

LAWRENCE G. WASDEN  
Attorney General

RICHARD B. BURLEIGH, ISB No. 4032  
Deputy Attorney General  
Idaho Department of Insurance  
700 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0043  
Telephone No. (208) 334-4219  
Facsimile No. (208) 334-4298  
[richard.burleigh@doi.idaho.gov](mailto:richard.burleigh@doi.idaho.gov)

FILED *qj*

APR 11 2012

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:

MOUNTAIN WEST TITLE & ESCROW,  
INC,

Resident Title Agency License No. 143771,

Respondent.

Docket No. 18-2747-12

**CONSENT ORDER**

The parties hereto, namely the Idaho Department of Insurance and MOUNTAIN WEST TITLE & ESCROW, INC, Resident Title Agency License No. 143771, having entered into a STIPULATION FOR CONSENT ORDER, a copy of which is attached hereto, and the Director having reviewed the same and based on the foregoing and in consideration of the premises,

**IT IS HEREBY ORDERED** that the STIPULATION FOR CONSENT ORDER, attached hereto, is approved and adopted as an Order of the Director, and is incorporated herein as if set forth in full and made a part hereof; and,

**IT IS FURTHER ORDERED** that MOUNTAIN WEST shall pay to the Department a penalty in the amount of five thousand dollars (\$5,000.00) due and payable in full within three

business days from the execution of this order.

**IT IS SO ORDERED.**

DATED this 11<sup>th</sup> day of April, 2012.

By:   
WILLIAM W. DEAL, Director  
IDAHO DEPARTMENT OF INSURANCE

**CERTIFICATE OF SERVICE**

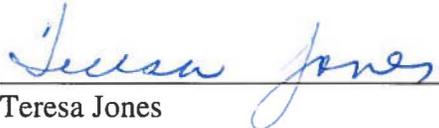
I HEREBY CERTIFY that I have, on this 11th day of April, 2012, caused a true and correct copy of the foregoing CONSENT ORDER to be served upon the following by the designated means:

Wendy K. Nelson  
Mountain West Title & Escrow, Inc.  
PO Box 50898  
Idaho Falls, ID 83405

- first class mail
- certified mail
- hand delivery
- via facsimile

Richard B. Burleigh  
Deputy Attorney General  
Idaho Department of Insurance  
700 W. State Street  
Boise, Idaho 83720-0043

- first class mail
- certified mail
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\_\_\_\_\_  
Teresa Jones

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Department of Insurance  
State of Idaho

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In the Matter of:

MOUNTAIN WEST TITLE & ESCROW, INC,  
Resident Title Agency License No. 143771,  
Respondent.

Docket No. 18-2747-12

**STIPULATION FOR CONSENT  
ORDER**

The parties herein, namely the Idaho Department of Insurance (“**Department**”) and its counsel of record, Richard B. Burleigh, Deputy Attorney General, and MOUNTAIN WEST TITLE & ESCROW, INC, Resident Title Agency License No. 143771 (“**Mountain West**”), do hereby agree and stipulate as follows:

1. That the Director of the Idaho Department of Insurance has jurisdiction over this matter pursuant to title 41, Idaho Code.
2. That the Department conducted a five year audit of Mountain West from August 22, 2011 through August 23, 2011 (the “**August Audit**”).

3. That during the August Audit, the Department identified a multi-step 2008 sales transaction concerning that certain property located at 5185 E. Redonda Circle in Idaho Falls, Idaho, the escrows for which transaction was handled by Mountain West.

4. That the transaction concerned three separate closings; the first being between Ricky D. Latham and Leigh Latham, as sellers, and Elaine Watson, trustee, as buyer (escrow file No. 2007081111), the second being between Elaine Watson, trustee, as seller, and We Sell Idaho Homes, L.L.C. as buyer (escrow file 2008041681), and the third and ultimate sale being between We Sell Idaho Homes, L.L.C., as seller, and Jeffrey B. Stieglitz, as buyer (escrow file 2008011548).

