



# Insurance Department

## State of Utah

GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

TODD E. KISER  
Acting Commissioner

## State of Utah Title and Escrow Commission Meeting Meeting Information

**Date:** **October 20, 2014**    **Time:** **After 9AM Rule hearing**    **Place:** East Bldg, Copper Rm

(Attendees = x)

### MEMBERS

#### COMMISSION MEMBERS

xChair, Jeff Wiener (*Insurer, Salt Lake Cnty*)                      xMatt Sager, (*Insurer, Maricopa Cnty, AZ*)  
xCo-Chair, Kirk Smith, (*Agency, Weber Cnty*)                      xLarry Blake (*Agency, Washington Cnty*)  
Sylvia Andersen, (*Public Member, Salt Lake Cnty*)

#### DEPARTMENT STAFF

xPerri Babalis, *AG Counsel*                      xBrett Barratt, *Deputy Comm.*                      xMark Kleinfield, *ALJ*  
xSuzette Green-Wright, *MC Dir.*                      xTammy Greening, *Examiner*                      xJilene Whitby, *PIO Recorder*

#### PUBLIC

David Moore	Carol Yamamoto	Commissioner Todd Kiser
Tige Garner	Frank Medine	Wade Taylor
Pete Stevens	James Seaman	Shane Harris
Blake Heiner	Mike Smith	Braundie Kump
Bob Rice	Michelle Liechty	

## MINUTES

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

- **Welcome** / Jeff Wiener, Chair  
At 9:35AM Jeff welcomed the Commissioner and other members of the Department and excused Sylvia.
- **Adopt Minutes of Previous Meeting** / Commission  
Kirk asked that his name be corrected in two places on the first page. Kirk should be shown as the co-chair, not Larry. **Motion** by Kirk to approve changes, seconded by Larry, votes were unanimous.
- **Reports**
  - **Concur with Licensee Report** / Tammy  
Matt made a **motion** to concur, seconded by Larry, votes were unanimous.
  - **Concur with Complaint & Enforcement Report for October** / Suzette  
Suzette noted that two investigations were moved to examinations. There were not a lot of open cases thanks in part to the AG's office. Kirk asked for the average number of days to close a job. Suzette said simpler cases are under 90 days. **Motion** by Larry to concur, seconded by Kirk, votes were unanimous.
  - **Request for Dual Licensee Expedited Request:** None
  - **Request for Attorney Exemption:** None
- **Administrative Proceedings Action** / Mark Kleinfield, ALJ
  - **Stipulation & Order:**
    - **South Eastern Utah Title: ECase 3535**  
Conducted 18 closing and 26 commitments with a lapsed license. Proposed forfeiture \$1,500. Required to provide business plan to avoid violations again. **Motion** by Matt to concur with stip and order, seconded by Larry, votes were unanimous.
    - **Sutherland Title Co: ECase 3534**  
Conducted 11 closing and 4 commitments with lapsed license. Proposed forfeiture \$1,500

and prepare policy and procedure plan. **Motion** by Kirk to concur seconded by Matt, votes were unanimous.

▪ **1<sup>st</sup> Liberty Title, LC: Ecase 3526**

Department did audit in March 2014. Six closings used discounted rates. Agency did not file escrow rates with Department. Proposed forfeiture of \$9,000 probation until November 1, 2015, and will provide business plan of policy and procedures to address their violations. Tammy said business plans are required for educational purposes and to refer to if violation occurs again. Larry asked if the Department did not have a way to determine if title agencies had filed their rates. Brett said rates were filed with P&C Division. Commissioner Kiser will have report run that will determine which agencies have not filed rates. **Motion** by Larry to concur, seconded by Kirk, votes were unanimous.

▪ **Lesley Ann Ulibarri: Ecase 3512**

Department investigated her for possible violation of dual licensing law. Found that she had conducted two closings with lapsed license. Proposed forfeiture of \$2,500, under supervision for 12 month. **Motion** by Kirk to concur, seconded by Matt, votes were unanimous.

○ **Request for a Hearing:** None

○ **Order to Show Cause:** None

○ **Informal Adjudicative Proceeding & Order:** None

○ **Notice of Formal Adjudicative Proceeding:** None

● **New Business**

- Randy reported that there will be a new vendor, PSI, administering licensing exams as of January 2015. Individuals will receive exam results and do fingerprinting at the same time.
- Exam Review of title exams will be November 13 at downtown hotel from 8AM to 5PM. Randy asked for name of anyone willing to participate. Kirk volunteered.

● **Old Business**

- **Results of Rule Hearing for R592-16: Prohibited Escrow Settlement Closing Transactions; and Next Step** / Brett

**Motion** by Matt to review in next meeting, November 17. Leave on agenda. Commissioner said he, Brett and Suzette will be at a meeting elsewhere on the 17<sup>th</sup>. It was noted that Veterans' Day was on Tuesday this year the meeting was changed back to the 10<sup>th</sup>.

- **Discuss Retention of Title and Escrow Records and Proposed Bulletin** / Matt/ Jeff/ Brett/ Perri

Jeff announced the subcommittee meeting in the Olmsted room in same building regarding this matter. Brett noted that because of so many conflicting schedules they were unable to schedule the meeting prior to the Title and Commission meeting. Will discuss further Nov 10. Keep on the agenda.

- **Legislative Update** / Brett

Department's bill was approved by Business and Labor Interim Committee. It contains changes regarding ORSA, and producers from other states doing business here. The bill and a summary of it will be put on the website today.

● **Other Business**

● **Hot Topics**

- **Property Profiles** / James Seaman

James reviews legislative matters for the Utah Title Association. They wondered if the Department had changed or was going to change their policy regarding property profiles. They want to be sure their members know of the change. Property profile is not listed in Subsection R592-6-4(18).

- Suzette said you can have property profiles but not provide the software as defined in Subsection 4(20). Matt questioned what was deemed, "access to any software?"
- Jeff said they were probably okay with subsection 4(18). The question is in (20).

- Suzette said a client cannot be given access to software paid for, developed or maintained by the agent, agency or insurer. Matt was concerned that the dept was regulating how a person asks for the profile.
- Larry noted the saving in referring people to an app with the information, verses preparing a profile.
- Mike Smith proposed that Subsection (20) be eliminated.
- Canyon suggested the rule say that profiles can be accessed through technology.
- Tammy suggested and update include social media issues.
- Jeff suggested looking at Subsection (24).
- Keep on agenda under New Business. Commission members should come with suggestions to update rule. Larry made a **motion** to approve, Kirk seconded. Jeff suggested everyone consider updating Subsection (20) and (24). He asked Bob to come with suggested changes to R592-6-5 regarding permitted advertising, and Mike Smith provide input about eliminating Subsection (20). Suzette suggested looking at the entire rule. Jeff agreed.

*Executive Session (Closed to Public)*

- **Adjourn: Motion** to adjourn by Larry at 10:55AM, seconded by Matt, vote was unanimous.
- **Next Meeting: November 10**, 2014, Copper Room
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**2014 Meeting Schedule**

Jul 14      Aug 11      Sept 8      Oct 20      Nov 10      Dec 8