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RECEIVED

JUL 05 2011

UTAH STATE  
INSURANCE DEPT

BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF UTAH

<p><b>COMPLAINANT:</b></p> <p>UTAH INSURANCE DEPARTMENT</p> <p><b>RESPONDENT:</b></p> <p>SCOTT L. POWELL 1804 West heather Road Mapleton, UT 84664 License No. 141152</p>	<p><b>STIPULATION AND ORDER</b></p> <p>Docket No. 2011-163 LC</p> <p>Enf. Case No. 2841</p>
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STIPULATION

1. Respondent, Scott L. Powell is an active licensed title agent in the State of Utah, holding License No. 141152.
2. Respondent stipulates with the Complainant, Utah Insurance Department, as follows:
  - a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;
  - b. Respondent admits the Findings of fact and Conclusions made therefrom;
  - c. Respondent stipulates to the Summary entry of the Order herein which

shall be in lieu of other administrative proceedings by Complainant in this matter; and

d. Respondent and Complainant have negotiated the terms of the Order entered herein and Respondent agrees to its entry and further agrees to be bound by all its terms.

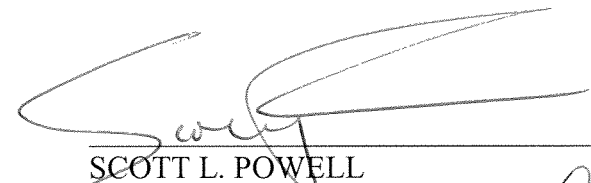
3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.

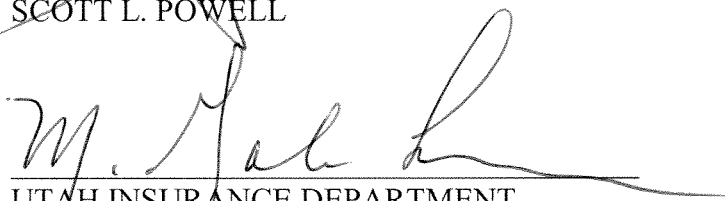
4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.

5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to his rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for purpose of disposition of the matter entitled herein.

DATED this 24 day of June, 2011.

  
SCOTT L. POWELL

  
UTAH INSURANCE DEPARTMENT  
M. Gate Lemmon  
Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Office makes the following Findings of Fact:

**FINDINGS OF FACT**

1. On or about January 10, 2011, the department generated a list of all agency and individual title producers who had reinstated their licenses during the month of December, 2010. A review of SIRCON data and the list revealed that Respondent Scott L. Powell, whose license had lapsed on August 31, 2010, reinstated his license on December 2, 2010.

2. January 13, 2011, a market conduct examiner sent a letter to Respondent requesting a narrative statement regarding any title insurance business conducted during the period September 1, 2010 through December 2, 2010.

4. On or about March 21, 2011, Respondent Powell responded with a written reply stating he had conducted 34 closings during the time period September 1, 2010 through December 2, 2010.

5. The HUD-1 documents confirm Respondent's statement.

6. On April 11, 2011, Respondent Powell agreed to this stipulation and proposed order.

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

**CONCLUSIONS OF LAW**

1. Utah Code Ann. § 31A-23a-103 states as follows:

**(1) (a) Unless exempted from the licensing requirement under Section 31A-23a-201 or 31A-23a-207, a person may not perform, offer to perform, or advertise any service as a producer, limited line producer, customer service representative, consultant, managing general agent, or reinsurance intermediary in Utah, without a valid individual or agency license issued under this chapter.**

(b) A valid license includes at least one license type and one line of authority pertaining to that license type.

(c) A person may not utilize the services of another as a producer, limited line producer, customer service representative, consultant, managing general agent, or reinsurance intermediary if that person knows or should know that the other does not have a license as required by law.

(2) This part may not be construed to require an insurer to obtain an insurance producer license.

