

No. **2016-4836**

OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE

Date: DEC 07 2016

Subject Considered:

Empire Title Company, LTD
2050 W. Sam Houston Pkwy S Ste 1650
Houston, Texas 77042

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 11364

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against Empire Title Company, LTD.

WAIVER

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

FINDINGS OF FACT

1. Empire holds a title insurance agent license issued by TDI.
2. Title agents, including Empire, are required to remit premium funds to underwriters no later than the 15th day of the second month following the month in which the premium is collected.
3. During a routine audit performed in August 2015, and in the followup of the audit, TDI identified 241 files for which Empire was delinquent in remitting the premium to underwriters. Empire collected the premium for these files during the months of July 2014 through May 2015.

2016-4836

Commissioner's Order
Empire Title Company, LTD
Page 2 of 4

4. Empire owed a total of \$69,473.44 to Fidelity National Title Insurance Company.
5. All funds owed by Empire were being held in escrow by Empire and there was no shortage in its escrow account.
6. Empire promptly remitted the delinquent premium to Fidelity National Title Insurance Company by September 15, 2015, upon discovery of the delinquency.
7. Empire issued 94 title insurance policies during August 2015 for transactions Empire closed during the months of January through April 2015.
8. Empire fully cooperated with the Department in its audit and in promptly remitting delinquent premiums.

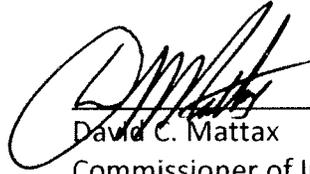
CONCLUSIONS OF LAW

1. The commissioner has jurisdiction over this matter pursuant to Tex. Ins. Code §§ 82.051 – 82.056, 84.021 – 84.022, 2651.013, 2651.301, 2703.003; 28 Tex. Admin. Code § 9.1 adopting the *Texas Title Insurance Basic Manual* (Basic Manual); 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 § 82.055, and 28 Tex. Admin. Code § 1.47.
3. Empire failed to pay the premium for title insurance policies in the due and ordinary course of business in violation of Tex. Ins. Code § 2703.003.
4. Empire failed to remit the portion of the premium due to the title insurance company before the 15th day of the second month following the month in which the premium is collected in violation of Rate Rule R-2 of the Basic Manual.
5. Empire failed to furnish and provide title insurance policies to insureds within 90 days after closing the transaction in violation of Procedural Rule P-61 of the Basic Manual.

The commissioner orders Empire Title Company, LTD to pay an administrative penalty of \$9,500.00. The administrative penalty must be paid in full on or before 30 days from the entry date of this Order. The administrative penalty shall be paid by cashier's check or money order made payable to the "State of Texas" and transmitted to the Texas Department of Insurance, Attn: Enforcement Section, Division 40111, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.

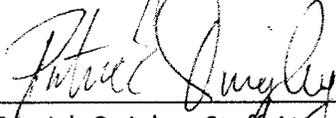
2016-4836

Commissioner's Order
Empire Title Company, LTD
Page 3 of 4



David C. Mattax
Commissioner of Insurance

APPROVED AS TO FORM AND CONTENT:



Patrick Quigley, Staff Attorney
Texas Department of Insurance

2016-4836

Commissioner's Order
Empire Title Company, LTD
Page 4 of 4

Affidavit

STATE OF TEXAS §
 §
COUNTY OF Harris §

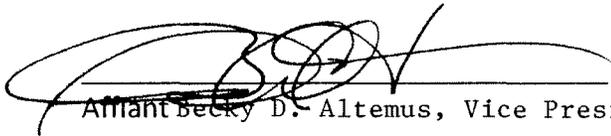
BEFORE ME, the undersigned authority, on this day personally appeared the affiant, who being duly sworn by me, testified as follows:

"My name is Becky D. Altemus. I am of sound mind, capable of making this affidavit, and I have personal knowledge of the facts stated herein.

"I am the authorized representative of Empire Title Company, LTD, and am authorized to make this affidavit on behalf of this entity.

"Empire Title Company, LTD waives rights provided by the Texas Insurance Code and other applicable law and acknowledges the jurisdiction of the commissioner.

"Empire Title Company, LTD voluntarily enters into this consent order, and consents to the issuance and service of this consent order."



Becky D. Altemus, Vice President

SWORN TO and SUBSCRIBED before me on November 29, 2016.



Elizabeth Andrews
Notary Public

