

No. 2016-4838

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: DEC 07 2016

Subject Considered:

EWA Title Inc.
306 S. Nelson Street
Fort Stockton, Texas 79735

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 12008

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against EWA Title, Inc.

WAIVER

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

FINDINGS OF FACT

1. EWA Title, Inc., firm identification number 92238, holds a title insurance agency license that was issued May 23, 2012.
2. Teresa Garvin is the president of EWA Title, Inc.
3. Title agencies, including EWA Title, Inc., are required to file with the department 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 agent's fiscal year.
4. EWA Title, Inc.'s 2014 fiscal year ended December 31, 2014.
5. EWA Title, Inc.'s 2014 annual trust fund account audit report was due on April 30, 2015.
6. The department received EWA Title, Inc.'s 2014 annual trust fund account audit report on July 26, 2016, sixteen months after the April 30, 2015, deadline.
7. EWA Title, Inc.'s 2015 fiscal year ended December 31, 2015.

8. EWA Title, Inc.'s 2015 annual trust fund account audit report was due on April 30, 2016.
9. The department received EWA Title, Inc.'s 2015 annual trust fund account audit report on July 26, 2016, almost three months after the April 30, 2016, deadline.

CONCLUSIONS OF LAW

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 84.021, 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 § 82.055; and 28 TEX. ADMIN. CODE § 1.47.
3. EWA Title, Inc. failed to timely submit annual trust fund account audit reports, in violation of TEX. INS. CODE §§ 2651.151-2651.157.

The commissioner orders EWA Title, Inc. to pay an administrative penalty of \$5,000. EWA Title, Incorporated 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:



Beverly Rosendahl
Staff Attorney, Compliance Division
Texas Department of Insurance

