

**BEFORE THE INSURANCE COMMISSIONER  
FOR THE STATE OF ARKANSAS**

IN THE MATTER OF:

WFG NATIONAL TITLE INSURANCE COMPANY

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AID NO.: 2011- 034

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**CONSENT ORDER**

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WHEREAS, the Arkansas Insurance Department (“Department”) and WFG National Title Insurance Company (“WFG”), NAIC #51152 (“Respondent”) hereby enters into this Consent Order subject to the review and approval of the Commissioner of the Department:

**GENERAL STIPULATIONS**

1. It is expressly understood that this Consent Order is subject to the Commissioner’s acceptance and has no force or effect until such acceptance is evidenced by the entry of the Commissioner.

2. This Consent Order is executed by the Respondent for the purpose of avoiding further administration action with respect to this cause. Furthermore, should this Consent Order not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Consent Order by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation or resolution of this matter or any administrative proceedings nor shall this Consent Order be deemed an admission of fact or law on the part of the Respondent in that event.

3. Respondent fully understands that this Consent Order will in no way preclude additional proceedings by the Commissioner against Respondent for acts or omissions not specifically addressed in this Consent Order or for facts and/or omissions that do not arise from the facts or transactions here addressed.

4. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Consent Order, the stipulations and imposition of discipline contained herein, and the consideration and entry of said Consent Order by the Commissioner.

## **FINDINGS OF FACT**

5. The Commissioner has jurisdiction over the Respondent and the subject matter pursuant to Ark. Code Ann. § 23-61-103.

6. WFG is a title insurance company that holds a Certificate of Authority to do business in the State of Arkansas with an administrative address at P. O. Box 8627, Columbia, South Carolina 29204.

7. WFG has held a Certificate of Authority to do business in the State of Arkansas since January 1, 2005.

8. On or about March 31, 2011, the Department discovered that WFG had not filed Closing Protection Letter (CPL) forms or CPL rates prior to use pursuant to Ark. Code Ann. § 23-103-405(c)(4).

9. WFG issued twenty-six (26) CPL's on forms and with rates that had not been filed with the Department prior to use.

## **CONCLUSIONS OF LAW**

10. The Commissioner has jurisdiction over the Respondent and over the subject matter herein pursuant to Ark. Code Ann. § 23-61-103.

11. Ark. Code Ann. § 23-103-405(c)(4) requires that the form and amount charged by a title insurer for closing protection coverage shall be filed with the Commissioner at least twenty (20) days before the first use of closing protection coverage in the market.

12. The Commissioner, based on the Findings of Fact, above, concludes that Respondent did not properly file the form and amount charged by WFG for closing protection coverage at least twenty (20) days before its first use of CPL's, in violation of Ark. Code Ann. § 23-103-405(c)(4).

13. Ark. Code Ann. § 23-103-416 authorizes the Commissioner to impose upon the insurer an administrative penalty in the amount of up to one thousand dollars (\$1,000) per violation or up to five thousand dollars (\$5,000) per violation if the insurer knew or reasonably should have known that the violation existed.

## **ORDER**

**NOW THEREFORE**, on the basis of the foregoing and the waiver of the Respondent of its rights to a hearing and appeal under the Arkansas Uniform Administrative Procedures Act, Ark. Code Ann. §§ 25-15-201, *et seq.*, and the admission by the Respondent of the jurisdiction of

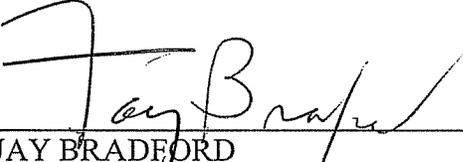
the Commissioner, the Commissioner finds that the Respondent has consented to the entry of this Order and that the following Order is appropriate and in the public interest.

**IT IS HEREBY ORDERED** that:

WFG National Title Insurance Company shall pay to the Department within thirty (30) days of the date of this Order a monetary administrative penalty in the amount of Five Thousand Dollars (\$5,000).

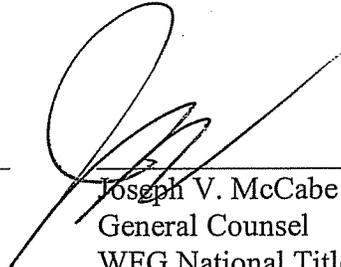
This Consent Order is in the public interest, is in the best interests of the parties hereto, and represents a compromise and settlement of the controversy between the parties and is for settlement purposes only. By its signature affixed below, Respondent affirmatively states that it has freely agreed to the entry of this Consent Order, that it has been advised it may consult legal counsel in this matter and has had the opportunity to consult with legal counsel should it have desired to do so, that it waives its rights to a hearing on the matters underlying this Consent Order, and that no threats or promises of any kind have been made by the Commissioner, the Department or any agent or representative thereof. The parties, by signing this Consent Order, affirmatively state their agreement to be bound by the terms of this Consent Order and aver that no promises or offers relating to the circumstances described here, other than the terms of settlement set forth in this Consent Order, are binding upon them.

**IT IS SO ORDERED THIS** 18<sup>th</sup> **day of MAY, 2011.**

  
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JAY BRADFORD  
INSURANCE COMMISSIONER  
STATE OF ARKANSAS

**APPROVED FOR ENTRY:**

  
\_\_\_\_\_  
Nina Carter  
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Arkansas Department of Insurance  
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Joseph V. McCabe  
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WFG National Title Insurance Company