

FINAL ORDER

Effective: 08-10-09

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

In the Matter of)	
KANSAS NONRESIDENT)	Docket No. 4017-SO
INSURANCE AGENCY LICENSE OF)	
ATI TITLE COMPANY, LLC)	
AGENCY NUMBER 421477112)	

STIPULATED ORDER

Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. §40-4909 *et seq.*, and in accordance with K.S.A. §77-537, the Commissioner hereby, at the stipulation of the parties determines the following actions against the Kansas Nonresident Insurance Agency License of ATI Title Company, LLC (“Respondent”), for violation of the applicable provisions of the Kansas Insurance statutes. This Stipulated Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for a hearing is made, pursuant to K.S.A. §77-542.

Findings of Fact

The Commissioner has been shown the following facts:

1. Records maintained by the Kansas Insurance Department (“KID”) indicate Respondent is licensed as a nonresident agency to transact the business of insurance in the State of Kansas, and has been so licensed since October 22, 1998.
2. KID records further indicate a legal address of 5700 Smentana Drive, Ste. 400, Minnetonka, MN 55343 and a mailing address of c/o Kathe Elzea, 7777 Washington Ave. S, Edina, MN 55439.

3. The National Association of Insurance Commissioners (“NAIC”) Regulatory Information Retrieval System (“RIRS”) database reflects the following actions: Respondent’s license was disciplined by Missouri for “Title Insurance Violations”. A disciplinary fine of \$ 1,200 was assessed, effective March 12, 2009.

4. Respondent failed to notify KID of the action within the time required by KID rule, regulation and law.

Applicable Law

K.S.A. 40-4902(t) states that the definition of "Person" means an individual or a business entity."

K.A.R. 40-7-9 states, in pertinent part:

“Each person licensed in this state as an insurance agent shall report the following to the commissioner of insurance within 30 days of occurrence:

(a) Each disciplinary action on the agent’s license or licenses by the insurance regulatory agency of any other state of territory of the United States.”

K.S.A. 40-4909(h)(2) allows the commissioner to impose an administrative penalty for any violation of subsection (a) of K.S.A. 40-4909. K.S.A. 40-4909(a)(2)(A) states that the commissioner of insurance can punish an agency for any violation of “[a]ny provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule or regulation promulgated thereunder”.

Conclusions of Law

Based on the Findings of Fact enumerated above in Paragraphs #1 through #4 and the Applicable Law above:

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE:

ATI Title Company, LLC shall pay a penalty of Two Hundred Fifty Dollars (\$ 250.00) for its violation of the statutes and regulations of KID.

NOTICE OF RIGHTS

Respondent is entitled to a hearing pursuant to K.S.A. 77-537, the Kansas Administrative Procedure Act. If Respondent desires a hearing, the company must file a written request for a hearing with:

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

This request must be filed within fifteen (15) days from the date of service of this Order. If

Respondent requests a hearing, the Kansas Insurance Department will notify the Respondent 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 Respondent 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. 9th Street
Topeka, Kansas 66612

**IT IS SO ORDERED THIS 21st DAY OF JULY, 2009, 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

Certificate of Service

The undersigned hereby certifies that above and foregoing Summary Order was served via the United States Postal Service, first-class postage prepaid, on this 21st day of July, 2009, addressed to the following:

ATI Title Company, LLC
c/o Kathe Elzea
7777 Washington Ave. S
Edina, MN 55439

_/s/ John R. Dowell_____

John R. Dowell
Staff Attorney

Stipulation

The undersigned agree to the above recitations and facts as well as the resultant penalty on the license of ATI Title Company, LLC.

James F. Busse_____

James F. Busse
Associate General Counsel
1055 North 115th Street/Suite 300
Omaha, NED 68154