

BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS

IN THE MATTER OF
MERCURY TITLE, LLC

A.I.D. NO. 2008- 031

CONSENT ORDER

On this day Julie Benafield Bowman, Arkansas Insurance Commissioner ("Commissioner"), and Mercury Title, LLC, ("Mercury Title"), have reached an agreement to resolve, without resort to an adjudicatory proceeding, Mercury's alleged failure to comply with the requirements of the Arkansas Insurance Code as set forth herein. In this regard, the Commissioner and Mercury Title hereby agree as follows:

FINDINGS OF FACT

1. The Insurance Commissioner has jurisdiction over the parties and subject matter herein.
2. Mercury Title is a resident title insurance agency previously authorized to write title policies in Arkansas. Mercury Title's agency address is 3589 N. College Avenue, Fayetteville, AR 72703.
3. Mercury Title received a resident title insurance agency license from the now defunct Arkansas Title Insurance Agents' Licensing Board.
4. Mercury Title's license expired on January 31, 2008. The Arkansas Insurance Department ("Department") acquired jurisdiction over title insurance agent and agency licenses on January 1, 2008, and as such was the proper regulatory body to grant renewal of the title insurance agency license. Mercury Title failed to request renewal of its license from the Department.

5. On or about March 17, 2008, the Department received information that Mercury Title was writing title insurance business without a license.

6. On March 21, 2008, the Department received an e-mail from Title Resource Group, Mercury Title's managing entity and responded with a request that Mercury Title stop writing title insurance business until it was properly licensed. The Department's request to cease writing title insurance business was also made formally in a letter dated March 28, 2008. However, Mercury Title did not actually cease writing title insurance business until April 8, 2008.

7. For the above actions, the Department alleges that Mercury Title is in violation of the Arkansas Insurance Code for: Transacting the business of title insurance without authorization, in violation of Ark. Code Ann. § 23-103-403; and Issuing title insurance reports or policies without a license, in violation of Ark. Code Ann. § 23-103-409(4).

CONCLUSIONS OF LAW

1. That the Commissioner has jurisdiction over the parties and over the subject matter herein pursuant to Ark. Code Ann. § 23-61-103.

2. That pursuant to Ark. Code Ann. § 23-103-416, if the Commissioner determines that a title insurance agent or title insurance agency has violated the Insurance Code, the Commissioner in his or her discretion may impose upon the licensee an administrative penalty in the amount of up to one thousand dollars (\$1,000) per violation or up to five thousand dollars (\$5,000) per violation if willful misconduct on the part of the licensee is found.

3. That Mercury Title has been made fully aware of its right to a hearing and has voluntarily and intelligently waived said right and consents to the entry of this Consent Order.

THEREFORE, in consideration of these Findings of Fact and Conclusions of Law, it is hereby ORDERED AND AGREED that pursuant to Ark. Code Ann. § 23-103-416, Mercury Title shall pay an administrative penalty of \$10,000. The administrative penalty shall be paid within 30 days from entry this Order.

IT IS SO ORDERED THIS 23rd day of April, 2008.


JULIE BENAFIELD BOWMAN
INSURANCE COMMISSIONER
STATE OF ARKANSAS


TIMOTHY FITZSIMMONS
VICE PRESIDENT
TITLE RESOURCE GROUP