5. That all of the above referenced transfers occurred on April 3, 2008 and were funded on the same day.

6. That the funding for the first closing (Latham/Watson) was provided by a transfer of funds from the second closing (Watson/We Sell Idaho Homes), which in turn was funded by the transfer of funds from the third and final closing, (We Sell Idaho Homes/Stieglitz).

7. That as a result, the disbursements from the escrow closing of file No. 200708111 and file no. 20080416181 were conducted without collected funds in violation of IDAPA Rule 18.01.25.011.10(b), which provides:

Notwithstanding any agreement to the contrary, no disbursement of funds or delivery of documents from an escrow for recording or otherwise may be made unless the escrow contains a credit balance consisting of collected funds, other than funds of the escrow agent or its affiliates, sufficient to discharge all monetary conditions of the escrow.

8. That Pursuant to Idaho Code § 41-117 the Department can seek general penalties against Mountain West of up to five thousand dollars (\$5,000.00) per violation of IDAPA Rule

18.01.25.011.10(b).

9. That the parties agree that this matter can be brought to a close by a negotiated and stipulated settlement as opposed to an administrative enforcement action.

10. That the parties therefore agree as follows:

- a. Mountain West acknowledges that the escrow closings on April 3, 2008 concerning that certain property located at 5185 E. Redonda Circle in Idaho Falls, Idaho, were in violation of IDAPA Rule 18.01.25.011.10(b), which rule requires collected funds prior to any disbursement of funds or delivery of documents from an escrow for recording or otherwise.
- b. Mountain West shall pay a five thousand dollar (\$5,000.00) penalty to the Department within three days of the execution of the Consent Order attached hereto.
- c. Upon payment of the aforementioned penalty, the Department waives (i) its rights to pursue an administrative enforcement action against Mountain West for the events surrounding the April 3, 2010 transaction concerning that certain property located at 5185 E. Redonda Circle in Idaho Falls, Idaho, and (ii) its right to pursue an administrative enforcement action against Mountain West for any other alleged violations revealed by or identified during the August Audit.

11. That Mountain West acknowledges that it has had the opportunity to consult with counsel concerning this Stipulation and proposed Consent Order. That Mountain West waives its right to notice and hearing at which it may be represented by counsel, present evidence and examine witnesses. Mountain West waives its right to submit this matter for review by a court of competent jurisdiction.

12. That the parties agree that the terms of this Stipulation is appropriate and proper under the circumstances referenced herein, and that they have entered into this Stipulation knowingly, voluntarily and with full knowledge of any rights they may be waiving thereby.

13. That the parties hereby waive the right to seek reconsideration and judicial review of the Consent Order to be entered herein.

14. That the parties hereto have reviewed the proposed Consent Order, attached hereto as Exhibit A and incorporated herein by this reference, and agree as to its form and that said Consent Order may be submitted to the Director of the Idaho Department of Insurance for his review and signature.

[Signatures on following pages.]



AGREED THIS 11<sup>th</sup> day of April, 2012.

IDAHO DEPARTMENT OF INSURANCE

By: Georgia Siehl  
Georgia Siehl, CPA, CFE  
Bureau Chief, Chief Examiner  
Idaho Department of Insurance

Approved as to Form:

OFFICE OF THE ATTORNEY GENERAL

By: [Signature]  
Richard B. Burleigh  
Deputy Attorney General  
Attorney for the Idaho Department of Insurance

EXHIBIT A  
CONSENT ORDER

LAWRENCE G. WASDEN  
Attorney General

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**IT IS FURTHER ORDERED** that MOUNTAIN WEST shall pay to the Department a penalty in the amount of five thousand dollars (\$5,000.00) due and payable in full within three

business days from the execution of this order.

**IT IS SO ORDERED.**

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

By: \_\_\_\_\_  
WILLIAM W. DEAL, Director  
IDAHO DEPARTMENT OF INSURANCE

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have, on this \_\_\_\_ day of \_\_\_\_\_, 2012, caused a true and correct copy of the foregoing CONSENT ORDER to be served upon the following by the designated means:

Wendy K. Nelson  
Mountain West Title & Escrow, Inc.  
PO Box 50898  
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