

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

In the Matter of the Kansas Title)	
Insurance Agency License of)	Docket No. 77476
Omega Title Services, LLC.)	
License No. 274043007)	

SUMMARY ORDER

(Pursuant to K.S.A. 40-4909, K.S.A. 40-2407, and K.S.A. 77-501 *et seq.*)

Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 40-1141, K.S.A. 40-4909, and K.S.A. 40-2406, *et seq.*, the Commissioner hereby revokes the agency license of Respondent, Omega Title Services, LLC. (“Respondent”). This Summary Order 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 Commissioner finds the following facts:

1. Respondent was licensed as a Kansas resident title insurance agency on December 16, 2010, and remains licensed to date.
2. Respondent’s legal address of record is 6800 College Blvd. Suite 150, Overland Park, KS 66211 and mailing address of record is 322 Main Street, Belton, MO 64012.
3. On or about January 23, 2019, the Kansas Insurance Department (“Department”) received notice of cancellation of bond for Respondent, effective February 26, 2019.
4. On January 29, 2019, the Department sent a letter to Respondent notifying it of receipt of the bond cancellation and requesting a new bond or letter of credit on behalf of the agency. A copy of the January 29, 2019 letter is attached hereto as Exhibit A.
5. No new bond, letter of credit, or response was received before expiration of the old bond.

6. On April 17, 2019, the Department sent a formal letter to Respondent reminding it of outstanding requirements and offering an opportunity to contest the findings.
7. As of the date of this Order, Respondent has not provided a new bond or letter of credit or responded to the Department to contest the findings.

Applicable Law

1. **K.S.A. 40-4909. Same; suspension, denial of, revocation or refusal to renew license; grounds; hearing; powers of commissioner.**

(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.

(d) The license of any business entity may be suspended, revoked or refused renewal if the insurance commissioner finds that any violation committed by an individual licensee employed by or acting on behalf of such business entity was known by or should have been known by one or more of the partners, officers or managers acting on behalf of the business entity and:

(1) Such violation was not reported to the insurance commissioner by such business entity; or

(2) such business entity failed to take any corrective action.

2. **K.S.A. 40-1139. Same; financial responsibility requirements.** (a) The title insurance agent who handles escrow, settlement or closing accounts shall file with the commissioner a surety bond or irrevocable letter of credit in a form acceptable to the commissioner, issued

by an insurance company or financial institution authorized to conduct business in this state, securing the applicant's or the title insurance agent's faithful performance of all duties and obligations set out in K.S.A. 40-1135 through 40-1141, and amendments thereto.

3. **40-1141. Same; violations and penalties.** If the commissioner determines that the title insurance agent or any other person has violated this act, or any rules and regulation or order promulgated thereunder, after notice and opportunity to be heard, the commissioner may order that such person be subject to the penalties provided in K.S.A. 40-2406 et seq., and amendments thereto.
4. **40-2407. Same; cease and desist orders; penalties; suspension or revocation of license; restitution; modification of order.**

(a) If, after such hearing, the commissioner shall determine that the person charged has engaged in an unfair method of competition or an unfair or deceptive act or practice, the commissioner shall render an order requiring such person to cease and desist from engaging in such method of competition, act or practice and if the act or practice is a violation of K.S.A. 40-2404, and amendments thereto, the commissioner may in the exercise of discretion order any one or more of the following: ...

(2) suspension or revocation of the person's license if such person knew or reasonably should have known such person was in violation of this act...

Conclusions of Law

1. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
2. The Commissioner finds that Respondent's Kansas license may be revoked because it has failed to comply with statutory requirements to maintain a surety bond or letter of credit.

3. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of Omega Title Services, LLC., pursuant to K.S.A. 40-4909, K.S.A. 40-1141, and K.S.A. 40-2407.

