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**FILED**  
**JUL 02 2019**  
Department of Insurance  
State of Idaho

*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**  
**STATE OF IDAHO**

In the Matter of:

NORTH IDAHO TITLE INSURANCE,  
INC. [Kootenai County]

Idaho Title Agency License No. 31783

Docket No. 18-3667-19

**ORDER ADOPTING REPORT  
OF EXCEPTION EXAMINATION  
AS OF DECEMBER 31, 2018**

The State of Idaho, Department of Insurance (“Department”), having conducted an examination of the affairs, transactions, assets, tract indexes, abstract records, and any other records of NORTH IDAHO TITLE INSURANCE, INC. [Kootenai County] (“North Idaho Title”) to ascertain compliance with title 41, Idaho Code, and related rules, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5), hereby alleges the following facts that constitute a basis for issuance of an order, pursuant to Idaho Code § 41-227(5)(a), adopting the Report of Exception Examination for the Period January 1, 2015 to December 31, 2018 of North Idaho Title Insurance, Inc. [Kootenai County] as of December 31, 2018 (“Report”), as filed.

## **FINDINGS OF FACT**

1. North Idaho Title is a title agency licensed by the Department to transact title insurance in Kootenai County, Idaho, under Title Agency License No. 31783.

2. The Department completed an examination of North Idaho Title pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about June 14, 2019. The Department's findings are set forth in the Report.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on June 14, 2019, and was transmitted to North Idaho Title on the same date. A copy of the Report is attached hereto as Exhibit A.

4. Pursuant to Idaho Code § 41-2710(7), North Idaho Title had twenty-eight (28) days from service of the Report within which to review, comment, or request a hearing on the Report.

5. On or about June 24, 2019, the Department received a Waiver from North Idaho Title signed by Rick R. Brown, its President. By execution of such Waiver, a copy of which is attached hereto as Exhibit B, North Idaho Title consented to the immediate entry of a final order by the Director of the Department ("Director") adopting the Report without any modifications; waived its right to make a written submission or rebuttal to the Report; and waived its right to request a hearing and to seek reconsideration or appeal from the Director's final order.

## **CONCLUSIONS OF LAW**

6. Idaho Code § 41-227(5) provides that, after expiration of "the period allowed for the receipt of written submissions or rebuttals, the Director shall fully consider and review the report, together with any written submissions or rebuttals and relevant portions of the examiner's work papers" and shall enter an order adopting the report of examination as filed or with modifications or corrections.

7. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by North Idaho Title, the comments, findings, and recommendations contained in the Report, including the Examiner's determination of violations or noncompliance by North Idaho Title and corrective actions to be taken identified at page 10 of the Report, Exhibit A, are appropriate and are incorporated herein as if set forth in full.

**ORDER**

NOW, THEREFORE, based on the foregoing, IT IS HEREBY ORDERED that the Report of Exception Examination for the Period January 1, 2015 to December 31, 2018 of North Idaho Title Insurance, Inc. [Kootenai County] as of December 31, 2018, is hereby ADOPTED as filed, pursuant to Idaho Code § 41-227(5)(a).

IT IS FURTHER ORDERED, pursuant to Idaho Code §§ 41-2710(7) and 41-227(8), that the adopted Report is a public record and shall not be subject to the exemptions from disclosure provided in chapter 1, title 74, Idaho Code.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, North Idaho Title shall file with the Department's Examiner Title & Market Insurance Specialist affidavits executed by each of its directors or, if none, its principal officers, stating under oath that they have received a copy of the adopted Report and related orders.

IT IS FURTHER ORDERED that an administrative penalty in the amount of Seven Hundred Fifty Dollars (\$750.00) is imposed against North Idaho Title, pursuant to IDAPA 18.05.03.017.01<sup>1</sup> and Idaho Code § 41-2708(3), based on North Idaho Title's violation of IDAPA

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<sup>1</sup> IDAPA 18.01.56.018.01, as cited in the Report, was re-designated as IDAPA 18.05.03.017.01, effective July 1, 2019.

18.05.03.013.02<sup>2</sup> by making donations to trade associations in excess of the maximum allowed amount in calendar year 2015, as detailed in the Report; PROVIDED, HOWEVER, that such penalty is waived subject to the understanding that the Department retains the right to impose new penalties based on future findings of violation.

IT IS FURTHER ORDERED that, any waiver of penalties for violations or noncompliance set forth above notwithstanding, the Department retains the right to perform a target examination of North Idaho Title at any time and to impose new penalties based on any future findings of the same violations.

