

FILED

Feb 12, 2024

Department of Insurance  
State of Idaho

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*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:

AMERITITLE, LLC.  
[Adams County]

Idaho Title Agency License No. 157247

Docket No. 18-4399-24

**ORDER ADOPTING REPORT  
OF EXCEPTION EXAMINATION  
AS OF DECEMBER 31, 2022**

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 AMERITITLE, LLC [Adams County] (“Amerititle”) 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 of Amerititle, LLC [Adams County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

**FINDINGS OF FACT**

1. Amerititle is a title agency licensed by the Department to transact title insurance in Adams County, Idaho, under Title Agency License No. 157247.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about December 19, 2023. The Department's findings are set forth in the Report. In summary, the examiner found that Amerititle violated the Department's rules as follows:

- The Agent, on two (2) occasions, charged escrow fees that were less than the filed fees for such escrow service with the Department. These actions are in violation of Idaho Code 41-2708(3) and IDAPA 18.05.01.022.

No later than thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future escrow fees are compliant with Idaho Code § 41-2708(3) and IDAPA 18.05.01.022.

3. Based on these findings, although administrative monetary penalties are appropriate for the violations identified, the examiner recommends that the penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties should there be a finding of future violations of these rules.

4. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on November 14, 2023, and was transmitted to Amerititle on December 19, 2023. A copy of the Report is attached hereto as Exhibit A.

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

6. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

#### **CONCLUSIONS OF LAW**

7. Idaho Code § 41-227(5)(a) 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.

8. Amerititle's actions are considered violations and administrative monetary penalties are appropriate per Idaho Code §§ 41-2708(3), 41-117, and IDAPA 18.05.01.022. However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties should there be a finding of future violations of these rules.

9. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report 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 of Amerititle, LLC [Adams County] for the Period January 1, 2018 to December 31, 2022, 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, that the foregoing Findings of Fact and Conclusions of Law are incorporated herein as if set forth in full and is an Order of the Director.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Market Examiner & Title 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, pursuant to Idaho Code § 41-2708(3), that within thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future escrow fees are compliant with Idaho Code § 41-2708(3) and IDAPA 18.05.01.022.

**IT IS SO ORDERED.**

DATED this 9<sup>th</sup> day of February, 2024.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



DEAN L. CAMERON  
Director

## NOTIFICATION OF RIGHTS

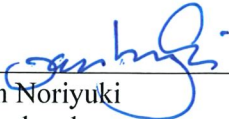
This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition 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 may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition 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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 12<sup>th</sup> day of February, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following parties by the designated means:

Amerititle, LLC Larry Matney, President	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:larry.matney@futatitle.com">larry.matney@futatitle.com</a>
Amerititle, LLC Mark Mills, Senior Vice President & CFP	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:mark.mills@futatitle.com">mark.mills@futatitle.com</a>
Amerititle, LLC Debbie Shirley, Controller	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:debbie.shirley@futatitle.com">debbie.shirley@futatitle.com</a>
Amerititle, LLC 110 Illinois Avenue Council, ID 83612	<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
Shannon Hohl Market Oversight Bureau Chief Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:Shannon.hohl@doi.idaho.gov">Shannon.hohl@doi.idaho.gov</a>
John Keenan Deputy Attorney General Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:john.keenan@doi.idaho.gov">john.keenan@doi.idaho.gov</a>

  
 \_\_\_\_\_  
 Jan Noriyuki  
 Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

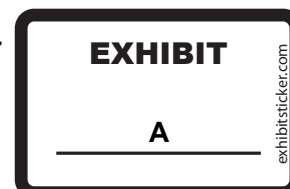
AMERITITLE, LLC

(a title agent limited liability company - license #157247 – Adams County)

As of

December 31, 2022

*Equal Opportunity Employer*



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Boise, Idaho  
November 14, 2023

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, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC  
110 Illinois Avenue  
Council, Idaho 83612  
License #157247 – Adams County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

## **FOREWORD**

This is an exception examination report of the practices and procedures of AmeriTitle, LLC an Idaho Title Agent licensed in Adams County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (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. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. 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 or was not possible.

## **PURPOSE AND SCOPE OF EXAMINATION**

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations 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 said title or the rules thereunder.

## **EXECUTIVE SUMMARY**

The examination found the following areas of concern:

**1) Escrow File Review (Section IV.B., pages 8-9.)**

A total of two (2) exceptions were noted as a result of this portion of the examination and represent all of the noted exceptions in this examination.

• **2 Exceptions:**

○ **Idaho Code § 41-2708(3) – Rebates.**

*No title insurance company or title insurance agent shall quote or make any charge for title insurance to any person less than the currently filed rate for such risk with the department of insurance.*

○ **IDAPA 18.05.01.022 - Escrow Fees.**

*Title insurers and title insurance agents will not charge less than the fees filed with the Department of Insurance for a specified escrow service, as such service is defined in the title insurer's or title insurance agent's filed schedule of fees. . . . Fees should include a title entity's basic rate, minimum rate and negotiable rate with respect to different types of closings and should not reflect credits of any kind with regard to different classifications of customers.*

The Agent, on two (2) occasions, charged escrow fees that were less than the filed fees for such escrow service with the Department of Insurance.

## **HISTORY AND DESCRIPTION**

Futura Title & Escrow, LLC is the current parent company of both AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. On August 28, 2007, they expanded operations and became licensed as a Title Agent in Adams County. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Adams County out of offices in Council, Idaho.

## **PRIOR EXAMINATION**

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2017 through December 31, 2017. No exceptions were noted in that report of exception examination.

## **EXAMINATION 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 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists

Paul Fritz, Mark Mills, and Larry Matney as members. Jonathan Edwards is the Title Supervisor and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

**B. CONTRACTING AUTHORITY**  
**Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, and Chicago Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

**C. SURETY BOND**  
**Idaho Code §§ 41-2710(6), 2711**  
**IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance 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 two (2) claims were filed within the examination period. The claims appear to be purported missed encumbrances and/or oversights on the part of employees of the Agent. No exceptions were noted as a result of this portion of the examination.

**II. ADVERTISING AND MARKETING**  
**Idaho Code § 41-2708(3) & (4)**  
**IDAPA 18.05.01.031 & Exhibit 1**

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, 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 for the samples were requested, received, and reviewed. No exceptions were noted as a result of this portion of the examination.

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

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

**IDAPA 18.05.01.012, 013 & Exhibit 1(9)**

The title department is managed by Johnathan Edwards and is comprised two (2) Title Officers and one (1) Title Assistant. The title plant is owned, posted, and maintained by the Agent in Council, Idaho. 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, 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 escrow department is managed by Matthew Paulson and is comprised of two (2) Escrow Officers.

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

**IDAPA 18.05.01.021.04, 05 & 09**

The 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 fiduciary accounts are balanced on a daily basis and reconciled on a monthly basis by Lucinda Schultz and Angie Wonser at AmeriTitle, LLC and Furtura Title & Escrow, LLC, respectively. The monthly reconciliations are reviewed by Debbie Shirley, Corporate Controller, at the corporate offices of AmeriTitle, LLC in Boise, Idaho. No exceptions were noted as a result of this portion of the examination.

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

**Idaho Code §§ 41-2705(3) & 2708(3)**

**IDAPA 18.05.01.021 & 022**

The examination included a review of the escrow files opened during the examination period. 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 the escrow officers.

- A total of two (2) exceptions were noted as a result of this portion of the examination and are as follows:

Violation of Idaho Code § 41-2708(3) and IDAPA 18.05.01.022					
Agent File Number	Closing Date	Amount of Purchase & Sales Agreement	Minimum Escrow Rate as Filed with the Department	Title Agent Escrow Fee Charged	Total Rebate Provided
523152AM	February 4, 2022	\$150,000.00	\$550.00	\$300.00	\$250.00
560514AM	September 9, 2022	\$214,569.00	\$600.00	\$400.00	\$200.00

Idaho Code § 41-2708(3) states in relevant part: “**Rebates.** Section 41-1314(1), Idaho Code, shall be applicable to any person or entity and all employees, officers, agents, attorneys and solicitors thereof engaging in the title insurance business as to rebates and illegal inducements as in said section defined. The words "as inducement to such insurance" and "or in connection therewith" shall be construed to include but not be limited to underwriting premium, agent's commission, abstracting charges, title examination fees, closing charges, escrow fees, trustee fees, and foreclosure fees relating to deeds of trust. No insured in a policy nor any other person directly or indirectly connected with the transaction involving the issuance of a title insurance policy, including but not limited to mortgage brokers, real estate brokers and agents, builders or attorneys, nor any employee, agent or representative or solicitor thereof, shall knowingly receive or accept, directly or indirectly, any such rebate or illegal inducement. No title insurance company or title insurance agent shall quote or make any charge for title insurance to any person less than the currently filed rate for such risk with the department of insurance.”

IDAPA 18.05.01.022 state in relevant part: “**Escrow Fees.** Title insurers and title insurance agents will not charge less than the fees filed with the Department of Insurance for a specified escrow service, as such service is defined in the title insurer's or title insurance agent's filed schedule of fees. . . . Fees should include a title entity's basic rate, minimum rate and negotiable rate with respect to different types of closings and should not reflect credits of any kind with regard to different classifications of customers.”

**Violation:** The Agent, on two (2) occasions, was in violation of Idaho Code § 41-2708(3) and IDAPA 18.05.01.022, for charging escrow fees that were less than the filed rate for such escrow service with the Department of Insurance.

**Recommendation:** It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to ensure future escrow fees are compliant with Idaho Code § 41-2708(3) and IDAPA 18.05.01.022.

It is further recommended, as this is the first instance of these violations, that no administrative penalties be imposed at this time, with the stipulation that the Department retains the right to impose new penalties based on any future findings of these same violations.

## **SUMMARY OF RECOMMENDATIONS**

The recommendations made below identify corrective measures the Department finds necessary as a result of the exceptions noted in this Report of Exception Examination (“Report”). Location in the Report is referenced below in parenthesis.

### **1) Escrow File Review** (Section IV.B., pages 8-9.)

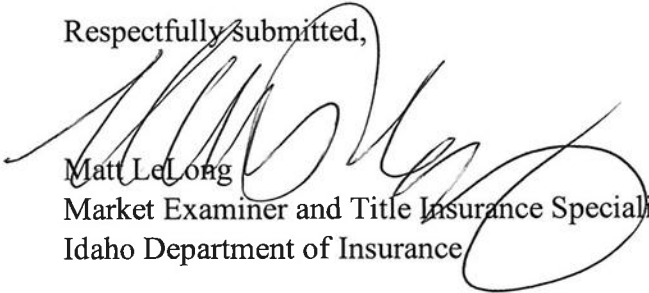
It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to ensure future escrow fees are compliant with Idaho Code § 41-2708(3) and IDAPA 18.05.01.022.

It is further recommended, as this is the first instance of these violations, that no administrative penalties be imposed at this time, with the stipulation that the Department retains the right to impose new penalties based on any future findings of these same violations.

**AFFIDAVIT OF EXAMINER**


I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the 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 Agent and its 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,

  
Matt LeLong  
Market Examiner and Title Insurance Specialist  
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of December, 2023.

MICHELE MUÑOZ  
COMMISSION #20211631  
NOTARY PUBLIC  
STATE OF IDAHO

  
Notary Public for Idaho  
Residing at: Boise ID  
Commission Expires: 03-30-2027

## **PENALTY, STIPULATIONS AND APPEAL NOTIFICATION**

This matter comes before the 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 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 Agent, on two (2) occasions, charged escrow fees that were less than its filed rate for such escrow service with the Department of Insurance. These actions are considered violations and administrative penalties are appropriate pursuant to Idaho Code §§ 41-2708(3), 41-117, and IDAPA 18.05.01.022. However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties based on any future findings of these same violations.

No later than thirty (30) days from the date the Final Order is adopted the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future escrow fees are compliant with Idaho Code § 41-2708(3) and IDAPA 18.05.01.022.

RAÚL LABRADOR  
Attorney General

MATT K. STEEN – ISB No. 10285  
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Idaho Department of Insurance  
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*Attorneys for the Department of Insurance*

FILED

Feb 12, 2024

Department of Insurance  
State of Idaho

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:

AMERITITLE, LLC.  
[ Bannock County]

Idaho Title Agency License No. 135128

Docket No. 18-4399-24

**ORDER ADOPTING REPORT  
OF EXCEPTION EXAMINATION  
AS OF DECEMBER 31, 2022**

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 AMERITITLE, LLC [Bannock County] (“Amerititle”) 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 of Amerititle, LLC [Bannock County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

**FINDINGS OF FACT**

1. Amerititle is a title agency licensed by the Department to transact title insurance in Bannock County, Idaho, under Title Agency License No. 135128.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about December 19, 2023. The Department's findings are set forth in the Report. In summary, the examiner found that Amerititle violated the Department's rules as follows:

- The Agent, on one (1) occasion, purchased and provided refreshments, a total expenditure of \$151.99, during an educational class and self-promotional function held for producers of title business, without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules. This action is in violation of Idaho Code § 41-2710(7) and IDAPA 18.05.03.014.02(a)<sup>1</sup>.

No later than thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they relate to educational classes and self-promotional functions, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.04(b)(i).

Pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7) and IDAPA 18.05.03.014.02(a), the Department shall assess an administrative penalty in the amount of \$455.97. However, such penalty is hereby deferred subject to the stipulation that the Department retains the right to impose and enforce the deferred penalty should there be a finding of any future violation of these statutes or rules.

- The Agent, on one (1) occasion, purchased and provided a \$100.00 Red Lobster gift card, a self-promotional item, as a customer relations gift for a producer of title

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<sup>1</sup> On October 16, 2019, when this violation occurred, IDAPA 18.05.03.014.02(a) (3-29-17) was applicable; this rule was consolidated and re-designated as 18.05.01.031.04(b)(i) in substantial form, effective March 20, 2020.

business. This action is in violation of IDAPA 18.05.01.031.04(a) and Exhibit 1 (4)(h).

No later than thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future self-promotional items and other items of value provided to producers of title business are compliant with IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h).

Pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h), this action constitutes a violation and administrative penalties are appropriate. However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties based on any future finding of this same violation.

- The Agent, on three (3) occasions, purchased and distributed floral arrangements, items of value in excess of \$50.00, as condolence gifts for various producers of title business. These actions are in violation of IDAPA 18.05.01.031.01 and Exhibit 1(8).

No later than thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future items of value, as they relate to condolence gifts provided to producers of title business, are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(8).

Pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), IDAPA 18.05.01.031.01 and Exhibit 1(8), these actions constitute violations and administrative penalties are appropriate. However, administrative penalties will not be imposed at this time with

the stipulation that the Department retains the right to impose new penalties based on any future findings of these same violations.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on November 14, 2023, and was transmitted to Amerititle on December 19, 2023. A copy of the Report is attached hereto as Exhibit A.

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

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

#### **CONCLUSIONS OF LAW**

6. Idaho Code § 41-227(5)(a) 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. Amerititle’s actions are considered violations and administrative monetary penalties are appropriate per Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7), IDAPA 18.05.01.031.01, 18.05.01.031.04(a), 18.05.03.014.02(a), Exhibit 1(4)(h) and Exhibit 1(8). However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties should there be a finding of future violations of these rules.

8. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report 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 of Amerititle, LLC [Bannock County] for the Period January 1, 2018 to December 31, 2022, 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, that the foregoing Findings of Fact and Conclusions of Law are incorporated herein as if set forth in full and is an Order of the Director.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Market Examiner & Title 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 within thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future records, as they relate to educational classes and self-promotional functions, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.04(b)(i).

IT IS FURTHER ORDERED, that within thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future self-promotional items and other items of value provided to producers of title business are compliant with IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h).

IT IS FURTHER ORDERED, that within thirty (30) days from the date the Final Order is

adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future items of value, as they relate to condolence gifts provided to producers of title business, are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(8).

**IT IS SO ORDERED.**

DATED this 9<sup>th</sup> day of February, 2024.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



DEAN L. CAMERON  
Director

## NOTIFICATION OF RIGHTS

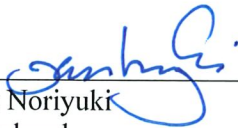
This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition 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 may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition 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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 12<sup>th</sup> day of February, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following parties by the designated means:

Amerititle, LLC Larry Matney, President	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:larry.matney@futatitle.com">larry.matney@futatitle.com</a>
Amerititle, LLC Mark Mills, Senior Vice President & CFP	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:mark.mills@futatitle.com">mark.mills@futatitle.com</a>
Amerititle, LLC Debbie Shirley, Controller	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:debbie.shirley@futatitle.com">debbie.shirley@futatitle.com</a>
Amerititle, LLC 441 East Chubbuck Road Chubbuck, ID 83202	<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
Shannon Hohl Market Oversight Bureau Chief Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:Shannon.hohl@doi.idaho.gov">Shannon.hohl@doi.idaho.gov</a>
John Keenan Deputy Attorney General Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:john.keenan@doi.idaho.gov">john.keenan@doi.idaho.gov</a>

  
 \_\_\_\_\_  
 Jan Noriyuki  
 Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

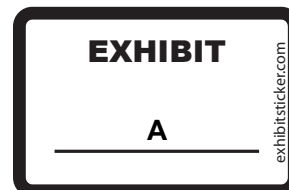
AMERITITLE, LLC

(a title agent limited liability company - license #135128 – Bannock County)

As of

December 31, 2022

*Equal Opportunity Employer*



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Boise, Idaho  
November 14, 2023

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, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC  
441 East Chubbuck Road  
Chubbuck, Idaho 83202  
License #135128 – Bannock County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

## **FOREWORD**

This is an exception examination report of the practices and procedures of AmeriTitle, LLC an Idaho Title Agent licensed in Bannock County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (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. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. 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 or was not possible.

## **PURPOSE AND SCOPE OF EXAMINATION**

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations 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 said title or the rules thereunder.

## **EXECUTIVE SUMMARY**

The examination found the following areas of concern:

- **SECTION II. Advertising and Marketing** (pages 8-11.)  
A total of five (5) exceptions were noted as a result of this portion of the examination and comprise all noted exceptions in this examination:

**A. 1 Exception:**

- **Idaho Code § 41-2710(7) – Requirements for Agents.**

*Regular examination of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules . . .*

- **IDAPA 18.05.03.014.02(a)<sup>1</sup> – Educational Programs.**

*A title entity is permitted to expend no more than twenty dollars (\$20) per person at an educational program. For purposes of determining the maximum permitted expenditure, all costs associated with the delivery of the educational program shall be considered . . .*

**Violation:** The Agent, on one (1) occasion, purchased and provided refreshments, a total expenditure of \$151.99, during an educational class and self-promotional function held for producers of title business, without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules, this action constitutes a violation of Idaho Code § 41-2710(7) and IDAPA 18.05.03.014.02(a).

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<sup>1</sup> IDAPA 18.05.03.014.02(a) was consolidated and re-designated as 18.05.01.031.04(b)(i) in substantial form, effective March 20, 2020.

**B. 1 Exception:**

○ **IDAPA 18.05.01.031.04(a) – Self-Promotional Advertising.**

*A title entity may distribute self-promotional items having an acquisition value of less than twenty-five dollars (\$25) to producers of title business, consumers, and members of the general public. These self-promotional items are limited to novelty gifts, advertising novelties, and generic business forms and specifically do not include food, beverages, gift certificates, gift cards . . .*

○ **Exhibit 1(4)(h) – Attachment to Rule 18.05.01.**

*A title entity will not pay or offer to pay, either directly or indirectly, with respect to any producer of title business for: Money, prizes, or other items of value in any kind of a contest or promotional endeavor.*

**Violation:** The Agent, on one (1) occasion, purchased and provided a \$100.00 Red Lobster gift card, a self-promotional item, as a customer relations gift for a producer of title business, this action constitutes a violation of IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h).

