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**FILED**

**FEB 21 2013**

Department of Insurance  
State of Idaho

*Attorneys for the Department of Insurance*

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

STATE OF IDAHO, DEPARTMENT OF )  
INSURANCE, )  
 )  
Complainant, )  
 )  
vs. )  
 )  
A L TECHNOLOGY SERVICES PVT )  
LTD, aka A L TECHNOLOGY )  
SERVICES, )  
 )  
Respondent. )  
\_\_\_\_\_ )

Docket No. 18-2856-13

**ORDER TO CEASE AND DESIST**

The State of Idaho, Department of Insurance (Department), pursuant to title 41, Idaho Code (the Idaho Insurance Code), and in particular Idaho Code § 41-213(1)(a), and hereby alleges the following facts that constitute the basis for the issuance of an order requiring A L TECHNOLOGY SERVICES PVT LTD, aka A L TECHNOLOGY SERVICES, to immediately cease and desist from violating the Idaho Insurance Code by transacting the business of title insurance in Idaho without maintaining a certificate of authority as required by Idaho law.

## **RESPONDENT**

1. A L TECHNOLOGY SERVICES PVT LTD, aka A L TECHNOLOGY SERVICES (the Respondent), is a company that offers “title services,” as well as other related services, in the United States. On its website, the Respondent lists its “location” as: #45/B, Subam complex 1<sup>st</sup> ‘A’ Main, 2<sup>nd</sup> Floor, Rear Wing, J.P. Nagar, 3<sup>rd</sup> Phase, Bangalore -560078, India. The Respondent also represents on its website that it is “based out of Chicago, IL with operations in Bangalore, India.” The Respondent appears to have some type of business relationship with a company using the name Aster Logic, Inc., apparently doing business from 2272 95<sup>th</sup> St., Suite 200, Naperville, IL 60564. Aster Logic, Inc., also represents that it offers “title services” in the United States.

2. The Respondent has never held a certificate of authority authorizing it to engage in title insurance business in Idaho, nor in any other form of insurance business.

## **FINDINGS OF FACT**

3. On February 4, 2013, the Department was informed by an Idaho-licensed title agent (Idaho Agent) that on or about October 16, 2012, the Idaho Agent at his place of business in Idaho had received an email solicitation from the Respondent, offering its “title services” to such Idaho Agent’s company. The Idaho Agent did not respond to such email solicitation. On February 1, 2013, the Respondent sent a follow-up email to the Idaho Agent and engaged in an email discussion concerning the title services the Respondent offered in all Idaho counties. The Respondent’s email solicitation represented its services in such a way as to clearly convey that it was a company offering its services for fee or compensation.

## CONCLUSIONS OF LAW AND VIOLATIONS

4. The allegations set forth in paragraphs 1 through 3 above are fully incorporated herein by this reference.

5. Idaho Code § 41-305(1) provides that no person shall transact insurance in Idaho, either directly or indirectly, without a “subsisting certificate of authority” issued by the Director of the Idaho Department of Insurance.

6. Idaho Code § 41-112 defines “transacting insurance” to include: (1) solicitation and inducement; (2) preliminary negotiations; (3) effectuation of a contract of insurance; and (4) transaction of matters subsequent to effectuation of a contract of insurance and arising out of it. Such section also provides that “[m]ailing or otherwise delivering any written solicitation to any person in [Idaho] by an insurer or any person acting on behalf of the insurer for fee or compensation” constitutes “transacting insurance” in Idaho.

7. Idaho Code § 41-2704 provides as follows, in pertinent part:

**41-2704. Application of act – Business of title insurance.** – The provisions of chapter 27, title 41, Idaho Code, shall apply to all title insurance companies, title insurance rating organizations, title insurance agents, applicants for title insurance, policyholders and to all persons and business entities engaged in the business of title insurance. The business of title insurance shall include:

...

(2) transacting or proposing to transact any phase of title insurance, including solicitations, negotiations preliminary to and execution of a contract of title insurance, and matters subsequent to the issuance of such contract

...

8. The Respondent’s October 16, 2012, email to the Idaho Agent clearly constitutes “solicitation and inducement” as contemplated in Idaho Code §§ 41-112 and 41-2704(2), and thus constitutes transacting insurance in Idaho within the meaning of such statutes. Because the Respondent has never been issued a certificate of authority by the Director of the Idaho Department of Insurance authorizing it to transact title insurance or any other kind of

insurance in Idaho, its transaction of title insurance as reflected in its email correspondence with the Idaho Agent constitutes a violation of Idaho Code § 41-305(1).

9. Idaho Code § 41-213(1)(a) authorizes the Director to issue an order requiring a person to cease and desist from engaging in any act or practice constituting a violation of the Idaho Insurance Code.