**IT IS SO ORDERED.**

DATED and EFFECTIVE this 1 day of July, 2019.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



DEAN L. CAMERON  
Director

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<sup>2</sup> IDAPA 18.01.56.013.02, as cited in the Report, was re-designated as IDAPA 18.05.03.013.02, effective July 1, 2019.

## NOTIFICATION OF RIGHTS

This is a final order of the agency. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency will dispose of the motion for reconsideration within twenty-one (21) days of its receipt, or the motion will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may file a petition for judicial review in the district court of the county in which:

- i. A hearing was held;
- ii. The final agency action was taken;
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho; or
- iv. The real property or personal property that was the subject of the agency action is located.

A petition for judicial review must be filed within twenty-eight (28) days of: (a) the service date of this final order, (b) the service of an order denying motion for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a motion for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of a petition for judicial review does not itself stay the effectiveness or enforcement of the order under appeal. Idaho Code § 67-5274.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 2<sup>nd</sup> day of July, 2019, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2018, to be served upon the following by the designated means:

North Idaho Title Insurance, Inc.  
601 E. Front Avenue, Ste. 204  
Coeur d'Alene, ID 83814-5169

first class mail  
 certified mail  
 email

Gavin Jacobsen  
Vice President/Regional Marketing Director  
North Idaho Title Insurance, Inc.  
[gavinj@northidahotitle.com](mailto:gavinj@northidahotitle.com)

first class mail  
 certified mail  
 email

Edith L. Pacillo  
Lead Deputy Attorney General  
Idaho Department of Insurance  
P.O. Box 83720  
Boise, ID 83720-0043  
[edith.pacillo@doi.idaho.gov](mailto:edith.pacillo@doi.idaho.gov)

first class mail  
 certified mail  
 email

  
\_\_\_\_\_  
Pamela Murray



REPORT OF EXCEPTION EXAMINATION  
For the Period January 1, 2015 to December 31, 2018

Of

NORTH IDAHO TITLE INSURANCE, INC.  
(A title agent corporation - license #31783 – Kootenai County)

As of

December 31, 2018

*Equal Opportunity Employer*



# **Table of Contents**

|  |           |
|--|-----------|
| <b>SALUTATION.....</b>                                     | <b>3</b>  |
| <b>FOREWORD.....</b>                                       | <b>4</b>  |
| <b>PURPOSE AND SCOPE OF EXAMINATION.....</b>               | <b>5</b>  |
| <b>HISTORY AND DESCRIPTION.....</b>                        | <b>5</b>  |
| <b>PRIOR EXAMINATION.....</b>                              | <b>5</b>  |
| <b>PRIOR ESCROW AUDITS.....</b>                            | <b>5</b>  |
| <b>SUMMARY OF FINDINGS AND RECOMMENDATIONS.....</b>        | <b>6</b>  |
| <b>I. OPERATIONS AND MANAGEMENT.....</b>                   | <b>6</b>  |
| <b>A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS.....</b> | <b>6</b>  |
| <b>B. CONTRACTING AUTHORITY.....</b>                       | <b>6</b>  |
| <b>C. SURETY BOND.....</b>                                 | <b>7</b>  |
| <b>D. CLAIMS.....</b>                                      | <b>7</b>  |
| <b>II. ADVERTISING AND MARKETING.....</b>                  | <b>7</b>  |
| <b>III. TITLE FILE REVIEW.....</b>                         | <b>8</b>  |
| <b>IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW.....</b>  | <b>8</b>  |
| <b>A. FIDUCIARY ACCOUNTS.....</b>                          | <b>8</b>  |
| <b>B. ESCROW FILE REVIEW.....</b>                          | <b>8</b>  |
| <b>CONCLUSION.....</b>                                     | <b>9</b>  |
| <b>PENALTY, STIPULATIONS AND APPEAL NOTIFICATION.....</b>  | <b>10</b> |

Boise, Idaho  
June 12, 2019

The Honorable Dean L. Cameron  
Director of the Idaho Department of Insurance  
700 West State Street  
Boise, Idaho 83720

Sir:

Pursuant to your instructions and in conformity with Idaho Code §§ 41-219, 41-220, and 41-2713, an examination has been made of the administrative affairs, books, records and financial condition of;

North Idaho Title Insurance, Inc.  
601 E. Front Avenue, Ste. #204  
Coeur d' Alene, Idaho 83814  
License #31783 – Kootenai County

Hereinafter referred to as the “Agent”.

The following Report of Exception Examination is respectfully submitted.

## **FOREWORD**

This is an exception examination report of the practices and procedures of North Idaho Title Insurance, Inc. an Idaho Title Agent licensed in Kootenai County. However, failure to identify or criticize specific products, procedures or files does not constitute approval thereof by the Idaho Department of Insurance (the Department).