**C. 3 Exceptions:**

○ **IDAPA 18.05.01.031.01 - Items of Value.**

*A title entity will not provide items of value to a producer of title business, consumer or member of the general public except as permitted in Sections 031.02, 031.03, 031.04 and 031.05 of this chapter. If a providing of things of value does not clearly fit into the rules in Sections 031.02, 031.03, 031.04, and 031.05, then it is not allowed.*

○ **Exhibit 1(8) – Attachment to Rule 18.05.01.**

*A title entity will not provide gifts or other items of value in excess of fifty dollars (\$50) per year per individual in connection with congratulations or condolences to a producer of title business.*

**Violations:** The Agent, on three (3) occasions, purchased and distributed floral arrangements, items of value in excess of \$50.00, as condolence gifts for various producers of title business, these actions constitute violations of IDAPA 18.05.01.031.01 and Exhibit 1(8).

## **HISTORY AND DESCRIPTION**

Futura Title & Escrow, LLC is the current parent company of both AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. On March 10, 2006, they expanded operations and became licensed as a Title Agent in Bannock County. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28

years. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Bannock County out of offices in Chubbuck, Idaho.

## **PRIOR EXAMINATION**

Our examination included a review to determine if the six (6) exceptions noted in the preceding report of exception examination dated July 31, 2018, which covered the period of January 1, 2013 to December 31, 2017 were addressed. We determined that the Agent satisfactorily addressed these exceptions.

## **EXAMINATION 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 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

#### **B. CONTRACTING AUTHORITY** **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, and Chicago Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

**C. SURETY BOND**  
**Idaho Code §§ 41-2710(6), 2711**  
**IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance 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 three (3) claims were filed within the examination period. The claims appear to be purported missed encumbrances and/or oversights on the part of employees of the Agent. No exceptions were noted as a result of this portion of the examination.

**II. ADVERTISING AND MARKETING**  
**Idaho Code § 41-2708(3) & (4)**  
**IDAPA 18.05.01.031 & Exhibit 1**

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, 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 for the samples were requested, received, and reviewed.

A total of five (5) exceptions were noted as a result of this portion of the examination.

- A. Exception number one (1) was related to an educational program and self-promotional function held for producers of title business and is as follows:

<b>Violation of Idaho Code § 41-2710(7) and IDAPA 18.05.03.014.02(a)</b>		
<b>Exception Number</b>	<b>Date of Expense</b>	<b>Educational Programs (Self-Promotional Functions)</b>
1	October 16, 2019	The Agent purchased and provided refreshments, a total expenditure of \$151.99, during an educational class and self-promotional function held for producers of title business without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules.

Idaho Code § 41-2710(7) states in relevant part: “**Requirements for Agents.** Regular examination of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules . . .”

IDAPA 18.05.03.014.02(a) states in relevant part: “*Educational programs – a title entity is permitted to expend no more than twenty dollars (\$20) per person at an educational program. For purposes of determining the maximum permitted expenditure, all costs associated with the delivery of the educational program shall be considered . . .*”

**Violation:** The Agent, on one (1) occasion, was in violation of Idaho Code § 41-2710(7) and IDAPA 18.05.03.014.02(a)<sup>2</sup> for purchasing and providing refreshments, a total expenditure of \$151.99, during an educational class and self-promotional function held for producers of title business, without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules.

The following preface provides context to recommendations below: The Agent’s preceding report of exception examination dated July 31, 2018, comprised five (5) exceptions related to not properly maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules. No administrative penalties were imposed at that time, as it was the first instance of these violations. A recurrence of these violations may result in future administrative penalties.

**Recommendations:** It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they relate to educational classes and self-promotional functions, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.04(b)(i).

It is recommended, pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7), and IDAPA 18.05.03.014.02(a), that an order for administrative penalty in the amount of \$455.97 be imposed at this time.

However, procedural improvements appear to have been implemented by the Agent; therefore, it is further recommended that such penalty be deferred subject to the stipulation that the Department retains the right to impose and enforce deferred penalty should there be a finding of any future violation of these statutes or rules.

**B.** Exception number two (2) was related to self-promotional advertisement items provided to producers of title business and is as follows:

Violation of IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h)		
Exception Number	Date of Expense	Self-Promotional Advertising
2	October 6, 2020	The Agent purchased and provided a \$100.00 Red Lobster gift card, a self-promotional item, as a customer relations gift for a producer of title business.

<sup>2</sup> On October 16, 2019, when this violation occurred, IDAPA 18.05.03.014.02(a) (3-29-17) was applicable, this rule was consolidated and re-designated as 18.05.01.031.04(b)(i) in substantial form, effective March 20, 2020.

IDAPA 18.05.01.031.04(a) states in relevant part: *“Self-Promotional Advertising. A title entity may distribute self-promotional items having an acquisition value of less than twenty-five dollars (\$25) to producers of title business, consumers, and members of the general public. These self-promotional items are limited to novelty gifts, advertising novelties, and generic business forms and specifically do not include food, beverages, gift certificates, gift cards . . .”*

Exhibit 1(4)(h) – Attachment to Rule 18.05.01 states: *“A title entity will not pay or offer to pay, either directly or indirectly, with respect to any producer of title business for: Money, prizes, or other items of value in any kind of a contest or promotional endeavor.”*

**Violation:** The Agent, on one (1) occasion, was in violation of IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h) for purchasing and providing a \$100.00 Red Lobster gift card, a self-promotional item specifically not allowed, as a customer relations gift to a producer of title business.

**Recommendations:** It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to ensure future self-promotional items and other items of value provided to producers of title business are compliant with IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h).

It is recommended, as this is the first instance of these violations, that no administrative penalties be imposed at this time, with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

C. Exception numbers three (3) through five (5) were related to items of value, as they relate to condolence gifts, and are as follows:

Violation of IDAPA 18.05.01.031.01 and Exhibit 1(8)		
Exception Number	Date of Expense	Items of Value
3	January 5, 2022	The Agent purchased a floral arrangement from Busy Bees Floral for a total expenditure of \$82.19, an item of value in excess of \$50.00, and provided it as a condolence gift to a producer of title business.
4	February 16, 2022	The Agent purchased a floral arrangement from AJ Floral Designs for a total expenditure of \$76.89, an item of value in excess of \$50.00, and provided it as a condolence gift to a producer of title business.
5	April 11, 2022	The Agent purchased a floral arrangement from AJ Floral Designs for a total expenditure of \$87.49, an item of value in excess of \$50.00, and provided it as a condolence gift to a producer of title business.

IDAPA 18.05.01.031.01 prescribes **“Items of Value”** and states: *“A title entity will not provide items of value to a producer of title business, consumer or member of the general public except as permitted in Sections 031.02, 031.03, 031.04 and 031.05 of this chapter. If a providing of things of value does not clearly fit into the rules in Sections 031.02, 031.03, 031.04, and 031.05, then it*

*is not allowed. Exhibit 1, located on our website at <https://doi.idaho.gov/>, is a partial, but not all-inclusive, list of acts and practices that are considered illegal inducements disallowed by Title 41, Idaho Code.”*

Exhibit 1(8), the attachment to rule 18.05.01 states: “*A title entity will not provide gifts or other items of value in excess of fifty dollars (\$50) per year per individual in connection with congratulations or condolences to a producer of title business.*”

**Violations:** The Agent, on three (3) occasions, was in violation of IDAPA 18.05.01.031.01 and Exhibit 1(8) for providing items of value in excess of \$50.00, condolence gifts, to producers of title business.

**Recommendations:** It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to ensure future items of value, as they relate to condolence gifts, provided to producers of title business are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(8).

It is recommended, as this is the first instance of these violations, that no administrative penalties be imposed at this time, with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

### **III. TITLE FILE REVIEW** **Idaho Code §§ 41-2702, 2708 & 2709** **IDAPA 18.05.01.012, 013 & Exhibit 1(9)**

The title department is managed by Brynne Hansen and is comprised of three (3) Title Officers and one (1) Title Assistant. The Agent leases the Bannock County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the 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, 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 escrow department is managed by Darci Davis and is comprised of three (3) Escrow Officers and three (3) Escrow Assistants.

#### **A. FIDUCIARY ACCOUNTS** **IDAPA 18.05.01.021.04, 05 & 09**

The 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 fiduciary accounts are balanced on a daily basis and

reconciled on a monthly basis by Lucinda Schultz and Angie Wonser at AmeriTitle, LLC and Furtura Title & Escrow, LLC, respectively. The monthly reconciliations are reviewed by Debbie Shirley, Corporate Controller, at the corporate offices of AmeriTitle, LLC in Boise, Idaho. No exceptions were noted as a result of this portion of the examination.

**B. ESCROW FILE REVIEW**  
**Idaho Code § 41-2705(3)**  
**IDAPA 18.05.01.021 & 022**

The examination included a review of the escrow files opened during the examination period. 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 the escrow officers. No exceptions were noted as a result of this portion of the examination.

**SUMMARY OF RECOMMENDATIONS**

The recommendations made below identify corrective measures the Department finds necessary as a result of the exceptions noted in this Report of Exception Examination (“Report”). Location in the Report is referenced below in parenthesis.

• **SECTION II. Advertising and Marketing** (pages 8-11.)

- A. It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they relate to educational classes and self-promotional functions, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.04(b)(i).

It is recommended, pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7), and IDAPA 18.05.03.014.02(a)<sup>3</sup>, that an order for administrative penalty in the amount of \$455.97 be imposed at this time.

It is further recommended that such penalty be deferred subject to the stipulation that the Department retains the right to impose and enforce deferred penalty should there be a finding of any future violation of these statutes or rules.

- B. It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to ensure future self-promotional items and other items of value provided to producers of title business are compliant with IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h).

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<sup>3</sup> Ibid., pp. 5, 9.

It is recommended that no administrative penalties be imposed at this time, with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

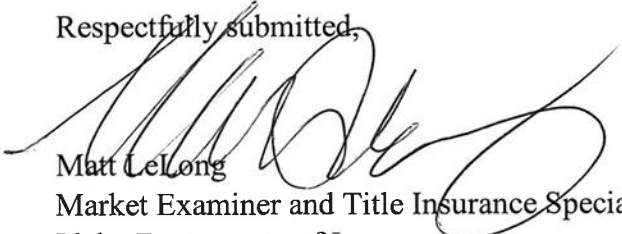
- C. It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to ensure future items of value, as they relate to condolence gifts, provided to producers of title business are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(8).

It is recommended that no administrative penalties be imposed at this time, with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

**AFFIDAVIT OF EXAMINER**


I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the 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 Agent and its 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,

  
Matt LeLong  
Market Examiner and Title Insurance Specialist  
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of December, 2023.

MICHELE MUÑOZ  
COMMISSION #20211631  
NOTARY PUBLIC  
STATE OF IDAHO

  
Notary Public for Idaho  
Residing at: Boise, ID  
Commission Expires: 03-30-2027

## **PENALTY, STIPULATIONS AND APPEAL NOTIFICATION**

This matter comes before the 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 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:

- A.** The Agent, on one (1) occasion, purchased and provided refreshments, a total expenditure of \$151.99, during an educational class and self-promotional function held for producers of title business without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules. This action constitutes a violation of Idaho Code § 41-2710(7) and IDAPA 18.05.03.014.02(a)<sup>4</sup>.

Pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7), and IDAPA 18.05.03.014.02(a), the Department shall assess an administrative penalty in the amount of \$455.97. However, such penalty is hereby deferred subject to the stipulation that the Department retains the right to impose and enforce deferred penalty should there be a finding of any future violation of these statutes or rules.

No later than thirty (30) days from the date the Final Order is adopted the Agent is required to submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they relate to educational classes and self-promotional functions, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.04(b)(i).

- B.** The Agent, on one (1) occasion, purchased and provided a \$100.00 Red Lobster gift card, a self-promotional item, as a customer relations gift for a producer of title business. This action constitutes a violation and administrative penalties are appropriate pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h). However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

No later than thirty (30) days from the date the Final Order is adopted the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future self-promotional items and other items of value provided to producers of title business are compliant with IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h).

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<sup>4</sup> Ibid., pp. 5, 9

- C. The Agent, on three (3) occasions, purchased floral arrangements in excess of \$50.00, items of value, and provided them as condolence gifts to producers of title business. These actions constitute violations and administrative penalties are appropriate pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), IDAPA 18.05.01.031.01, and Exhibit 1(8). However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

No later than thirty (30) days from the date the Final Order is adopted the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future items of value, as they relate to condolence gifts, provided to producers of title business are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(8).

RAÚL LABRADOR  
Attorney General

FILED

Feb 12, 2024

Department of Insurance  
State of Idaho

MATT K. STEEN – ISB No. 10285  
Deputy Attorney General  
Idaho Department of Insurance  
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Boise, Idaho 83720-0043  
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[matt.steen@doi.idaho.gov](mailto:matt.steen@doi.idaho.gov)

*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:

AMERITITLE, LLC.  
[Bingham County]

Idaho Title Agency License No. 455676

Docket No. 18-4399-24

**ORDER ADOPTING REPORT  
OF EXCEPTION EXAMINATION  
AS OF DECEMBER 31, 2022**

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 AMERITITLE, LLC [Bingham County] (“Amerititle”) 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 of Amerititle, LLC [Bingham County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

**FINDINGS OF FACT**

1. Amerititle is a title agency licensed by the Department to transact title insurance in Bingham County, Idaho, under Title Agency License No. 455676.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about December 19, 2023. 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 November 14, 2023, and was transmitted to Amerititle on December 19, 2023. A copy of the Report is attached hereto as Exhibit A.

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

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

**CONCLUSIONS OF LAW**

6. Idaho Code § 41-227(5)(a) 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 Amerititle, the comments and recommendations contained in the Report 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 of Amerititle, LLC [Bingham County] for the Period January 1, 2018 to December 31, 2022, 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, Amerititle 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 SO ORDERED.**

DATED this 9<sup>th</sup> day of February, 2024.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



DEAN L. CAMERON  
Director

### NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition 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 may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition 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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 12<sup>th</sup> day of February, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following parties by the designated means:

Amerititle, LLC Larry Matney, President	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:larry.matney@futatititle.com">larry.matney@futatititle.com</a>
Amerititle, LLC Mark Mills, Senior Vice President & CFP	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:mark.mills@futatititle.com">mark.mills@futatititle.com</a>
Amerititle, LLC Debbie Shirley, Controller	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:debbie.shirley@futatititle.com">debbie.shirley@futatititle.com</a>
Amerititle, LLC 1650 Elk Creek Drive Idaho Falls, ID 83404-8349	<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
Shannon Hohl Market Oversight Bureau Chief Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:Shannon.hohl@doi.idaho.gov">Shannon.hohl@doi.idaho.gov</a>
John Keenan Deputy Attorney General Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:john.keenan@doi.idaho.gov">john.keenan@doi.idaho.gov</a>

  
 \_\_\_\_\_  
 Jan Noriyuki  
 Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

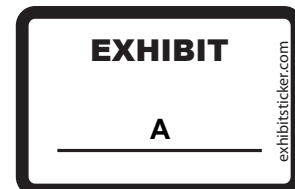
AMERITITLE, LLC

(a title agent limited liability company - license #455676 – Bingham County)

As of

December 31, 2022

*Equal Opportunity Employer*



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Boise, Idaho  
November 14, 2023

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, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC  
1650 Elk Creek Drive  
Idaho Falls, Idaho 83404-8349  
License #455676 – Bingham County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

## **FOREWORD**

This is an exception examination report of the practices and procedures of AmeriTitle, LLC an Idaho Title Agent licensed in Bingham County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (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. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. 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 or was not possible.

## **PURPOSE AND SCOPE OF EXAMINATION**

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations 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 said title or the rules thereunder.

## **EXECUTIVE SUMMARY**

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

## **HISTORY AND DESCRIPTION**

Futura Title & Escrow, LLC is the current parent company of both AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. On August 19, 2013, they expanded operations and became licensed with the Idaho Department of Insurance as a Title Agent in Bingham County. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Bingham County out of offices in Idaho Falls, Idaho.

## **PRIOR EXAMINATION**

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

## **EXAMINATION 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 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

#### **B. CONTRACTING AUTHORITY** **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, and Chicago Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

#### **C. SURETY BOND** **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance 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 two (2) claims were filed within the examination period. The claims appear to be purported missed encumbrances and/or oversights on the part of employees of the Agent. No exceptions were noted as a result of this portion of the examination.

**II. ADVERTISING AND MARKETING**  
**Idaho Code § 41-2708(3) & (4)**  
**IDAPA 18.05.01.031 & Exhibit 1**

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, 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 for the samples were requested, received, and reviewed. No exceptions were noted as a result of this portion of the examination.

**III. TITLE FILE REVIEW**  
**Idaho Code §§ 41-2702, 2708 & 2709**  
**IDAPA 18.05.01.012, 013 & Exhibit 1(9)**

The title department is managed by Brynne Hansen and is comprised of five (5) Title Officers and one (1) Title Assistant. The Agent leases the Bingham County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the 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, 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 Agent does not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

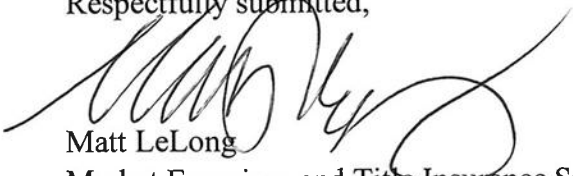
**SUMMARY OF RECOMMENDATIONS**

There were no recommendations as a result of the examination.

**AFFIDAVIT OF EXAMINER**

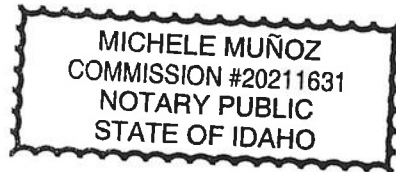
I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the 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 Agent and its 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,



Matt LeLong  
Market Examiner and Title Insurance Specialist  
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of December, 2023.



  
Notary Public for Idaho  
Residing at: Boise, ID  
Commission Expires: 03-30-2027

FILED

Feb 12, 2024

Department of Insurance  
State of Idaho

RAÚL LABRADOR  
Attorney General

MATT K. STEEN – ISB No. 10285  
Deputy Attorney General  
Idaho Department of Insurance  
700 W. State Street, 3<sup>rd</sup> Floor  
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*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:

AMERITITLE, LLC.  
[Blaine County]

Idaho Title Agency License No. 85677

Docket No. 18-4399-24

**ORDER ADOPTING REPORT  
OF EXCEPTION EXAMINATION  
AS OF DECEMBER 31, 2022**

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 AMERITITLE, LLC [Blaine County] (“Amerititle”) 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 of Amerititle, LLC [Blaine County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

**FINDINGS OF FACT**

1. Amerititle is a title agency licensed by the Department to transact title insurance in Blaine County, Idaho, under Title Agency License No. 85677.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about December 19, 2023. 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 November 14, 2023, and was transmitted to Amerititle on December 19, 2023. A copy of the Report is attached hereto as Exhibit A.

