

FILED
JAN 16 2020
Department of Insurance
State of Idaho

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of:

SECURED LAND TRANSFERS, LLC
[Twin Falls County], doing business as
TitleOne

Idaho Title Agency License No. 712505

Docket No. 18-3756-20

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

The State of Idaho, Department of Insurance (“Department”), having conducted an examination of the affairs, transactions, assets, tract indexes, abstract records, and any other records of SECURED LAND TRANSFERS, LLC [Twin Falls County], doing business as TitleOne (“SECURED”), to ascertain compliance with title 41, Idaho Code, and related rules, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5), hereby alleges the following facts that constitute a basis for issuance of an order, pursuant to Idaho Code § 41-227(5)(a), adopting the Report of Exception Examination for the Period January 1, 2016 to December 31, 2018 of Secured Land Transfers, LLC dba TitleOne [Twin Falls County], as of December 31, 2018 (“Report”), as filed.

FINDINGS OF FACT

1. SECURED is a title agency licensed by the Department to transact title insurance in Twin Falls County, Idaho, under Title Agency License No. 712505.

2. The Department completed an examination of SECURED, pursuant to Idaho Code §§ 41-2710(7) and 41-219(1) and (5) on or about December 19, 2019. The Department's findings are set forth in the Report.

3. Pursuant to Idaho Code § 41-227(4), a copy of the Report was filed with the Department on December 26, 2019, and was transmitted to SECURED on the same date. A copy of the Report is attached hereto as Exhibit A.

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

5. On or about December 30, 2019, the Department received a Waiver from SECURED signed by Cameron McFaddan, its senior vice president. By execution of such Waiver, a copy of which is attached hereto as Exhibit B, SECURED consented to the immediate entry of a final order by the Director of the Department ("Director") adopting the Report without any modifications; waived its right to make a written submission or rebuttal to the Report; and waived its right to request a hearing and to seek reconsideration or appeal from the Director's final order.

CONCLUSIONS OF LAW

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

7. Having fully considered the Report, the Director concludes that, with regard to the matters examined and information provided by SECURED, the comments, findings, and

recommendations contained in the Report, including the Examiner's determination of violations or noncompliance by SECURED and corrective actions to be taken identified on page 10 of 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 for the Period January 1, 2016 to December 31, 2018 of Secured Land Transfers, LLC dba TitleOne [Twin Falls County], as of December 31, 2018, is hereby ADOPTED as filed, pursuant to Idaho Code § 41-227(5)(a).

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

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

IT IS FURTHER ORDERED that, due to SECURED's entertaining more than four (4) persons employed by or agents of a single producer of title business in a single day on three (3) occasions, and on one (1) occasion expending more than \$100 per person per day on producers of title business for an event, in violation of IDAPA 18.05.03.015¹, no later than thirty (30) days from the date of entry of the Final Order adopting the Report, SECURED shall provide written evidence

¹ IDAPA 18.01.56.015.01, as cited in the Report, was re-designated as IDAPA 18.05.03.015, effective July 1, 2019.

to the Department that it has revised its processes and fully implemented procedures to ensure that future business entertainment expenses are in compliance with IDAPA 18.05.03.015.

IT IS FURTHER ORDERED that, any waiver of penalties for violations or noncompliance set forth above notwithstanding, the Department retains the right to impose new penalties based on any future findings of the same violations.

IT IS SO ORDERED.

DATED and EFFECTIVE this 15th day of January, 2020.

