



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: June 13, 2022

Place: In Person

Virtual

Time: 9:00 AM

Taylorsville SOB
4315 S. 2700 W.
Big Cottonwood Room
Taylorsville, UT 84129

Google Meet

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>) | xCal 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> | Tracy Klausmeier, <i>P&C Dir.</i> |
| xRandy Overstreet, <i>Licensing Dir.</i> | Patrick Lee, <i>Finance Dir.</i> | xAdam Martin, <i>MC Examiner</i> |
| xShelley Coudreaut, <i>AG Counsel - UID</i> | Michael Covington, <i>CE Specialist</i> | xSteve Gooch, <i>PIO Recorder</i> |

PUBLIC

- | | | |
|--------------------------|-----------------------------|------------------------|
| Matt Sager | Cort Ashton | Kim Cruz |
| Rodney Cruz | Kreg Wagner | Blake Heiner [VIRTUAL] |
| Bob Rice [VIRTUAL] | Carol Yamamoto [VIRTUAL] | Frank Medina [VIRTUAL] |
| Krysta Pehrson [VIRTUAL] | Matt Ryden [VIRTUAL] | Wade Taylor [VIRTUAL] |
| Joseph McPhie [VIRTUAL] | Kristen Jorgenson [VIRTUAL] | James Seaman [VIRTUAL] |
| Nate Sprague [VIRTUAL] | Mike Sumner [VIRTUAL] | |

MINUTES — Not Approved

General Session: (Open to the Public)

- **Welcome** / Kim Holbrook, Chair (9:10 AM)
- **Telephone Roll Call**
- **Adopt Minutes of Previous Meeting**
 - Kim notes that in the discussion of R592-18 there was talk of repealing the existing rule simultaneously and asks if that will be done. Steve says yes.
 - **Motion by Cal to adopt minutes. Seconded by Darla. Motion passes 4-0, Chase abstaining.**
- **Concurrence Reports**
 - Licenses
 - **Motion by Darla to concur. Seconded by Cal. Motion passes 5-0.**
- **Board Duties & Responsibilities** / Perri
 - Annual board member training

- The Open and Public Meetings Act (OPMA) is in Title 52, Chapter 4. The goal of OPMA is to make sure the work of government is done in the open.
- Whenever a public body meets, the meeting notice must be made at least 24 hours in advance. Steve does this, and keeps minutes and recordings of each meeting. The body must also keep a recording and written minutes of each meeting. The recording of the open portions of the meeting must be posted on the Public Notice site within 3 days of the meeting. Steve says each meeting notice has a link to the UID's minutes page, which is updated after each meeting. Draft written minutes must be posted within 30 days of the meeting.
- A meeting can only be closed for a certain reasons, which allows the body to meet without the public present. The relevant reasons for the TEC are to discuss a person's character, competence, or health; pending litigation; or investigation of alleged criminal conduct. The body votes to go into a closed session and must explain why they're closing the session. The only vote allowed in a closed session is a vote to adjourn. Any vote to take action must happen in the open meeting.
- Emergency meetings require 24 hours notice, if possible, and an attempt to notify all members of the body.
- Electronic meetings are allowed only if a body has a policy that allows for an electronic meeting. The TEC has such a policy. Electronic meetings must comply with the OPMA including notice, minutes, open/closed portions, etc. They must also have an anchor location, unless there is a reason not to; generally this would be due to the health and safety of attendees.
- HB 22 was passed during the 2022 Legislative Session, and requires a body to establish how a quorum is calculated for an electronic meeting. It prohibits a member from voting by proxy, unless the body has a resolution to allow proxy votes. The most important piece of HB 22 requires a roll call vote for any vote taken in an electronic meeting.
- Violating the OPMA is a class B misdemeanor.
- TEC meetings are conducted according to Robert's Rules of Order. There is an overview of the RRO in the board member handbook.
- Cort Ashton asks about non-TEC meetings that include TEC members. Perri says the statute states that as long as 2 or more TEC members aren't convening and making decisions, they're OK. The intent is that people should not leave a TEC meeting and talk business and make decisions privately. All business must be done openly, unless it fits in the closed meeting criteria. Kim asks if TEC members can discuss questions outside the monthly meeting. Perri says technically they shouldn't, everything must be done in the open. Prohibiting all communication doesn't work, but TEC members need to limit topical discussion and decisions to an open meeting.
- **Update on 2022 Goals**
 - ULTA report / Kim
 - The ULTA is working with the REC on wire fraud, and is looking for wire fraud materials to provide to the REC.
 - June 30-July 1 is the ULTA convention. Some topics to be discussed are wire fraud, secure email accounts, hiring and retaining quality employees, and alternate currencies and forms of payment.
- **New Business**
 - New agency visits / Adam
 - The Property & Casualty Division, which oversees title and escrow, was planning to start visiting new agencies, then COVID hit. They'll be implementing it today, and Adam will be doing 3 this afternoon. Nobody will get in trouble — he'll help agencies fix problems on the spot, so it's more of a friendly meet and greet.
 - Adam says he's doing an audit on an agency that was set up 2 years ago, and nothing is right. They would have benefitted from Adam having done a new agency visit to help fix the problems.
 - The new agency visit initiative is for all P&C lines, not just title. These will be friendly visits with no action; if he finds something wrong, he'll work with them to fix it.

