

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

**In the Matter of the Kansas Nonresident)
Insurance Agency’s License of) Docket No. 4362-CO
METRO NATIONAL SETTLEMENT SERVICES LLC)
Agency #263689461)**

CONSENT ORDER

The Commissioner of Insurance (“Commissioner”) the Kansas Insurance Department (“KID”) and Metro National Settlement Services LLC (“Metro”) 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 Metro, it would be recognized as admissible to show the following:

1. Records maintained by the Kansas Insurance Department (“KID”) indicate that Metro National Settlement Services 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 March 6, 2009. Old Republic Title Insurance Company appointed Metro on March 30, 2010.
2. KID records further indicate a legal address of 143 N. Main St., Shavertown, PA 18708 and a mailing address of 345 E. Broadway, Salt Lake City, UT 84111.

3. The Commissioner of Insurance (“the Commissioner”) has jurisdiction over the subject matter of this proceeding, and this proceeding is held in the public interest.

4. On or about June 28, 2011, Old Republic Title Insurance Group replied to an inquiry by KID that Metro had sold five (5) title insurance policies in Kansas from 2009 to June, 2011.

5. On or about July 15, 2011, John Dowell, Staff attorney for KID wrote to Mr. Rodney Newman, President of Metro explaining what he understood the facts to be. KID received a reply to the letter on August 12, 2011 wherein Kenneth Nickel of Metro explained the Company’s position.

Applicable Law

6. K.S.A. 40-1137 requires title companies to file with KID annual audits of escrow, settlement and closing deposit accounts.

7. K.S.A. 40-1139 requires such companies to file a bond or irrevocable letter of credit.

8. K.S.A. 40-952(c) requires rates/charges to be filed with the Commissioner of Insurance.

9. K.S.A. 40-2,125(b) provides:

If any person fails to file any report or other information with the commissioner as required by statute or fails to respond to any proper inquiry of the commissioner, the commissioner, after notice and opportunity for hearing, may impose a civil penalty of up to \$1,000 for each violation or act, along with an additional penalty of up to \$500 for each week thereafter that such report or other information is not provided to the commissioner.

K.S.A. 40-2,125(b) requires a person to respond to any proper inquiry of the Commissioner.

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. Metro neither admits nor denies the allegations set forth in the above Findings of Fact.
2. Metro 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.

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.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas nonresident insurance agency license of Metro National Settlement Services LLC is hereby subject to the above terms.

NOTICE OF RIGHTS

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

Metro National Settlement Services 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 ___7th___ DAY OF _____September_____,
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

**METRO NATIONAL SETTLEMENT
SERVICES LLC**

_/s/ Rodney A. Newman, Manager_____

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 ___7th___ day of ___Sept._____, 2011, by placing the same in the United States Mail, first class postage prepaid, addressed to the following:

Metro National Settlement Services LLC
345 E. Broadway
Salt Lake City, UT 84111

_/s/ John R. Dowell_____
John R. Dowell
Staff Attorney