

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

In the Matter of the Proposed Adoption	)	
Of the Report of Market Conduct Examination	)	
As of December 31, 2005	)	Docket No. 3652- MC
<b>KANSAS CITY TITLE, INC.</b>	)	

**ORDER**

NOW COMES on for formal disposition the matter of the proposed adoption of the Report of Market Conduct Examination as of December 31, 2005 of Kansas City Title, Inc. (“KC Title”) a Kansas corporation. This matter is brought before the Commissioner of Insurance for adoption, rejection, or modification pursuant to the provisions of Kansas Statutes Annotated (“K.S.A.) 40-222.

I, Sandy Praeger, the duly elected, qualified, and acting Commissioner of Insurance, having fully considered and reviewed the Report of Market Conduct Examination, together with all written submissions, applicable rebuttals, and all relevant portions of the examiners’ work papers, and further, being fully advised on all premises, hereby find:

**Policy Reasons**

It is the stated policy of the State of Kansas that whenever the Commissioner of Insurance deems it necessary, an examination of the affairs and financial condition of any insurance company in the process of organization, applying for admission, or doing business in the State can be undertaken. In all cases, such an examination must occur once every five years. Through the examination process, the insurance consuming public will be served and protected.

**Findings of Fact**

1. The Commissioner of Insurance has jurisdiction over this matter pursuant to K.S.A. 40-222.

2. An examination of KC Title was undertaken by the Kansas Insurance Department and was completed on February 23, 2007.
3. The examiner-in-charge tendered and filed with the Kansas Insurance Department a verified written report of the examination within thirty days following completion of the examination, to wit; February 23, 2007.
4. Following receipt of the verified report, the Kansas Insurance Department transmitted the report to KC Title on March 2, 2007, with a duly executed notice advising the company of its opportunity to prepare and submit to the Kansas Insurance Department a written submission or rebuttal with respect to any and all matters contained in the report. KC Title was further advised that any written submission or rebuttal needed to be filed with the Kansas Insurance Department no later than thirty (30) days after receipt of the verified report.
5. KC Title filed a written acceptance of the verified report on March 8, 2007.
6. Based on the written submission tendered by KC Title, the company accepted the findings of the Report of Market Conduct Examination.
7. Within thirty (30) days of the end of the time period allowed for written submission or rebuttal, the Commissioner of Insurance fully reviewed the report, together with all written submissions and rebuttals provided KC Title. The Commissioner of Insurance further reviewed all relevant workpapers.
8. No other written submissions or rebuttals were submitted by KC Title.

#### **Conclusions of Law**

9. K.S.A. 40-222(k)(2) provides:

“Within 30 days of the end of the period allowed for the receipt of written submissions or rebuttals, the Commissioner shall fully consider and

review the report, together with any written submissions or rebuttals and any relevant portions of the examiners workpapers and enter an order:

- (A) Adopting the examination report as filed or with modifications or corrections. If the examination report reveals that the company is operating in violation of any law, regulation or prior order of the commissioner, the commissioner may order the company to take any action the commissioner considers necessary and appropriate to cure such violations; or
- (B) Rejecting the examination report with directions to the examiners to reopen the examination for purposes of obtaining additional data, documentation or information and refilling pursuant to subsection (k); or
- (C) Call and conduct a fact-finding hearing in accordance with K.S.A. 40-281 and amendments thereto for purposes of obtaining additional documentation, data, information and testimony.”

10. Based upon the Findings of Fact enumerated in Paragraphs #1 through #9 above, the Report of Market Conduct Examination as of December 31, 2005 of Kansas City Title, Inc. should be adopted.

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

- 1. The Report of Market Conduct Examination as of December 31, 2005, of Kansas City Title, Inc. is hereby adopted.
- 2. The Commissioner of Insurance retains jurisdiction over this matter to issue any and all further Orders deemed appropriate or to take such further action necessary to dispose of this matter.

**IT IS SO ORDERED THIS 19th DAY OF APRIL, 2007, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



\_\_\_\_\_  
/s/ Sandy Praeger  
Sandy Praeger  
Commissioner of Insurance  
By:

\_\_\_\_\_  
/s/ John W. Campbell  
John W. Campbell  
General Counsel

## **NOTICE OF RIGHTS**

Kansas City Title, Inc. (“KC Title”) is entitled to a hearing pursuant to K.S.A. 77-537, the Kansas Administrative Procedure Act. If KC Title desires a hearing, the company must file a written request for hearing with:

John W. Campbell, General Counsel  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> Street  
Topeka, Kansas 66612

This request must be filed within fifteen (15) days from the date of service of this Order. If KC Title requests a hearing, the Kansas Insurance Department will notify the company of the time and place of the hearing and information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing before commencement of the same.

If a hearing is not requested in the time and manner stated above, this Order shall become effective as a Final Order upon the expiration of time for requesting a hearing, pursuant to K.S.A. 77-613. In the event KC Title files a petition for judicial review, pursuant to K.S.A. 77-613(e), the agency officer to be served on behalf of the Kansas Insurance Department is:

John W. Campbell, General Counsel  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> Street  
Topeka, Kansas 66612

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he served the above and foregoing Order and Notice of Rights on this 19th day of April, 2007, by causing the same to be deposited in the United States Mail, registered mail with return-receipt requested postage prepaid, addressed to the following:

Mr. Tom Kattli  
Kansas City Title, Inc.  
11500 Granada Lane  
Leawood, Kansas 66211

/s/ Zachary J.C. Anshutz \_\_\_\_\_  
Zachary J.C. Anshutz  
Staff Attorney