STATE OF IDAHO
DEPARTMENT OF INSURANCE



DEAN L. CAMERON
Director

NOTIFICATION OF RIGHTS

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

Any such motion for reconsideration shall be served on the Director of the Idaho Department of Insurance, addressed as follows:

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043

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

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16th day of January, 2020, I caused a true and correct copy of the foregoing ORDER ADOPTING REPORT OF EXCEPTION EXAMINATION AS OF DECEMBER 31, 2018, to be served upon the following by the designated means:

Secured Land Transfers, LLC
1411 Falls Avenue E, Ste. 1131
Twin Falls, ID 83301-3459
cmcfaddan@titleonecorp.com

- first class mail
- certified mail
- email

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

- first class mail
- certified mail
- email



Pamela Murray



REPORT OF EXCEPTION EXAMINATION

For the Period January 1, 2016 to December 31, 2018

of

SECURED LAND TRANSFERS, LLC dba TITLEONE
(a title agent corporation - license #712505 – Twin Falls County)

as of

December 31, 2018

Equal Opportunity Employer



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Boise, Idaho
December 17, 2019

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

Sir:

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

Secured Land Transfers, LLC dba TitleOne
1411 Falls Avenue East, Ste #1131
Twin Falls, Idaho 83301
License #712505 – Twin Falls County

Hereinafter referred to as “Title Agent”.

The following Report of Exception Examination is respectfully submitted.

FOREWORD

This is an exception examination report of the practices and procedures of Secured Land Transfers, LLC dba TitleOne (Title Agent) an Idaho Title Agent licensed in Twin Falls County. However, failure to identify or criticize specific products, procedures or files does not constitute approval thereof by the Idaho Department of Insurance (the Department).

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

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

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

PURPOSE AND SCOPE OF EXAMINATION

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

The period covered by this examination is January 1, 2016 through December 31, 2018. Specific areas examined include operations/management, claims, advertising and marketing, title file review and escrow fiduciary account and file review.

The Department's authority to conduct this examination includes, but is not limited to, Idaho Code § 41-2710(7), which grants authority for regular examinations of a title agent's tract indexes, abstract records, and any other records to ascertain compliance with title 41, Idaho Code, and related rules, to occur 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.

HISTORY AND DESCRIPTION

TitleOne Corporation was formed and incorporated on May 3, 2000. They became licensed with the Department in Ada County on May 23, 2000. In October of 2011 they purchased Idaho Title and Trust, Inc. TitleOne Corporation merged with Vandelay LLC in September of 2016 wherein TitleOne Corporation was the surviving entity. As a result of the merger, Title Resource Group became the sole shareholder of TitleOne Corporation. On March 1, 2019 they merged with Secured Land Transfers, LLC. They conduct business in Twin Falls County out of offices in Twin Falls, Idaho.

PRIOR EXAMINATION

This examination included a review to determine if exceptions were noted in our preceding report of examination dated September 26, 2014 which covered the period January 1, 2009 through December 31, 2013 were addressed. There were no exceptions noted.

PRIOR ESCROW AUDIT

Our examination included a review to determine if exceptions were noted in the September 1, 2018 escrow audit completed by Mr. Melvin D. Maisey of Fidelity National Title Group which covered the period July 1, 2015 through June 30, 2018 and whether these exceptions were addressed. There were no exceptions noted.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

I. OPERATIONS AND MANAGEMENT

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

A. MANAGEMENT, CONTROL AND FINANCIAL INTERESTS **IDAPA 18.01.39.011, 012 & 013**

The managing members of Secured Land Transfers, LLC are Stephanie E. Witmer and Kelli Purtell. The registered agent is Corporate Creations Network Inc. Jason Vickrey and Jessica Meade are the Team Leaders in Twin Falls County. No exceptions were noted as a result of this portion of the examination.

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

This Title Agent has underwriting contracts with Fidelity National Title Insurance Company, Chicago Title Insurance Company, Stewart Title Guaranty Company, Title Resources Guaranty Company and Commonwealth Land Title Insurance Company. All premiums appear to be paid current. All underwriting contracts require a high liability approval from \$750,000.00 to \$4,000,000.00 with deductibles for loss 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 18.01.25.011.08 & 09**

The Department has on file surety bond #285059775 in the amount of \$50,000.00 issued by Liberty Mutual Insurance Company on behalf of the Title Agent. The examination confirmed this bond to be currently active. No exceptions were noted as a result of this portion of the examination.

