

No. 2016- 4871

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

Date: DEC 29 2016

Subject Considered:

PERFORMANCE TITLE, LLC
12727 Featherwood Drive, Suite 108
Houston, Texas 77034

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 12007

General remarks and official action taken:

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

Waiver

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

Pursuant to TEX. INS. CODE § 82.055(b), Performance Title 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 Performance Title maintains that the existence of a violation is in dispute.

Findings of Fact

1. Performance Title, organization identification no. 109709, holds a title insurance agency license issued by the Texas Department of Insurance.
2. In July 2016, TDI concluded an audit of Performance Title's business. The audit identified 32 files where Performance Title had failed to timely remit a total of \$7,217.08 of title insurance premium to underwriters. Performance Title has since paid these amounts and is current on all its remittances to underwriters.

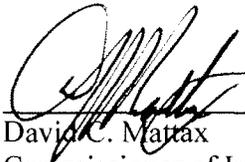
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COMMISSIONER'S ORDER
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Conclusions of Law

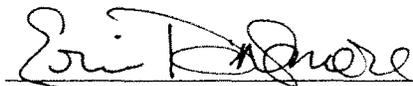
1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE chs. 82, 84, and 2651; 28 TEX. ADMIN. CODE § 9.1, which adopts the *Texas Title Insurance Basic Manual* (Basic Manual) by reference; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has the authority to dispose 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. Performance Title 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.

The commissioner orders that Performance Title, LLC pay an administrative penalty of \$3,500.00. Performance 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

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Affidavit

STATE OF Rhode Island

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§
§

COUNTY OF Newport

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

"My name is John N Chandler. 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 COO and am the representative of Performance Title, LLC. I am duly authorized by said organization to execute this statement.

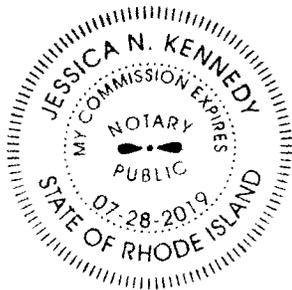
Performance Title, LLC waives rights provided by the Texas Insurance Code and other applicable laws, and acknowledges the jurisdiction of the commissioner.

Performance 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."

John N Chandler
Affiant

SWORN TO AND SUBSCRIBED before me on December 8, 2016.

(NOTARY STAMP)



Jessica N. Kennedy
Signature of Notary Public