10. Idaho Code § 67-5247 provides that an agency may act through an emergency proceeding in a situation involving an immediate danger to the public health, safety, or welfare requiring immediate agency action.

### **ORDER**

The Director of the Idaho Department of Insurance, having reviewed the foregoing, good cause being shown, and the protection of the public justifying the entry of this Order and that it be effective immediately,

NOW, THEREFORE, the Director HEREBY FINDS that the Respondent has violated the Idaho Insurance Code by transacting title insurance in Idaho, while failing to hold the required certificate of authority authorizing it to do so. Persons that transact insurance in Idaho without having received the authorization required by the Idaho Insurance Code to do so subject the insurance buying public to possible harm.

Based on the foregoing, and pursuant to Idaho Code § 41-213(1)(a), IT IS HEREBY ORDERED that the Respondent and its agents and employees immediately CEASE AND DESIST from transacting title insurance or any other kind of insurance in Idaho, either directly or indirectly, to include specifically contacting Idaho residents via email or otherwise soliciting for its title insurance or other insurance services.

## NOTICE

Respondent is HEREBY NOTIFIED that the foregoing ORDER TO CEASE AND DESIST is a final order of the Director, subject to the Respondent's right to timely file a motion for reconsideration of such final order or request for a hearing as to such order, pursuant to Idaho Code § 67-5246(4). Such motion for reconsideration or request for a hearing must be in writing and be submitted to the Director within fourteen (14) days after the service of this Order, at the following address:

William W. Deal, Director  
Idaho Department of Insurance  
700 W. State Street  
P.O. Box 83720  
Boise, Idaho 83720-0043

A copy of the motion for reconsideration or request for a hearing shall also be served on the Department's counsel in this matter, A. René Martin, Deputy Attorney General, at the following address:

A. René Martin  
Deputy Attorney General  
Idaho Department of Insurance  
P.O. Box 83720  
Boise, Idaho 83720-0043

If the Respondent timely files a request for a hearing, the Department will notify the Respondent of the date, time, and place of the hearing, as well as the name and contact information of the presiding officer.

Any hearing and subsequent proceedings in this matter will be conducted in accordance with the Idaho Administrative Procedure Act, Idaho Code § 67-5201 *et seq.*

The Director will dispose of a motion for reconsideration within twenty-one (21) days of its receipt, or the motion will be considered denied by operation of law. Idaho Code § 67-

5246(4); Rule 740, Idaho Rules of Administrative Procedure of the Attorney General (IRAP), located at IDAPA 4.11.01.740.

Pursuant to Idaho Code §§ 67-5250 and 67-5272, any party aggrieved by this final order may appeal to the district court by filing a petition 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.

*See* IDAPA 04.11.01.740.02.b.

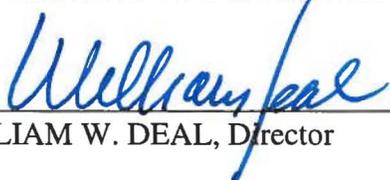
An appeal must be filed within twenty-eight (28) days of (a) the service date of this final order, (b) an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. *See* Idaho Code § 67-5273. The filing of an appeal to the district court does not itself stay the effectiveness or enforcement of the order under appeal. *See* IDAPA 04.11.01.740.02.c.

This ORDER TO CEASE AND DESIST is effective upon issuance.

**IT IS SO ORDERED.**

DATED this 21<sup>st</sup> day of February, 2013.

STATE OF IDAHO  
DEPARTMENT OF INSURANCE

  
\_\_\_\_\_  
WILLIAM W. DEAL, Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 21st day of February, 2013, I caused a true and correct copy of the foregoing Order to Cease and Desist to be served upon the following by the designated means:

A L Technology Services Pvt Ltd  
#45/B, Subam complex  
1<sup>st</sup> 'A' Main, 2<sup>nd</sup> Floor, Rear Wing  
J.P. Nagar, 3<sup>rd</sup> Phase  
BANGALORE -560078  
INDIA

- first class mail, international
- certified mail
- hand delivery
- via facsimile
- via email

[info@altechnologyservices.com](mailto:info@altechnologyservices.com)

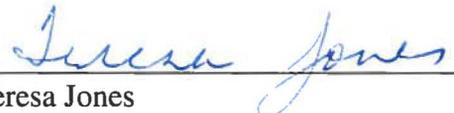
Aster Logic, Inc.  
2272 95<sup>th</sup> St., Suite 200  
Naperville, IL 60564

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

[info@asterlogic.com](mailto:info@asterlogic.com)

A. René Martin  
Deputy Attorney General  
Idaho Department of Insurance  
700 W. State Street, 3<sup>rd</sup> Floor  
P.O. Box 83720  
Boise, ID 83720-0043

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

  
\_\_\_\_\_  
Teresa Jones