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

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

#### **CONCLUSIONS OF LAW**

6. Idaho Code § 41-227(5)(a) 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 Amerititle, the comments and recommendations contained in the Report 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 of Amerititle, LLC [Blaine County] for the Period January 1, 2018 to December 31, 2022, 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

### **NOTIFICATION OF RIGHTS**

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition 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 may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition 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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 12<sup>th</sup> day of February, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following parties by the designated means:

Amerititle, LLC Larry Matney, President	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:larry.matney@futatitle.com">larry.matney@futatitle.com</a>
Amerititle, LLC Mark Mills, Senior Vice President & CFP	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:mark.mills@futatitle.com">mark.mills@futatitle.com</a>
Amerititle, LLC Debbie Shirley, Controller	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:debbie.shirley@futatitle.com">debbie.shirley@futatitle.com</a>
Amerititle, LLC 1650 Elk Creek Drive Idaho Falls, ID 83404-8349	<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
Shannon Hohl Market Oversight Bureau Chief Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:Shannon.hohl@doi.idaho.gov">Shannon.hohl@doi.idaho.gov</a>
John Keenan Deputy Attorney General Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:john.keenan@doi.idaho.gov">john.keenan@doi.idaho.gov</a>

  
 \_\_\_\_\_  
 Jan Noriyuki  
 Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

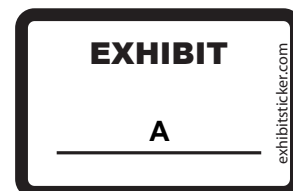
AMERITITLE, LLC

(a title agent limited liability company - license #85677– Blaine County)

As of

December 31, 2022

*Equal Opportunity Employer*



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Boise, Idaho  
November 14, 2023

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, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC  
1650 Elk Creek Drive  
Idaho Falls, Idaho 83404-8349  
License #85677 – Blaine County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

## **FOREWORD**

This is an exception examination report of the practices and procedures of AmeriTitle, LLC an Idaho Title Agent licensed in Blaine County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (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. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. 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 or was not possible.

## **PURPOSE AND SCOPE OF EXAMINATION**

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations 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 said title or the rules thereunder.

## **EXECUTIVE SUMMARY**

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

## **HISTORY AND DESCRIPTION**

Futura Title & Escrow, LLC is the current parent company of both AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. On July 1, 2001, they became licensed as a Title Agent with the Idaho Department of Insurance in Blaine County. In 2003, they expanded operations by purchasing the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Blaine County out of offices in Idaho Falls, Idaho.

## **PRIOR EXAMINATION**

Our examination included a review to determine if the sixty-one (61) exceptions noted in the preceding report of exception examination dated July 31, 2018, which covered the period of January 1, 2013 to December 31, 2017 were addressed. We determined that the Agent satisfactorily addressed these exceptions.

## **EXAMINATION 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 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

#### **B. CONTRACTING AUTHORITY** **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, and Chicago Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

#### **C. SURETY BOND** **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance 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 no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

**II. ADVERTISING AND MARKETING**  
**Idaho Code § 41-2708(3) & (4)**  
**IDAPA 18.05.01.031 & Exhibit 1**

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, 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 for the samples were requested, received, and reviewed. No exceptions were noted as a result of this portion of the examination.

**III. TITLE FILE REVIEW**  
**Idaho Code §§ 41-2702, 2708 & 2709**  
**IDAPA 18.05.01.012, 013 & Exhibit 1(9)**

The title department is managed by Brynne Hansen and is comprised of five (5) Title Officers and one (1) Title Assistant. The title plant is owned, posted, and maintained by the Agent in Idaho Falls, Idaho. 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, 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 escrow department is managed by Darci Davis and is comprised of herself. The Agent does not currently provide escrow services under this license. However, within the examination period, specifically, calendar years 2018, 2019, and 2020, the Agent did provide escrow services under this license.

**A. FIDUCIARY ACCOUNTS**  
**IDAPA 18.05.01.021.04, 05 & 09**

The 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 fiduciary accounts are balanced on a daily basis and reconciled on a monthly basis by Lucinda Schultz and Angie Wonser at AmeriTitle, LLC and Furtura Title & Escrow, LLC, respectively. The monthly reconciliations are reviewed by Debbie Shirley, Corporate Controller, at the corporate offices of AmeriTitle, LLC in Boise, Idaho. No exceptions were noted as a result of this portion of the examination.

**B. ESCROW FILE REVIEW**  
**Idaho Code § 41-2705(3)**  
**IDAPA 18.05.01.021 & 022**

The examination included a review of the escrow files opened during the examination period. 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 the escrow officers. No exceptions were noted as a result of this portion of the examination.

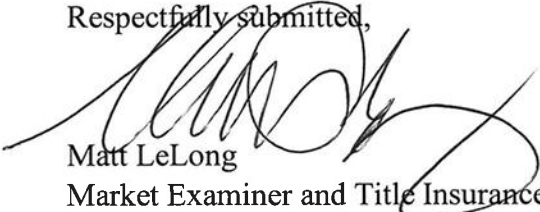
**SUMMARY OF RECOMMENDATIONS**

There were no recommendations as a result of the examination.

**AFFIDAVIT OF EXAMINER**

I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the 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 Agent and its 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.

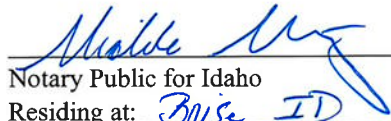
Respectfully submitted,



Matt LeLong  
Market Examiner and Title Insurance Specialist  
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of December, 2023.

MICHELE MUÑOZ  
COMMISSION #20211631  
NOTARY PUBLIC  
STATE OF IDAHO

  
Notary Public for Idaho  
Residing at: Boise ID  
Commission Expires: 03-30-2027

FILED

Feb 12, 2024

Department of Insurance  
State of Idaho

RAÚL LABRADOR  
Attorney General

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*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:

AMERITITLE, LLC.  
[ Bonneville County]

Idaho Title Agency License No. 108479

Docket No. 18-4399-24

**ORDER ADOPTING REPORT  
OF EXCEPTION EXAMINATION  
AS OF DECEMBER 31, 2022**

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 AMERITITLE, LLC [Bonneville County] (“Amerititle”) 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 of Amerititle, LLC [Bonneville County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

**FINDINGS OF FACT**

1. Amerititle is a title agency licensed by the Department to transact title insurance in Bonneville County, Idaho, under Title Agency License No. 108479.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about December 19, 2023. The Department's findings are set forth in the Report. In summary, the examiner found that Amerititle violated the Department's rules as follows:

- The Agent, on two (2) occasions, purchased and provided self-promotional items for the benefit of producers of title business without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules. These actions are in violation of Idaho Code § 41-2710(7) and IDAPA 18.01.56.014.01<sup>1</sup>.

No later than thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they relate to self-promotional items, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.04(a).

Pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7) and IDAPA 18.01.56.014.01, the Department shall assess an administrative penalty in the amount of \$688.26. However, such penalty is hereby deferred subject to the stipulation that the Department retains the right to impose and enforce the deferred penalty should there be a finding of any future violation of these statutes or rules.

- The Agent, on one (1) occasion, purchased and provided refreshments, a total expenditure of \$171.19, during an educational class and self-promotional function held for producers of title business, without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules. This action is in

---

<sup>1</sup> In 2018, when these violations occurred, IDAPA 18.01.56.014.01 (3-29-17) was applicable; this rule was consolidated and re-designated as 18.05.01.031.04(a) in substantial form, effective March 20, 2020.

violation of Idaho Code § 41-2710(7) and IDAPA 18.05.03.014.02(a)<sup>2</sup>.

No later than thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they relate to educational classes and self-promotional functions, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.04(b)(i).

Pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7), and IDAPA 18.05.03.014.02(a), the Department shall assess an administrative penalty in the amount of \$513.57. However, such penalty is hereby deferred subject to the stipulation that the Department retains the right to impose and enforce the deferred penalty should there be a finding of any future violation of these statutes or rules.

- The Agent, on one (1) occasion, expended more than \$100.00 per person per day on business entertainment for producers of title business; and on one (1) occasion, provided business entertainment for more than four (4) persons who are employed by or agents of a single producer of title business. These actions are in violation of IDAPA 18.01.56.015.01<sup>3</sup> and IDAPA 18.05.01.031.05.

No later than thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future business entertainment provided to producers of title is compliant with IDAPA 18.05.01.031.05.

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<sup>2</sup> On August 9, 2019, when this violation occurred, IDAPA 18.05.03.014.02(a) (3-29-17) was applicable; this rule was consolidated and re-designated as 18.05.01.031.04(b)(i) in substantial form, effective March 20, 2020.

<sup>3</sup> One violation occurred when IDAPA 18.01.56.015.01 (3-30-07) was applicable; this rule was consolidated and re-designated as 18.05.01.031.05 in substantial form, effective March 20, 2020.

Pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), IDAPA 18.01.56.015.01 and IDAPA 18.05.01.031.05, these actions constitute violations and administrative penalties are appropriate. However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties based on any future findings of these same violations.

- The Agent, on four (4) occasions, provided items of value, charitable donations as sponsorships, through producers of title business rather than directly to the charity. These actions are in violation of IDAPA 18.01.56.011<sup>4</sup>, 18.05.01.031.01 and Exhibit 1 (1) and (2).<sup>5</sup>

No later than thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future items of value, as they relate to donations and/or sponsorships provided to producers of title business, are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(1) and (2).

Pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), IDAPA 18.01.56.011 and Exhibit 1(1) and (2), and IDAPA 18.05.01.031.01 and Exhibit 1(1) and (2), these actions constitute violations and administrative penalties are appropriate. However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties based on any future finding of the same violations.

- The Agent, on two (2) occasions, purchased and distributed floral arrangements,

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<sup>4 & 5</sup> Two (2) violations occurred when IDAPA 18.01.56.011 and Exhibit 1(1) and (2) were applicable; this rule and Exhibit 1 were consolidated and re-designated as 18.05.01.031.01, and the attachment to rule 18.05.01 Exhibit 1(1) and (2), in substantial form, effective March 20, 2020.

items of value in excess of \$50.00, as condolence gifts for various producers of title business. These actions are in violation of IDAPA 18.05.01.031.01 and Exhibit 1(8).

No later than thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future items of value, as they relate to condolence gifts provided to producers of title business, are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(8).

Pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), IDAPA 18.05.01.031.01 and Exhibit 1(8), these actions constitute violations and administrative penalties are appropriate. However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties based on any future findings of these same violations.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on November 14, 2023, and was transmitted to Amerititle on December 19, 2023. A copy of the Report is attached hereto as Exhibit A.

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

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

#### **CONCLUSIONS OF LAW**

6. Idaho Code § 41-227(5)(a) 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. Amerititle’s actions are considered violations and administrative monetary penalties are appropriate per Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7), IDAPA 18.01.56.011 and Exhibit 1(1) and (2), 18.01.56.014.01, 18.01.56.015.01, 18.05.01.031.01 and Exhibit 1(1), (2) and (8), 18.05.01.031.05, and 18.05.03.014.02(a) However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties should there be a finding of future violations of these rules.

8. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report 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 of Amerititle, LLC [Bonneville County] for the Period January 1, 2018 to December 31, 2022, 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, that the foregoing Findings of Fact and Conclusions of Law are incorporated herein as if set forth in full and is an Order of the Director.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department’s Market Examiner & Title 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 within thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they relate to self-promotional items, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.04(a).

IT IS FURTHER ORDERED, that within thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they relate to educational classes and self-promotional functions, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.04(b)(i).

IT IS FURTHER ORDERED, that within thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future business entertainment provided to producers of title is compliant with IDAPA 18.05.01.031.05.

IT IS FURTHER ORDERED, that within thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future items of value, as they relate to donations and/or sponsorships provided to producers of title business, are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(1) and (2).

IT IS FURTHER ORDERED, that within thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future items of value, as they relate to condolence gifts provided to producers of title business, are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(8).

**IT IS SO ORDERED.**

DATED this 9<sup>th</sup> day of February, 2024.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



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DEAN L. CAMERON  
Director

### NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition 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 may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition 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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 12<sup>th</sup> day of February, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following parties by the designated means:

Amerititle, LLC Larry Matney, President	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:larry.matney@futatitle.com">larry.matney@futatitle.com</a>
Amerititle, LLC Mark Mills, Senior Vice President & CFP	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:mark.mills@futatitle.com">mark.mills@futatitle.com</a>
Amerititle, LLC Debbie Shirley, Controller	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:debbie.shirley@futatitle.com">debbie.shirley@futatitle.com</a>
Amerititle, LLC 1650 Elk Creek Drive Idaho Falls, ID 83404-8349	<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
Shannon Hohl Market Oversight Bureau Chief Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:Shannon.hohl@doi.idaho.gov">Shannon.hohl@doi.idaho.gov</a>
John Keenan Deputy Attorney General Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:john.keenan@doi.idaho.gov">john.keenan@doi.idaho.gov</a>

  
 \_\_\_\_\_  
 Jan Noriyuki  
 Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

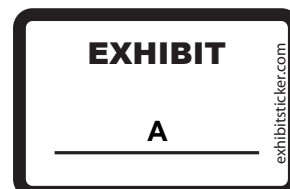
AMERITITLE, LLC

(a title agent limited liability company - license #108479 – Bonneville County)

As of

December 31, 2022

*Equal Opportunity Employer*



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Boise, Idaho  
November 14, 2023

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, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC  
1650 Elk Creek Drive  
Idaho Falls, Idaho 83404-8349  
License #108479 – Bonneville County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

## **FOREWORD**

This is an exception examination report of the practices and procedures of AmeriTitle, LLC an Idaho Title Agent licensed in Bonneville County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (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. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. 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 or was not possible.

## PURPOSE AND SCOPE OF EXAMINATION

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations 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 said title or the rules thereunder.

## EXECUTIVE SUMMARY

- **SECTION II. Advertising and Marketing** (pages 9-15.)  
A total of eleven (11) exceptions were noted as a result of this portion of the examination and comprise all noted exceptions in this examination:

**A. 2 Exceptions:**

- **Idaho Code § 41-2710(7)**

*Regular examination of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules . . .*

- **IDAPA 18.01.56.014.01<sup>1</sup> – Self-Promotional Items.**

*A title entity may distribute self-promotional items having an acquisition value of less than twenty five dollars (\$25) to producers of title business, consumers, and members of the general public. These self-promotional items are limited to novelty gifts, advertising novelties, and generic business forms and specifically do not include food, beverages, or gift certificates, gift card or other items that have a specific monetary value on their face or may be exchanged for any other item that having a specific monetary value.*

**Violations:** The Agent, on two (2) occasions, purchased and provided self-promotional items for the benefit of producers of title business without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules, these actions constitute a violation § 41-2710(7) and IDAPA 18.01.56.014.01.

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<sup>1</sup> In 2018, when these two (2) exceptions occurred, IDAPA 18.01.56.014.01 was applicable. This rule was consolidated and re-designated as 18.05.01.031.04(a) in substantial form, effective March 20, 2020.

**B. 1 Exception:**

- **Idaho Code § 41-2710(7) – Requirements for Agents.**

*Regular examination of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules . . .*

- **IDAPA 18.05.03.014.02(a)<sup>2</sup> – Educational Programs.**

*A title entity is permitted to expend no more than twenty dollars (\$20) per person at an educational program. For purposes of determining the maximum permitted expenditure, all costs associated with the delivery of the educational program shall be considered . . .*

**Violation:** The Agent, on one (1) occasion, purchased and provided refreshments, a total expenditure of \$171.19, during an educational class and self-promotional function held for producers of title business, without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules, this action constitutes a violation of § 41-2710(7) and IDAPA 18.05.03.014.02(a).

**C. 2 Exceptions:**

- **IDAPA 18.01.56.015.01<sup>3</sup> - Permitted Business Entertainment.**

**IDAPA 18.05.01.031.05 – Permitted Business Entertainment.**

*A title entity will not expend more than one hundred dollars (\$100) per person per day for all meals and/or events. . . . In addition, a title entity may entertain no more than four (4) persons who are employed by or agents of any single producer of title business in a single day. . . .*

**Violations:** The Agent, on one (1) occasion, expended more than \$100.00 per person per day on business entertainment for producers of title business; and on one (1) occasion, provided business entertainment for more than four (4) persons who are employed by or agents of a single producer of title business, these actions constitute violations of IDAPA 18.01.56.015.01 and IDAPA 18.05.01.031.05.

**D. 4 Exceptions:**

- **IDAPA 18.01.56.011<sup>4</sup> - Prohibited Things of Value.**

**IDAPA 18.05.01.031.01 – Items of Value.**

*A title entity will not provide items of value to a producer of title business, consumer or member of the general public except as permitted in Sections 031.02, 031.03, 031.04 and 031.05 of this chapter. If a providing of things of value does not clearly fit into the rules in Sections 031.02, 031.03, 031.04, and 031.05, then it is not allowed. . . .*

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<sup>2</sup> In 2019, when this exception occurred, IDAPA 18.05.03.014.02(a) was applicable. This rule was consolidated and re-designated as 18.05.01.031.04(b)(i) in substantial form, effective March 20, 2020.

<sup>3</sup> In 2019, when one (1) of the two (2) exceptions occurred, IDAPA 18.01.56.015.01 was applicable. This rule was consolidated and re-designated as 18.05.01.031.05 in substantial form, effective March 20, 2020

<sup>4</sup> In 2018, when two (2) of the four (4) exceptions occurred, IDAPA 18.01.56.011 and Exhibit 1(1) & (2) were applicable. The rule and Exhibit 1 were consolidated and re-designated as 18.05.01.031.01 and the attachment to rule 18.05.01, Exhibit 1(1) & (2) in substantial form, effective March 20, 2020.

○ **Exhibit 1(1) & (2) – Attachment to Rule 18.05.01.**

*(1) A title entity will not sponsor any activity off its premises unless the producer of title business bears the entire cost of the activity. A title entity will not cosponsor, subsidize, contribute fees, prizes, gifts, or otherwise provide items of value for a promotional function off the title entity's premises regardless whether the function is self-promotional or not; (2) title entity will not sponsor, subsidize, supply prizes or labor, or otherwise provide items of value for promotional activities of producers of title business. This does not prevent a title entity from attending activities of producers of title business if there is no cost to the title entity other than the title entity's own entry fees . . .*

**Violations:** The Agent, on four (4) occasions, provided items of value, charitable donations as sponsorships, through producers of title business rather than directly to the charity, these actions constitute violations of IDAPA 18.01.56.011, 18.05.01.031.01 and Exhibit 1(1) & (2).

**E. 2 Exceptions:**

○ **IDAPA 18.05.01.031.01 - Items of Value.**

*A title entity will not provide items of value to a producer of title business, consumer or member of the general public except as permitted in Sections 031.02, 031.03, 031.04 and 031.05 of this chapter. If a providing of things of value does not clearly fit into the rules in Sections 031.02, 031.03, 031.04, and 031.05, then it is not allowed.*

○ **Exhibit 1(8) – Attachment to Rule 18.05.01.**

*A title entity will not provide gifts or other items of value in excess of fifty dollars (\$50) per year per individual in connection with congratulations or condolences to a producer of title business.*

**Violations:** The Agent, on two (2) occasions, purchased and distributed floral arrangements in excess of \$50.00, items of value, as condolence gifts for various producers of title business, these actions constitute violations of IDAPA 18.05.01.031.01 and Exhibit 1(8).

## **HISTORY AND DESCRIPTION**

Futura Title & Escrow, LLC is the current parent company of both AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. On December 26, 2003, they expanded operations and became licensed as a Title Agent in Bonneville County. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction

of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Bonneville County out of offices in Idaho Falls, Idaho.

## **PRIOR EXAMINATION**

Our examination included a review to determine if the fifty (50) exceptions noted in the preceding report of exception examination dated August 1, 2018, which covered the period of January 1, 2013 to December 31, 2017 were addressed. We determined that the Agent satisfactorily addressed these exceptions.

