



## 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:** February 14, 2022

**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> )
Vice Chair, Chase Phillips ( <i>Agency, Weber County</i> )	Cal Robinson ( <i>Agency, Iron County</i> )
xJeff Mathews ( <i>Public Member, Morgan 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>	

#### PUBLIC

Blake Heiner	Bob Rice	David Moore
Matt Ryden	Hillary Galvin	Wade Taylor
Joseph McPhie	Nancy Frandsen	Nathan Sprague

### MINUTES — Not Approved

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

- **Welcome** / Kim Holbrook, Chair (9:00 AM)
- **Reading of Anchor Location Determination**
- **Telephone Roll Call**
- **Adopt Minutes of Previous Meeting**
  - Steve notes that Reed pointed out that Jeff Mathews was showing from Salt Lake County, which is where the previous General Public member was from. This has been corrected to show Morgan County.
  - **Motion by Darla to adopt minutes as amended. Seconded by Jeff. Motion passes 3-0.**
- **Concurrence Reports**
  - Licenses
  - Continuing education
    - Kim notes that there are quite a few CE courses dedicated to wire fraud, which is nice to see.
  - **Motion by Kim to concur with both concurrence reports. Seconded by Darla. Motion passes 3-0.**
- **Board Duties & Responsibilities** / Perri
- **Update on 2021 Goals**
  - ULTA report / Kim

- The ULTA is holding a convention in Moab this week. They have a wire fraud panel and discussions on how to educate the public and title professionals on how to be aware and prevent wire fraud.
    - They will also discuss legislative items and 2021 forms.
    - There will likely be more information to report next month after the convention.
  - Discuss 2022 goals
    - Kim thinks Goal #4 (Increase awareness of wire fraud's effect on consumers and agencies) is still a valid goal and an ongoing battle.
    - All five current goals are good and timely and ought to be continued.
    - Darla says they're still valid and should continue. She also suggests keeping it on the agenda for the other commission members to give their opinions.
    - **Kim tables the discussion until the next meeting.**
- **New Business**
  - Home Title Lock / Adam
    - Adam says KSL ran a story about Home Title Lock that resulted in a lot of concern from consumers to county recorders, especially the Salt Lake County recorder. He says they've gotten 15+ calls a week asking if their title is secure.
    - Adam made an inquiry with the owner that was surprisingly straightforward. The owner said the same thing as the article about their protections.
    - Adam reached out to the NAIC to see if other states have gotten complaints or concerns about them. Only Connecticut responded, saying they're doing the same kind of review that Adam is doing.
    - He also reached out to Consumer Protection. Their chief investigator was concerned about the article, and is interested in getting the results of Adam's investigation. They will then assign an investigator to look at it for marketing violations.
    - Adam says the UID is thinking about putting something on its website to tell consumers about the protections that Utah has in place, like notaries, title search, title licensee due diligence, etc. He notes that some county recorders do a title watch service. Are there any other securities in place that he can add to the list? Have title agencies had concerns or questions about Home Title Lock from consumers?
    - Kim says title insurers are defenders of property rights. Some policies have post-policy coverage that provide a defense. If there's a scare tactic in the marketing, it's good to give people the information they need, and information about title insurance in general. She notes that the American Land Title Association has some material, and she can look into getting some for Utah.
- **Old Business**
- **Other Business**
  - Legislative Update / Reed
    - Reed says the UID's bill (HB 31) is out and has undergone some amendments behind the scenes, one of which involves title. The bill sponsor had some colleagues talk to him about the changes to 31A-19a-209, regarding escrow charges. Based on those comments, the sponsor thinks the bill could be lost if we pursue the changes. The sponsor has asked to remove those changes, and the UID is regrettably having to remove them.
    - He says the UID hasn't decided how it will enforce the current law going forward, but will be discussing it soon and will communicate it to everyone when it's decided.
    - Commissioner Pike says sometimes things happen that are beyond our control. Rep. Dunnigan asked the UID to remove the title portion from the bill, then monitor it and hold discussions over the course of the year. The UID will need to see if there's something similar or different that can be done over the next couple of years. There are a number of things in the UID's bill that have to get done, and the bill sponsor is in charge — it's his bill — so the UID has to do what he thinks is best to get the bill passed.

- Kim says it's disappointing with all the work the UID and industry put into it. She asks what the resistance was, or what approach they could consider taking in the future. Commissioner Pike says it's interesting to see the different takes people have on things. Some representatives were concerned that the UID was messing with the market even more by making these changes. The Commissioner sat with several representatives and explained what happened and why. He said it resulted in a recommendation that was approved by the TEC. He thinks that helped, but they still felt like the result would be establishing a price, and we should be working away from that, not doing more. They were concerned that it would drive escrow fees up, but the Commissioner said that wasn't the intent. He says we can talk about it further and see what we want to do going forward. He says he appreciated having a recommendation from the TEC and hopes we work toward one again in the future. Kim says she appreciated the UID's willingness to work with the UID and the focus on consumer protection and prohibiting predatory practices.
- Reed notes that the substitute bill ought to be available later today.
- **Hot Topics**

*Executive Session* (None)

- **Adjourn** (9:25 AM)
  - **Motion by Darla to adjourn. Seconded by Jeff. Motion passes 3-0.**
- **Next Meeting: March 14, 2022**

**2022 Meeting Schedule**

<del>Jan 10</del>	<b>Feb 14</b>	Mar 14	Apr 11	<b>May 9</b>	Jun 13
Jul 11	<b>Aug 15</b>	Sept 12	Oct 17	<b>Nov 14</b>	Dec 19

\* bold dates denote quarterly required in-person meetings