The examination was conducted at the offices of the Department located at 700 West State Street, 3<sup>rd</sup> Floor in Boise, Idaho. In performing this examination, the examiner(s) reviewed a sample of the agent's procedures, files, and documentation. Some noncompliant practices may not have been discovered during this examination. As such, this report may not fully reflect all of the procedures and practices of the Agent.

During the examination, the examiner(s) may cite violations made by the Agent. Statutory citations are as of the period under examination unless otherwise noted. The goal of the examination team was to produce an examination report that reflects agreement in content with the agent. The report indicates where agreement was not possible.

The final examination report documents consist of the examiners' report, the Agent's response, and any administrative actions based on the findings of the Idaho Department of Insurance.

## **PURPOSE AND SCOPE OF EXAMINATION**

The purpose of this examination is to determine compliance with applicable Idaho Statutes, Idaho Department of Insurance regulations, and promulgated rules issued by the Department. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers.

The period covered by this examination is January 1, 2015 through December 31, 2018. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Idaho Department of Insurance to perform this examination includes, but is not limited to, Idaho Code §41-2710(7), which grants authority to the Idaho Department of Insurance to regular examination of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules, of a title agent not more than every fifth year, unless the agent otherwise requests or the director has cause to believe the same does not comply with this chapter or the rules thereunder.

## **HISTORY AND DESCRIPTION**

North Idaho Title Insurance, Inc. was incorporated with the Idaho Secretary of State's office on April 15, 1993 and is now a wholly owned subsidiary of Mother Lode Holding Company. They became licensed in Kootenai County with the Idaho Department of Insurance and began operations on June 1, 1993. They conduct business out of offices in Coeur d' Alene, Idaho.

## **PRIOR EXAMINATION**

Our examination included a review to determine if the forty four (44) exceptions noted in the December 31, 2014 examination which covered the period January 1, 2010 through December 31, 2014 were addressed. We determined that the agent satisfactorily addressed these exceptions in February of 2016. No exceptions were noted as a result of this portion of the examination.

## **PRIOR ESCROW AUDITS**

Our examination included a review to determine if exceptions were noted and addressed in the November 16, 2017 escrow audit completed by Mr. Gary D. Appuhn with Westcor Land Title Insurance Company. No exceptions were noted in that audit. No exceptions were noted as a result of this portion of the examination.

## **SUMMARY OF FINDINGS AND RECOMMENDATIONS**

### **I. OPERATIONS AND MANAGEMENT**

The examination included a review of the agent's operations and management. The focus of this section of the examination includes review of management and control, contracting authority, surety bond, claims, and financial interests of the title entity management and ownership.

#### **A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS**

##### **IDAPA 18.01.39.011, 012 & 013**

The Idaho Secretary of State lists Rick R. Brown as President and Registered Agent, Darrell C. Martin as Secretary, David M. Philipp as Treasurer and Marsha A. Spence as Director. No exceptions were noted as a result of this portion of the examination.

#### **B. CONTRACTING AUTHORITY**

##### **Idaho Code § 41-2710(2)**

This agent has underwriting contracts with Old Republic National Title Insurance Company (ORNTIC), North American Title Insurance Company (NATIC), Stewart Title Guaranty Company (STGC) and Westcor Land Title Insurance Company (WLTIC). The underwriting contracts require a high liability approval ranging from \$1,000,000.00 for NATIC and ORTIC to \$3,000,000.00 for STGC and \$5,000,000.00 for WLTIC. Deductibles in the event of a title loss are;

NATIC - The first \$2,500, and 70% of the next \$12,500 (any balance in excess of \$15,000 is entirely paid by NATIC). The agent's total liability for negligence is \$11,250.

ORNTIC - (through 8/31/17) – The first \$2,500, and 70% of the next \$12,500 (any balance in excess of \$15,000 is entirely paid by ORNTIC). The agent's total liability for negligence is \$11,250.

ORNTIC - (9/01/17 to present) - \$5,000.00.

STGC – (through 5/19/16) - \$6,000.00.

STGC – (5/20/16 to present) - \$15,000.00.

No exceptions were noted as a result of this portion of the examination.

**C. SURETY BOND**

**Idaho Code §§ 41-2710(6), 2711**

**IDAPA 18.01.25.011.08 & 09**

The Idaho Department of Insurance has on file surety bond #141454745 in the amount of \$50,000.00 issued by Continental Casualty Company on behalf of the agent. We confirmed during the examination that this bond is currently active. No exceptions were noted as a result of this portion of the examination.