## **EXAMINATION 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 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

#### **B. CONTRACTING AUTHORITY** **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, and Chicago Title Insurance Company. The underwriting contracts require high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

**C. SURETY BOND**  
**Idaho Code §§ 41-2710(6), 2711**  
**IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance 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 two (2) claims were filed within the examination period. The claims appear to be purported missed encumbrances and/or oversights on the part of employees of the Agent. No exceptions were noted as a result of this portion of the examination.

**II. ADVERTISING AND MARKETING**  
**Idaho Code § 41-2708(3) & (4)**  
**IDAPA 18.05.01.031 & Exhibit 1**

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, 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 for the samples were requested, received, and reviewed.

A total of eleven (11) exceptions were noted as a result of this portion of the examination.

A. Exception numbers one (1) and two (2) were related to self-promotional items and are as follows:

<b>Violation of Idaho Code § 41-2710(7) and IDAPA 18.01.56.014.01</b>		
<b>Exception Number</b>	<b>Date of Expense</b>	<b>Self-Promotional Items</b>
1	April 30, 2018	The Agent purchased and provided a Bluetooth speaker to an unknown recipient, a total expenditure of \$79.42, as a gift and self-promotional item without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules.
2	November 26, 2018	The Agent purchased a \$150.00 Sandpiper Restaurant gift card, a total expenditure of \$150.00, naming Dakri Bernard Realty, a producer of title business, as the recipient without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules.

Idaho Code § 41-2710(7) states in relevant part: “**Requirements for Agents.** *Regular examination of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules . . .*”

IDAPA 18.01.56.014.01 states in relevant part: “**Self-Promotional Items.** *A title entity may distribute self-promotional items having an acquisition value of less than twenty five dollars (\$25) to producers of title business, consumers, and members of the general public. These self-promotional items are limited to novelty gifts, advertising novelties, and generic business forms and specifically do not include food, beverages, or gift certificates, gift card or other items that have a specific monetary value on their face or may be exchanged for any other item that having a specific monetary value. . . .*”

**Violations:** The Agent, on two (2) occasions, was in violation of Idaho Code § 41-2710(7) and IDAPA 18.01.56.014.01<sup>5</sup> for purchasing and providing self-promotional items, a total expenditure of \$229.42, as gifts for producers of title business, without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules.

The following preface provides context to recommendations below: The Agent’s preceding report of exception examination dated August 1, 2018, comprised fifty (50) exceptions related to not properly maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules. No administrative penalties were imposed at that time, as it was the first instance of these violations. A recurrence of these violations may result in future administrative penalties.

**Recommendations:** It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they relate to self-promotional items, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.04(a).

It is recommended, pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7), and IDAPA 18.01.56.014.01, that an order for administrative penalty in the amount of \$688.26 be imposed at this time.

However, procedural improvements appear to have been implemented by the Agent; therefore, it is further recommended that such penalty be deferred subject to the stipulation that the Department retains the right to impose and enforce deferred penalty should there be a finding of any future violation of these statutes or rules.

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<sup>5</sup> In 2018, when these violations occurred, IDAPA 18.01.56.014.01 (3-29-17) was applicable. This rule was consolidated and re-designated as 18.05.01.031.04(a) in substantial form, effective March 20, 2020.

B. Exception number three (3) was related to an educational program and self-promotional function held for producers of title business and is as follows:

Violation of Idaho Code § 41-2710(7) and IDAPA 18.05.03.014.02(a)		
Exception Number	Date of Expense	Educational Programs (Self-Promotional Functions)
3	August 9, 2019	The Agent purchased and provided Chick-fil-A, a total expenditure of \$171.19, during an educational class and self-promotional function held for Keller Williams Realty, a producer of title business, without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules.

Idaho Code § 41-2710(7) states in relevant part: “**Requirements for Agents.** Regular examination of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules . . .”

IDAPA 18.05.03.014.02(a) states in relevant part: “Educational programs – a title entity is permitted to expend no more than twenty dollars (\$20) per person at an educational program. For purposes of determining the maximum permitted expenditure, all costs associated with the delivery of the educational program shall be considered . . .”

**Violation:** The Agent, on one (1) occasion, was in violation of Idaho Code § 41-2710(7) and IDAPA 18.05.03.014.02(a)<sup>6</sup> for purchasing and providing refreshments, a total expenditure of \$171.19, during an educational class and self-promotional function held for producers of title business, without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules.

The following preface provides context to recommendations below: The Agent’s preceding report of exception examination dated August 1, 2018, comprised fifty (50) exceptions related to not properly maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules. No administrative penalties were imposed at that time, as it was the first instance of these violations. A recurrence of these violations may result in future administrative penalties.

**Recommendations:** It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they relate to educational classes and self-promotional functions, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.04(b)(i).

It is recommended, pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7), and IDAPA 18.05.03.014.02(a), that an order for administrative penalty in the amount of \$513.57 be imposed at this time.

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<sup>6</sup>On August 9, 2019, when this violation occurred, IDAPA 18.05.03.014.02(a) (3-29-17) was applicable. This rule was consolidated and re-designated as 18.05.01.031.04(b)(i) in substantial form, effective March 20, 2020.

However, procedural improvements appear to have been implemented by the Agent; therefore, it is further recommended that such penalty be deferred subject to the stipulation that the Department retains the right to impose and enforce deferred penalty should there be a finding of any future violation of these statutes or rules.

C. Exception numbers four (4) and five (5) were related to business entertainment provided to producers of title business and are as follows:

Violation of IDAPA 18.01.56.015.01 and IDAPA 18.05.01.031.05		
Exception Number	Date of Expense	Business Entertainment
4	June 17, 2019	The Agent provided business entertainment for a total of four (4) persons at the Westmark Charity Golf Tournament, with a \$175.00 cost per person and total expenditure of \$700.00. One (1) of the four (4) persons entertained was employed by or an agent of Westmark Credit Union, a producer of title business, resulting in a \$75.00 inducement to a producer of title business.
5	April 5, 2022	The Agent provided business entertainment at Idaho Rib & Chophouse, a total expenditure of \$379.98, for more than four (4) persons who are employed by or agents of a single producer of title business, Real Broker, LLC.

IDAPA 18.01.56.015.01 states in relevant part: *“Meals and Events. A title entity shall not expend more than one hundred dollars (\$100) per person per day for all meals and/or events. Meals and events shall include, but not be limited to, breakfast, brunch, lunch, dinner, cocktails, sporting events, sporting activities, trips and music and art events. . . .”*

IDAPA 18.05.01.031.05 states in relevant part: *“Permitted Business Entertainment. A title entity will not expend more than one hundred dollars (\$100) per person per day for all meals and/or events. . . . In addition, a title entity may entertain no more than four (4) persons who are employed by or agents of any single producer of title business in a single day.”*

**Violations:** The Agent, on one (1) occasion, was in violation of IDAPA 18.01.56.015.01<sup>7</sup> for expending more than \$100.00 per person per day on business entertainment, a total expenditure of \$175.00, for a producer of title business; and on one (1) occasion, was in violation of IDAPA 18.05.01.031.05 for providing business entertainment for more than four (4) persons who are employed by or agents of a single producer of title business.

**Recommendations:** It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to ensure future business entertainment provided to producers of title is compliant with IDAPA 18.05.01.031.05.

<sup>7</sup> On June 17, 2019, when this violation occurred, IDAPA 18.01.56.015.01 was applicable. This rule was consolidated and re-designated as 18.05.01.031.05 in substantial form, effective March 20, 2020

It is recommended, as this is the first instance of these violations, that no administrative penalties be imposed at this time, with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

- D. Exception numbers six (6) through nine (9) were related to items of value, as they relate to donations as sponsorships, provided through producers of title business rather than directly to the charity and are as follows:

<b>Violation of IDAPA 18.01.56.011, IDAPA 18.05.01.031.01, and Exhibit 1(1) &amp; (2)</b>		
<b>Exception Number</b>	<b>Date of Expense</b>	<b>Prohibited Things of Value / Items of Value</b>
6	April 4, 2018	The Agent, during a charity golf tournament, provided a \$140.00 donation as a sponsorship, prohibited things of value, through East Idaho Central Credit Union, a producer of title business, rather than directly to the charity, Kicks for Kids.
7	July 18, 2018	The Agent, during a charity golf tournament, provided a \$300.00 donation as a sponsorship, prohibited things of value, through Westmark Credit Union, a producer of title business, rather than directly to the charity, Credit Unions for Kids Charity.
8	April 4, 2022	The Agent, during a charity golf tournament, provided a \$770.35 donation as a sponsorship, items of value, through Westmark Credit Union, a producer of title business, rather than directly to the charity, Credit Unions for Kids Charity.
9	June 8, 2022	The Agent, during a charity golf tournament, provided a \$2,100.00 donation as a sponsorship, items of value, through Bank of Idaho, a producer of title business, rather than directly to the charity, CEI Foundation.

IDAPA 18.01.56.011 states: *“**Prohibited Things of Value.** A title entity shall not provide things of value to a producer of title business, consumer or member of the general public except as permitted in Sections 012, 013, 014, and 015 of this chapter. If a providing of things of value does not clearly fit into the above four rules, then it is a prohibited act. Exhibit 1, attached hereto, is a partial, but not all - inclusive, list of acts and practices which are considered illegal inducements prohibited by Title 41, Idaho Code (the Idaho Insurance Code).”*

IDAPA 18.05.01.031.01 states: *“**Items of Value.** A title entity will not provide items of value to a producer of title business, consumer or member of the general public except as permitted in Sections 031.02, 031.03, 031.04 and 031.05 of this chapter. If a providing of things of value does not clearly fit into the rules in Sections 031.02, 031.03, 031.04, and 031.05, then it is not allowed. Exhibit 1, located on our website at <https://doi.idaho.gov/>, is a partial, but not all-inclusive, list of acts and practices that are considered illegal inducements disallowed by Title 41, Idaho Code.”*

Exhibit 1(1) states in relevant part: *“A title entity will not sponsor any activity off its premises unless the producer of title business bears the entire cost of the activity. A title entity will not cosponsor, subsidize, contribute fees, prizes, gifts, or otherwise provide items of value for a*

*promotional function off the title entity's premises regardless whether the function is self-promotional or not. Off premises functions/activities include, but are not limited to, . . . sporting events of all kinds, gambling trips, hunting trips or outings, golf tournaments . . .”*

Exhibit 1(2) states in relevant part: “*A title entity will not sponsor, subsidize, supply prizes or labor, or otherwise provide items of value for promotional activities of producers of title business.*”

**Violations:** The Agent, on two (2) occasions, was in violation of IDAPA 18.01.56.011 and Exhibit 1(1) & (2)<sup>8</sup>; and on two (2) occasions, was in violation of IDAPA 18.05.01.031.01 and Exhibit 1(1) & (2) for providing items of value, charitable donations as sponsorships, through producers of title business rather than directly to the charity.

**Recommendations:** It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to ensure future items of value, as they relate to donations as sponsorships, provided to producers of title business are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(1) & (2).

It is recommended, as this is the first instance of these violations, that no administrative penalties be imposed at this time, with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

E. Exception numbers ten (10) and eleven (11) were related to items of value, as they relate to condolence gifts, and are as follows:

Violation of IDAPA 18.05.01.031.01 and Exhibit 1(8)		
Exception Number	Date of Expense	Items of Value
10	October 14, 2020	The Agent purchased a floral arrangement from Floral Classics for a total expenditure of \$92.16, an item of value in excess of \$50.00, and provided it as a condolence gift to a producer of title business.
11	January 5, 2021	The Agent purchased three (3) floral arrangements from Dellart/Atkin Floral Center for a total expenditure of \$325.27, items of value in excess of \$50.00 each, and provided them as a condolence gifts to producers of title business.

IDAPA 18.05.01.031.01 prescribes “**Items of Value**” and states: “*A title entity will not provide items of value to a producer of title business, consumer or member of the general public except as permitted in Sections 031.02, 031.03, 031.04 and 031.05 of this chapter. If a providing of things of value does not clearly fit into the rules in Sections 031.02, 031.03, 031.04, and 031.05, then it is not allowed. Exhibit 1, located on our website at <https://doi.idaho.gov/>, is a partial, but not all-*

<sup>8</sup> On April 4, 2018 and July 18, 2018, when these two (2) violations occurred, IDAPA 18.01.56.011 and Exhibit 1(1) & (2) were applicable. The rule and Exhibit 1 were consolidated and re-designated as 18.05.01.031.01 and the attachment to rule 18.05.01, Exhibit 1(1) & (2) in substantial form, effective March 20, 2020.

*inclusive, list of acts and practices that are considered illegal inducements disallowed by Title 41, Idaho Code.”*

Exhibit 1(8), the attachment to rule 18.05.01 states: “*A title entity will not provide gifts or other items of value in excess of fifty dollars (\$50) per year per individual in connection with congratulations or condolences to a producer of title business.*”

**Violations:** The Agent, on two (2) occasions, was in violation of IDAPA 18.05.01.031.01 and Exhibit 1(8) for providing items of value, condolence gifts in excess of \$50.00, to producers of title business.

**Recommendations:** It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to ensure future items of value, as they relate to condolence gifts, provided to producers of title business are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(8).

It is recommended, as this is the first instance of these violations, that no administrative penalties be imposed at this time, with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

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

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

**IDAPA 18.05.01.012, 013 & Exhibit 1(9)**

The title department is managed by Brynne Hansen and is comprised of five (5) Title Officers and one (1) Title Assistant. The Agent owns the Bonneville County title plant, and its sister company, Alliance Title & Escrow, LLC, posts and maintains the title plant on their behalf. 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, 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 escrow department is managed by Darci Davis and is comprised of four (4) Escrow Officers and two (2) Escrow Assistants.

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

**IDAPA 18.05.01.021.04, 05 & 09**

The 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 fiduciary accounts are balanced on a daily basis and reconciled on a monthly basis by Lucinda Schultz and Angie Wonser at AmeriTitle, LLC and

Furtura Title & Escrow, LLC, respectively. The monthly reconciliations are reviewed by Debbie Shirley, Corporate Controller, at the corporate offices of AmeriTitle, LLC in Boise, Idaho. No exceptions were noted as a result of this portion of the examination.

**B. ESCROW FILE REVIEW**  
**Idaho Code § 41-2705(3)**  
**IDAPA 18.05.01.021 & 022**

The examination included a review of the escrow files opened during the examination period. 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 the escrow officers. No exceptions were noted as a result of this portion of the examination.

**SUMMARY OF RECOMMENDATIONS**

The recommendations made below identify corrective measures the Department finds necessary as a result of the exceptions noted in this Report of Exception Examination (“Report”). Location in the Report is referenced below in parenthesis.

- **SECTION II. Advertising and Marketing** (pages 9-15.)
  - A. It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they relate to self-promotional items, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.04(a).

It is recommended, pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7), and IDAPA 18.01.56.014.01<sup>9</sup>, that an order for administrative penalty in the amount of \$688.26 be imposed at this time.

It is further recommended that such penalty be deferred subject to the stipulation that the Department retains the right to impose and enforce deferred penalty should there be a finding of any future violation of these statutes or rules.
  - B. It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they relate to educational classes and self-promotional functions, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.04(b)(i).

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<sup>9</sup> Ibid., pp. 5,10.

It is recommended, pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7), and IDAPA 18.05.03.014.02(a)<sup>10</sup>, that an order for administrative penalty in the amount of \$513.57 be imposed at this time.

It is further recommended that such penalty be deferred subject to the stipulation that the Department retains the right to impose and enforce deferred penalty should there be a finding of any future violation of these statutes or rules.

- C. It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to ensure future business entertainment provided to producers of title is compliant with IDAPA 18.05.01.031.05.

It is recommended that no administrative penalties be imposed at this time, with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

- D. It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to ensure future items of value, as they relate to donations as sponsorships, provided to producers of title business are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(1) & (2).

It is recommended that no administrative penalties be imposed at this time, with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

- E. It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to ensure future items of value, as they relate to condolence gifts, provided to producers of title business are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(8).

It is recommended that no administrative penalties be imposed at this time, with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

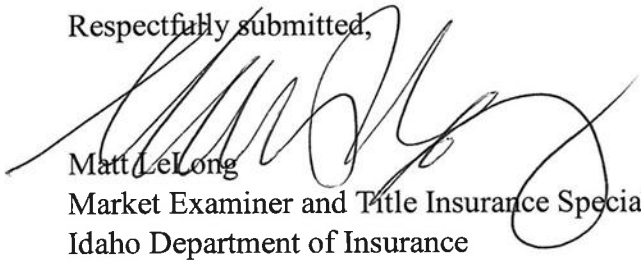
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<sup>10</sup> Ibid., pp. 6, 11.

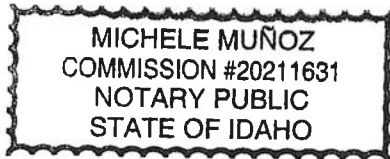
**AFFIDAVIT OF EXAMINER**


I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the 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 Agent and its 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,

  
Matt LeLong  
Market Examiner and Title Insurance Specialist  
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of December, 2023.



  
Notary Public for Idaho  
Residing at: Boise, ID  
Commission Expires: 03-30-2027

## **PENALTY, STIPULATIONS AND APPEAL NOTIFICATION**

This matter comes before the 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 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:

- A.** The Agent, on two (2) occasions, purchased and provided self-promotional items, a total expenditure of \$229.42, as gifts to producers of title business without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules. These actions constitute violations of Idaho Code § 41-2710(7) and IDAPA 18.01.56.014.01<sup>11</sup>.

Pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7), and IDAPA 18.01.56.014.01, the Department shall assess an administrative penalty in the amount of \$688.26. However, such penalty is hereby deferred subject to the stipulation that the Department retains the right to impose and enforce deferred penalty should there be a finding of any future violation of these statutes or rules.

No later than thirty (30) days from the date the Final Order is adopted the Agent is required to submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they relate to self-promotional items, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.04(a).

- B.** The Agent, on one (1) occasion, purchased and provided refreshments, a total expenditure of \$171.19, during an educational class and self-promotional function held for producers of title business without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules. This action constitutes a violation of § 41-2710(7) and IDAPA 18.05.03.014.02(a)<sup>12</sup>.

Pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7), and IDAPA 18.05.03.014.02(a), the Department shall assess an administrative penalty in the amount of \$513.57. However, such penalty is hereby deferred subject to the stipulation that the Department retains the right to impose and enforce deferred penalty should there be a finding of any future violation of these statutes or rules.

No later than thirty (30) days from the date the Final Order is adopted the Agent is required to submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they

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<sup>11</sup> Ibid., pp. 5, 10.

<sup>12</sup> Ibid., pp. 6, 11.

relate to educational classes and self-promotional functions, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.04(b)(i).

- C. The Agent, on one (1) occasion, expended more than \$100.00 per person per day on business entertainment, a total expenditure of \$175.00, for a producer of title business; and on one (1) occasion, provided business entertainment for more than four (4) persons who are employed by or agents of a single producer of title business. These actions constitute violations and administrative penalties are appropriate pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), IDAPA 18.01.56.015.01<sup>13</sup> and IDAPA 18.05.01.031.05. However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

No later than thirty (30) days from the date the Final Order is adopted the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future business entertainment provided to producers of title is compliant with IDAPA 18.05.01.031.05.

- D. The Agent, on four (4) occasions, provided charitable donations and/or sponsorships through producers of title business, items of value, rather than directly to the charity. These actions constitute violations and administrative penalties are appropriate pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), IDAPA 18.01.56.011 and Exhibit 1(1) & (2)<sup>14</sup>, and IDAPA 18.05.01.031.01 and Exhibit 1(1) & (2). However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

No later than thirty (30) days from the date the Final Order is adopted the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future items of value, as they relate to donations and/or sponsorships, provided to producers of title business are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(1) & (2).

