

GARY D. JOSEPHSON #5299  
Assistant Attorney General  
SEAN D. REYES #7969  
Attorney General  
Attorneys for Utah Insurance Department  
160 East 300 South, Fifth Floor  
PO Box 140874  
Salt Lake City, UT 84114  
Telephone: 801-366-0375  
Facsimile: 801-366-0378

---

**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

---

UTAH INSURANCE DEPARTMENT,

Complainant,

v.

SOUTH EASTERN UTAH TITLE  
COMPANY, License # 3042,  
2190 Navajo Heights  
Moab, UT 84532

Respondent.

**STIPULATION AND ORDER**

Docket No. 2014-101 LC

Enf. Case No. 3535

Mark E. Kleinfield  
Administrative Law Judge

---

**STIPULATION**

The Utah Insurance Department ("Department"), by and through its legal counsel, and South Eastern Title Company, a Utah licensed title insurance agency ("Respondent"), hereby stipulate and agree as follows:

1. Respondent is an active Utah licensed title insurance agency authorized to do business in the state of Utah under License No. 3042. Respondent's business address is 2190 Navajo Heights, Moab, UT 84532.

2. The Department has jurisdiction over the parties and subject matter of this administrative action.

3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-210; acknowledges that this Stipulation and Order is an informal proceeding pursuant to Utah Code § 63G-4-202; and irrevocably waives the right to any hearing, review or appeal concerning this matter.

4. Respondent knows of its right to be represented by legal counsel and waives this right by either having sought the advice of legal counsel or by having voluntarily chosen not to do so.

5. This signed Stipulation and the signed and adopted Order by both the Commissioner and the Title and Escrow Commission, along with any Findings of Fact and Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

6. If an administrative hearing were held, the Department could offer evidence that would support the Findings of Fact presented below; therefore, the Findings of Fact and Conclusions of Law presented below are agreed to.

7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter addressed herein.

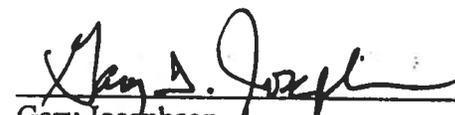
8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.

9. Respondent enters into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.

10. The persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

Dated this 23<sup>rd</sup> day of September 2014.

  
\_\_\_\_\_  
SOUTH EASTERN TITLE COMPANY  
Jerry Frandsen, President

Sept. 30<sup>th</sup>, 2014   
\_\_\_\_\_  
Gary Josephson  
Assistant Attorney General  
Utah Insurance Department

Based upon the foregoing Stipulation and Department file, the Presiding Officer makes the following Findings of Fact:

**FINDINGS OF FACT**

1. On May 6, 2014, the Department compiled a list of all title producers who had renewed their licenses during the month of April, 2014. After reviewing the list and SIRCON licensing, it was determined that Respondent's license had lapsed on March 31, 2014 and was not reinstated until April 11, 2014. During the period of license lapse, Respondent's agents were not associated to it.

2 The Department investigator requested from Respondent a narrative statement of all title business conducted between March 31, 2014 and April 11, 2014.

3. On July 10, 2014, Respondent's president, Jerry Frandsen, replies and stated that the company conducted 18 closings and issued 26 commitments between March 31, 2014 and April 11, 2014.

4. Respondent had a similar license lapse in 2012. Mr. Frandsen was cooperative during the investigation, and took full responsibility for the lapse.

5. Respondent has agreed an administrative forfeiture of \$1,500.00. In addition, Respondent will prepare and submit a comprehensive business plan that outlines specific policies and procedures to be put in place to ensure future compliance with license renewal requirements.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

#### **CONCLUSIONS OF LAW**

1. Utah Code Section 31A-23a-103 requires every insurance producer to have an active license to conduct any title business in Utah.

2. Utah Code Section 31A-23a-302 requires an agency to designate with the Department any individual acting on the agency's behalf.

3. Respondent violated the above referenced statutes in conducting title business during the period its license was lapsed.

4. The proposed administrative forfeiture of \$1,500.00, and the requirement that Respondent submit to the Department a comprehensive business plan outlining procedures and policies that will ensure future compliance with Utah law and Department rules are appropriate in this matter.

