

**BEFORE THE COMMISSONER OF INSURANCE  
OF THE STATE OF KANSAS**

**In the Matter of** )  
**MOON ABSTRACT COMPANY,** ) **Docket No.: 4668-SO**  
**Respondent.** )

**SUMMARY ORDER**  
**TO CEASE AND DESIST**  
**(Pursuant to K.S.A. 40-4901 et seq., and 77-537)**

Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 40-103, K.S.A. 40-4901 *et seq.*, and K.S.A. 77-536, the Commissioner hereby **ORDERS RESPONDENT** and any and all related entities, however named, to **CEASE AND DESIST** from soliciting business as a title and escrow agency in the state of Kansas.

**Findings of Fact**

1. Sandy Praeger is the duly elected, qualified, and acting Commissioner of Insurance for the State of Kansas.
2. Following investigation, the Commissioner has no reason to believe that protection of the public interest requires the Commissioner to give notice and opportunity to participate to anyone other than Respondent.
3. Following investigation, the Commissioner finds evidence sufficient to support the following facts:
4. Respondent Moon Abstract Company (“Respondent”) is registered with the Kansas Secretary of State as a Kansas for-profit corporation located at 7300 West 110<sup>th</sup> Street, Suite 700, Overland Park, KS 66210.
5. The resident agent for the corporation is “Arthur Bond,” 7300 West 110<sup>th</sup> Street, 7<sup>th</sup> Floor, Commerce Plaza 1, Suite 700, Overland Park, KS 66210.
6. Respondent maintains a website at [www.moonabstractco.com](http://www.moonabstractco.com).
7. According to the website, Respondent is “A paragon of Excellence in Escrow Service.”
8. According to the website, Respondent offers “A full range of professional title services from one of the fastest growing title insurance agencies in Kansas.”
9. According to the website, Respondent is “Celebrating 24 years of extraordinary service.”

10. According to the website, Respondent does business at 7300 West 110<sup>th</sup> Street, 7<sup>th</sup> Floor, Commerce Plaza 1, Suite 700, Overland Park, KS 66210.
11. According to the Secretary of State's records, Moon Abstract Company, business entity ID number 0588145, was formed as a Kansas corporation on June 7, 1979.
12. Moon Abstract Company, a corporation doing business at 421 Commercial, Emporia, Kansas, was licensed as a Kansas insurance agency on May 1, 1989.
13. Moon Title & Escrow, LLC, previously named Flint Hills Title & Escrow, LLC, was formed as a Kansas limited liability company on May 3, 2012, and licensed as an insurance agency at the Moon Abstract location on May 16, 2012.
14. An authorized representative of the Moon Abstract agency notified KID on February 19, 2013, that the Moon Abstract insurance agency license should be cancelled.
15. The Kansas title insurance agency license of Moon Title & Escrow, Emporia, Kansas, is active and in good standing with no complaints or allegations of misconduct.
16. It appears that Respondent assumed the corporate identity of the abandoned Moon Abstract Company in or about September 2013.
17. The authorized representative of the former licensed agency, now doing business through Moon Title & Escrow, LLC, has no affiliation with Respondent, has not authorized the use of the Moon Abstract Company name, and has no knowledge of Respondent's true identity.
18. Respondent does not hold an entity license granted by the Commissioner to engage in the business of insurance in Kansas, and no individual named on the website holds an individual license.
19. After a diligent search for a Kansas or Kansas City area address for the named individuals, KID believes the registered agent and other individuals named on the website either are not real and living persons or are not in fact affiliated with the entity.
20. By letter dated June 4, 2014, and addressed to the registered agent at the address shown on the corporate documents, KID staff mailed an inquiry to Respondent.
21. To date, KID has received no response and the letter has not been returned.
22. KID investigators personally visited the purported business address, which is also the registered agent's address, and confirmed that the address is essentially a mail drop.
23. KID investigators confirmed that Respondent is no longer receiving mail at the address and did not provide a forwarding address.

24. On June 23, 2014, KID staff also transmitted a copy of the letter to the email address shown on the website and requested a reply by June 25, 2014.
25. To date, KID has not received a reply or notification of a message failure.
26. KID has not been provided a copy of an audit of Respondent's escrow, settlement, and closing deposit accounts.