- E. The Agent, on two (2) occasions, purchased and provided condolence gifts in excess of \$50.00, items of value and a total expenditure of \$417.43, to producers of title business. These actions constitute violations and administrative penalties are appropriate pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), and IDAPA 18.05.01.031.01 and Exhibit 1(8). However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

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<sup>13</sup> Ibid., pp. 6, 12.

<sup>14</sup> Ibid., pp. 6, 14.

No later than thirty (30) days from the date the Final Order is adopted the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future items of value, as they relate to condolence gifts, provided to producers of title business are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(8).

FILED

Feb 12, 2024

Department of Insurance  
State of Idaho

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Attorney General

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*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:

AMERITITLE, LLC.  
[Canyon County]

Idaho Title Agency License No. 455693

Docket No. 18-4399-24

**ORDER ADOPTING REPORT  
OF EXCEPTION EXAMINATION  
AS OF DECEMBER 31, 2022**

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 AMERITITLE, LLC [Canyon County] (“Amerititle”) 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 of Amerititle, LLC [Canyon County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

**FINDINGS OF FACT**

1. Amerititle is a title agency licensed by the Department to transact title insurance in Canyon County, Idaho, under Title Agency License No. 455693.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about December 19, 2023. 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 November 14, 2023, and was transmitted to Amerititle on December 19, 2023. A copy of the Report is attached hereto as Exhibit A.

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

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

### **CONCLUSIONS OF LAW**

6. Idaho Code § 41-227(5)(a) 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 Amerititle, the comments and recommendations contained in the Report 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 of Amerititle, LLC [Canyon County] for the Period January 1, 2018 to December 31, 2022, 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, Amerititle 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 SO ORDERED.**

DATED this 9<sup>th</sup> day of February, 2024.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



DEAN L. CAMERON  
Director

### **NOTIFICATION OF RIGHTS**

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition 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 may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition 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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 12<sup>th</sup> day of February, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following parties by the designated means:

Amerititle, LLC Larry Matney, President	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:larry.matney@futatitle.com">larry.matney@futatitle.com</a>
Amerititle, LLC Mark Mills, Senior Vice President & CFP	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:mark.mills@futatitle.com">mark.mills@futatitle.com</a>
Amerititle, LLC Debbie Shirley, Controller	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:debbie.shirley@futatitle.com">debbie.shirley@futatitle.com</a>
Amerititle, LLC 128 East Main Street Weiser, ID 83672-2535	<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
Shannon Hohl Market Oversight Bureau Chief Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:Shannon.hohl@doi.idaho.gov">Shannon.hohl@doi.idaho.gov</a>
John Keenan Deputy Attorney General Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:john.keenan@doi.idaho.gov">john.keenan@doi.idaho.gov</a>

  
 \_\_\_\_\_  
 Jan Noriyuki  
 Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

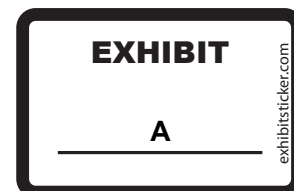
AMERITITLE, LLC

(a title agent limited liability company - license #455693 – Canyon County)

As of

December 31, 2022

*Equal Opportunity Employer*



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Boise, Idaho  
November 14, 2023

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, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC  
128 East Main Street  
Weiser, Idaho 83672-2535  
License #455693 – Canyon County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

## **FOREWORD**

This is an exception examination report of the practices and procedures of AmeriTitle, LLC, an Idaho Title Agent licensed in Canyon County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (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. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

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This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. 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 or was not possible.

## **PURPOSE AND SCOPE OF EXAMINATION**

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations 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 said title or the rules thereunder.

## **EXECUTIVE SUMMARY**

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

## **HISTORY AND DESCRIPTION**

Futura Title & Escrow, LLC is the current parent company of AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. On August 19, 2013, they expanded operations and became licensed as a Title Agent in Canyon County. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Canyon County out of offices in Weiser, Idaho.

## **PRIOR EXAMINATION**

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

## **EXAMINATION 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 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

#### **B. CONTRACTING AUTHORITY** **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, Chicago Title Insurance Company, Westcor Land Title Insurance Company, and WFG National Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

#### **C. SURETY BOND** **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance 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 no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

**II. ADVERTISING AND MARKETING**  
**Idaho Code § 41-2708(3) & (4)**  
**IDAPA 18.05.01.031 & Exhibit 1**

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, 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 for the samples were requested, received, and reviewed. No exceptions were noted as a result of this portion of the examination.

**III. TITLE FILE REVIEW**  
**Idaho Code §§ 41-2702, 2708 & 2709**  
**IDAPA 18.05.01.012, 013 & Exhibit 1(9)**

The title department is managed by Richard Hajek, Jr. and is comprised of one (1) Title Officer. The Agent leases the Canyon County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the 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, 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 Agent does not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

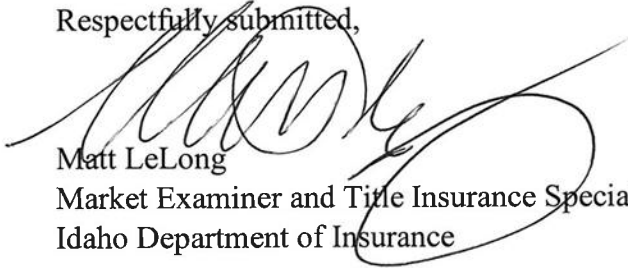
**SUMMARY OF RECOMMENDATIONS**

There were no recommendations as a result of the examination.

**AFFIDAVIT OF EXAMINER**


I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the 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 Agent and its 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,



Matt LeLong  
Market Examiner and Title Insurance Specialist  
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of December, 2023.



Notary Public for Idaho  
Residing at: Boise ID  
Commission Expires: 03-30-2027

FILED

Feb 12, 2024

Department of Insurance  
State of Idaho

RAÚL LABRADOR  
Attorney General

MATT K. STEEN – ISB No. 10285  
Deputy Attorney General  
Idaho Department of Insurance  
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P.O. Box 83720  
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Telephone: (208) 334-4204  
Facsimile: (208) 334-4298  
[matt.steen@doi.idaho.gov](mailto:matt.steen@doi.idaho.gov)

*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:

AMERITITLE, LLC.  
[Fremont County]

Idaho Title Agency License No. 455714

Docket No. 18-4399-24

**ORDER ADOPTING REPORT  
OF EXCEPTION EXAMINATION  
AS OF DECEMBER 31, 2022**

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 AMERITITLE, LLC [Fremont County] (“Amerititle”) 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 of Amerititle, LLC [Fremont County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

**FINDINGS OF FACT**

1. Amerititle is a title agency licensed by the Department to transact title insurance in Fremont County, Idaho, under Title Agency License No. 455714.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about December 19, 2023. 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 November 14, 2023, and was transmitted to Amerititle on December 19, 2023. A copy of the Report is attached hereto as Exhibit A.

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

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

### **CONCLUSIONS OF LAW**

6. Idaho Code § 41-227(5)(a) 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 Amerititle, the comments and recommendations contained in the Report 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 of Amerititle, LLC [Fremont County] for the Period January 1, 2018 to December 31, 2022, 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, Amerititle 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 SO ORDERED.**

DATED this 9<sup>th</sup> day of February, 2024.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



DEAN L. CAMERON  
Director

### NOTIFICATION OF RIGHTS


This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition 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 may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition 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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 12<sup>th</sup> day of February, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following parties by the designated means:

Amerititle, LLC Larry Matney, President	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:larry.matney@futatitle.com">larry.matney@futatitle.com</a>
Amerititle, LLC Mark Mills, Senior Vice President & CFP	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:mark.mills@futatitle.com">mark.mills@futatitle.com</a>
Amerititle, LLC Debbie Shirley, Controller	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:debbie.shirley@futatitle.com">debbie.shirley@futatitle.com</a>
Amerititle, LLC 1650 Elk Creek Drive Idaho Falls, ID 83404-8349	<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
Shannon Hohl Market Oversight Bureau Chief Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:Shannon.hohl@doi.idaho.gov">Shannon.hohl@doi.idaho.gov</a>
John Keenan Deputy Attorney General Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:john.keenan@doi.idaho.gov">john.keenan@doi.idaho.gov</a>

  
 \_\_\_\_\_  
 Jan Noriyuki  
 Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

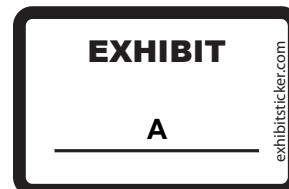
AMERITITLE, LLC

(a title agent limited liability company - license #455714 – Fremont County)

As of

December 31, 2022

*Equal Opportunity Employer*



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**D. CLAIMS**  
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The Agent reported no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

**II. ADVERTISING AND MARKETING**  
**Idaho Code § 41-2708(3) & (4)**  
**IDAPA 18.05.01.031 & Exhibit 1**

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

The Agent does not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

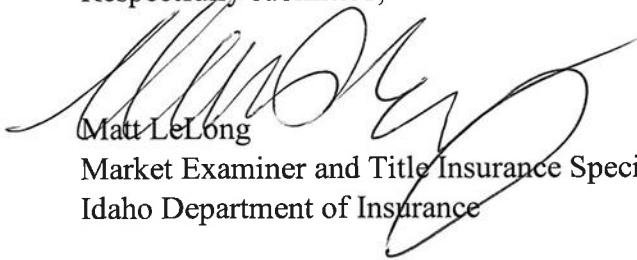
**SUMMARY OF RECOMMENDATIONS**

There were no recommendations as a result of the examination.

**AFFIDAVIT OF EXAMINER**


I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the 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 Agent and its 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,

  
Matt LeLong  
Market Examiner and Title Insurance Specialist  
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of December, 2023.

MICHELE MUÑOZ  
COMMISSION #20211631  
NOTARY PUBLIC  
STATE OF IDAHO

  
Notary Public for Idaho  
Residing at: Boise ID  
Commission Expires: 03-30-2027

RAÚL LABRADOR  
Attorney General

FILED

Feb 12, 2024

MATT K. STEEN – ISB No. 10285  
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Idaho Department of Insurance  
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[matt.steen@doi.idaho.gov](mailto:matt.steen@doi.idaho.gov)

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:

AMERITITLE, LLC.  
[Jefferson County]

Idaho Title Agency License No. 108481

Docket No. 18-4399-24

**ORDER ADOPTING REPORT  
OF EXCEPTION EXAMINATION  
AS OF DECEMBER 31, 2022**

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 AMERITITLE, LLC [Jefferson County] (“Amerititle”) 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 of Amerititle, LLC [Jefferson County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

**FINDINGS OF FACT**

1. Amerititle is a title agency licensed by the Department to transact title insurance in Jefferson County, Idaho, under Title Agency License No. 108481.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about December 19, 2023. 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 November 14, 2023, and was transmitted to Amerititle on December 19, 2023. A copy of the Report is attached hereto as Exhibit A.

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

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

#### **CONCLUSIONS OF LAW**

6. Idaho Code § 41-227(5)(a) 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 Amerititle, the comments and recommendations contained in the Report 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 of Amerititle, LLC [Jefferson County] for the Period January 1, 2018 to December 31, 2022, 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, Amerititle 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 SO ORDERED.**

DATED this 9<sup>th</sup> day of February, 2024.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



DEAN L. CAMERON  
Director

### **NOTIFICATION OF RIGHTS**

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition 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 may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition 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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 12<sup>th</sup> day of February, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following parties by the designated means:

Amerititle, LLC Larry Matney, President	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:larry.matney@futatitle.com">larry.matney@futatitle.com</a>
Amerititle, LLC Mark Mills, Senior Vice President & CFP	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:mark.mills@futatitle.com">mark.mills@futatitle.com</a>
Amerititle, LLC Debbie Shirley, Controller	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:debbie.shirley@futatitle.com">debbie.shirley@futatitle.com</a>
Amerititle, LLC 480 Rigby Lake Drive Rigby, ID 83442	<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
Shannon Hohl Market Oversight Bureau Chief Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:Shannon.hohl@doi.idaho.gov">Shannon.hohl@doi.idaho.gov</a>
John Keenan Deputy Attorney General Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:john.keenan@doi.idaho.gov">john.keenan@doi.idaho.gov</a>

  
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 Jan Noriyuki  
 Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

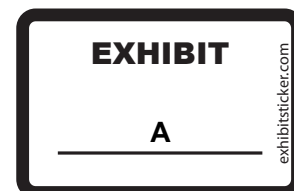
AMERITITLE, LLC

(a title agent limited liability company - license #108481 – Jefferson County)

As of

December 31, 2022

*Equal Opportunity Employer*



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Boise, Idaho  
November 14, 2023

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, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC  
480 Rigby Lake Drive  
Rigby, Idaho 83442  
License #108481 – Jefferson County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

## **FOREWORD**

This is an exception examination report of the practices and procedures of AmeriTitle, LLC an Idaho Title Agent licensed in Jefferson County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (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. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. 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 or was not possible.

## **PURPOSE AND SCOPE OF EXAMINATION**

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations 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 said title or the rules thereunder.

## **EXECUTIVE SUMMARY**

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

## **HISTORY AND DESCRIPTION**

Futura Title & Escrow, LLC is the current parent company of both AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. On December 26, 2003, they expanded operations and became licensed as a Title Agent in Jefferson County. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Jefferson County out of offices in Rigby, Idaho.

## **PRIOR EXAMINATION**

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

## **EXAMINATION 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 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

#### **B. CONTRACTING AUTHORITY** **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, and Chicago Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

#### **C. SURETY BOND** **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance 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 no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

**II. ADVERTISING AND MARKETING**  
**Idaho Code § 41-2708(3) & (4)**  
**IDAPA 18.05.01.031 & Exhibit 1**

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, 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 for the samples were requested, received, and reviewed. No exceptions were noted as a result of this portion of the examination.

**III. TITLE FILE REVIEW**  
**Idaho Code §§ 41-2702, 2708 & 2709**  
**IDAPA 18.05.01.012, 013 & Exhibit 1(9)**

The title department is managed by Brynne Hansen and is comprised of five (5) Title Officers and one (1) Title Assistant. The Agent leases the Jefferson County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the 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, 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 escrow department is managed by Darci Davis and is comprised of five (5) Escrow Officers and four (4) Escrow Assistants.

**A. FIDUCIARY ACCOUNTS**  
**IDAPA 18.05.01.021.04, 05 & 09**

The 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 fiduciary accounts are balanced on a daily basis and reconciled on a monthly basis by Lucinda Schultz and Angie Wonser at AmeriTitle, LLC and Furtura Title & Escrow, LLC, respectively. The monthly reconciliations are reviewed by Debbie Shirley, Corporate Controller, at the corporate offices of AmeriTitle, LLC in Boise, Idaho. No exceptions were noted as a result of this portion of the examination.

**B. ESCROW FILE REVIEW**  
**Idaho Code § 41-2705(3)**  
**IDAPA 18.05.01.021 & 022**

The examination included a review of the escrow files opened during the examination period. 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 the escrow officers. No exceptions were noted as a result of this portion of the examination.

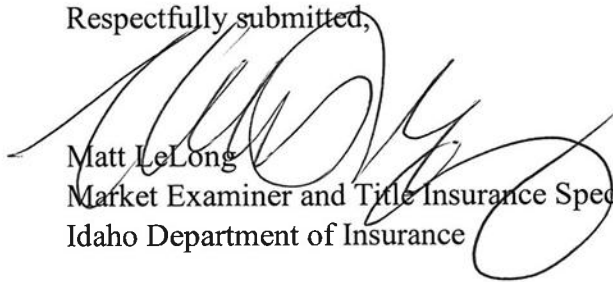
**SUMMARY OF RECOMMENDATIONS**

There were no recommendations as a result of the examination.

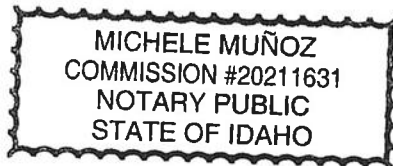
**AFFIDAVIT OF EXAMINER**

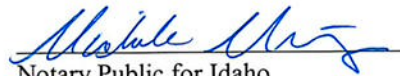
I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the 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 Agent and its 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,

  
Matt LeLong  
Market Examiner and Title Insurance Specialist  
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of December, 2023.



  
Notary Public for Idaho  
Residing at: Boise ID  
Commission Expires: 03-30-2027

RAÚL LABRADOR  
Attorney General

FILED

Feb 12, 2024

Department of Insurance  
State of Idaho

MATT K. STEEN – ISB No. 10285  
Deputy Attorney General  
Idaho Department of Insurance  
700 W. State Street, 3<sup>rd</sup> Floor  
P.O. Box 83720  
Boise, Idaho 83720-0043  
Telephone: (208) 334-4204  
Facsimile: (208) 334-4298  
[matt.steen@doi.idaho.gov](mailto:matt.steen@doi.idaho.gov)

*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:

AMERITITLE, LLC.  
[Madison County]

Idaho Title Agency License No. 288800

Docket No. 18-4399-24

**ORDER ADOPTING REPORT  
OF EXCEPTION EXAMINATION  
AS OF DECEMBER 31, 2022**

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 AMERITITLE, LLC [Madison County] (“Amerititle”) 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 of Amerititle, LLC [Madison County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

**FINDINGS OF FACT**

1. Amerititle is a title agency licensed by the Department to transact title insurance in Madison County, Idaho, under Title Agency License No. 288800.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about December 19, 2023. 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 November 14, 2023, and was transmitted to Amerititle on December 19, 2023. A copy of the Report is attached hereto as Exhibit A.

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

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

### **CONCLUSIONS OF LAW**

6. Idaho Code § 41-227(5)(a) 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 Amerititle, the comments and recommendations contained in the Report 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 of Amerititle, LLC [Madison County] for the Period January 1, 2018 to December 31, 2022, 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, Amerititle 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 SO ORDERED.**

DATED this 9<sup>th</sup> day of February, 2024.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



DEAN L. CAMERON  
Director

### NOTIFICATION OF RIGHTS

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition 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 may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition 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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 12<sup>th</sup> day of February, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following parties by the designated means:

Amerititle, LLC Larry Matney, President	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:larry.matney@futatitle.com">larry.matney@futatitle.com</a>
Amerititle, LLC Mark Mills, Senior Vice President & CFP	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:mark.mills@futatitle.com">mark.mills@futatitle.com</a>
Amerititle, LLC Debbie Shirley, Controller	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:debbie.shirley@futatitle.com">debbie.shirley@futatitle.com</a>
Amerititle, LLC 127 East Main Street, Suite A-2 Rexburg, ID 83440-1911	<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
Shannon Hohl Market Oversight Bureau Chief Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:Shannon.hohl@doi.idaho.gov">Shannon.hohl@doi.idaho.gov</a>
John Keenan Deputy Attorney General Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:john.keenan@doi.idaho.gov">john.keenan@doi.idaho.gov</a>

  
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 Jan Noriyuki  
 Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

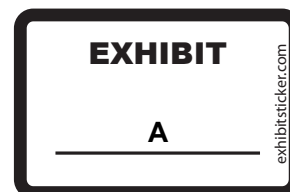
AMERITITLE, LLC

(a title agent limited liability company - license #288800 – Madison County)

As of

December 31, 2022

*Equal Opportunity Employer*



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Boise, Idaho  
November 14, 2023

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, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC  
127 East Main Street, Suite A-2  
Rexburg, Idaho 83440-1911  
License #288800 – Madison County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

## **FOREWORD**

This is an exception examination report of the practices and procedures of AmeriTitle, LLC an Idaho Title Agent licensed in Madison County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (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. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. 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 or was not possible.

## **PURPOSE AND SCOPE OF EXAMINATION**

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations 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 said title or the rules thereunder.