**D. CLAIMS**

**Idaho Code § 41-2708(1) & (2)**

The agent reported twenty five (25) claims for the reporting period. A review of the claims indicated that fourteen (14) involved neighbor disputes ranging from easements to fence and building encroachments. Eleven (11) of these claims appear to be the result of human error which the agent remedied and there do not appear to be any problems with the title plant. No exceptions were noted as a result of this portion of the examination.

**II. ADVERTISING AND MARKETING**

**Idaho Code § 41-2708(3) & (4)**

**IDAPA 18.01.39.014 & 18.01.56**

The examination included a review of the agent's marketing and sales practices. A general ledger for each year under examination for all accounts involving contributions, donations, sales expenses, travel and meal expenses, Title agent/staff function expenses, as well as samples of listing packages or property profiles were requested and received. After a cursory review of the general ledgers, samples were picked within our examination parameters. Supporting documents and explanations for the samples were requested, received, and reviewed.

During our examination we noted that in calendar year 2015, the agent made six (6) donations to trade associations totaling two thousand two hundred and fifty dollars (\$2,250.00).

IDAPA 18.01.56.013.02 allows a title entity to donate, contribute or otherwise sponsor a trade association event. Donations are limited to a cumulative donation value of two thousand dollars (\$2,000) collectively to all trade associations per year. The agent appears to have violated this rule for the calendar year 2015.

**Recommendation**

In the November 25, 2015 Examination Report covering the period January 1, 2010 to December 31, 2014 it was noted that the agent made donations to trade associations in excess of the two thousand dollar (\$2,000) limit for calendar years 2010, 2011, 2012, 2013 and 2014. In their January 26, 2016 response to these exceptions they stated that they have begun "running a spreadsheet of our yearly sponsorships" to better track them for compliance.

As the 5 year examination for the years 2010, 2011, 2012, 2013 and 2014 was not completed until November 25, 2015, it is clear that the agent had not taken the necessary steps to correctly track their donations to trade associations until the calendar year 2015 was complete. Further, examination of calendar years 2016, 2017 and 2018 indicate that the agent has taken measures to adequately track their donations to trade associations to be compliant with IDAPA 18.01.56.013.02. For these reasons, we recommend that no further action be taken.

### **III. TITLE FILE REVIEW**

**Idaho Code §§ 41-2702, 2708 & 2709**

**IDAPA 18.01.25 & 18.01.56.017 & Exhibit 1(9)**

The title department is managed by Gavin Jacobson and consists of six (6) title officers. This location owns its title plant. A sample of title files were reviewed within the parameters of our examination for the rates charged, the correct insured amount of the owner's and mortgagee's policies, proper countersignatures, double sales, proper use of the Standards of Liability and liens and encumbrance rules, cancellation fees, and unique kind or class of risk. No exceptions were noted as a result of this portion of the examination.

### **IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW**

The Title Agent's Escrow Department is managed by Gavin Jacobson and is comprised of three (3) escrow officers and two (2) escrow assistants.

#### **A. FIDUCIARY ACCOUNTS**

**IDAPA 18.01.25.011.04, 05 & 10**

This examination included a review of the fiduciary accounts utilized during the examination period. The accounts were reviewed for correct labeling, separation from operating funds, reconciliation and negative balances. The accounts are balanced on a daily basis by the Escrow Services Group and reconciled on a monthly basis by the Financial Services Group Assistant Controller, both of the parent company, Mother Lode Holding Company. No exceptions were noted as a result of this portion of the examination.

#### **B. ESCROW FILE REVIEW**

**Idaho Code § 41-2705(3)**

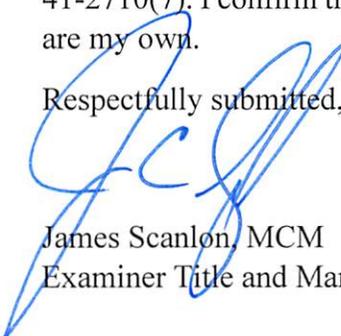
**IDAPA 18.01.25.011 & 12, 18.01.56.017**

A sample of the escrow files were reviewed within the parameters of our examination for adequate written instructions conformity to the written instructions, rates charged as filed, signed settlement statements, receipt and disbursement ledgers, evidence of receipts and disbursements made, file overdrafts and business interests of escrow officers. No exceptions were noted as a result of this portion of the examination.

## CONCLUSION

I certify and attest that I have examined the Title Agent's tract indexes, abstract records, as well as other records, and the operation of the Title Agent's business and other matters relevant to the affairs of the Title Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the Title Agent or its employees and that no conflict of interest exists that would prevent me from conducting the examination. I acknowledge the assistance and cooperation of the Title Agent's employees during the examination. Based on my examination, I prepared this Examiner's Report of Exceptions (the "Report") in accordance with Idaho Code § 41-2710(7). I confirm that the findings, conclusions, and recommendations contained in this report are my own.

