

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

**In the Matter of the Kansas Nonresident)
Insurance Agency's License of) Docket No. 4317-SO
MADISON TITLE AGENCY, LLC)
Agency #223588056)**

CONSENT ORDER

The Commissioner of Insurance ("Commissioner") the Kansas Insurance Department ("KID") and Madison Title Agency, LLC ("Madison") 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 Madison, it would be recognized as admissible to show the following:

1. Records maintained by the Kansas Insurance Department ("KID") indicate that Madison Title Agency, LLC is licensed as a nonresident title agency to transact the business of title insurance in the State of Kansas, and has been so licensed since December 30, 2009. KID records further indicate a legal address and a mailing address of 1125 Ocean Ave., Lakewood, NJ 08701.
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 30, 2009, Respondent was issued a Kansas nonresident agency license. This was after Madison's earlier license was revoked in 2009.
4. On or about December 30, 2009, Respondent provided to KID a legal and mailing address of 1125 Ocean Ave., Lakewood, NJ 08701.
5. On or about March 31, 2011, Mr. Martin J. Hazen, Fire and Casualty Policy Examiner for KID wrote to Madison Title Agency, LLC asking for an explanation of the cancellation of its escrow, settlement or closing accounts bond. Platte River Insurance Company had notified KID, pursuant to Kansas law, that it was cancelling the bond.
6. On or about May 2, 2011, after no response was received by Mr. Hazen, Staff Attorney John R. Dowell wrote to Madison, inquiring about the matter. KID received a reply to the letter on May 15, 2011.

Applicable Law

7. K.S.A. 40-2,125(b) requires a person to respond to any proper inquiry of the Commissioner.
 8. K.S.A. 40-4909(a)(8) requires a Kansas licensee to be trustworthy and demonstrate financial responsibility.
 9. K.S.A. 40-4909(a) provides, in relevant part:

“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 hereunder
- (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. Madison neither admits nor denies the allegations set forth in the above Findings of Fact.
2. Madison agrees to make a payment to KID in the amount of Five Thousand Dollars (\$5,000.00).
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.

POLICY REASON

The Commissioner may revoke any license issued under the Insurance Agents Licensing Act if the Commissioner finds that the interests of the insurer or the insurable interests of the public are not properly served under such license. K.S.A. 40-4909(b). In lieu of revocation, the Commissioner may assess an administrative penalty.

NOTICE OF RIGHTS

(Pursuant to K.S.A. 77-542)

Madison Title Agency LLC is entitled to a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542, the Kansas Administrative Procedure Act. If Respondent desires a hearing, it must file a written request for a hearing with:

Zachary J.C. Anshutz, 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 it of the time and place of the hearing and information on 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 Summary 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:

Zachary J.C. Anshutz, General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612

IT IS SO ORDERED THIS 25th DAY OF August,
2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



/s/ Sandy Praeger
Sandy Praeger
Commissioner of Insurance

BY:

/s/ Zachary J.C. Anshutz
Zachary J.C. Anshutz
General Counsel

MADISON TITLE AGENCY, LLC

/s/ David Medinets
David Medinets
Senior Counsel

Certificate of Service

The undersigned hereby certifies that she serviced a true and correct copy of the above and foregoing **Notice** and **Summary Order** on this 25th day of Aug. , 2011, by placing the same in the United States Mail, first class postage prepaid, addressed to the following:

Madison Title Agency LLC
Eliyhon Zacks
1125 Ocean Ave.
Lakewood, NJ 08701

_s/ John R. Dowell _____
John R. Dowell
Staff Attorney