## **EXECUTIVE SUMMARY**

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

## **HISTORY AND DESCRIPTION**

Futura Title & Escrow, LLC is the current parent company of both AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County by the Idaho Department of Insurance. On June 18, 2008, they expanded operations and became licensed in Madison County by the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Madison County out of offices in Rexburg, Idaho.

## **PRIOR EXAMINATION**

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

## **EXAMINATION 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 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

#### **B. CONTRACTING AUTHORITY** **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, and Chicago Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

#### **C. SURETY BOND** **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance 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 no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

**II. ADVERTISING AND MARKETING**  
**Idaho Code § 41-2708(3) & (4)**  
**IDAPA 18.05.01.031 & Exhibit 1**

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, 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 for the samples were requested, received, and reviewed. No exceptions were noted as a result of this portion of the examination.

**III. TITLE FILE REVIEW**  
**Idaho Code §§ 41-2702, 2708 & 2709**  
**IDAPA 18.05.01.012, 013 & Exhibit 1(9)**

The title department is managed by Brynne Hansen and is comprised of five (5) Title Officers and one (1) Title Assistant. The Agent leases the Madison County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the 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, 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 escrow department is managed by Darci Davis and is comprised of five (5) Escrow Officers and four (4) Escrow Assistants.

**A. FIDUCIARY ACCOUNTS**  
**IDAPA 18.05.01.021.04, 05 & 09**

The 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 fiduciary accounts are balanced on a daily basis and reconciled on a monthly basis by Lucinda Schultz and Angie Wonser at AmeriTitle, LLC and Furtura Title & Escrow, LLC, respectively. The monthly reconciliations are reviewed by Debbie Shirley, Corporate Controller, at the corporate offices of AmeriTitle, LLC in Boise, Idaho. No exceptions were noted as a result of this portion of the examination.

**B. ESCROW FILE REVIEW**  
**Idaho Code § 41-2705(3)**  
**IDAPA 18.05.01.021 & 022**

The examination included a review of the escrow files opened during the examination period. 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 the escrow officers. No exceptions were noted as a result of this portion of the examination.

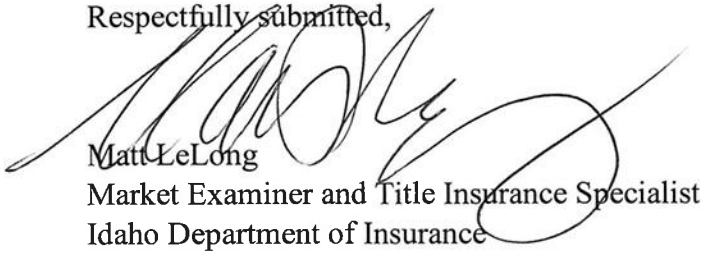
**SUMMARY OF RECOMMENDATIONS**

There were no recommendations as a result of the examination.

**AFFIDAVIT OF EXAMINER**


I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the 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 Agent and its 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,

  
Matt LeLong  
Market Examiner and Title Insurance Specialist  
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of December 2023.

MICHELE MUÑOZ  
COMMISSION #20211631  
NOTARY PUBLIC  
STATE OF IDAHO

  
Notary Public for Idaho  
Residing at: Boise, ID  
Commission Expires: 03-30-2027

FILED

Feb 12, 2024

Department of Insurance  
State of Idaho

RAÚL LABRADOR  
Attorney General

MATT K. STEEN – ISB No. 10285  
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Facsimile: (208) 334-4298  
[matt.steen@doi.idaho.gov](mailto:matt.steen@doi.idaho.gov)

*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:

AMERITITLE, LLC.  
[Payette County]

Idaho Title Agency License No. 101219

Docket No. 18-4399-24

**ORDER ADOPTING REPORT  
OF EXCEPTION EXAMINATION  
AS OF DECEMBER 31, 2022**

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 AMERITITLE, LLC [Payette County] (“Amerititle”) 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 of Amerititle, LLC [Payette County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

**FINDINGS OF FACT**

1. Amerititle is a title agency licensed by the Department to transact title insurance in Payette County, Idaho, under Title Agency License No. 101219.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about December 19, 2023. The Department's findings are set forth in the Report. In summary, the examiner found that Amerititle violated the Department's rules as follows:

- The Agent, on two (2) occasions, purchased and provided business entertainment, a total expenditure of \$411.00, for several unknown persons who are employed by or agents of a single producer of title business without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules. These actions are in violation of Idaho Code 41-2710(7) and IDAPA 18.05.01.031.05.

No later than thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they relate to permitted business entertainment, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.05.

Pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7), and IDAPA 18.05.01.031.05, the Department shall assess an administrative penalty in the amount of \$1,233.00. However, such penalty is hereby deferred subject to the stipulation that the Department retains the right to impose and enforce the deferred penalty should there be a finding of any future violation of these statutes or rules.

- The Agent, on two (2) occasions, purchased and provided \$5.00 Dutch Bros gift cards for a total expenditure of \$200.00, self-promotional items specifically not allowed, as gifts to various producers of title business, consumers, and/or members of the general public. These actions are in violation of IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h).

No later than thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future self-promotional items and other items of value provided to producers of title business, consumers and members of the general public are compliant with IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h).

Pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h), these actions constitute violations and administrative penalties are appropriate. However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties based on any future findings of these same violations.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on November 14, 2023, and was transmitted to Amerititle on December 19, 2023. A copy of the Report is attached hereto as Exhibit A.

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

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

#### **CONCLUSIONS OF LAW**

6. Idaho Code § 41-227(5)(a) 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. Amerititle’s actions are considered violations and administrative monetary

penalties are appropriate per Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7), and IDAPA 18.05.01.031.05 and 18.05.01.031.04(a). However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties should there be a finding of future violations of these rules.

8. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations contained in the Report 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 of Amerititle, LLC [Payette County] for the Period January 1, 2018 to December 31, 2022, 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, that the foregoing Findings of Fact and Conclusions of Law are incorporated herein as if set forth in full and is an Order of the Director.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Market Examiner & Title 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 within thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they relate to

permitted business entertainment, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.05.

IT IS FURTHER ORDERED, that within thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future self-promotional items and other items of value provided to producers of title business, consumers and members of the general public are compliant with IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h).

**IT IS SO ORDERED.**

DATED this 9<sup>th</sup> day of February, 2024.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



---

DEAN L. CAMERON  
Director

### **NOTIFICATION OF RIGHTS**

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition 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 may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition 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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 12<sup>th</sup> day of February, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following parties by the designated means:

Amerititle, LLC Larry Matney, President	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:larry.matney@futatitle.com">larry.matney@futatitle.com</a>
Amerititle, LLC Mark Mills, Senior Vice President & CFP	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:mark.mills@futatitle.com">mark.mills@futatitle.com</a>
Amerititle, LLC Debbie Shirley, Controller	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:debbie.shirley@futatitle.com">debbie.shirley@futatitle.com</a>
Amerititle, LLC 31 South Main Street Payette, ID 83661-2848	<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
Shannon Hohl Market Oversight Bureau Chief Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:Shannon.hohl@doi.idaho.gov">Shannon.hohl@doi.idaho.gov</a>
John Keenan Deputy Attorney General Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:john.keenan@doi.idaho.gov">john.keenan@doi.idaho.gov</a>

  
 \_\_\_\_\_  
 Jan Noriyuki  
 Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

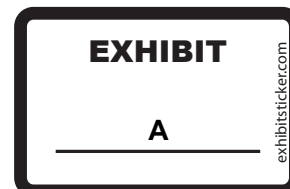
AMERITITLE, LLC

(a title agent limited liability company - license #101219 – Payette County)

As of

December 31, 2022

*Equal Opportunity Employer*



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Boise, Idaho  
November 14, 2023

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, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC  
31 South Main Street  
Payette, Idaho 83661-2848  
License #101219 – Payette County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

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## PURPOSE AND SCOPE OF EXAMINATION

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations 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 said title or the rules thereunder.

## EXECUTIVE SUMMARY

The examination found the following areas of concern:

- **SECTION II. Advertising and Marketing** (pages 8-10.)

A total of four (4) exceptions were noted as a result of this portion of the examination and comprise all noted exceptions in this examination:

**A. 2 Exceptions:**

- **Idaho Code § 41-2710(7)**

*Regular examination of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules . . .*

- **IDAPA 18.05.01.031.05 - Permitted Business Entertainment.**

*A title entity will not expend more than one hundred dollars (\$100) per person per day for all meals and/or events. . . . In addition, a title entity may entertain no more than four (4) persons who are employed by or agents of any single producer of title business in a single day. . . .*

**Violations:** The Agent, on two (2) occasions, provided business entertainment for several unknown persons who are employed by or agents of a single producer of title business without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules, these actions constitute violations of Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.05.

**B. 2 Exceptions:**

- **IDAPA 18.05.01.031.04(a) – Self-Promotional Advertising.**

*A title entity may distribute self-promotional items having an acquisition value of less than twenty-five dollars (\$25) to producers of title business, consumers, and members of the general public. These self-promotional items are limited to novelty gifts,*

*advertising novelties, and generic business forms and specifically do not include food, beverages, gift certificates, gift cards . . .*

○ **Exhibit 1(4)(h) – Attachment to Rule 18.05.01.**

*A title entity will not pay or offer to pay, either directly or indirectly, with respect to any producer of title business for: Money, prizes, or other items of value in any kind of a contest or promotional endeavor.*

**Violations:** The Agent, on two (2) occasions, purchased and provided \$5.00 Dutch Bros gift cards, self-promotional items specifically not allowed, as gifts for various producers of title business, consumers, and/or members of the general public, these actions constitute violations of IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h).

## **HISTORY AND DESCRIPTION**

Futura Title & Escrow, LLC is the current parent company of both AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington and Payette County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Payette County out of offices in Payette, Idaho.

## **PRIOR EXAMINATION**

Our examination included a review to determine if the five (5) exceptions noted in the preceding report of exception examination dated August 1, 2018, which covered the period of January 1, 2016 through December 31, 2017 were addressed. We determined that the Agent satisfactorily addressed these exceptions.

## **EXAMINATION 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 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

#### **B. CONTRACTING AUTHORITY** **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, and Chicago Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

#### **C. SURETY BOND** **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance 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 no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

## II. ADVERTISING AND MARKETING

### Idaho Code § 41-2708(3) & (4)

### IDAPA 18.05.01.031 & Exhibit 1

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, 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 for the samples were requested, received, and reviewed.

A total of four (4) exceptions were noted as a result of this portion of the examination.

- A. Exception numbers one (1) and two (2) were related to business entertainment provided to producers of title business and are as follows:

Violation of Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.05		
Exception Number	Date of Expense	Business Entertainment
1	May 13, 2021	The Agent provided business entertainment at Winger’s Grill & Bar, a total expenditure of \$207.00, for several unknown persons who are employed by or agents of a single producer of title business, Coldwell Banker, without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules.
2	August 16, 2021	The Agent provided business entertainment at Winger’s Grill & Bar, a total expenditure of \$204.00, for several unknown persons who are employed by or agents of a single producer of title business, Rouge Credit Union, without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules.

Idaho Code § 41-2710(7) states in relevant part: “**Requirements for Agents.** Regular examination of the tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules . . .”

IDAPA 18.05.01.031.05 states in relevant part: “**Permitted Business Entertainment.** A title entity will not expend more than one hundred dollars (\$100) per person per day for all meals and/or events. . . . In addition, a title entity may entertain no more than four (4) persons who are employed by or agents of any single producer of title business in a single day.”

**Violations:** The Agent, on two (2) occasions, was in violation of Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.05 for purchasing and providing business entertainment for several unknown persons who are employed by or agents of a single producer of title business without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules.

The following preface provides context to recommendations below: The Agent’s preceding report of exception examination dated August 1, 2018, comprised five (5) exceptions related to not

properly maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules. No administrative penalties were imposed at that time, as it was the first instance of these violations. A recurrence of these same violations may result in future administrative penalties.

**Recommendations:** It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they relate to permitted business entertainment, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.05.

It is recommended, pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7), and IDAPA 18.05.01.031.05, that an order for administrative penalty in the amount of \$1,233.00 be imposed at this time.

However, procedural improvements appear to have been implemented by the Agent; therefore, it is further recommended that such penalty be deferred subject to the stipulation that the Department retains the right to impose and enforce deferred penalty should there be a finding of any future violation of these statutes or rules.

**B.** Exception numbers three (3) and four (4) were related to self-promotional advertisement items provided to producers of title business and are as follows:

Violation of IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h)		
Exception Number	Date of Expense	Self-Promotional Advertising
3	April 22, 2022	The Agent purchased ten (10) \$5.00 Dutch Bros gift cards for a total expenditure of \$50.00, self-promotional items specifically not allowed, and provided them as gifts to various producers of title business, consumers, and/or members of the general public.
4	October 21, 2022	The Agent purchased thirty (30) \$5.00 Dutch Bros gift cards for a total expenditure of \$150.00, self-promotional items specifically not allowed, and provided them as gifts to various producers of title business, consumers, and/or members of the general public.

IDAPA 18.05.01.031.04(a) states in relevant part: *“Self-Promotional Advertising. A title entity may distribute self-promotional items having an acquisition value of less than twenty-five dollars (\$25) to producers of title business, consumers, and members of the general public. These self-promotional items are limited to novelty gifts, advertising novelties, and generic business forms and specifically do not include food, beverages, gift certificates, gift cards . . .”*

Exhibit 1(4)(h) – Attachment to Rule 18.05.01 states: *“A title entity will not pay or offer to pay, either directly or indirectly, with respect to any producer of title business for: Money, prizes, or other items of value in any kind of a contest or promotional endeavor.”*

**Violations:** The Agent, on two (2) occasions, was in violation of IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h) for purchasing and providing \$5.00 Dutch Bros gift cards, self-promotional items specifically not allowed, as gifts to various producers of title business, consumers, and/or members of the general public.

**Recommendations:** It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to ensure future self-promotional items and other items of value provided to producers of title business, consumers, and members of the general public are compliant with IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h).

It is recommended, as this is the first instance of these violations, that no administrative penalties be imposed at this time, with the stipulation that the Department retains the right to impose new penalties based on any future findings of these same violations.

**III. TITLE FILE REVIEW**  
**Idaho Code §§ 41-2702, 2708 & 2709**  
**IDAPA 18.05.01.012, 013 & Exhibit 1(9)**

The title department is managed by Johnathan Edwards and is comprised two (2) Title Officers. The Agent leases the Payette County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the 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, 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 escrow department is managed by Darci Davis and is comprised of three (3) Escrow Officers and two (2) Escrow Assistants.

**A. FIDUCIARY ACCOUNTS**  
**IDAPA 18.05.01.021.04, 05 & 09**

The 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 fiduciary accounts are balanced on a daily basis and reconciled on a monthly basis by Lucinda Schultz and Angie Wonser at AmeriTitle, LLC and Furtura Title & Escrow, LLC, respectively. The monthly reconciliations are reviewed by Debbie Shirley, Corporate Controller, at the corporate offices of AmeriTitle, LLC in Boise, Idaho. No exceptions were noted as a result of this portion of the examination.

**B. ESCROW FILE REVIEW**  
**Idaho Code § 41-2705(3)**  
**IDAPA 18.05.01.021 & 022**

The examination included a review of the escrow files opened during the examination period. 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 the escrow officers. No exceptions were noted as a result of this portion of the examination.

**SUMMARY OF RECOMMENDATIONS**

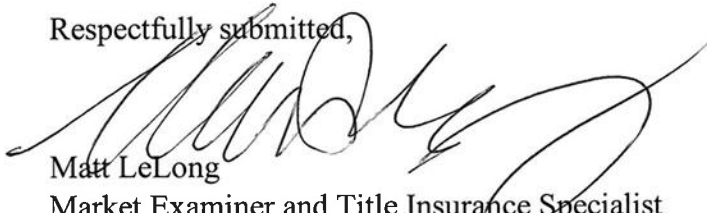
The recommendations made below identify corrective measures the Department finds necessary as a result of the exceptions noted in this Report of Exception Examination (“Report”). Location in the Report is referenced below in parenthesis.

- **SECTION II. Advertising and Marketing** (pages 8-10.)
  - A. It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they relate to permitted business entertainment, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.05.  
  
It is recommended, pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7), and IDAPA 18.05.01.031.05, that an order for administrative penalty in the amount of \$1,233.00 be imposed at this time.  
  
It is further recommended that such penalty be deferred subject to the stipulation that the Department retains the right to impose and enforce deferred penalty should there be a finding of any future violation of these statutes or rules.
  - B. It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to ensure future self-promotional items and other items of value provided to producers of title business, consumers, and members of the general public are compliant with IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h).  
  
It is recommended that no administrative penalties be imposed at this time, with the stipulation that the Department retains the right to impose new penalties based on any future findings of these same violations.

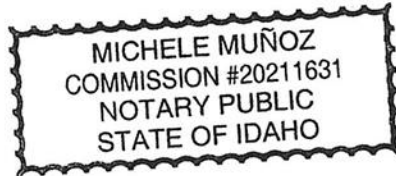
**AFFIDAVIT OF EXAMINER**

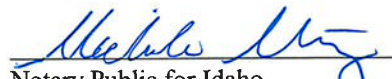
I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the 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 Agent and its 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,

  
Matt LeLong  
Market Examiner and Title Insurance Specialist  
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of December, 2023.



  
Notary Public for Idaho  
Residing at: Boise ID  
Commission Expires: 03-30-2027

## **PENALTY, STIPULATIONS AND APPEAL NOTIFICATION**

This matter comes before the 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 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:

- A.** The Agent, on two (2) occasions, purchased and provided business entertainment, a total expenditure of \$411.00, for several unknown persons who are employed by or agents of a single producer of title business without maintaining records necessary to ascertain compliance with title 41, Idaho Code and related rules. These actions constitute violations of Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.05.

Pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), 41-2710(7), and IDAPA 18.05.01.031.05, the Department shall assess an administrative penalty in the amount of \$1,233.00. However, such penalty is hereby deferred subject to the stipulation that the Department retains the right to impose and enforce deferred penalty should there be a finding of any future violation of these statutes or rules.

No later than thirty (30) days from the date the Final Order is adopted the Agent is required to submit to the Department in writing what proposed procedures will be implemented to supersede prior implementation and ensure future records, as they relate to permitted business entertainment, are properly maintained and compliant with Idaho Code § 41-2710(7) and IDAPA 18.05.01.031.05.

- B.** The Agent, on two (2) occasions, purchased and provided \$5.00 Dutch Bros gift cards for a total expenditure of \$200.00, self-promotional items specifically not allowed, as gifts to various producers of title business, consumers, and/or members of the general public. These actions constitute violations and administrative penalties are appropriate pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h). However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

No later than thirty (30) days from the date the Final Order is adopted the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future self-promotional items and other items of value provided to producers of title business, consumers, and members of the general public are compliant with IDAPA 18.05.01.031.04(a) and Exhibit 1(4)(h).

RAÚL LABRADOR  
Attorney General

FILED

Feb 12, 2024

Department of Insurance  
State of Idaho

MATT K. STEEN – ISB No. 10285  
Deputy Attorney General  
Idaho Department of Insurance  
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Boise, Idaho 83720-0043  
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[matt.steen@doi.idaho.gov](mailto:matt.steen@doi.idaho.gov)

*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:

AMERITITLE, LLC.  
[Power County]

Idaho Title Agency License No. 135129

Docket No. 18-4399-24

**ORDER ADOPTING REPORT  
OF EXCEPTION EXAMINATION  
AS OF DECEMBER 31, 2022**

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 AMERITITLE, LLC [Power County] (“Amerititle”) 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 of Amerititle, LLC [Power County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

**FINDINGS OF FACT**

1. Amerititle is a title agency licensed by the Department to transact title insurance in Power County, Idaho, under Title Agency License No. 135129.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about December 19, 2023. 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 November 14, 2023, and was transmitted to Amerititle on December 19, 2023. A copy of the Report is attached hereto as Exhibit A.