Orders

Based on the Findings of Fact, Applicable Law, and conclusions cited above, **THE COMMISSIONER OF INSURANCE THEREFORE ORDERS THAT:**


1. The Kansas resident Title Insurance Agency's License of **Omega Title Services, LLC.** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **Omega Title Services, LLC.** shall **CEASE** and **DESIST** from the sale, solicitation or negotiation of insurance and/or receiving compensation deriving from the sale, solicitation or negotiation of insurance conducted after the effective date of this Order.

IT IS SO ORDERED THIS 9th DAY OF AUGUST 2019, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Vicki Schmidt
Commissioner of Insurance

BY:


Justin L. McFarland
General Counsel

NOTICE AND OPPORTUNITY FOR HEARING

Omega Title Services, LLC, within fifteen (15) days of service of this Summary Order, may file with the Kansas Insurance Department a written request for hearing on this Summary Order, as provided by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to:

Justin L. McFarland, General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612

Any costs incurred as a result of conducting any administrative hearing shall be assessed against the agent/agency who is the subject of the hearing as provided by K.S.A. 40-4909(f). Costs shall include witness fees, mileage allowances, any costs associated with reproduction of documents which become part of the hearing record, and the expense of making a record of the hearing.

If a hearing is not requested, this Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period for requesting a hearing. The Final Order will constitute final agency action in the matter.

In the event the Respondent files a petition for judicial review, the agency officer designated pursuant to K.S.A. 77-613(e) to receive service of a petition for judicial review on behalf of the Kansas Insurance Department is:


Justin L. McFarland, General Counsel
Kansas Insurance Department
420 S.W. 9th St.
Topeka, Kansas 66612

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served the above and foregoing Summary Order on this 4th day of August 2019, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

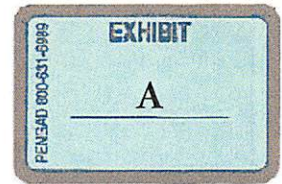
Omega Title Services, LLC.
322 Main Street
Belton, MO 64012

Omega Title Services, LLC.
6800 College Blvd. Suite 150
Overland Park, KS 66211


Toni Garrard
Senior Administrative Assistant



Kansas Insurance Department
Vicki Schmidt, Commissioner of Insurance



January 29, 2019

Omega Title Services, LLC
322 Main St
Belton, MO 64012

Re: Escrow, Settlement or Closing Accounts Bond

Dear Sir or Madam:

Enclosed please find a copy of the notice of cancellation that we received for the above referenced bond which is required pursuant to K.S.A. 40-1139.

In light of this notice of cancellation, please supply us with another bond or irrevocable letter of credit to comply with the requirements of K.S.A. 40-1139, or advise us in writing that you are instead going to cease all escrow, settlement and closing operations. If you are going to cease operations entirely, please so advise us and return your Agency License for cancellation.

Thank you for your attention to this matter, and we will hold this matter in abeyance pending receipt of your response. Please contact our office if you have any questions.

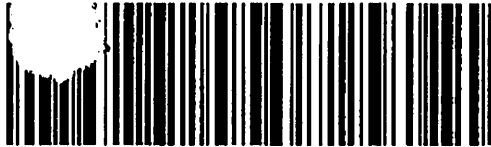
Sincerely,

James W. Norman
Policy Examiner II

Enclosure

Great American Insurance
123 2ND AVE S STE 210
EDMONDS, WA 98020-8450
425-778-4105 Ph
425-778-4095 Fax

USPS CERTIFIED MAIL™



9214890180829610018474



State of Kansas
Commissioner of Insurance
420 SW 9th Street
Topeka KS 66612

January 23, 2019

To Whom it May Concern:

Re: Principal Name: Omega Title Services LLC
Bond Number: 4047825
Bond Amount: \$100,000.00

You are hereby notified that pursuant to its terms and conditions the above captioned bond is cancelled as indicated below.

Cancellation Effective Date: February 26, 2019

Reason for Cancellation: Request by agent

By: 
Authorized Representative

CC: Omega Title Services LLC
322 Main St
Belton MO 64012

The Bond Exchange, Inc.
400 W Capitol Ave, Ste 1700
Little Rock AR 72201