



Insurance Department

State of Utah

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

State of Utah Title & Escrow Commission Meeting Meeting Information

Date: January 11, 2016 **Time:** 9AM **Place:** East Building, Copper Room

MEMBERS

COMMISSION MEMBERS

xChair, Bob Rice (*Insurer, Ada County, ID*) xMatthew Jagerson (*Agency, Utah County*)
xCo-Chair, Jeff Wiener (*Insurer, Salt Lake County*) xDavid Moore (*Agency, Salt Lake County*)
xSylvia Andersen (*Public Member, Salt Lake County*)

DEPARTMENT STAFF

xTodd Kiser, *Ins. Commissioner* xPerri Babalis, *AG Counsel* xBrett Barratt, *Deputy Comm.*
Suzette Green-Wright, *MC Dir.* xReed Stringham, *AG Counsel* xTammy Greening, *Examiner*
xGreg Soderberg, *ALJ (phone)* xAdam Martin, *Examiner* xSteve Gooch, *PIO Recorder*

PUBLIC

Carol Yamamoto Elliott Stone James Seaman
Tige Garner Tim A. Krueger Tim Grubb
Matt Sager Blake Heiner Wade Taylor
James Swan David Smith (phone) Matt Ryden (phone)
Joseph McPhie (phone) Sue Hogan (phone)

MINUTES — *Not Approved*

General Session: (Open to the Public)

- **Welcome** / Bob Rice, Chair (9:03 AM)
- **Adopt Minutes of Previous Meeting**
 - **Motion by Jeff to adopt minutes. Seconded by David. Motion passes 4-0.**
- **Reports**
 - Concur with Licensee Report / Tammy
 - There are 6 new individual licenses and no new agencies in December.
 - **Motion by Jeff to concur. Seconded by Sylvia. Motion passes 4-0.**
 - Concur with Complaint & Enforcement Report / Tammy
 - We had a dual licensing, which is unusual; a requirement of license, which can be anything from not having a license to having a lapsed license; and a couple of unfair marketing complaints.
 - No consumer complaints opened or closed in December. Ecase had the same thing. December is generally a slow month.
 - **Motion by David to concur. Seconded by Sylvia. Motion passes 4-0.**
 - Request for Dual Licensee Expedited Request: None
 - Request for Attorney Exemption: None
- **Administrative Proceedings Action** / Greg Soderberg, ALJ
 - Stipulation and Order: None
 - Order to Show Cause: None
 - Informal Adjudicative Proceeding and Order: None
 - Notice of Formal Adjudicative Proceeding: None
- **Board Duties & Responsibilities** / Perri

- **New Business**
 - Discuss legislation
 - Brett notes that this was put on the agenda to prompt a discussion if there's anything to discuss. He understands that there is at least one bill that has been requested to be drafted. Conceptually, it indicates that the agent/escrow officer is initially liable, but if the agency goes out of business or a judgment can't be satisfied, then the underwriter becomes liable.
 - David asks if that's a modification of 407. Brett says yes. Bob notes that the bill is a redraft of 407 put out by Rep. Curt Webb. He thinks there have been some changes proposed by the ULTA that have been sent to Rep. Webb. Brett says he thinks the protected bill may make changes to the closing protection letter statute.
 - Jeff says he understands that it's unprotected as of last week, so it should be on the legislature's website.
- **Old Business**
 - Review of CFPB laws compared to state laws / Jeff
 - This is resolved via creation of the subcommittee.
 - Proposed language for updated R592-11 / Tammy
 - Generally, annual reports have been sent to a state email address. Now we're changing that to have annual reports go through a secure site. The report isn't due until April 30. She proposes a handful of changes. It's currently called "secure upload" and the purpose is to make sure everything is uploaded securely.
 - Language added includes subsection 2, which matches it to the rest of the rule. R592-11-5 asks that instead of the email, they go to the secure website where they will need to register. There are some other formatting changes. All documents will be required to be uploaded as PDFs. David asks if it should be one PDF or multiple PDFs. Tammy says one PDF because a lot of times people send 12 PDFs that need to be converted and combined. Many of those are documents that she doesn't need. There's a sample report on the website so people can see what the department prefers to receive.
 - Matthew Jagerson arrives.
 - Sylvia asks if it would be appropriate to change "a" in R592-11-5(4)(a) to be "one." Tammy agrees. Matt Sager suggests in R592-11-4(1)(b) adding language to say "individual title insurance producer who is not an employee of a title insurer and who is not designated to an agency title insurance producer." He also recommends adding the same verbiage in R592-11-2(2).
 - Bob asks when the rule would take effect. Tammy says when it's approved. She sent an email to the ULTA and to the agency managers asking for their assistance.
 - The email address is now inactive, which Tammy says should prompt calls to her, and she can direct them to the new process. The checklist also gives specific information and steps for them to follow.
 - Jeff asks if there's a way for people to know that the report has been accepted. Adam says yes, and says it will show a message that the file has been uploaded. Tammy suggests doing a screen shot, and she'll also talk to DTS about an email confirmation or other options that could be added. Adam says the biggest problem is that people aren't actually uploading the documents. They select the files to upload, but don't follow through with uploading them. Sylvia suggests that sending a receipt back would be very important for both the reporter and the state.
 - David asks if we need to get the rule in process now, so it's ready for April 30. Tammy says yes, but nobody will be enforced against in the meantime. Jeff wants to follow up as we get closer to April 30 and **keep it on the agenda as old business**. This is to follow up on the confirmation message.
 - **Motion by David to approve the rule as submitted, along with the addition of Matt Sager and Sylvia's comments. Seconded by Jeff. Motion passes 5-0.**
- **Other Business**
 - Define scope of CFPB subcommittee

- This will be discussed during the subcommittee meeting. Move to old business for February so the scope can be presented to the commission.
- **Hot Topics**

Executive Session (None)

- **Adjourn** (9:28 AM)
 - **Motion by Jeff to adjourn. Seconded by David. Motion passes 5-0.**
- **Next Meeting: February 8, 2016** — Centennial Room

2016 Meeting Schedule in Copper Room

Jan 11	Feb 8 (<i>Centennial</i>)	Mar 14	Apr 11	May 9	Jun 13
Jul 11	Aug 8	Sept 12	Oct 17	Nov 14	Dec 12 (<i>Aspen</i>)