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

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

#### **CONCLUSIONS OF LAW**

6. Idaho Code § 41-227(5)(a) 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 Amerititle, the comments and recommendations contained in the Report 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 of Amerititle, LLC [Power County] for the Period January 1, 2018 to December 31, 2022, 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, Amerititle 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 SO ORDERED.**

DATED this 9<sup>th</sup> day of February, 2024.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



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DEAN L. CAMERON  
Director

## NOTIFICATION OF RIGHTS


This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition 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 may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition 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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 12<sup>th</sup> day of February, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following parties by the designated means:

Amerititle, LLC Larry Matney, President	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:larry.matney@futatitle.com">larry.matney@futatitle.com</a>
Amerititle, LLC Mark Mills, Senior Vice President & CFP	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:mark.mills@futatitle.com">mark.mills@futatitle.com</a>
Amerititle, LLC Debbie Shirley, Contoller	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:debbie.shirley@futatitle.com">debbie.shirley@futatitle.com</a>
Amerititle, LLC 441 East Chubbuck Road Chubbuck, ID 83202	<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
Shannon Hohl Market Oversight Bureau Chief Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:Shannon.hohl@doi.idaho.gov">Shannon.hohl@doi.idaho.gov</a>
John Keenan Deputy Attorney General Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:john.keenan@doi.idaho.gov">john.keenan@doi.idaho.gov</a>

  
 \_\_\_\_\_  
 Jan Noriyuki  
 Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

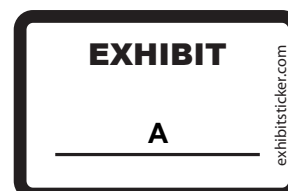
AMERITITLE, LLC

(a title agent limited liability company - license #135129 – Power County)

As of

December 31, 2022

*Equal Opportunity Employer*



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Boise, Idaho  
November 14, 2023

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, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC  
441 East Chubbuck Road  
Chubbuck, Idaho 83202  
License #135129 – Power County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

## **FOREWORD**

This is an exception examination report of the practices and procedures of AmeriTitle, LLC an Idaho Title Agent licensed in Power County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (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. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. 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 or was not possible.

## **PURPOSE AND SCOPE OF EXAMINATION**

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations 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 said title or the rules thereunder.

## **EXECUTIVE SUMMARY**

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

## **HISTORY AND DESCRIPTION**

Futura Title & Escrow, LLC is the current parent company of both AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. On March 10, 2006, they expanded operations and became licensed as a Title Agent in Power County. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Power County out of offices in Chubbuck, Idaho.

## **PRIOR EXAMINATION**

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

## **EXAMINATION 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 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

#### **B. CONTRACTING AUTHORITY** **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, and Chicago Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

#### **C. SURETY BOND** **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance 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 no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

**II. ADVERTISING AND MARKETING**  
**Idaho Code § 41-2708(3) & (4)**  
**IDAPA 18.05.01.031 & Exhibit 1**

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, 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 for the samples were requested, received, and reviewed. No exceptions were noted as a result of this portion of the examination.

**III. TITLE FILE REVIEW**  
**Idaho Code §§ 41-2702, 2708 & 2709**  
**IDAPA 18.05.01.012, 013 & Exhibit 1(9)**

The title department is managed by Brynne Hansen and is comprised of two (2) Title Officers and one (1) Title Assistant. The Agent leases the Power County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the 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, 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 escrow department is managed by Darci Davis and is comprised of three (3) Escrow Officers and three (3) Escrow Assistants.

**A. FIDUCIARY ACCOUNTS**  
**IDAPA 18.05.01.021.04, 05 & 09**

The 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 fiduciary accounts are balanced on a daily basis and reconciled on a monthly basis by Lucinda Schultz and Angie Wonser at AmeriTitle, LLC and Furtura Title & Escrow, LLC, respectively. The monthly reconciliations are reviewed by Debbie Shirley, Corporate Controller, at the corporate offices of AmeriTitle, LLC in Boise, Idaho. No exceptions were noted as a result of this portion of the examination.

**B. ESCROW FILE REVIEW**  
**Idaho Code § 41-2705(3)**  
**IDAPA 18.05.01.021 & 022**

The examination included a review of the escrow files opened during the examination period. 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 the escrow officers. No exceptions were noted as a result of this portion of the examination.

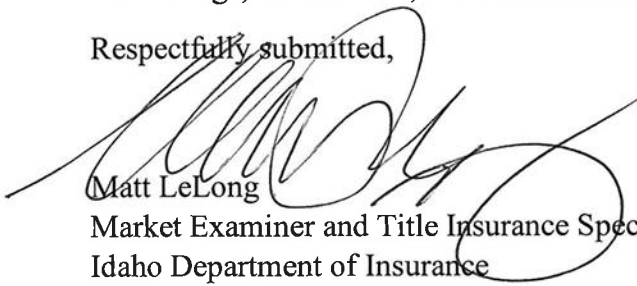
**SUMMARY OF RECOMMENDATIONS**

There were no recommendations as a result of the examination.

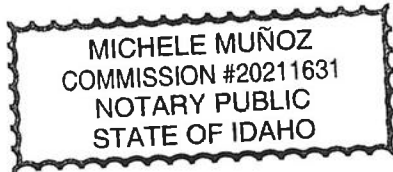
**AFFIDAVIT OF EXAMINER**


I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the 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 Agent and its 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,

  
Matt LeLong  
Market Examiner and Title Insurance Specialist  
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of December, 2023.



  
Notary Public for Idaho  
Residing at: Boise, ID  
Commission Expires: 03-30-2027

RAÚL LABRADOR  
Attorney General

FILED

Feb 12, 2024

Department of Insurance  
State of Idaho

MATT K. STEEN – ISB No. 10285  
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[matt.steen@doi.idaho.gov](mailto:matt.steen@doi.idaho.gov)

*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:

AMERITITLE, LLC.  
[Twin Falls County]

Idaho Title Agency License No. 455735

Docket No. 18-4399-24

**ORDER ADOPTING REPORT  
OF EXCEPTION EXAMINATION  
AS OF DECEMBER 31, 2022**

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 AMERITITLE, LLC [Twin Falls County] (“Amerititle”) 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 of Amerititle, LLC [Twin Falls County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

**FINDINGS OF FACT**

1. Amerititle is a title agency licensed by the Department to transact title insurance in Twin Falls County, Idaho, under Title Agency License No. 455735.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about December 19, 2023. 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 November 14, 2023, and was transmitted to Amerititle on December 19, 2023. A copy of the Report is attached hereto as Exhibit A.

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

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

#### **CONCLUSIONS OF LAW**

6. Idaho Code § 41-227(5)(a) 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 Amerititle, the comments and recommendations contained in the Report 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 of Amerititle, LLC [Twin Falls County] for the Period January 1, 2018 to December 31, 2022, 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, Amerititle 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 SO ORDERED.**

DATED this 9<sup>th</sup> day of February, 2024.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



---

DEAN L. CAMERON  
Director

### **NOTIFICATION OF RIGHTS**

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition 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 may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition 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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 12<sup>th</sup> day of February, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following parties by the designated means:

Amerititle, LLC Larry Matney, President	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:larry.matney@futatitle.com">larry.matney@futatitle.com</a>
Amerititle, LLC Mark Mills, Senior Vice President & CFP	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:mark.mills@futatitle.com">mark.mills@futatitle.com</a>
Amerititle, LLC Debbie Shirley, Contoller	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:debbie.shirley@futatitle.com">debbie.shirley@futatitle.com</a>
Amerititle, LLC 1650 Elk Creek Drive Idaho Falls, ID 83404-8349	<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
Shannon Hohl Market Oversight Bureau Chief Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:Shannon.hohl@doi.idaho.gov">Shannon.hohl@doi.idaho.gov</a>
John Keenan Deputy Attorney General Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:john.keenan@doi.idaho.gov">john.keenan@doi.idaho.gov</a>

  
 \_\_\_\_\_  
 Jan Noriyuki  
 Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

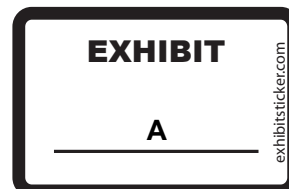
AMERITITLE, LLC

(a title agent limited liability company - license #455735 – Twin Falls County)

As of

December 31, 2022

*Equal Opportunity Employer*



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Boise, Idaho  
November 14, 2023

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, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC  
1650 Elk Creek Drive  
Idaho Falls, Idaho 83404-8349  
License #455735 – Twin Falls County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

## **FOREWORD**

This is an exception examination report of the practices and procedures of AmeriTitle, LLC an Idaho Title Agent licensed in Twin Falls County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (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. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. 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 or was not possible.

## **PURPOSE AND SCOPE OF EXAMINATION**

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations 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 said title or the rules thereunder.

## **EXECUTIVE SUMMARY**

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

## **HISTORY AND DESCRIPTION**

Futura Title & Escrow, LLC is the current parent company of both AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. On August 19, 2013, they expanded operations and became licensed with the Idaho Department of Insurance as a Title Agent in Twin Falls County. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Twin Falls County out of offices in Idaho Falls, Idaho.

## **PRIOR EXAMINATION**

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2013 through December 31, 2017. No exceptions were noted in that report of exception examination.

## **EXAMINATION 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 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

#### **B. CONTRACTING AUTHORITY** **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, and Chicago Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

#### **C. SURETY BOND** **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance 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 no claims filed within the examination period. No exceptions were noted as a result of this portion of the examination.

**II. ADVERTISING AND MARKETING**  
**Idaho Code § 41-2708(3) & (4)**  
**IDAPA 18.05.01.031 & Exhibit 1**

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, 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 for the samples were requested, received, and reviewed. No exceptions were noted as a result of this portion of the examination.

**III. TITLE FILE REVIEW**  
**Idaho Code §§ 41-2702, 2708 & 2709**  
**IDAPA 18.05.01.012, 013 & Exhibit 1(9)**

The title department is managed by Richard Hajek, Jr. and is comprised of one (1) Title Officer. The Agent leases the Twin Falls County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the 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, 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 Agent does not provide escrow services under this license. No exceptions were noted as a result of this portion of the examination.

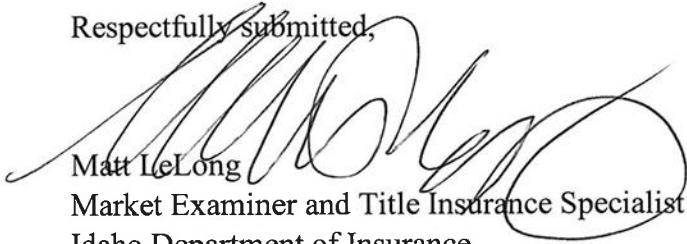
**SUMMARY OF RECOMMENDATIONS**

There were no recommendations as a result of the examination.

**AFFIDAVIT OF EXAMINER**


I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the 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 Agent and its 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,

  
Matt LeLong  
Market Examiner and Title Insurance Specialist  
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of December, 2023.



  
Notary Public for Idaho  
Residing at: Boise, ID  
Commission Expires: 03-30-2027

FILED

Feb 12, 2024

Department of Insurance  
State of Idaho

RAÚL LABRADOR  
Attorney General

MATT K. STEEN – ISB No. 10285  
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Facsimile: (208) 334-4298  
[matt.steen@doi.idaho.gov](mailto:matt.steen@doi.idaho.gov)

*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:

AMERITITLE, LLC.  
[Valley County]

Idaho Title Agency License No. 74777

Docket No. 18-4399-24

**ORDER ADOPTING REPORT  
OF EXCEPTION EXAMINATION  
AS OF DECEMBER 31, 2022**

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 AMERITITLE, LLC [Valley County] (“Amerititle”) 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 of Amerititle, LLC [Valley County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

**FINDINGS OF FACT**

1. Amerititle is a title agency licensed by the Department to transact title insurance in Valley County, Idaho, under Title Agency License No. 74777.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about December 19, 2023. The Department's findings are set forth in the Report. In summary, the examiner found that Amerititle violated the Department's rules as follows:

- The Agent, on one (1) occasion, expended more than \$100.00 per person per day on business entertainment meals for two (2) producers of title business, a total expenditure of \$234.96, a total overage of \$34.96; and on one (1) occasion, provided business entertainment meals for more than four (4) persons who are employed by or agents of a single producer of title business. These actions are in violation of IDAPA 18.01.56.015.013<sup>1</sup> and IDAPA 18.05.01.031.05.

No later than thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future permitted business entertainment provided to producers of title business is compliant with IDAPA 18.05.01.031.05.

Pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3) and IDAPA 18.01.56.015.01 and 18.05.01.031.05, these actions constitute violations and administrative penalties are appropriate. However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties based on any future findings of these same violations. be a finding of any future violation of these statutes or rules.

- The Agent, on one (1) occasion, purchased and provided a condolence gift in excess of \$50.00, an item of value and a total expenditure of \$142.55, to a producer of title

---

<sup>1</sup> One (1) violation occurred when IDAPA 18.01.56.015.01 (3-30-07) was applicable; this rule was consolidated and re-designated as 18.05.01.031.05 in substantial form, effective March 20, 2020.

business. This action is in violation of IDAPA 18.05.01.031.01 and Exhibit 1 (8).

No later than thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future items of value, as they relate to condolence gifts provided to producers of title business are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(8).

Pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), IDAPA 18.05.01.031.01 and Exhibit 1(8), this action constitutes a violation and administrative penalties are appropriate. However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties based on any future finding of this same violation.

#### **CONCLUSIONS OF LAW**

3. Idaho Code § 41-227(5)(a) 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.

4. Amerititle’s actions are considered violations and administrative monetary penalties are appropriate per Idaho Code §§ 41-117, 41-1016, 41-2708(3), IDAPA 18.01.56.015.01, 18.05.01.031.01 and 18.05.01.031.05. However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties should there be a finding of future violations of these rules.

5. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by Amerititle, the comments and recommendations

contained in the Report 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 of Amerititle, LLC [Bannock County] for the Period January 1, 2018 to December 31, 2022, 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, that the foregoing Findings of Fact and Conclusions of Law are incorporated herein as if set forth in full and is an Order of the Director.

IT IS FURTHER ORDERED, pursuant to Idaho Code § 41-227(6)(a), that, within thirty (30) days of the issuance of the adopted Report, Amerititle shall file with the Department's Market Examiner & Title 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 within thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future permitted business entertainment provided to producers of title business is compliant with IDAPA 18.05.01.031.05.

IT IS FURTHER ORDERED, that within thirty (30) days from the date the Final Order is adopted, the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future items of value, as they relate to condolence gifts provided to producers of title business are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(8).

**IT IS SO ORDERED.**

DATED this 9<sup>th</sup> day of February, 2024.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



DEAN L. CAMERON  
Director

### NOTIFICATION OF RIGHTS

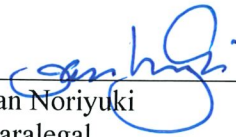
This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition 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 may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition 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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 12<sup>th</sup> day of February, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following parties by the designated means:

Amerititle, LLC Larry Matney, President	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:larry.matney@futatitle.com">larry.matney@futatitle.com</a>
Amerititle, LLC Mark Mills, Senior Vice President & CFP	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:mark.mills@futatitle.com">mark.mills@futatitle.com</a>
Amerititle, LLC Debbie Shirley, Controller	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:debbie.shirley@futatitle.com">debbie.shirley@futatitle.com</a>
Amerititle, LLC 700 South Main Street Cascade, ID 83611	<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
Shannon Hohl Market Oversight Bureau Chief Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:Shannon.hohl@doi.idaho.gov">Shannon.hohl@doi.idaho.gov</a>
John Keenan Deputy Attorney General Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:john.keenan@doi.idaho.gov">john.keenan@doi.idaho.gov</a>

  
 \_\_\_\_\_  
 Jan Noriyuki  
 Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

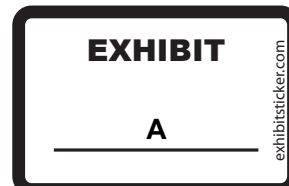
AMERITITLE, LLC

(a title agent limited liability company - license #74777 – Valley County)

As of

December 31, 2022

*Equal Opportunity Employer*



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Boise, Idaho  
November 14, 2023

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, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC  
700 South Main Street  
Cascade, Idaho 83611  
License #74777 – Valley County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

## **FOREWORD**

This is an exception examination report of the practices and procedures of AmeriTitle, LLC an Idaho Title Agent licensed in Valley County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (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. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. 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 or was not possible.

## **PURPOSE AND SCOPE OF EXAMINATION**

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations 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 said title or the rules thereunder.

## **EXECUTIVE SUMMARY**

The examination found the following areas of concern:

- **SECTION II. Advertising and Marketing (pages 8-9.)**

A total of three (3) exceptions were noted as a result of this portion of the examination and comprise all of the noted exceptions in this examination:

**A. 2 Exceptions:**

- **IDAPA 18.01.56.015.01<sup>1</sup> – Meals and Events**

*A title entity shall not expend more than one hundred dollars (\$100) per person per day for all meals and/or events. . . .*

- **IDAPA 18.05.01.031.05 - Permitted Business Entertainment.**

*In addition, a title entity may entertain no more than four (4) persons who are employed by or agents of any single producer of title business in a single day. . . .*

**Violations:** The Agent, on one (1) occasion, expended more than \$100.00 per person per day on business entertainment meals for producers of title business; and on one (1) occasion, provided business entertainment meals for more than four (4) persons who are employed by or agents of a single producer of title business, these actions constitute a violation of IDAPA 18.01.56.015.01 and IDAPA 18.05.01.031.05.

**B. 1 Exception:**

- **IDAPA 18.05.01.031.01 - Items of Value.**

*A title entity will not provide items of value to a producer of title business, consumer or member of the general public except as permitted in Sections 031.02, 031.03, 031.04*

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<sup>1</sup> IDAPA 18.01.56.015.01 was consolidated and re-designated as 18.05.01.031.05 in substantial form, effective March 20, 2020.

*and 031.05 of this chapter. If a providing of things of value does not clearly fit into the rules in Sections 031.02, 031.03, 031.04, and 031.05, then it is not allowed.*

○ **Exhibit 1(8) – Attachment to Rule 18.05.01.**

*A title entity will not provide gifts or other items of value in excess of fifty dollars (\$50) per year per individual in connection with congratulations or condolences to a producer of title business.*

**Violation:** The Agent, on one (1) occasion, purchased and distributed a condolence gift, an item of value, in excess of \$50.00 for a producer of title business, this action constitutes a violation of IDAPA 18.05.01.031.01 and Exhibit 1(8).

## **HISTORY AND DESCRIPTION**

Futura Title & Escrow, LLC is the current parent company of both AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. On January 24, 2000, they became licensed with the Idaho Department of Insurance as a Title Agent in Valley County. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Valley County out of offices in Cascade, Idaho.

## **PRIOR EXAMINATION**

Our examination included a review to determine if the three (3) exceptions noted in the preceding report of exception examination dated August 1, 2018, which covered the period of January 1, 2015 to December 31, 2017 were addressed. We determined that the Agent satisfactorily addressed these exceptions.

## **EXAMINATION 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 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

#### **B. CONTRACTING AUTHORITY** **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, and Chicago Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

#### **C. SURETY BOND** **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance 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 four (4) claims were filed within the examination period. The claims appear to be purported missed encumbrances and/or oversights on the part of employees of the Agent. No exceptions were noted as a result of this portion of the examination.