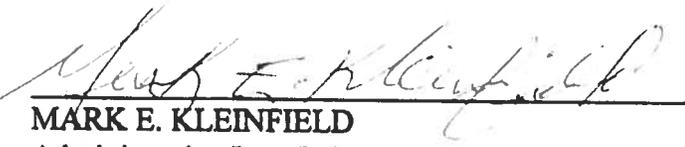
**RECOMMENDED ORDER**

IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION IMPOSE THE FOLLOWING PENALTY:

1. Respondent, South Eastern Title Company is assessed an administrative forfeiture in the amount of \$1,500.00 to be paid to the Department within 30 days of the date the Commission's Order.
2. Within 90 days from the fully signed and adopted Order, Respondent shall submit a comprehensive business plan outlining specific procedures and policies it shall put in place regarding its license renewals and associations, ensuring future compliance with Utah insurance laws and Department rules.

DATED this 29<sup>th</sup> day of September, 2014.

TODD E. KISER  
Insurance Commissioner

  
MARK E. KLEINFELD  
Administrative Law Judge  
Utah Insurance Department

**ADOPTION OF RECOMMENDED ORDER AND IMPOSITION OF PENALTY**

By a vote of \_\_\_\_\_ to \_\_\_\_\_, taken in open meeting on this date, the Title and Escrow Commission hereby adopts the recommended order of the presiding officer and imposes the penalty recommended above.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

---

JEFFERY D. WIENER, Chairman  
Title and Escrow Commission

**NOTIFICATION TO RESPONDENT**

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

**CERTIFICATE OF MAILING**

The undersigned hereby certifies that on this date, a true and correct copy of the  
**Stipulation and Order** were mailed, postage prepaid, to the following:

**SOUTH EASTERN UTAH TITLE COMPANY  
2190 NAVAJO HEIGHTS  
MOAB, UT 84532**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

---

**LINDA HARDY  
UTAH INSURANCE DEPARTMENT  
STATE OFFICE BUILDING, ROOM 3110  
SALT LAKE CITY, UT 84114-6901 SOUTH**

GARY D. JOSEPHSON #5299  
Assistant Attorney General  
SEAN D. REYES #7969  
Attorney General  
Attorneys for Utah Insurance Department  
160 East 300 South, Fifth Floor  
PO Box 140874  
Salt Lake City, UT 84114  
Telephone: 801-366-0375  
Facsimile: 801-366-0378

---

**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

---

UTAH INSURANCE DEPARTMENT,

Complainant,

v.

SUTHERLAND TITLE COMPANY  
License # 4641  
920 East Oak Wood Lane, Suite 100  
Salt Lake City, UT 84117

Respondent.

**STIPULATION AND ORDER**

Docket No. 2014-100 LC

Enf. Case No. 3534

Mark E. Kleinfield  
Administrative Law Judge

---

**STIPULATION**

The Utah Insurance Department ("Department"), by and through its legal counsel, and Sutherland Title Company, a Utah licensed title insurance agency ("Respondent"), hereby stipulate and agree as follows:

1. Respondent is an active Utah licensed title insurance agency authorized to do business in the state of Utah under License No. 4641. Respondent's business address is 920 East Oak Wood Lane, Suite 100, Salt Lake City, UT 84117.

2. The Department has jurisdiction over the parties and subject matter of this

administrative action.

3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-201; acknowledges that this Stipulation and Order is an informal proceeding pursuant to Utah Code § 63G-4-202; and irrevocably waives the right to any hearing, review or appeal concerning this matter.

4. Respondent knows of its right to be represented by legal counsel and waives this right by either having sought the advice of legal counsel or by having voluntarily chosen not to do so.

5. This signed Stipulation and the signed and adopted Order by both the Commissioner and the Title and Escrow Commission, along with any Findings of Fact and Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

6. If an administrative hearing were held, the Department could offer evidence that would support the Findings of Fact presented below; therefore, the Findings of Fact and Conclusions of Law presented below are accepted by the parties.

7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.

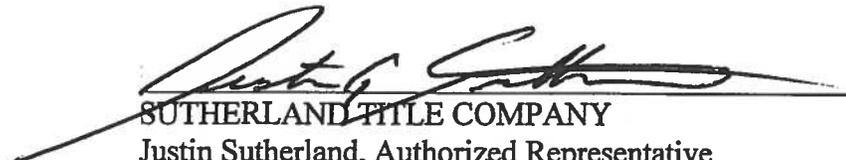
8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.

9. Respondent enters into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.

10. The persons signing this Stipulation on behalf of the named parties hereby affirm

that they are authorized to sign and bind the parties.

