the most sense.

*Executive Session* (None)

- **Adjourn** (9:40 AM)
  - **Motion by Darla to adjourn. Seconded by Chase. Motion passes 4-0.**
- **Next Meeting: October 18, 2021** — Bonneville Room, Taylorsville State Office Building

**2021 Meeting Schedule**

Jan 11	<b>Feb 8</b>	Mar 8	Apr 19	<b>May 10</b>	Jun 14
Jul 12	<b>Aug 9</b>	Sept 13	Oct 18	<b>Nov 8</b>	Dec 20

\* bold dates denote quarterly required in-person meetings