## II. ADVERTISING AND MARKETING

Idaho Code § 41-2708(3) & (4)

IDAPA 18.05.01.031 & Exhibit 1

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, 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 for the samples were requested, received, and reviewed.

A total of three (3) exceptions were noted as a result of this portion of the examination.

- A. Exception numbers one (1) and two (2) were related to Permitted Business Entertainment and are as follows:

Violation of IDAPA 18.01.56.015.01 and 18.05.01.031.05		
Exception Number	Date of Expense	Business Entertainment
1	May 7, 2018	The Agent provided business entertainment meals at Ruperts for two (2) persons who are employed by or agents of Re/Max, a producer of title business, expending \$117.48 per person, an excess of \$17.48 per person, for a total excess and illegal inducement of \$34.96.
2	August 8, 2022	The Agent provided business entertainment meals at Ruperts for more than four (4) persons who are employed by or agents of, Crawford Olsen Realtors, a single producer of title business.

IDAPA 18.05.01.031.05 states in relevant part: “**Permitted Business Entertainment.** A title entity will not expend more than one hundred dollars (\$100) per person per day for all meals and/or events. . . . In addition, a title entity may entertain no more than four (4) persons who are employed by or agents of any single producer of title business in a single day.”

**Violations:** The Agent, on one (1) occasion, was in violation of IDAPA 18.01.56.015.01<sup>2</sup> for expending more than one hundred dollars (\$100) per person per day on business entertainment meals for two (2) producers of title business; and on one (1) occasion, was in violation of IDAPA 18.05.01.031.05 for providing business entertainment meals for more than four (4) persons who are employed by or agents of a single producer of title business.

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<sup>2</sup> On May 7, 2018, when this violation occurred, IDAPA 18.01.56.015.01 (3-30-07) was applicable, this rule was consolidated and re-designated as 18.05.01.031.05 in substantial form, effective March 20, 2020.

B. Exception number three (3) was related to Items of Value and is as follows:

Violation of IDAPA 18.05.01.031.01 and Exhibit 1(8)		
Exception Number	Date of Expense	Items of Value
3	February 21, 2022	The Agent purchased a Harry & David sympathy gift basket for a total expenditure of \$142.55, an item of value in excess of \$50.00, and provided it as a condolence gift to a producer of title business.

IDAPA 18.05.01.031.01 prescribes “*Items of Value*” and states: “*A title entity will not provide items of value to a producer of title business, consumer or member of the general public except as permitted in Sections 031.02, 031.03, 031.04 and 031.05 of this chapter. If a providing of things of value does not clearly fit into the rules in Sections 031.02, 031.03, 031.04, and 031.05, then it is not allowed. Exhibit 1, located on our website at <https://doi.idaho.gov/>, is a partial, but not all-inclusive, list of acts and practices that are considered illegal inducements disallowed by Title 41, Idaho Code.*”

Exhibit 1(8), the attachment to rule 18.05.01 states: “*A title entity will not provide gifts or other items of value in excess of fifty dollars (\$50) per year per individual in connection with congratulations or condolences to a producer of title business.*”

**Violation:** The Agent, on one (1) occasion, was in violation of IDAPA 18.05.01.031.01 and Exhibit 1(8) for providing an item of value in excess of \$50.00, sympathy gift basket, to a producer of title business.

**Recommendations:** It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to ensure future business entertainment and other items of value provided to producers of title business are compliant with IDAPA 18.05.01.031.05, IDAPA 18.05.01.031.01, and Exhibit 1(8).

It is further recommended, as this is the first instance of these violations, that no administrative penalties be imposed at this time, with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

**III. TITLE FILE REVIEW**  
**Idaho Code §§ 41-2702, 2708 & 2709**  
**IDAPA 18.05.01.012, 013 & Exhibit 1(9)**

The title department is managed by Molly Landers and is comprised of two (2) Title Officers. The Agent leases the Valley County title plant from its sister company, Alliance Title & Escrow, LLC, who owns and maintains the 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, 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 escrow department is managed by Darci Davis and is comprised of two (2) Escrow Officers and one (1) Escrow Assistant.

##### **A. FIDUCIARY ACCOUNTS IDAPA 18.05.01.021.04, 05 & 09**

The 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 fiduciary accounts are balanced on a daily basis and reconciled on a monthly basis by Lucinda Schultz and Angie Wonsler at AmeriTitle, LLC and Furtura Title & Escrow, LLC, respectively. The monthly reconciliations are reviewed by Debbie Shirley, Corporate Controller, at the corporate offices of AmeriTitle, LLC in Boise, Idaho. No exceptions were noted as a result of this portion of the examination.

##### **B. ESCROW FILE REVIEW Idaho Code § 41-2705(3) IDAPA 18.05.01.021 & 022**

The examination included a review of the escrow files opened during the examination period. 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 the escrow officers. No exceptions were noted as a result of this portion of the examination.

## **SUMMARY OF RECOMMENDATIONS**

The recommendations made below identify corrective measures the Department finds necessary as a result of the exceptions noted in this Report of Exception Examination (“Report”). Location in the Report is referenced below in parenthesis.

- **SECTION II. Advertising and Marketing** (pages 8-9.)

- A. It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to ensure future permitted business entertainment provided to producers of title business is compliant with IDAPA 18.05.01.031.05.

It is recommended that no administrative penalties be imposed at this time, with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

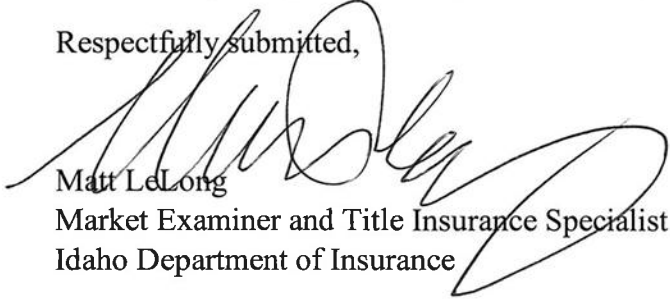
- B. It is recommended the Agent submit to the Department in writing what proposed procedures will be implemented to ensure future items of value provided to producers of title business are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(8).

It is recommended that no administrative penalties be imposed at this time, with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

**AFFIDAVIT OF EXAMINER**

I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the 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 Agent and its 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.

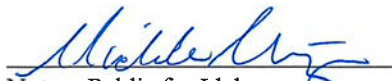
Respectfully submitted,



Matt LeLong  
Market Examiner and Title Insurance Specialist  
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of December, 2023.

MICHELE MUÑOZ  
COMMISSION #20211631  
NOTARY PUBLIC  
STATE OF IDAHO



Notary Public for Idaho  
Residing at: Boise, ID  
Commission Expires: 03-30-2027

## **PENALTY, STIPULATIONS AND APPEAL NOTIFICATION**

This matter comes before the 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 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:

- A.** The Agent, on one (1) occasion, expended more than one hundred dollars (\$100) per person per day on business entertainment meals for two (2) producers of title business, a total expenditure of \$234.96 and total overage of \$34.96; and on one (1) occasion, provided business entertainment meals for more than four (4) persons who are employed by or agents of a single producer of title business. These actions constitute violations and administrative penalties are appropriate pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), IDAPA 18.01.56.015.01<sup>3</sup> and IDAPA 18.05.01.031.05. However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

No later than thirty (30) days from the date the Final Order is adopted the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future permitted business entertainment provided to producers of title business is compliant with IDAPA 18.05.01.031.05.

- B.** The Agent, on one (1) occasion, purchased and provided a condolence gift in excess of \$50.00, an item of value and a total expenditure of \$142.55, to a producer of title business. This action constitutes a violation and administrative penalties are appropriate pursuant to Idaho Code §§ 41-117, 41-1016, 41-2708(3), and IDAPA 18.05.01.031.01 and Exhibit 1(8). However, administrative penalties will not be imposed at this time with the stipulation that the Department retains the right to impose new penalties based on any future finding of these same violations.

No later than thirty (30) days from the date the Final Order is adopted the Agent is required to submit to the Department in writing what proposed procedures will be implemented to ensure future items of value, as they relate to condolence gifts, provided to producers of title business are compliant with IDAPA 18.05.01.031.01 and Exhibit 1(8).

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<sup>3</sup> Ibid., pp. 5, 8.

FILED

Feb 12, 2024

Department of Insurance  
State of Idaho

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*Attorneys for the Department of Insurance*

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE**

**STATE OF IDAHO**

In the Matter of:

AMERITITLE, LLC.  
[Washington County]

Idaho Title Agency License No. 101220

Docket No. 18-4399-24

**ORDER ADOPTING REPORT  
OF EXCEPTION EXAMINATION  
AS OF DECEMBER 31, 2022**

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 AMERITITLE, LLC [Washington County] (“Amerititle”) 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 of Amerititle, LLC [Washington County] for the Period January 1, 2018 to December 31, 2022 (“Report”), as filed.

**FINDINGS OF FACT**

1. Amerititle is a title agency licensed by the Department to transact title insurance in Washington County, Idaho, under Title Agency License No. 101220.

2. The Department completed an examination of Amerititle pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about December 19, 2023. 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 November 14, 2023, and was transmitted to Amerititle on December 19, 2023. A copy of the Report is attached hereto as Exhibit A.

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

5. No request for hearing, written submission, or rebuttal with respect to any matter contained in the Report was received by the Department from Amerititle.

#### **CONCLUSIONS OF LAW**

6. Idaho Code § 41-227(5)(a) 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 Amerititle, the comments and recommendations contained in the Report 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 of Amerititle, LLC [Washington County] for the Period January 1, 2018 to December 31, 2022, 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, Amerititle 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 SO ORDERED.**

DATED this 9<sup>th</sup> day of February, 2024.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE



DEAN L. CAMERON  
Director

### **NOTIFICATION OF RIGHTS**

This Order constitutes a final order of the Director. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Director will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition 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 may appeal it by filing a petition for judicial review in the district court of the county in which: (1) the hearing was held; or (2) the final agency action was taken; or (3) the aggrieved party resides or operates its principal place of business in Idaho; or (4) the real property or personal property that was the subject of the agency decision is located. An appeal must be filed within twenty-eight (28) days of: (a) the service date of this final order; or (b) an order denying a petition for reconsideration; or (c) the failure within twenty-one (21) days to grant or deny a petition 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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 12<sup>th</sup> day of February, 2024, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2022, to be served upon the following parties by the designated means:

Amerititle, LLC Larry Matney, President	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:larry.matney@futatitle.com">larry.matney@futatitle.com</a>
Amerititle, LLC Mark Mills, Senior Vice President & CFP	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:mark.mills@futatitle.com">mark.mills@futatitle.com</a>
Amerititle, LLC Debbie Shirley, Controller	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:debbie.shirley@futatitle.com">debbie.shirley@futatitle.com</a>
Amerititle, LLC 128 East Main Street Weiser, ID 83672-2535	<input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input type="checkbox"/> Email:
Shannon Hohl Market Oversight Bureau Chief Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:Shannon.hohl@doi.idaho.gov">Shannon.hohl@doi.idaho.gov</a>
John Keenan Deputy Attorney General Idaho Department of Insurance 700 W. State Street, 3 <sup>rd</sup> Floor P.O. Box 83720 Boise, ID 83720-0043	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Email: <a href="mailto:john.keenan@doi.idaho.gov">john.keenan@doi.idaho.gov</a>

  
 \_\_\_\_\_  
 Jan Noriyuki  
 Paralegal



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2018 through December 31, 2022

Of

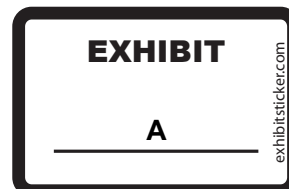
AMERITITLE, LLC

(a title agent limited liability company - license #101220 – Washington County)

As of

December 31, 2022

*Equal Opportunity Employer*



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Boise, Idaho  
November 14, 2023

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, 41-2710(7) and 41-2713, an examination has been made of the administrative affairs, books, records, and financial condition of;

AmeriTitle, LLC  
128 East Main Street  
Weiser, Idaho 83672-2535  
License #101220 – Washington County

Hereinafter referred to as “Agent”.

The following Report of Exception Examination is respectfully submitted.

## **FOREWORD**

This is an exception examination report of the practices and procedures of AmeriTitle, LLC an Idaho Title Agent licensed in Washington County. The examination was conducted remotely from the offices of the Idaho Department of Insurance (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. In addition, examiners may have documented practices and procedures that did not appear to be in the best interest of Idaho insurance consumers. However, failure to identify or criticize specific practices, products, or files does not constitute approval thereof by the Department.

It should be understood that the examination comments are restricted to areas of concern and are not intended as commentary on the various favorable aspects of the Agent’s operations. It should be further recognized that these comments should not be regarded as reflecting the integrity or capabilities of individuals at the Agent. As such, this report may not fully reflect the procedures and practices of the Agent.

This examination report cites Idaho Statute and administrative rules promulgated by the Department. Statute and rule citations are current unless otherwise noted.

The final examination report documents consist of the examiner’s report, the Agent’s response, if any, and any administrative actions based on the findings of the Department. 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 or was not possible.

## **PURPOSE AND SCOPE OF EXAMINATION**

The purpose of this examination is to determine compliance with applicable Idaho Statutes, and promulgated rules issued by the Department.

The period covered by this examination is January 1, 2018 through December 31, 2022. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The authority of the Department to perform this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority to the Department to regular examinations 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 said title or the rules thereunder.

## **EXECUTIVE SUMMARY**

Our examination of the Agent did not disclose any material adverse findings. No exceptions and recommendations were noted as a result of the examination.

## **HISTORY AND DESCRIPTION**

Futura Title & Escrow, LLC is the current parent company of both AmeriTitle, LLC and a separately branded Boise, Idaho based Title Agent, Alliance Title & Escrow, LLC.

AmeriTitle, Inc., was incorporated in Oregon under the Oregon Business Corporation Act on August 5, 1985. On December 13, 1999, the Idaho Secretary of State issued AmeriTitle, Inc., a Certificate of Authority for its Idaho operations. In 2003, they purchased the assets of Weiser Valley Title, Inc., and on May 16, 2003, became licensed in Washington County as a Title Agent with the Idaho Department of Insurance. In early 2013, Futura Title & Escrow, Inc., the parent company, who is now known as Futura Title & Escrow, LLC, purchased AmeriTitle, Inc., from Klamath Falls based Jeld-Wen, who previously owned and operated the business for 28 years. In 2016, the original Oregon jurisdiction was withdrawn and reissued with a new jurisdiction of formation in Delaware. On October 1, 2020, the Idaho Secretary of State shows AmeriTitle, Inc., changed its formation from a corporation into a limited liability company with Futura Title & Escrow, LLC as its managing member; accordingly, the Idaho Department of Insurance reflects the new and current business name as AmeriTitle, LLC. They conduct business in Washington County out of offices in Weiser, Idaho.

## **PRIOR EXAMINATION**

Our examination included a review to determine if exceptions were noted and addressed in the preceding report of exception examination dated May 31, 2018, which covered the period of January 1, 2016 through December 31, 2017. No exceptions were noted in that report of exception examination.

## **EXAMINATION 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 18.05.01.014 & 015**

As of November 2, 2022, the Idaho Secretary of State shows AmeriTitle, LLC as active and lists CT Corporation System as its Registered Agent with Futura Title & Escrow, LLC, Larry Matney, and Mark Mills, as members. Futura Title & Escrow, LLC is the parent company of AmeriTitle, LLC, and as of January 3, 2023, the Idaho Secretary of State shows their status as active and lists Paul Fritz, Mark Mills, and Larry Matney as members. Richard Hajek, Jr. is the Senior Vice President and County Manager at the Agent. No exceptions were noted as a result of this portion of the examination.

#### **B. CONTRACTING AUTHORITY** **Idaho Code § 41-2710(2)**

The Agent has underwriting contracts with First American Title Insurance Company, Old Republic National Title Insurance Company, Commonwealth Land Title Insurance Company, Fidelity National Title Insurance Company, and Chicago Title Insurance Company. The underwriting contracts require a high liability approval for risks ranging from \$750,000.00 to \$2,000,000.00 and are subject to deductible for loss in a range of \$2,500.00 to \$5,000.00. No exceptions were noted as a result of this portion of the examination.

#### **C. SURETY BOND** **Idaho Code §§ 41-2710(6), 2711** **IDAPA 18.05.01.021.07 & 08**

The Department has on file surety bond #2161580 in the amount of \$50,000.00 issued by North American Specialty Insurance 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 two (2) claims were filed within the examination period. The claims appear to be purported missed encumbrances and/or oversights on the part of employees of the Agent. No exceptions were noted as a result of this portion of the examination.

**II. ADVERTISING AND MARKETING**  
**Idaho Code § 41-2708(3) & (4)**  
**IDAPA 18.05.01.031 & Exhibit 1**

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, 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 for the samples were requested, received, and reviewed. No exceptions were noted as a result of this portion of the examination.

**III. TITLE FILE REVIEW**  
**Idaho Code §§ 41-2702, 2708 & 2709**  
**IDAPA 18.05.01.012, 013 & Exhibit 1(9)**

The title department is managed by Jonathan Edwards and is comprised of two (2) Title Officers. The title plant is owned, posted, and maintained by the Agent in Boise, Idaho. 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, 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 escrow department is managed by Darci Davis and is comprised of two (2) Escrow Officers.

**A. FIDUCIARY ACCOUNTS**  
**IDAPA 18.05.01.021.04, 05 & 09**

The 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 fiduciary accounts are balanced on a daily basis and

reconciled on a monthly basis by Lucinda Schultz and Angie Wonser at AmeriTitle, LLC and Furtura Title & Escrow, LLC, respectively. The monthly reconciliations are reviewed by Debbie Shirley, Corporate Controller, at the corporate offices of AmeriTitle, LLC in Boise, Idaho. No exceptions were noted as a result of this portion of the examination.

**B. ESCROW FILE REVIEW**  
**Idaho Code § 41-2705(3)**  
**IDAPA 18.05.01.021 & 022**

The examination included a review of the escrow files opened during the examination period. 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 the escrow officers. No exceptions were noted as a result of this portion of the examination.

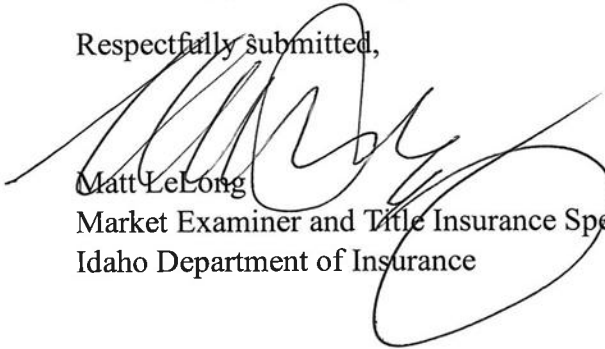
**SUMMARY OF RECOMMENDATIONS**

There were no recommendations as a result of the examination.

**AFFIDAVIT OF EXAMINER**


I certify and attest that I have examined the Agent's tract indexes, abstract records, as well as other records, and the operation of the Agent's business and other matters relevant to the affairs of the Agent. I further certify that I have no relationship, other than in my capacity as examiner and/or regulator, with the 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 Agent and its 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,

  
Matt LeLong  
Market Examiner and Title Insurance Specialist  
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of December, 2023.

MICHELE MUÑOZ  
COMMISSION #20211631  
NOTARY PUBLIC  
STATE OF IDAHO

  
Notary Public for Idaho  
Residing at: Boise, ID  
Commission Expires: 03-30-2027