

No. 2019- 6116

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

Date: OCT 28 2019

Subjects Considered:

Post Oak Title, LLC
4543 Post Oak Place Drive, Suite 222
Houston, Texas 77027

Alishah Allauddin Charania
6206 Calico Pointe Ct.
Sugar Land, Texas 77479-3774

Consent Order
SOAH Docket No. 454-18-2095.C
TDI Enforcement File Nos. 13289 and 14476

General remarks and official action taken:

The subject of this order is whether disciplinary action should be taken against Post Oak Title, LLC (Post Oak) and Alishah Allauddin Charania (Charania).

Waiver

Post Oak and Charania acknowledge that the Texas Insurance Code and other applicable laws provide certain rights. Post Oak and Charania waive all of these rights and any other applicable procedural rights and consideration of the entry of this consent order.

Findings of Fact

1. Post Oak holds a title insurance agent license issued by the Texas Department of Insurance (TDI).
2. Charania holds an escrow officer license issued by TDI to close transactions in the name of Post Oak Title, LLC, and is a notary public.

3. In October 2016, Post Oak and Charania were responsible for a residential sale transaction.
4. On Friday, October 7, Charania received the warranty deed from the sellers and, along with the other documents from the transaction parties, provided the closing package to the purchase money lender for funding approval.
5. On October 10, the lender communicated to Charania that the date in the conveyance language did not match the acknowledgment statement in the deed.
6. After attempting unsuccessfully to correct the matter to the lender's satisfaction, Charania was advised on October 11 that the purchaser's interest rate-lock was set to expire that day. That afternoon, Charania emailed another copy of the deed to the lender, and the lender then quickly authorized delivery of the purchase money.
7. The deed Charania emailed to the lender was not properly executed. The signatures of the grantors were not subscribed to the writing by the grantors but had been photocopied from another document and taped to the deed. Charania knew that the deed was not properly executed because he notarized the acknowledgment.
8. Charania proceeded to disburse the purchase money, and authorized the issuance of title insurance policies to both the lender and the purchaser.
9. A contested case hearing was held June 27, 2018. The administrative law judge (ALJ) issued a proposal for decision. The ALJ concluded that:
 - a. Post Oak willfully violated Title 11 of the Texas Insurance Code, as contemplated by TEX. INS. CODE §§ 2651.301(1) and 2501.006;
 - b. failed to close the subject transaction in violation of TEX. INS. CODE § 2501.006;
 - c. and is guilty of fraudulent or dishonest practices, as contemplated by TEX. INS. CODE § 2651.301(5).
10. The ALJ also concluded that:
 - a. Mr. Charania willfully violated Title 11 of the Texas Insurance Code, as contemplated by TEX. INS. CODE §§ 2652.201(a)(1) and 2501.006;

- b. failed to close the subject transaction in violation of TEX. INS. CODE § 2501.006;
- c. and is guilty of fraudulent or dishonest practices, as contemplated by TEX. INS. CODE § 2652.201(a)(5).

Conclusions of Law

1. The Commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051 – 82.056, 84.021 – 84.022, 2501.006, 2651.301, and 2652.201; 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. Post Oak and Charania have knowingly and voluntarily waived all procedural rights to which they may have 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. Post Oak willfully violated Title 11 of the Texas Insurance Code, as contemplated by TEX. INS. CODE §§ 2651.301(1) and 2501.006.
5. Post Oak failed to close the transaction in violation of TEX. INS. CODE § 2501.006.
6. Post Oak is guilty of fraudulent or dishonest practices, as contemplated by TEX. INS. CODE § 2651.301(5).
7. Charania willfully violated Title 11 of the Texas Insurance Code, as contemplated by TEX. INS. CODE §§ 2652.201(a)(1) and 2501.006.
8. Charania failed to close the transaction in violation of TEX. INS. CODE § 2501.006.
9. Charania is guilty of fraudulent or dishonest practices, as contemplated by TEX. INS. CODE § 2652.201(a)(5).

Order

It is ordered that Post Oak Title, LLC must pay an administrative penalty of \$2,500 within 30 days from the entry date of this order. The penalty must be paid by cashier's check or money

2019- 6116

Commissioner's Order

Post Oak Title, LLC and Alishah Allauddin Charania

SOAH Docket No. 454-18-2095.C

Page 4 of 7

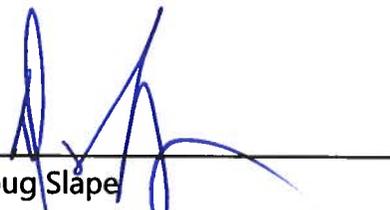
order made payable to the "State of Texas" and sent to the Texas Department of Insurance, Attn: Enforcement Section, Division 60851, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.

It is further ordered Alishah Allauddin Charania must pay an administrative penalty of \$2,500 within 30 days from the entry date of this 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 60851, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.

It is further ordered that the escrow officer license held by Alishah Allauddin Charania is suspended for a period of sixty days beginning on the entry date of this order. The license suspension is probated during the period of this suspension per TEX. INS. CODE § 4005.102(3). If TDI determines that, during this probation, Alishah Allauddin Charania violates the Texas Insurance Code or otherwise engages in conduct for which he may be subject to disciplinary action by the Commissioner, then the probation is rescinded.

Kent C. Sullivan
Commissioner of Insurance

By:


Doug Slape
Chief Deputy Commissioner

Commissioner's Order No. 2018-5528

2019- 6116

Commissioner's Order
Post Oak Title, LLC and Alishah Allauddin Charania
SOAH Docket No. 454-18-2095.C
Page 5 of 7

Recommended and reviewed by:



Leah Gillum, Associate Commissioner
Enforcement Section



Casey Seeboth, Staff Attorney
Enforcement Section

