

No. **2023-8293**

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

Date: 10/19/2023

Subject Considered:

Hardeman County Title Company, LLC
PO Box 275
Quanah, TX 79252

Consent Order
TDI Enforcement File No. 32580

General remarks and official action taken:

This is a consent order with Hardeman County Title Company, LLC (Hardeman Title). The Texas Department of Insurance (TDI) alleges that Hardeman Title failed to timely submit an annual trust fund account audit report. Hardeman Title has agreed to pay a \$3,500 administrative penalty for these violations.

Waiver

Hardeman Title acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Hardeman Title waives all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order.

Findings of Fact

1. Hardeman Title, firm identification number 176367, holds a title insurance agency license issued by TDI.

2023-8293

Commissioner's Order

Hardeman County Title Company, LLC

Page 2 of 4

2. TDI requires title agencies to file an annual trust fund account audit report prepared by a certified public accountant. The report is due before the 91st day after the end of the agency's fiscal year.
3. Hardeman Title's fiscal year ends on December 31 each year.
4. Hardeman Title did not timely submit an annual trust fund account audit report for 2022, which was due on March 31, 2023.
5. On April 18, 2023, May 24, 2023, and July 7, 2023, warning letters were sent to Hardeman Title advising it that the violation could result in disciplinary action and the imposition of sanctions pursuant to TEX. INS. CODE §§ 82.051-82.055, 84.021, and 84.022.
6. TDI received Hardeman Title's 2022 annual audit report on August 3, 2023, more than 124 days late.

Conclusions of Law

1. The commissioner has jurisdiction over this matter under TEX. INS. CODE §§ 82.051-82.055, 84.021-84.044, 2551.001, 2551.003, 2651.151-2651.157, and 4005.102-4005.104; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has the authority to informally dispose of this matter as set forth in TEX. GOV'T CODE § 2001.056; TEX. INS. CODE §§ 36.104 and 82.055; and 28 TEX. ADMIN. CODE § 1.47.
3. Hardeman Title has knowingly and voluntarily waived all procedural rights to which it has 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. Hardeman Title violated TEX. INS. CODE § 2651.151-2651.157 by failing to timely submit an annual trust fund account audit report.

2023-8293

Commissioner's Order
Hardeman County Title Company, LLC
Page 3 of 4

Order

It is ordered that Hardeman County Title Company, LLC pay an administrative penalty of \$3,500 within 30 days from the date of this order. The administrative penalty must be paid as instructed in the invoice, which TDI will send after entry of this order.

DocuSigned by:

FC5D7EDDFFB4F8... _____
Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Fraud and Enforcement Division

/s/ Erik Huhn

Erik Huhn, Attorney
Enforcement

Commissioner's Order
Hardeman County Title Company, LLC
Page 4 of 4

Affidavit

STATE OF Texas §
§
COUNTY OF Hardeman §

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

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

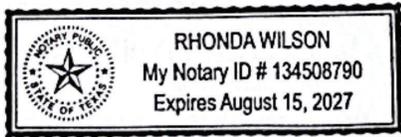
I hold the office of owner/manager and am the authorized representative of
Hardeman County Title Company, LLC. I am duly authorized by said organization to
execute this statement.

Hardeman County Title Company, LLC has knowingly and voluntarily entered into the
foregoing consent order and agrees with and consents to the issuance and service of the
same by the commissioner of insurance of the state of Texas."

Marley Elliott
Affiant

SWORN TO AND SUBSCRIBED before me on October 6, 2023.

(NOTARY SEAL)



Rhonda Wilson
Signature of Notary Public

Rhonda Wilson
Printed Name of Notary Public