D. CLAIMS **Idaho Code § 41-2708(1) & (2)**

The Title Agent reported that there were eighteen (18) claims during the examination period. The claims appear to be oversights on the part of employees of the Title Agent or disputes involving property lines, easements and building encroachments. There does not appear to be any problems with the title plant. No exceptions were noted as a result of this portion of the examination.

II. ADVERTISING AND MARKETING

Idaho Code § 41-2708(3) & (4)

IDAPA 18.01.39.014 & 18.01.56

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

During the examination the following exceptions regarding entertainment expenses were noted:

Date of Entertainment Expense	Violation of IDAPA 18.01.56.015.01
July 19, 2017	Staff member Megan Clapp spent \$158.40 each on two (2) producers of title business for golf tournament expenses.
January 9, 2018	Staff member Lindsay Gambrel entertained five (5) real estate agents and staff with Keller Williams, a producer of title business.
July 25, 2018	Staff member Lindsay Gambrel entertained five (5) real estate agents with Coldwell Banker and six (6) real estate agents with Silvercreek Realty, both producers of title business.
November 30, 2018	Staff member Lindsay Gambrel entertained six (6) real estate agents with Coldwell Banker Canyonside Realty, a producer of title business.

IDAPA 18.01.56.015.01¹ states that "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. These meals or events may occur on or off the title entity's premises. 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. Spouses and/or guests of the producers of title business or employees or agents thereof shall be included in the count for purposes of determining the four (4) person maximum." The Title Agent was in violation of IDAPA 18.01.56.015.01 by expending more than one hundred dollars (\$100) per person on two (2) producers of title business and by entertaining more than four (4) persons who are employed by or agents of any single producer of title business in a single day.

¹ IDAPA 18.01.56.015.01 was re-designated as IDAPA 18.05.03.015, effective July 1, 2019.

It is recommended that the Title Agent provide in writing their proposed changes to procedures in order to maintain compliance with permitted entertainment expenses subject to IDAPA 18.01.56.015.01 and 18.01.56.014.01. No administrative sanctions or penalties are recommended at this time as this is the first instance of this violation noted in an examination.

III. TITLE FILE REVIEW

Idaho Code §§ 41-2702, 2708 & 2709

IDAPA 18.01.25 & 18.01.56.017 & Exhibit 1(9)

The Head of the Title Department is Kaylin Garrard and consists of two (2) title officers and two (2) assistants. A sample of title files were reviewed within the parameters of our examination for the rates charged, the correct insured amount of the owner's and mortgagee's policies, proper countersignatures, double sales, proper use of the Standards of Liability and liens and encumbrance rules, cancellation fees, and unique kind or class of risk. No exceptions were noted as a result of the examination.

IV. ESCROW FIDUCIARY ACCOUNTS AND FILE REVIEW

The escrow department is managed by Jessica Meade and consists of three (3) escrow officers and eight (8) assistants.

A. FIDUCIARY ACCOUNTS

IDAPA 18.01.25.011.04, 05 & 10

All Fiduciary Accounts are balanced on a daily basis by Jenna Lang and Jacob Schmidt. Randy Rabehl, the Controller in the corporate offices in Boise reviews the bank reconciliations. The examination included a review of the two (2) fiduciary accounts utilized during the examination period. The accounts were reviewed for correct labeling, separation from operating funds, reconciliation, and negative balances. No exceptions were noted as a result of the examination.

B. ESCROW FILE REVIEW

Idaho Code § 41-2705(3)

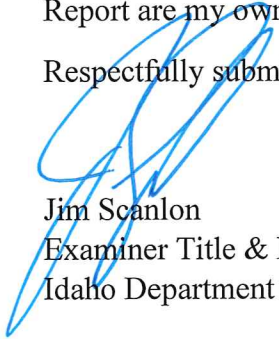
IDAPA 18.01.25.011 & 12, 18.01.56.017

A sample of the escrow files were reviewed within the parameters of our examination for adequate written instructions, conformity to the written instructions by the Title Agent, 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.