Dated this 22 day of September, 2014.

  
SUTHERLAND TITLE COMPANY  
Justin Sutherland, Authorized Representative

*Sept. 29, 2014*

  
UTAH INSURANCE DEPARTMENT  
Gary D. Josephson, Assistant Attorney General

Based upon the foregoing Stipulation and Department file, the Presiding Officer makes the following Findings of Fact:

**FINDINGS OF FACT**

1. On April 4, 2014, the Department compiled a list of all title producers who had renewed their licenses during the month of March 2014. After reviewing the list and SIRCON licensing, it was determined that Respondent's license had lapsed on February 28, 2014 and was reinstated March 7, 2014. Respondent's producers were re-associated on March 12, 2014.

2. On June 10, 2014, the Department investigator requested from Respondent a narrative statement of all title business conducted between February 28, 2014 and March 7, 2014.

3. On June 30, 2014, Justin Sutherland replied and stated that the company conducted 11 closings and issued four commitments on behalf of the insurer between February 28, 2014 and March 7, 2014.

4. Respondent was cooperative and helpful during the investigation, and took full responsibility for the lapse.

5. Respondent has agreed an administrative forfeiture of \$1,500.00. In addition, Respondent will prepare and submit a comprehensive business plan that outlines specific policies and procedures to be put in place to ensure future compliance with license renewal requirements.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

#### **CONCLUSIONS OF LAW**

1. Utah Code Section 31A-23a-103 requires every insurance producer to have an active license to conduct any title business in Utah.

2. Utah Code Section 31A-23a-302 requires an agency to designate with the Department any individual acting on the agency's behalf.

3. Respondent violated the above statutes in conducting title business during the period when its license was lapsed.

4. The proposed administrative forfeiture of \$1,500.00, and the requirement that Respondent submit to the Department a comprehensive business plan outlining procedures and policies ensuring future compliance with Utah law and Department rules are appropriate in this matter.

#### **RECOMMENDED ORDER**

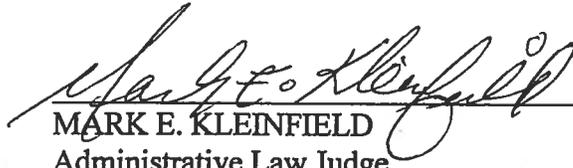
IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION IMPOSE THE FOLLOWING PENALTY:

1. Respondent, Sutherland Title Company shall be assessed an administrative forfeiture in the amount of \$1,500.00 to be paid to the Department within 30 days of the date of the Commission's Order.

2. Within 90 days of the full signing of this Order, Respondent shall submit a comprehensive business plan outlining specific procedures and policies it shall put in place regarding its license renewals and associations ensuring future compliance with Utah statutes and Department rules.

DATED this 29<sup>th</sup> day of September, 2014.

TODD E. KISER  
Insurance Commissioner

  
\_\_\_\_\_  
MARK E. KLEINFELD  
Administrative Law Judge  
Utah Insurance Department

**ADOPTION OF RECOMMENDED ORDER AND IMPOSITION OF PENALTY**

By a vote of \_\_\_\_\_ to \_\_\_\_\_, taken in open meeting on this date, the Title and Escrow Commission hereby adopts the recommended order of the presiding officer and imposes the penalty recommended above.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
JEFFERY D. WIENER, Chairman  
Title and Escrow Commission

**NOTIFICATION TO RESPONDENT**

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

**CERTIFICATE OF MAILING**

The undersigned hereby certifies that on this date, a true and correct copy of the  
**Stipulation and Order** were mailed, postage prepaid, to the following:

JUSTIN SUTHERLAND  
SUTHERLAND TITLE COMPANY  
920 EAST OAK WOOD LANE, SUITE 100  
SALT LAKE CITY UT 84117

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

---

LINDA HARDY  
UTAH INSURANCE DEPARTMENT  
STATE OFFICE BUILDING, ROOM 3110  
SALT LAKE CITY, UT 84114-6901

GARY D. JOSEPHSON #5299  
Assistant Attorney General  
SEAN D. REYES #7969  
Attorney General  
Attorneys for Utah Insurance Department  
160 East 300 South, Fifth Floor  
PO Box 140874  
Salt Lake City, UT 84114  
Telephone: 801-366-0375  
Facsimile: 801-366-0378

