

No. 2020-6404

**Official Order
of the
Texas Commissioner of Insurance**

Date: 07/24/2020

Subject Considered:

Blackacre Escrow, Title & Abstract LLC d/b/a Blackacre Title Company
1705 E. Main Street, Suite B
Gatesville, Texas 76528

Consent Order
SOAH Docket No. 454-20-1537.C
TDI Enforcement File No. 22940

General remarks and official action taken:

The subject of this order is whether disciplinary action should be taken against Blackacre Escrow, Title & Abstract LLC d/b/a Blackacre Title Company (Blackacre). Blackacre failed to timely provide copies of trust fund account audit reports for several years and failed to timely pay fees to the Texas Title Insurance Guaranty Association. Blackacre has agreed to pay a penalty of \$10,000.

Waiver

Blackacre acknowledges that the Texas Insurance Code and other applicable laws provide certain rights. Blackacre waives all of these rights and any other applicable procedural rights and consideration of the entry of this consent order.

Findings of Fact

1. Blackacre holds a title insurance agent license issued by the Texas Department of Insurance (TDI).
2. Blackacre is required to have an audit of its trust funds performed annually, and to provide TDI a copy of the audit report no later than the 90th day after the end of its fiscal year. Blackacre's fiscal year ends December 31.

2020-6404

Commissioner's Order

Blackacre Escrow, Title & Abstract LLC d/b/a Blackacre Title Company

SOAH Docket No. 454-20-1537.C

Page 2 of 4

3. Blackacre did not provide TDI a copy of the audit report for 2015 until December 13, 2017, more than 20 months late.
4. Blackacre did not provide TDI a copy of the audit reports for 2016 and 2017 until January 24, 2020, more than 33 and 21 months late, respectively.
5. Blackacre did not provide TDI a copy of the audit report for 2018 until February 6, 2020, more than 9 months late.
6. Blackacre is required to pay quarterly fees by a specific date to the Texas Title Insurance Guaranty Association for each policy it issues. Blackacre paid these fees late for: the fourth quarter of 2016; the first, second, and fourth quarters of 2017; and the third and fourth quarters of 2018.

Conclusions of Law

1. The Commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051 – 82.056, 84.021 – 84.022, 2602.151, 2651.151, and 2651.301; and TEX. GOV'T CODE §§ 2001.051 – 2001.178.
2. The Commissioner has the authority to dispose of this case informally pursuant to TEX. GOV'T CODE § 2001.056; TEX. INS. CODE §§ 36.104 and 82.055; and 28 TEX. ADMIN. CODE § 1.47.
3. Blackacre has knowingly and voluntarily waived all procedural rights to which it may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intention to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, rehearing by the commissioner, and judicial review.
4. Blackacre failed to provide TDI copies of annual trust fund audit reports when due, in violation of TEX. INS. CODE § 2651.151(b).
5. Blackacre failed to pay the policy fee to the Texas Title Insurance Guaranty Association when due, in violation of TEX. INS. CODE § 2602.151.
6. Blackacre willfully violated Title 11 of the Texas Insurance Code, as contemplated by TEX. INS. CODE §§ 2651.301(1), 2651.151, and 2602.151.

2020-6404

Commissioner's Order

Blackacre Escrow, Title & Abstract LLC d/b/a Blackacre Title Company

SOAH Docket No. 454-20-1537.C

Page 3 of 4

Order

It is ordered that Blackacre Escrow, Title & Abstract LLC d/b/a Blackacre Title Company must pay an administrative penalty of \$10,000 within 30 days from the entry date of this order. The penalty must be paid by cashier's check or money order made payable to the "State of Texas" and sent to the Texas Department of Insurance, Attn: Enforcement Division, Division 60851, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.

Kent C. Sullivan
Commissioner of Insurance

DocuSigned by:
Doug Slape
By: C77A87C8C21B435...
Doug Slape
Chief Deputy Commissioner
Commissioner's Order No. 2018-5528

Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Enforcement Division



Casey Seeboth, Staff Attorney
Enforcement Division

2020-6404

Commissioner's Order
Blackacre Escrow, Title & Abstract LLC d/b/a Blackacre Title Company
SOAH Docket No. 454-20-1537.C
Page 4 of 4

Affidavit

STATE OF Texas §
 §
COUNTY OF Bell §

Before me, the undersigned authority, personally appeared the affiant, who being by me duly sworn, deposed as follows:

"My name is Cy Long II. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

I hold the office of President, and am the authorized representative of Blackacre Escrow, Title & Abstract LLC and I am duly authorized by said organization to execute this statement.

Blackacre Escrow, Title & Abstract LLC waives rights provided by the Texas Insurance Code and other applicable laws and acknowledges the jurisdiction of the Texas commissioner of insurance.

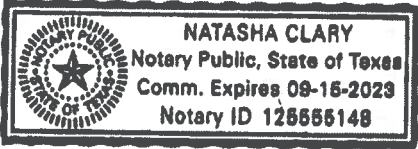
Blackacre Escrow, Title & Abstract LLC is voluntarily entering into this consent order. Blackacre Escrow, Title & Abstract, LLC consents to the issuance and service of this consent order."

[Handwritten Signature]

Affiant

SWORN TO AND SUBSCRIBED before me on March 16, 2020.

(NOTARY SEAL)



[Handwritten Signature]

Signature of Notary Public