

**BEFORE THE COMMISSONER OF INSURANCE
OF THE STATE OF KANSAS**

In the Matter of
Stewart Title of Kansas City

Docket No. 2896-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. Stewart Title of Kansas City [STKC] is a title insurance agency located at and doing business at 1220 Washington, Suite 100, Kansas City, Missouri, and 6201 College Boulevard, Suite 200, Overland Park, Kansas, and is licensed as a title insurance agent by the State of Kansas.
2. The Commissioner of Insurance of Kansas has jurisdiction over STKC and the subject matter of this proceeding
3. This proceeding is being conducted in the public interest.
4. SKTC 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. SKTC has filed rates with the Commissioner detailing its fees for real estate conveyancing services as well as title insurance as required by K.S.A. 40-952(c).

6. Since June, 1997, on 382 occasions, SKTC has charged rates different from and less than the rates filed with the Commissioner.

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 6 and 7 above, it appears STKC has violated K.S.A. 40-952(c)

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

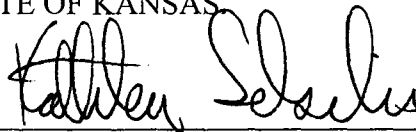
11. For the purposes of this Consent Order, STKC hereby waives its right to a formal adjudicative proceeding as provided in the Kansas Insurance Statutes [Chapter 40, Kansas Statutes Annotated], the Kansas Administrative Procedures Act [K.S.A. 77-501 et seq] and the Act For Judicial Review and Civil Enforcement of Agency Actions [K.S.A. 77-601 et seq] and voluntarily consents to the following order of the Commissioner of Insurance, acknowledging that any future actions similar in nature to those acts alleged to be violations herein may be enforced against it in the manner set forth in K.S.A. 40-963 and K.S.A. 40-2,125.

IT IS THEREFORE BY THE COMMISSIONER OF INSURANCE ORDERED THAT:

Stewart Title of Kansas City shall cease and desist, directly or indirectly, from charging rates not filed with the Kansas Insurance Department as required by K.S.A. 40-952(c).

Stewart Title of Kansas City shall pay to the Commissioner of Insurance a monetary penalty in the amount of \$3,800 [Three Thousand Eight Hundred Dollars] 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 8th DAY OF September, 2000, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



KATHLEEN SEBELIUS,
Commissioner of Insurance



Stewart Title of Kansas City
By Walter C. Whisler