---

**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

<p>UTAH INSURANCE DEPARTMENT,  Complainant,  v.  1<sup>st</sup> LIBERTY TITLE, LC, License # 371709, 9488 Union Park Square, Sandy, UT 84070  Respondent.</p>	<p><b>STIPULATION AND ORDER</b></p> <p>Docket No. 2014-092 PC</p> <p>Enf. Case No. 3526</p> <p>Mark E. Kleinfield Administrative Law Judge</p>
---	--

**STIPULATION**

The Utah Insurance Department (“Department”), by and through its legal counsel, and 1<sup>st</sup> Liberty Title, LC, a Utah licensed title insurance agency (“Respondent”), hereby stipulate and agree as follows:

1. Respondent is an active Utah licensed title insurance agency authorized to do business in the state of Utah under License No. 371709. Respondent’s business address is 9488 Union Park Square, Sandy, UT 84070.
2. The Department has jurisdiction over the parties and subject matter of this administrative action.

3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-201; acknowledges that this Stipulation and Order is an informal proceeding pursuant to Utah Code § 63G-4-203; and irrevocably waives the right to any hearing, review or appeal concerning this matter.

4. Respondent knows of its right to be represented by legal counsel and waives this right by either having sought the advice of legal counsel or by having voluntarily chosen not to do so.

5. This signed Stipulation and the signed and adopted Order by both the Insurance Commissioner and the Title and Escrow Commission, along with any Findings of Fact and Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

6. If an administrative hearing were held, the Department could introduce evidence that would support the Findings of Fact presented below; therefore, the Findings of Fact and Conclusions of Law presented below are hereby agreed to.

7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter addressed herein.

8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.

9. Respondents enter into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.

10. The persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

Dated this 23<sup>rd</sup> day of SEPTEMBER, 2014.

  
\_\_\_\_\_  
Jax Hayes Pettey, President *MANAGER*  
1<sup>st</sup> Liberty Title, LC

Dated this 29<sup>th</sup> day of Sept., 2014.

  
\_\_\_\_\_  
Gary Josephson, Assistant Attorney General  
Attorney for Utah Insurance Department

Based upon the foregoing Stipulation and Department file, the Presiding Officer makes the following Findings of Fact:

**FINDINGS OF FACT**

1. In February, 2014, the Department's investigation of this matter was initiated pursuant to a complaint, alleging that Respondent had issued an owner's policy premium at a discounted rate.
2. On March 24, 2014, a Department investigator requested from Respondent the HUD-1 for the property listed in the complaint.
3. On March 26, 2014, In response to a Department request for information,

Respondent's agent, who conducted the closing in question, emailed to the Department a statement regarding the discount given. According to Department records, this agent had not been properly associated to Respondent.

4. On May 13, 2014, Respondent was audited. The investigator requested the number of escrow closings conducted from February 28, 2011 through May 13, 2014 and a list of favors, reduced rates, and/or rebates offered to Innova Reality and M&H Real Estate during that time period.

5. Respondent's reported that 989 closings had been conducted from February 28, 2011 through May 13, 2014, and 49 closings had been conducted with Innova Realty and M&H Real Estate. Respondent reported that six closings were issued at a reduced rate.

6. The Department's investigation also found that Respondent had not filed its escrow rates with the Department.

7. Respondent was cooperative and helpful during the audit and took full responsibility for the violations.

8. The Department and Respondent have agreed to the imposition of the following administrative penalties:

- (a) Respondent is to pay a forfeiture in the amount of \$9,000.00 in six consecutive monthly payments of \$1,500.00 beginning November 1, 2014;
- (b) Respondent is to be placed on probation until November 1, 2015, with the terms of probation being that Respondent will pay the full forfeiture and not violate any further Utah insurance laws; and
- (c) On or before December 1, 2014, Respondent shall submit to the Department a comprehensive business plan outlining specific policies and procedures with regards to its license, associations, and marketing practices ensuring compliance with Utah law.

Based upon the foregoing Stipulation and Findings of Fact, the Administrative Law Judge enters the following Conclusions of Law:

**CONCLUSIONS OF LAW**

1. Utah Code Section 31A-19a-209 requires every title insurance agency and producer to file with the commissioner a schedule of escrow charges for services performed in connection with the issuance of policies of title insurance, and to file any changes to the schedule of charges. Respondent violated this rule by not filing its required schedule of escrow charges.

