

No. 2016-4757

OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE

Date: OCT 27 2016

Subject Considered:

TEXAS STAR TITLE, LLC
650 North Sam Houston Parkway East, Suite 445
Houston, Texas 77060-5911

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 11598

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against Texas Star Title, LLC.

Waiver

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

Pursuant to TEX. INS. CODE § 82.055(b), Texas Star agrees to this consent order with the express reservation that it does not admit to a violation of any provision of the Texas Insurance Code or of a rule of TDI, and Texas Star maintains that the existence of a violation is in dispute.

Findings of Fact

1. Texas Star Title, LLC, organization identification no. 92726, holds a title insurance agency license issued by the Texas Department of Insurance.
2. In June 2016, TDI concluded an audit of Texas Star's business. The audit identified 33 files where Texas Star had failed to timely remit a total of \$7,300.20 of title insurance premium to underwriters. Texas Star has since paid these amounts and is current on all its remittances to underwriters.
3. The audit also identified 25 files that had been closed more than 90 days for which Texas Star had failed to issue title insurance policies. Texas Star has since issued all outstanding policies for the files identified.

Conclusions of Law

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE chs. 82, 84, and 2651; 28 TEX. ADMIN. CODE § 9.1, which adopts the *Texas Title Insurance Basic Manual* (Basic Manual) by reference; 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. Texas Star failed to timely remit the portions of title insurance premium due to the title insurance company, as contemplated by Rate Rule R-2 of the Basic Manual.
4. Texas Star failed to issue title insurance policies for files that had been closed for more than 90 days, as contemplated by Procedural Rule P-61 of the Basic Manual.

The commissioner orders that Texas Star Title, LLC pay an administrative penalty of \$4,000.00. Texas Star Title, LLC must pay the penalty in full by no later than 30 days from the entry date of this consent 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 Section, Division 40111, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.



David C. Mattax
Commissioner of Insurance

APPROVED AS TO FORM AND CONTENT:



Erin Dinsmore, Staff Attorney
Compliance Division, Enforcement Section

Affidavit

STATE OF Colorado

§

COUNTY OF Arapahoe

§

§

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

"My name is Leo C. Stawiariski, Jr.. 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 Managing Member and am the representative of Texas Star Title, LLC. I am duly authorized by said organization to execute this statement.

Texas Star Title, LLC waives rights provided by the Texas Insurance Code and other applicable laws, and acknowledges the jurisdiction of the commissioner.

Texas Star Title, LLC knowingly and voluntarily enters into this consent order, and consents to the issuance and service of the consent order by the commissioner of insurance of the state of Texas."

[Signature]
Affiant

SWORN TO AND SUBSCRIBED before me on Sept. 30th, 2016.

(NOTARY STAMP)

Colette Poeppel
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 139954004674
MY COMMISSION EXPIRES MAY 14, 2019

Colette Poeppel
Signature of Notary Public