CONCLUSION

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

Respectfully submitted,



Jim Scanlon
Examiner Title & Market Insurance Specialist
Idaho Department of Insurance

PENALTY, STIPULATIONS AND APPEAL NOTIFICATION

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

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

1. The Title Agent, on three (3) occasions, entertained more than four (4) persons who are employed by or agents of any single producer of title business in a single day. Also, the Title Agent, on one (1) occasion, expended more than one hundred dollars (\$100) per person per day on producers of title business for an event. These actions constitute violations of IDAPA 18.01.56.015.01.

No later than thirty (30) days from the date the Final Order is adopted, the Title Agent shall provide written evidence to the Department that it has revised its processes and fully implemented procedures to ensure that future business entertainment expenses are in compliance with IDAPA 18.01.56.015.01.

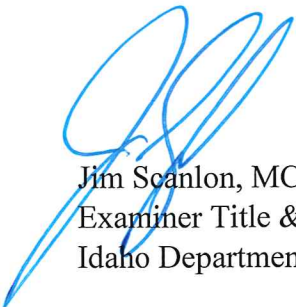
These actions should be considered a violation and an administrative penalty in the amount of \$945.68 is appropriate pursuant to IDAPA 18.01.56.018.01². However, as this is the first instance of this violation noted in an examination, the administrative penalty is waived.

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

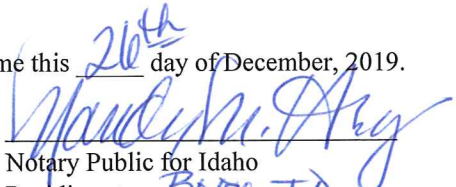
I certify that on this 26th day of December 2019, I submitted a final copy of this Report to the Director of the Idaho Department of Insurance and served a final copy of the same by Electronic Mail to:

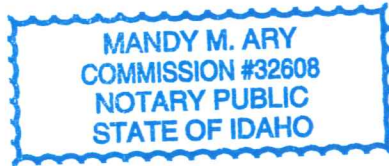
Mr. Cameron McFaddan
SVP and General Counsel
cmcfaddan@titleonecorp.com

² IDAPA 18.01.56.018.01 was re-designated as IDAPA 18.05.03.017.01, effective July 1, 2019.


Jim Scanlon, MCM
Examiner Title & Market Insurance Specialist
Idaho Department of Insurance

SUBSCRIBED AND SWORN to before me this 26th day of December, 2019.


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



State of Idaho
DEPARTMENT OF INSURANCE

BRAD LITTLE
Governor

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

DEAN L CAMERON
Director

WAIVER

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

Secured Land Transfers, LLC dba TitleOne
1101 W. River Street, Ste. #201
Boise, Idaho 83702

#712441 - Ada Cnty	#712480 - Canyon Cnty	#712500 - Kootenai Cnty
#712444 - Blaine Cnty	#712473 - Cassia Cnty	#712502 - Lincoln Cnty
#712451 - Boise Cnty	#712485 - Gooding Cnty	#712503 - Minidoka Cnty
#712468 - Bonneville Cnty	#712489 - Jefferson Cnty	#712505 - Twin Falls Cnty
#712469 - Butte Cnty	#712499 - Jerome Cnty	

By executing this Waiver, the Agent hereby acknowledges receipt of the above-described examination reports, verified as of the 26th day of December 2019, and by this Waiver hereby consents to the immediate entry of a final order by the Director of the Department of insurance adopting said report without any modifications.

By executing this Waiver, the Company also hereby waives:

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

Dated this 30 day of December, 2019

Secured Land Transfers, LLC dba TitleOne

Cameron McFadden

Name (print)

[Signature]

Name (signature)

SUP

Title

