

**BEFORE THE COMMISSIONER OF INSURANCE  
OF THE STATE OF KANSAS**

**In the Matter of  
DOUGLAS COUNTY TITLE COMPANY, INC.,**

**Docket No. 2894-CO**

**CONSENT ORDER**

Pursuant to the authority granted to the Commissioner of Insurance in K.S.A. 40-103, K.S.A. 40-246a and K.S.A. 40-952, Kathleen Sebelius, the duly elected, qualified and acting Commissioner of Insurance of the State of Kansas, hereby makes the following findings of fact, conclusions of law and orders:

**Findings of Fact and Conclusions of Law**

1. Douglas County Title Company, Inc. [hereafter DCTCI] is a title insurance agency located at and doing business at 544 Columbia Drive, Lawrence, Kansas, 66044 and is licensed as a title insurance agent by the State of Kansas.

2. The Commissioner of Insurance of Kansas has jurisdiction over DCTCI and DCTCI consents to the subject matter jurisdiction in this proceeding.

3. This proceeding is being conducted in the public interest.

4. DCTCI has filed with Kansas Insurance Department rates and rating plans for providing title insurance and other services in connection with real estate transactions on property located in Kansas counties having a population of 10,000 or more.

5. DCTCI filed rates with the Commissioner on February 1, 1994, detailing its fees for real estate closing services as required by K.S.A. 40-952(c).

6. From January 1, 1998 until May 1, 2000, DCTCI has charged rates different from and greater than the filed rates for residential and commercial closing services.

7. K.S.A. 40-952(c) provides:

For title insurance rate filing purposes, only those charges made in connection with the issuance, sale and servicing of title insurance policies or real estate transactions by title insurance companies, agencies and agents on property located in counties having a population of more than 10,000 shall be subject to filing requirements of this act. . . . Every insurance agent, agency or company authorized to transact title insurance in this state shall file with the commissioner every manual of classification, rules and rates, every rating plan, every rate card and every modification of the foregoing which may be used in connection with providing title insurance or other services in connection with real estate transactions on property located in counties having a population of 10,000 or

more. No charge may be made by any title insurance agent, agency or company that has not been filed with the commissioner as required by this section. . . .

8. K.S.A. 40-963 provides:

The commissioner, if the commissioner finds any person or organization has violated any provision of this act, may impose a penalty of not more than \$500 for each violation, but, if the commissioner finds such violation to be willful, may impose a penalty of not more than \$2,000 for each such violation. Such penalties may be in addition to any other penalty provided by law. . . .

9. Based upon the allegations contained in paragraphs 5 and 6 above, the Commissioner alleges that DCTCI has violated K.S.A. 40-952(c).

10. DCTCI neither admits nor denies the foregoing allegations, but voluntarily enters into this agreement in order to avoid an examination of records and conserve the time and resources of the company and the Kansas Insurance Department in resolving this issue.

11. For the purposes of this Consent Order, DCTCI hereby waives its rights to a formal adjudicative proceeding as provided in the Kansas Insurance Statutes [Chapter 40, Kansas Statutes Annotated], the Kansas Administrative Procedures Act [K.S.A. 77-501, et seq.] and the Act for Judicial Review and Civil Enforcement of Agency Actions [K.S.A. 77-601, et seq.] and voluntarily consents to the following order of the Commissioner of Insurance.

IT IS THEREFORE BY THE COMMISSIONER OF INSURANCE ORDERED THAT:

a. Douglas County Title Company, Inc. shall cease and desist from charging rates not filed with the Kansas Insurance Department as required by K.S.A. 40-952(c).

b. Douglas County Title Company, Inc. shall keep its rate filings consistent with rates actually being used in the future as required by K.S.A. 40-952(c) and amendments thereto.

c. Douglas County Title Company, Inc. shall pay to the Commissioner of Insurance a monetary penalty in the amount of Three Thousand Dollars [\$3,000.00] pursuant to K.S.A. 40-963, to be paid within 30 [thirty] days of the effective date of this Consent Order.

IT IS SO ORDERED THIS 31<sup>st</sup> DAY OF AUGUST, 2000, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

Kathleen Sebelius  
KATHLEEN SEBELIUS,  
Commissioner of Insurance

Douglas County Title Company, Inc.

By: John R. Schult