#### **Applicable Law**

27. The Commissioner is "charged with the administration of all laws relating to insurance, insurance companies and fraternal benefit societies doing business in this state, and all other duties which are or may be imposed upon such officer by law." K.S.A. 40-102.
28. Subject to exceptions not applicable here, "it shall be unlawful for any person to sell, solicit or negotiate any insurance within this state unless such person has been issued a license as an insurance agent in accordance with this act." K.S.A. 40-4905(a).
29. Title insurance and escrow agents are more specifically regulated by K.S.A. 40-1135 through 40-1141.
30. A licensed title insurance agent must obtain an audit of the agent's escrow, settlement, and closing deposit accounts and provide the Commissioner with a copy of the audit within 30 days after the close of the calendar year for which the audit is required. K.S.A. 40-1137(d).
31. The Kansas Administrative Procedures Act (KAPA), K.S.A. 77-501 *et seq.*, permits a state agency to issue a summary order if the use of summary proceedings does not violate any provision of law, protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, the agency believes in good faith that the allegations will be supported to the applicable standard of proof, and the order does not take effect until after the time for requesting a hearing has expired. K.S.A. 77-537(a).

#### **Conclusions of Law**

32. Respondents' advertised services involve the business of insurance in Kansas.
33. The Commissioner thus has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
34. Respondent Moon Abstract Company is not affiliated with, authorized by, or related through common control persons to the former Kansas licensed title insurance agency operating under the same business entity name in Emporia, Kansas, or Moon Title & Escrow.

35. Respondent is not licensed to sell or solicit title insurance or to solicit escrow business as a title insurance agency.
36. Respondent is, therefore, soliciting title and escrow business in violation of K.S.A. 40-4905(a).
37. By holding itself out as a title insurance agency, Respondent falsely implies to the public that it is licensed to conduct title insurance business and regulated as a title agency.
38. Respondent falsely represents itself as an established title insurance agency with a history of reliability and compliance.
39. Respondent solicits deposits of “escrow” funds with no accountability to any regulator.
40. Respondent solicits business under a false identity and cannot be located or served with process at its address of record or any published address.
41. Respondent’s solicitation poses an immediate risk of financial harm to consumers by enticing consumers to pay escrow funds to Respondent with the reasonable expectation that Respondent is authorized to provide escrow services and accountable for its performance, when in fact, it is not.

#### **Policy Reasons for Action**

42. The Commissioner and the Kansas Insurance Department seek to regulate the business of insurance in Kansas so as to protect the public health, safety and welfare. The Commissioner seeks to assure that any person or company engaging in the insurance business in Kansas is qualified and accountable. Any person or company doing business in the state anonymously or under an assumed business name and without a verifiable physical presence in the state, poses a risk of irreparable financial harm to consumers.

**THE COMMISSIONER OF INSURANCE therefore ORDERS that MOON ABSTRACT COMPANY, of Overland Park, Kansas, and any affiliated individuals, however identified and named, SHALL CEASE AND DESIST from soliciting title insurance or escrow services business in the state of Kansas or with respect to property or funds located in the state of Kansas and from conducting title insurance business unless and until licensed to do so.**

**IT IS SO ORDERED THIS 26th DAY OF JUNE 2014, IN THE CITY OF TOPEKA,  
COUNTY OF SHAWNEE, STATE OF KANSAS.**



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

BY:

\_\_\_\_\_/s/ John Wine\_\_\_\_\_  
John Wine  
General Counsel

**NOTICE OF RIGHTS TO HEARING AND REVIEW**

**Within fifteen (15) days of the date of service of this Summary Order, Respondent** may submit a written request for a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542. Any request for a hearing should be addressed to the following:

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

If a hearing is requested, the Kansas Insurance Department will serve notice 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.

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

**Certificate of Service**

The undersigned hereby certifies that she served a true and correct copy of the above and foregoing **Summary Order** and **Notice of Rights** on this \_\_\_26th\_\_\_ day of June 2014, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Arthur Bond  
7300 West 110th Street, 7th Floor  
Commerce Plaza 1, Suite 700  
Overland Park, KS 66210

\_/\_s/ Brenda J. Clary\_\_\_\_\_

Brenda J. Clary  
Staff Attorney