2. Utah Code Section 31A-23a-402 prohibits a title insurer or producer from giving directly or indirectly, as an inducement for obtaining business, a rebate, reduction, or abatement of any rate or charge incident to the issuance of title insurance. In violation of Section 31A-23a-402, Respondent charged a reduced premium rate on six occasions.

3. Utah Code Section 31A-23a-302 requires a title agency to designate with the Department any individual acting on the agency's behalf. Respondent violated this rule by first failing to designate an escrow agent who conducted at least one closing on its behalf and then by failing to terminate the association when that individual was no longer an employee.

4. Based on the facts and applicable laws, the proposed administrative forfeiture is appropriate.

**RECOMMENDED ORDER**

IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION IMPOSE THE FOLLOWING PENALTY:

1. Respondent, 1<sup>st</sup> Liberty Title, LC, is assessed an administrative forfeiture in the amount of \$9,000.00 to be paid in six consecutive monthly payments of \$1,500.00, beginning

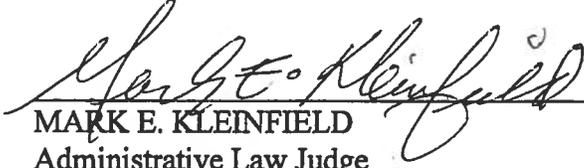
November 1, 2014.

2. Respondent is placed on probation until November 1, 2015. The terms of probation are that Respondent shall make full and timely payments of the forfeiture amount and shall have no further violations of Utah insurance laws and rules.

3. Before December 1, 2014, Respondent shall submit a comprehensive business plan outlining specific procedures and policies regarding its license, associations, and marketing practices, ensuring future compliance with Utah insurance laws and Department rules.

DATED this 29<sup>th</sup> day of September, 2014.

TODD E. KISER  
Insurance Commissioner

  
MARK E. KLEINFELD  
Administrative Law Judge  
Utah Insurance Department

**ADOPTION OF RECOMMENDED ORDER AND IMPOSITION OF PENALTY**

By a vote of \_\_\_\_\_ to \_\_\_\_\_, taken in open meeting on this date, the Title and Escrow Commission hereby adopts the recommended order of the presiding officer and imposes the penalty recommended above.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
JEFFERY D. WIENER, Chairman  
Title and Escrow Commission

**NOTIFICATION TO RESPONDENT**

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

GARY D. JOSEPHSON #5299  
Assistant Attorney General  
SEAN D. REYES #7969  
Attorney General  
Attorneys for Utah Insurance Department  
160 East 300 South, Fifth Floor  
PO Box 140874  
Salt Lake City, UT 84114  
Telephone: 801-366-0375  
Facsimile: 801-366-0378

---

**BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH**

---

UTAH INSURANCE DEPARTMENT,

Complainant,

v.

LESLEY ANN ULIBARRI  
License # 447789  
6925 S. Union Park Center, Suite 400  
Midvale, UT 84047

Respondent.

**STIPULATION AND ORDER**

Docket No. 2014-076 PC

Enf. Case No. 3512

Mark E. Kleinfield  
Administrative Law Judge

---

**STIPULATION**

The Utah Insurance Department ("Department"), by and through its legal counsel, and Lesley Ann Ulibarri, a Utah licensed title insurance producer ("Respondent"), hereby stipulate and agree as follows:

1. Respondent is an active Utah licensed title insurance producer authorized to do business in the state of Utah under License No. 447789. Respondent's business address is 6925 Union Park Center, Suite 400, Midvale, UT 84047.

2. The Department has jurisdiction over the parties and subject matter of this administrative action.

3. Respondent acknowledges notice of agency action pursuant to Utah Code § 63G-4-201; acknowledges that this Stipulation and Order is an informal proceeding pursuant to Utah Code § 63G-4-202; and irrevocably waives the right to any hearing, review or appeal concerning this matter.

4. Respondent knows of her right to be represented by legal counsel and waives this right by either having sought the advice of legal counsel or by having voluntarily chosen not to do so.

5. This signed Stipulation and the signed and adopted Order by both the Commissioner and the Title and Escrow Commission, along with any Findings of Fact and Conclusions of Law, shall not be subject to any reconsideration, renegotiation, modification, hearing or agency review or appeal.

6. If an administrative hearing were held, the Department could offer evidence that would support the Findings of Fact presented below; therefore, the Findings of Fact and Conclusions of Law presented below are accepted by the parties.

