

**STATE OF OREGON**  
**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**  
**INSURANCE DIVISION**

In the Matter of **AmeriTitle, Inc.**

) **STIPULATION** and  
) **FINAL ORDER**  
) Case No. INS 00-05-018  
) File No. 2336 IV

**STIPULATION**

The Director of the Department of Consumer and Business Services (Director) commenced the above entitled administrative proceeding, pursuant to Oregon Revised Statutes (ORS) 731.256(1), to take action against AmeriTitle, Inc. (AmeriTitle) for violating certain Oregon insurance administrative rules.

AmeriTitle enters into this stipulation to conclude this proceeding without further administrative or judicial proceedings pursuant to ORS 183.415(5).

AmeriTitle waives the right to receive a notice of proposed action, notice of rights and notice of judicial review, to have a hearing and to be represented by an attorney at the hearing, and to judicial review of the final order.

AmeriTitle admits and agrees to the following:

**Facts**

**Licensing**

AmeriTitle is an Oregon corporation. Linda Stelle is the President of AmeriTitle. AmeriTitle's administrative office street address is 15 Oregon Avenue, Bend, OR 97709. AmeriTitle's administrative office mailing address is PO Box 752, Bend OR 97709. AmeriTitle conducts business in various communities throughout Oregon. AmeriTitle has been licensed in Oregon as a resident corporate title insurance agent since October 4, 1979. AmeriTitle's Insurance Division identification number is 14605 and its license number is 803665.

**Giving a Thing of Value to an Intermediary**

OR 836-080-0315 prohibits a title company from giving or attempting to give, directly or indirectly, a thing of value to an intermediary unless permitted by OR 836-080-0320 to 836-080-0340. A title company includes a title insurance

agency such as AmeriTitle. See OAR 836-080-0310(7)(b). Giving includes providing to a person or allowing the person to receive a product or service without charging the person for the product or service as paying for an activity to which others are invited. See OAR 836-080-0310(3). A thing of value is "anything that has a monetary value" such as things a person buys with money. See OAR 836-080-0310(5). An intermediary includes a person who is a realtor, loan officer, builder or contractor. See OAR 836-080-0310(2).

OAR 836-080-0325(2) permits a title company to exclusively plan, arrange for, and conduct a "large activity" to which intermediaries are invited if, among other things, the title company does not spend more than a certain net amount per person attending the activity, *including title company employees*. The Director adjusts this amount each year and notifies the title companies of the adjusted amount. See OAR 836-080-0345. For the year 2000, the maximum adjusted net amount is \$11.10 per person.

In this case, on March 6, 2000, AmeriTitle hosted a "Fun Bus" trip from Bend, Oregon to Portland, Oregon for 45 persons to attend a Blazer's professional basketball game. Of the 45 individuals, 6 were employees of AmeriTitle and most of the 39 other persons were realtors, loan officers, builders or contractors. AmeriTitle initially spent \$1,974.51 for the trip. AmeriTitle collected \$35 from each of the 39 persons who were not employees of AmeriTitle for a total of \$1,365.00. AmeriTitle ultimately spent \$609.51 for the trip, for a net amount of \$13.54 per person ( $\$609.51 / 45 \text{ persons} = \$13.54 \text{ per person}$ ). Thus, AmeriTitle spent \$2.44 per person more than it should have spent.

Although AmeriTitle intended to comply with the applicable rules by charging the persons who were not employees of AmeriTitle a fee, AmeriTitle misunderstood that it had to include the number of its employees going on the trip in calculating that fee. However, the title insurance marketing rules, as they originally existed from 1980 to 1996 and as amended since 1996, have always required a title company to take into account the number of its employees attending a marketing

activity to which intermediaries are invited in determining whether a title company could conduct the activity.

**Ultimate Facts**

AmeriTitle gave a thing of value to an intermediary that was prohibited by Oregon Administrative Rules (OAR) 836-080-0315 and not permitted by OAR 836-080-0320 to 836-080-0340.

**Conclusions**

AmeriTitle violated OAR 836-080-0315.

**Action**

AmeriTitle shall pay a civil penalty of \$500 pursuant to ORS 731.988 on or before the date of the Final Order.

Dated July 11, 2000.

/s/ Linda Stelle  
Linda Stelle  
President  
AmeriTitle, Inc.

**FINAL ORDER**

The Director adopts, and incorporates herein by this reference, the Facts, Ultimate Facts, Conclusions and Action in the above Stipulation as the Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order, respectively, of this Final Order.

Dated July 20, 2000.

/s/ Mary C. Neidig  
Mary C. Neidig  
Director  
Department of Consumer and Business Services

**CERTIFICATE OF SERVICE**

I certify that on July 20, 2000 I served the above Stipulation and Final Order by mailing a copy thereof in a sealed envelope, with first class postage prepaid, to the party named therein.

/s/ Mitchel D. Curzon  
Mitchel D. Curzon  
Administrative Law Specialist  
Insurance Division