(3) An insurance contract is not invalid as a result of a violation of this section.

(Emphasis added.)

2. Respondent was in violation of Section 31A-23a-103 when he conducted 34 closings between September 1, 2010, and December 2, 2010, without an active license.

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

**RECOMMENDED ORDER**

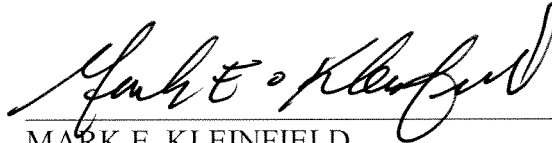
**IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION IMPOSE THE FOLLOWING PENALTY:**

1. Respondent Scott L. Powell be assessed an administrative forfeiture in the amount of \$2,500.00 to be paid to the Department of Insurance in three payments. The first payment in the amount of \$833.00 is to be paid within 30 days of the imposition of the penalty by the Title & Escrow Commission; the second in the amount of \$833.00 is to be paid within 60 days of the

imposition of the penalty; and the third in the amount of \$834.00 is to be paid within 90 days of the imposition of the penalty..

DATED this 13<sup>th</sup> day of JULY, 2011.

NEAL T. GOOCH  
Insurance Commissioner

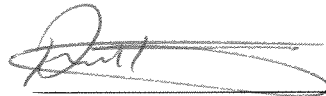


MARK E. KLEINFELD  
Administrative Law Judge  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone: (801) 538-3800

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

By a vote of 4 to 0, 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 herein above.

DATED this 8<sup>th</sup> day of August, 2011.



DIRK DONALD KEYES, Chairman  
Title and Escrow Commission

**CONCURRENCE WITH COMMISSION IMPOSED PENALTY**

On behalf of the Commissioner of the Utah Insurance Department I hereby concur with the penalty imposed by the Utah Title and Escrow Commission in the above matter.

DATED this 8<sup>th</sup> day of August, 2011.

NEAL T. GOOCH  
INSURANCE COMMISSIONER

  
MARK E. KLEINFELD  
Administrative Law Judge

CERTIFICATE OF MAILING

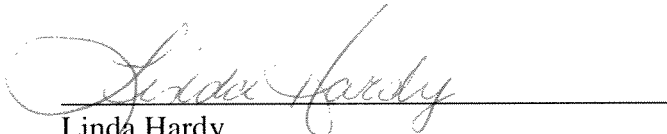
I do hereby certify that on this date I mailed, by regular mail postage prepaid, a true and correct copy of the attached:

STIPULATION  
&  
ORDER

To the following:

Scott Powell  
1804 West Heather Road  
Mapleton, UT 84664

DATED this 9<sup>th</sup> day of August, 2011

A handwritten signature in cursive script, reading "Linda Hardy", is written over a horizontal line.

Linda Hardy  
Market Conduct  
Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, UT 84114-6901

**UTAH  
Invoice - Original**

Printed Date: August 09, 2011  
Invoice Date: August 09, 2011  
Balance Due: \$2,500.00  
Due Date: November 09, 2011  
Invoice ID: 523173  
Payor ID: 71083

POWELL SCOTT L  
532 EAST 800 NORTH  
OREM UT 84097

<b>Item Description</b>	<b>Amount</b>
8/9/2011 Monetary Penalty Individual E-Case 2874 3 payments of \$833.00 each due by the 5th	\$2,500.00
	<hr/>
<b>Original Amount Due</b>	<b>\$2,500.00</b>
<b>Payments Received</b>	
	<hr/>
	<b>Balance Due</b>

**UTAH  
Invoice - Original**

Invoice Date: August 09, 2011  
Balance Due: \$2,500.00  
Due Date: November 09, 2011  
Invoice ID: 523173  
Payor ID: 71083  
Payor Name: POWELL, SCOTT L

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department  
3110 State Office Building  
Salt Lake City, UT 84114-6901