Respectfully submitted,



James Scanlon, MCM  
Examiner Title and Market Insurance Specialist

**PENALTY, STIPULATIONS AND APPEAL NOTIFICATION**

This matter comes before the Idaho Department of Insurance (“Department”) as a result of this Report of Exception Examination (“Examination”). The Department has fully considered and reviewed this Examination, any written submissions and rebuttals provided by the Title Agent in response to the Examination and the recommendations of the Examiner.

The Department makes the following findings of fact and imposes penalties and stipulations:

- 1. The Title Agent, on one (1) occasion, donated two thousand two hundred and fifty dollars (\$2,250.00) in calendar year 2015 cumulative total to trade associations. This action constitutes a violation of ID APA 18.01.56.13 .02.

The Department shall assess a penalty in the amount of seven hundred and fifty dollars (\$750.00) in accordance with IDAPA 18.01.56.018.01. As the 5 year examination for the years 2010, 2011, 2012, 2013 and 2014 was not completed until November 25, 2015, it is clear that the agent had not taken the necessary steps to correctly track their donations to trade associations until the calendar year 2015 was complete. Further, examination of calendar years 2016, 2017 and 2018 indicate that the agent has taken measures to adequately track their donations to trade associations to be compliant with IDAPA 18.01.56.013.02. For these reasons, the Department waives this penalty with the stipulation and understanding that the Department retains the right to impose new penalties based on any future findings of these same violations.

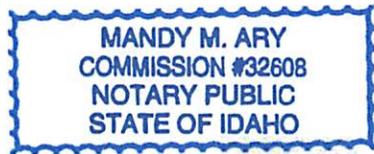
Pursuant to Idaho Code § 41-2710(7), you have twenty eight (28) days to review, comment and request a hearing regarding these findings. Unless a hearing is requested in accordance with Idaho Code §§ 41-227(5) and (6), 41-232(2)(b), or elsewhere in the Idaho Code within the twenty eight (28) day review period, the Director will issue an order adopting the report and it shall be deemed available to the public.

I certify that on this 14<sup>th</sup> day of June 2019, I submitted a final copy of this Report to the Director of the Idaho Department of Insurance and served a final copy of the same by Electronic Mail to:

Mr. Gavin Jacobson  
gjacobson@northidahotitle.com

James Scallon, MCM  
Examiner Title and Market Insurance Specialist

SUBSCRIBED AND SWORN to before me this 14<sup>th</sup> day of June, 2019.



Notary Public for Idaho  
Residing at: Boise, ID  
Commission Expires: 7/24/24

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
5408 SOUTH DICKENS STREET  
CHICAGO, ILLINOIS 60637

RECEIVED  
JAN 15 1964

TO THE DIRECTOR  
FROM THE DEPARTMENT OF CHEMISTRY  
RE: [Illegible]

State of Idaho  
DEPARTMENT OF INSURANCE

BRAD LITTLE  
Governor

700 West State Street, 3rd Floor  
P.O. Box 83720  
Boise, Idaho 83720M0043  
Phone (208)334-4250  
FAX# (208)334-4398

DEAN L. CAMERON  
Director

WAIVER

In the matter of the Report of Examinations as of December 31, 2018, of:

North Idaho Title Insurance, Inc.  
601 E. Front Avenue, Ste. 204  
Coeur d' Alene, Idaho 83814

#119258 – Bonner County    #31783 – Kootenai County    #144214 – Teton County

By executing this Waiver, the Agent hereby acknowledges receipt of the above-described examination reports, verified as of the 14th day of June 2019, and by this Waiver hereby consents to the immediate entry of final orders by the Director of the Department of insurance adopting said reports without any modifications.

By executing this Waiver, the Company also hereby waives:

1. its right to examine the reports for up to thirty (28) days as provided in Idaho Code section 41-2710(7),
2. its right to make additional written submissions or rebuttals to the reports prior to entry of final orders as provided in Idaho Code section 41-2710(7) and,
3. any right to request a hearing under Idaho Code sections 41-227(5) and (6), 41-232(2)(b), or elsewhere in the Idaho Code, and
4. any right to seek reconsideration and appeal from the Director's orders adopting the reports as provided by section 41-227(6), Idaho Code, or elsewhere in the Idaho Code.

Dated this 24 day of June, 2019

NORTH IDAHO TITLE INSURANCE, INC.

RIK R BROWN

Name (print)

[Signature]

Name (signature)

President

Title

