

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

In the Matter of the Kansas Resident)	
Insurance Agency's License of)	Docket No. 4211-SO
VALORE TITLE LLC # 205876867 - 000)	

CONSENT ORDER

The Commissioner of Insurance ("Commissioner") the Kansas Insurance Department ("KID") and Valore Title LLC ("Valore") wish to resolve the above-captioned matter before the Commissioner without formal adjudication.

The Commissioner hereby issues the following Order which shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made pursuant to K.S.A. 77-542.

Findings of Fact

The parties stipulate that if a hearing were conducted in this matter evidence could be adduced by KID and, although neither admitted nor denied by Valore, it would be recognized as admissible to show the following:

1. Records maintained by the Kansas Insurance Department ("KID") indicate that Valore Title LLC is licensed as a resident title agency to transact the business of title insurance in the State of Kansas, and has been so licensed since December 20, 2006. KID records further indicate a legal address and a mailing address of 5350 College Blvd., #202, Overland Park, KS 66211.
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 or about December 20, 2006, Respondent was issued a Kansas resident agency license.
4. On or about December 20, 2006, Respondent provided to KID a legal and mailing address of 5350 College Blvd., #202, Overland Park, KS 66211.
5. On or about May 4, 2010, KID notified Respondent that K.S.A. 2009 Supp. 40-1137 had been amended and required Respondent to file annual audits of escrow, settlement and closing accounts with KID within 30 days after the close of the calendar year.
6. On or about July 20, 2010, KID again notified Respondent that KID had not received the audit and offered the Respondent another opportunity to present facts or arguments if it disagreed with any of the facts or legal conclusions set forth in this Order and that letter.
7. KID has received an audit from Respondent for the calendar year 2009.

Applicable Law

8. Kansas Statutes Annotated ("K.S.A.") 2009 Supp. 40-1137(b) states, in relevant part:
 - (e) Each title insurance agent shall have an annual audit made of its escrow, settlement and closing deposit accounts, conducted by a certified public accountant or by a title insurer for which the title insurance agent has a licensing agreement. The title insurance agent shall provide a copy of the audit report to the commissioner within 30 days after the close of the calendar year for which an audit is required.
9. K.S.A. 2009 Supp. 40-4909 states, in relevant part:
 - (a) The commissioner may deny, suspend, revoke or refuse renewal of any license issued under this act if the commissioner finds that the applicant or license holder has:

(2) Violated:

(A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder.

(f) Whenever the commissioner imposes any administrative penalty or denies, suspends, revokes or refuses renewal of any license pursuant to subsection (a), any costs incurred as a result of conducting an administrative hearing authorized under the provisions of this section shall be assessed against the person who is the subject of the hearing or any business entity represented by such person who is the party to the matters giving rise to the hearing. As used in this subsection, "costs" shall include witness fees, mileage allowances, any costs associated with the reproduction of documents which become a part of the hearing record and the expense of making a record of the hearing.

(h) In lieu of taking any action under subsection (a), the commissioner may:

(2) issue an order imposing an administrative penalty up to a maximum of \$500 for each violation but not to exceed \$2,500 for the same violation occurring within any six consecutive calendar months from the date of the original violation unless such person knew or should have known that the violative act could give rise to disciplinary action under subsection (a). If such person knew or reasonably should have known the violative act could give rise to any disciplinary proceeding authorized by subsection (a), the commissioner may impose a penalty up to a maximum of \$1,000 for each violation but not to exceed \$5,000 for the same violation occurring within any six consecutive calendar months from the date of the imposition of the original administrative penalty.

Conclusions of Law

Based upon the above Findings of Fact and Applicable Law the Commissioner determines that it is in the public interest to issue the following order:

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE

THAT:

1. Valore neither admits nor denies the allegations set forth in the above Findings of Fact.

2. Valore agrees to make a payment to KID in the amount of Five Hundred Dollars (\$500.00).

3. Upon this Consent Order becoming a Final Order and payment received, this action shall be dismissed with prejudice. If payment is not made as required, KID may vacate this Consent Order and proceed with hearing.

Notice of Right to Hearing or Appeal

You are entitled to a hearing pursuant to K.S.A. 2009 Supp. 77-537, the Kansas Administrative Procedure Act and K.S.A. 40-955. If you desire a hearing, you 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 you request a hearing, the Kansas Insurance Department will notify you 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 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 that you file 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 __15th__ DAY OF _November_, 2010, 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

Approved and Submitted by:

_____/s/ John Wine_____
John Wine
Staff Attorney

_____/s/ Kris Plumhoff_____
Kris Plumhoff
Valore Title LLC

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the above and foregoing Consent Order was served by placing the same in the United States Mail, first class postage prepared, on this _15th___ day of ___Nov.____, 2010, addressed to the following:

Mr. Kris Plumhoff
Valore Title LLC
5350 College Boulevard, #202
Overland Park, KS 66211

/s/ John Wine
John Wine
Staff Attorney