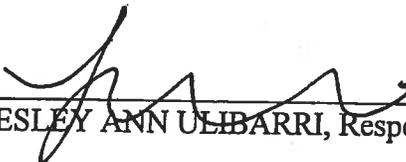
7. The issuance of the signed and adopted Order proposed below is solely for the purpose of disposing of the specific matter entitled herein.

8. The only promises, agreements and understandings that the parties have regarding this matter are contained in this Stipulation.

9. Respondents enter into this Stipulation voluntarily, knowingly, and free from any coercion of any kind.

10. The persons signing this Stipulation on behalf of the named parties hereby affirm that they are authorized to sign and bind the parties.

Dated this 29 day of September, 2014.

  
\_\_\_\_\_  
LESLEY ANN ULIBARRI, Respondent

Dated this 30<sup>th</sup> day of September, 2014.

  
\_\_\_\_\_  
UTAH DEPARTMENT OF INSURANCE  
Gary D. Josephson, Assitant Attorney General

Based upon the foregoing Stipulation and Department file, the Presiding Officer makes the following Findings of Fact:

**FINDINGS OF FACT**

1. The Department investigation of this matter was initiated in February, 2014, regarding possible violations by Respondent of the dual licensing statute and rule.
2. The investigation determined that Respondent was an active real estate licensee with the real estate license expiration date of March 31, 2014.
3. Records of real estate transactions conducted by Respondent were obtained from the Department of Real Estate and records of Respondent's title business transactions were obtained from Magellan Title, her employer.
4. It was determined that Respondent conducted two real estate transactions as a dual licensee without permission from the Commissioner.

5. Respondent and her employer were cooperative during the investigation and took responsibility for her actions. Respondent has since allowed her real estate license to lapse.

6. The Department and Respondent have agreed to imposition of administrative penalties as follows:

(a) Respondent is to pay a forfeiture in the amount of \$2,500.00;

(b) Respondent is to be placed on supervised probation for 12 months, supervised by Louie Hamner, President of Magellan Title. The escrow files of Respondent shall be monitored and Mr. Hamner will present a quarterly report to the Department which will include all activities related to escrow closings.

(c) A random sampling of HUD-1 documents will be chosen by the Department each quarter.

(d) The first report shall be submitted 90 days following entry of the Order and every 90 days thereafter.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

#### **CONCLUSIONS OF LAW**

1. Utah Code Section 31A-2-405 and Administrative Rule R 592-5-4 addresses (a) dual licensed title licensees' requirement for approval of the Commissioner in order to conduct title insurance business; (b) the findings required before approval is given; and (c) the penalties for not obtaining such approval.

2. Respondent violated the above referenced insurance laws by conducting two real

estate transactions as a dual licensee without permission from the Insurance Commissioner.

3. The proposed administrative forfeiture of \$2,500.00; supervised probation for a period of 12 months; and the requirement that quarterly reports be submitted to the Department are appropriate in this matter.

**RECOMMENDED ORDER**

IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION IMPOSE THE FOLLOWING PENALTY:

1. Respondent, Lesley Ann Ulibarri shall be assessed an administrative forfeiture in the amount of \$2,500.00 to be paid within 30 days of the date of the full signing of the Commission's Order.
2. Respondent shall be placed on supervised probation for 12 months. Respondent will be supervised by Louie Hamner, President of Magellan Title. The escrow files of Respondent shall be monitored and Mr. Hamner will present a quarterly report to the Department which will include all activities related to escrow closings. A random sampling of HUD-1 documents will be chosen by the Department each quarter. The first report shall be submitted 90 days following entry of the Order and every 90 days thereafter.

DATED this 6<sup>th</sup> day of October, 2014.

TODD E. KISER  
Insurance Commissioner

  
\_\_\_\_\_  
MARK E. KLEINFELD  
Administrative Law Judge  
Utah Insurance Department

**ADOPTION OF RECOMMENDED ORDER AND IMPOSITION OF PENALTY**

By a vote of \_\_\_\_\_ to \_\_\_\_\_, taken in open meeting on this date, the Title and Escrow Commission hereby adopts the recommended order of the presiding officer and imposes the penalty recommended above.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

---

JEFFERY D. WIENER, Chairman  
Title and Escrow Commission

**NOTIFICATION TO RESPONDENT**

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.