

OCT 1 2008

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY MS

1 In the Matter of)
 2)
 3)
 4 **ARIZONA TITLE AGENCY, INC.,**)
 5 **(LICENSE NUMBER 40998)**)
 6)
 7 Respondent.)

Docket No. 08A-154-INS

**ORDER SUMMARILY SUSPENDING
TITLE AGENT LICENSE;
NOTICE OF OPPORTUNITY
FOR HEARING AND ORDER**

8
9 The Arizona Department of Insurance (the "Department") alleges that **Arizona Title**
10 **Agency, Inc.** has violated provisions of Arizona Revised Statutes ("A.R.S."), Title 20. In light
11 of the serious nature of these allegations, the Director of Insurance for the State of Arizona
12 ("Director") finds that the public health, safety and welfare imperatively require emergency
13 action, within the meaning of A.R.S. §41-1092.11(B).

FINDINGS OF FACT

14
15 1. Arizona Title Agency, Inc. ("Respondent") is licensed as a title agent, Arizona
16 license number 40998, which expires on June 30, 2010. Respondent also held an escrow
17 agent license from the Arizona Department of Financial Institutions ("DFI"). DFI summarily
18 suspended that license on August 12, 2008 (No. 09-BD008-BNK).

19 2. Respondent's address of record with the Department is: 3131 Camelback Rd.,
20 #125, Phoenix, Arizona 85016. Respondent has listed 30 branch locations in Arizona with the
21 Department.
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3. Respondent is an Arizona domiciled corporation. Its officers are: Carolyn Ann Amidon (Director); Richard Rubin (Asst. Secretary); Ross Killian Smith (Director) and Danny Sullivan (Director).

4. On August 28, 2008, Mercury Companies, Inc., Respondent's parent company, filed for Chapter 11 Bankruptcy in bankruptcy court in Denver, Colorado.

5. On September 23, 2008, the Department received evidence that Respondent abandoned its Tucson office and left 80 boxes of customer records that may contain personal identifying or financial information.

6. The public health, safety and welfare imperatively require emergency action.

CONCLUSIONS OF LAW

1. The Director has jurisdiction.

2. Respondent's conduct, as alleged above, constitutes a violation of the requirement that each licensee keep at the licensee's principal place of business the usual and customary records that pertain to transactions under the licensee's license for three years after the date of completion of the transaction and shall make them available and open to the inspection of the director at any business time during those three years, within the meaning of A.R.S. §§ 290(A) as applied to title insurance agents under A.R.S. § 20-1561(E).

2. Respondent's conduct, as alleged above, constitutes an unauthorized disclosure of personal or privileged information about an individual collected or received in connection with an insurance transaction, within the meaning of A.R.S. § 20-2113.

3. Grounds exist to order a summary suspension within the meaning of A.R.S. § 41-1092.11(B).

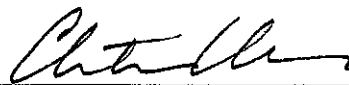
1 4. Grounds exist for the Director to order Respondent to cease and desist its
2 violation and to pay a civil penalty pursuant to A.R.S. §§ 20-2116 and 2117.

3 **ORDER**

4 IT IS HEREBY ORDERED THAT:

- 5 1. Respondent's license is summarily suspended effective immediately.
6 2. Respondent shall immediately cease and desist from abandoning any property
7 that may contain customer records with personal identifying or financial information.
8 3. Respondent shall immediately take possession of or appropriately destroy all
9 abandoned customer records at any and all of its branch locations in Arizona or at any other
10 location under its control that may house abandoned customer records.
11 4. This Order shall become effective immediately and shall remain in full force and
12 effect until otherwise stayed, modified, vacated or set aside.

13 DATED AND EFFECTIVE this 29th day of September 2008.
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15 
16 _____
17 CHISTINA URIAS
18 Director of Insurance

19 **NOTICE OF OPPORTUNITY FOR HEARING**

20 Pursuant to Title 20 of the Arizona Revised Statutes, Respondent is hereby notified
21 that Respondent may request a hearing pursuant to A.R.S. § 20-161 to contest the summary
22 suspension. Such request must be in writing and received at the following address within
23 thirty (30) days from the date hereof:

1 **Arizona Department of Insurance**
2 **2910 North 44th Street, Suite 210**
3 **Phoenix, Arizona 85018-7269**

4 Upon receipt of a timely written request for hearing, the Director will issue an order
5 setting the time and place of the hearing.

6 COPY of the foregoing mailed, return receipt requested,
7 this 1st day of October, 2008, to:

8 Carolyn Ann Amidon
9 Director
10 Arizona Title Agency, Inc.
11 3131 Camelback Rd., #125
12 Phoenix, Arizona 85016

13 Richard Rubin
14 Asst Secretary
15 Arizona Title Agency, Inc.
16 3131 Camelback Rd., #125
17 Phoenix, Arizona 85016

18 Ross Killian Smith
19 Director
20 Arizona Title Agency, Inc.
21 3131 Camelback Rd., #125
22 Phoenix, Arizona 85016

23 Danny Sullivan
24 Director
25 Arizona Title Agency, Inc.
26 3131 Camelback Rd., #125
27 Phoenix, Arizona 85016

28 Arizona Title Agency, Inc.
29 3131 Camelback Rd., #125
30 Phoenix, Arizona 85016
31 Respondent

32 Arizona Title Agency, Inc.
33 c/o CT Corporation System
34 2394 E. Camelback Rd.
35 Phoenix, Arizona 85016
36 Statutory Agent for Respondent

1 COPY of the foregoing mailed
this 1st day of October, 2008, to:

2 Mary Butterfield, Assistant Director
3 Mary E. Kosinski, Exec. Asst. – Regulatory Affairs
4 Steven Fromholtz, Licensing Director
5 Catherine M. O’Neil, Assistant Director
6 Arnold Sniegowski, Administrative Investigations
7 Arizona Department of Insurance
8 2910 N. 44th Street, Suite 210
9 Phoenix, Arizona 85018

7 Lynette Evans
8 Office of the Attorney General
9 Consumer Protection and Advocacy Section
10 Agency Unit
11 1275 W. Washington
12 Phoenix, Arizona 85007-2997

11 
12 _____
13 Curvey Burton