

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

In the Matter of Apex Real Estate
Information Services LLP

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Docket No. 3012-CO

CONSENT ORDER

Apex Real Estate Information Services LLP wishes to resolve this matter without formal adjudicative proceedings by entering into this consent order. The Commissioner of Insurance ("Commissioner") hereby makes the following findings of fact, conclusions of law, and order, to-wit:

Findings of Fact

1. Records maintained by the Kansas Insurance Department ("KID") indicate that Apex Real Estate Information Services LLP ("Apex") is a non-resident agency authorized to transact the business of insurance in the State of Kansas with its office located at Foster Plaza #10, 680 Anderson Drive, Pittsburgh, Pennsylvania 15220, and is subject to the Kansas statutes regulating the business of insurance.
2. The Commissioner of Insurance ("the Commissioner") has jurisdiction over the subject matter of this proceeding, and this proceeding is held in the public interest.
3. On March 18, 1999, a closing order was written by Nancy L. Waugh, a non-resident agent working for Apex, for a loan on property located in Johnson County, Kansas in the amount of \$71,524. \$200 was charged by the agency for closing costs and \$250 for the title search.
4. On March 31, 1999, a closing order was written by Ms. Waugh for a loan on property located in Johnson County, Kansas in the amount of \$133,000. \$200 was charged by the agency for closing costs and \$250 for the title search.

5. On April 13, 1999, a closing order was written by Ms. Waugh for a loan on property located in Johnson County, Kansas in the amount of \$87,134. \$200 was charged by the agency for closing costs and \$250 for the title search.

6. The closing orders were forwarded to Bill Perry of Security Land Title Company for verification that the orders were in compliance with Kansas' laws.

7. The review of the orders revealed that Ms. Waugh did not have any rates on file with our Department and Apex did not have any rates filed on her behalf.

8. Apex took immediate action to file the rates upon being notified by our department that Apex did not file any rates on behalf of its agent.

Conclusions of Law

9. K.S.A. 40-952(c) provides, in relevant part:

...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 filed with the commissioner as required by this section...

10. K.S.A. 40-963 provides, in relevant part:

...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...

11. Based upon the information contained in paragraphs 3 through 8 above, it appears that Apex transacted title insurance in this state without filing title insurance rates with the Commissioner in violation of K.S.A. 40-952(c).

12. Apex Real Estate Information Services LLP admits to the allegation set forth herein this order as described above.

13. For the purposes of this Consent Order, Apex Real Estate Information Services LLP waives its right to a formal adjudicative proceeding and notice thereof and voluntarily consents to the following order of the Commissioner of Insurance.

IT IS THEREFORE, BY THE COMMISSIONER OF INSURANCE, ORDERED THAT:

1. Apex Real Estate Information Services LLP agrees not to transact title insurance business in this state without filing rates with the Commissioner.
2. The Kansas Insurance Department will not impose an administrative penalty because Apex Real Estate Information Services LLP took immediate corrective action once it was informed that the company was in violation of Kansas law, but the Kansas Insurance Department has authority to impose an administrative penalty in the sum of five hundred dollars (\$500) for violating K.S.A. 40-952(c).

IT IS SO ORDERED THIS 21st DAY OF Sept., 2001, IN THE CITY OF
TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Kathleen Sebelius

Kathleen Sebelius
Commissioner of Insurance

BY:

Kathy Greenlee

Kathy Greenlee
General Counsel

Marianne DeAngelis
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