- Reed says the idea is to improve the UID's relationship with the industry. The idea is that the UID and industry will have such a strong relationship that they will call if people have problems, the UID can help. It's about building a better relationship.
 - R592-11 nonsubstantive change/ Steve
 - The Division of Technology Services (DTS) moved the UID's file upload portal from a server to the cloud. When they did that, they changed the link. DTS has a redirect in place, but the link was also written out in a rule. The nonsubstantive change corrects the link and does nothing else. Steve has already filed the rule and the Office of Administrative Rules accepted it.
 - **Darla moves to enact the nonsubstantive change to R592-11. Chase seconds. Motion passes 5-0.**
 - Steve asks if a nonsubstantive change happens again, is it OK for the UID to just make the change and notify the TEC at the next meeting. Kim says that would be fine.
 - R592-18 comments and responses / Perri
 - Perri says 63G-3-302 discusses when a rule hearing should be held. It states that you can hold a hearing at any time, but it's required if 10 interested person or an interested association of 10 or more members requests a hearing. For this rule we have 9 comments and 4 requests for hearing from one entity. If the TEC wants further discussion on the rule, then a hearing is in order. A hearing can be conducted by the UID's administrative law judge (ALJ), or the TEC can conduct it. Perri says the TEC need to decide if the comments received to date mandate a hearing, and do they want to hold one.
 - Kim asks when the comment period closes. Steve says it closes on July 1. Kim asks if the hearing should be held after the comment period closes. Perri says it doesn't have to be.
 - Matt Sager suggests having the hearing in conjunction with the next TEC meeting.
 - Cort says the ULTA legislative committee is in support of a hearing, but how do recommended changes get back to the TEC? Will that happen before the public meeting?
 - Kim asks the TEC if the comments and discussion warrant a hearing, and takes a vote on whether to hold one. **The vote to hold a hearing passes 5-0.**
 - Commissioner Pike suggests holding the rule hearing before the next TEC meeting so they can discuss changes.
 - The ALJ will conduct the rule hearing on July 11 in lieu of the regular meeting if the ALJ's schedule allows. The July TEC meeting will be scheduled after the hearing.
 - Chase appreciates the comments that have been submitted. Kim agrees.
- **Old Business**
- **Other Business**
 - Elect chair and vice chair
 - **Chase nominates Kim as chair. Darla seconds. Motion passes 5-0.**
 - **Kim nominates Chase as vice chair. Darla seconds. Motion passes 5-0.**
 - Prometric testing review / Randy
 - Prometric, the UID's testing vendor, will be doing the title exam review workshop on Tuesday, September 13 from 1-5pm.
 - One TEC member must be in attendance, as well as 5-6 public members. The workshop will be online. Kim and Chase can attend.
 - Randy says the review looks at questions that people have missed, makes adjustments, and reviews new questions.
- **Hot Topics**

Executive Session (None)

- **Adjourn** (10:05 AM)
 - **Motion by Chase to adjourn. Seconded by Cal. Motion passes 5-0.**
- **Next Meeting: TBD**, 2022 — Big Cottonwood Room, Taylorsville State Office Building

2022 Meeting Schedule

Jan 10	Feb 14	Mar 14	Apr 11	May 9	Jun 13
Jul 11	Aug 15	Sept 12	Oct 17*	Nov 14	Dec 19

*Proposed TEC/REC meeting immediately following