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ADMINISTRATIVE HEARING
COMMISSION

**BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI**

LINDA BOHRER, Acting Director)
Department of Insurance, Financial)
Institutions & Professional Registration)
State of Missouri,)

Petitioner,)

vs.)

SENIOR TITLE AGENCY, LLC,)

Serve:)
601 North Hicks Road, Suite B)
Palatine, Illinois 60067)

And,)

ALL AMERICAN TITLE AGENCY,)
LLC,)

Serve:)
601 North Hicks Road, Suite C)
Palatine, Illinois 60067)

Respondents.)

Serve:)
Harold L. Moskowitz)
Counsel for Respondents)
55 West Monroe Street)
Suite 1100)
Chicago, Illinois 60603)

Case No.: 08-2128D1

COMPLAINT

LINDA BOHRER, Acting Director of the Missouri Department of Insurance,
Financial Institutions and Professional Registration, through counsel, complains and
requests the Administrative Hearing Commission find that cause exists for disciplinary

action against Respondents, Senior Title Agency, LLC, and All American Title Agency, LLC, because:

INFORMATION RELEVANT TO ALL COUNTS

1. Petitioner is the Acting Director of the Department of Insurance, Financial Institutions and Professional Registration. The Director has the duty to administer Chapters 374, 375, and 381 RSMo, which includes the supervision, regulation, and discipline of insurance companies, agencies and producers licensed to operate and conduct business in the state of Missouri.

2. The Department of Insurance, Financial Institutions and Professional Registration, issued Respondent Senior Title Agency, LLC, a business entity producer license (No. AG8020843), with an expiration date of January 4, 2008.

3. The Department issued Respondent All American Title Agency, LLC, a business entity producer license (No. AG8020842), with an expiration date of January 4, 2008.

4. The Commission has jurisdiction over this Complaint pursuant to § 621.045, RSMo.

COUNT I

5. Respondents' insurance producer licenses, or their equivalents, were revoked in the state of Illinois, which is grounds for discipline pursuant to § 375.141.1(9), RSMo.

6. The facts are as follows:

- a. In 2006, Respondents Senior Title and All American Title were registered under the Title Insurance Act, 215 ILCS 155/1 to /25, and were subject to regulation by the State of Illinois Department of Financial & Professional

Regulation Division of Financial Institutions (Illinois Division) under Agent Registration No. 16-2120 and No. 16-2111, respectively.

- b. Respondents' registration under the Title Insurance Act, 215 ILCS 155/1 to /25, is the Illinois' equivalent of a business entity producer license in Missouri.
- c. Respondents, along with five other title insurance agencies registered under the Title Insurance Act, 215 ILCS 155/1 to /25, under common ownership or management as Respondents, failed to disclose a mortgage broker's financial interest in one of the title agencies in violation of the Real Estate Settlement Procedures Act (RESPA), 12 U.S.C. §§ 2601 – 2617, and Section 18 of the Illinois Title Insurance Act, 215 ILCS 155/18.
- d. Respondents, at the closing of certain mortgage rescue transactions in Illinois, altered HUD-1 statements that had been approved by the lender and redirected proceeds from the sale to a property management company which was controlled by the same mortgage broker referenced in the immediately preceding paragraph. Respondents' actions defrauded consumers of sale proceeds that were rightfully due them. Respondents' actions violated Section 21 of the Illinois Title Insurance Act, 215 ILCS 155/21.
- e. In an Order of Revocation (Illinois Order), dated July 31, 2006, the Illinois Division found that Respondents, along with five other title insurance agencies under common ownership or management, failed to disclose a mortgage broker's financial interest in one of the title agencies in violation

of the Real Estate Settlement Procedures Act (RESPA), 12 U.S.C. §§ 2601 – 2617, and Section 18 of the Illinois Title Insurance Act, 215 ILCS 155/18.

f. The Illinois Order further found that Respondents, at the closing of certain mortgage rescue transactions, altered HUD-1 statements that had been approved by the lender and redirected proceeds from the sale to a property management company which was controlled by the same mortgage broker referenced in the immediately preceding paragraph. The Illinois Order found that Respondents' actions defrauded consumers of sale proceeds that were rightfully due them, and that Respondents' actions violated the Illinois Title Insurance Act.

g. Through the Illinois Order, Gina DeCiani, Acting Director of the Illinois Division ordered that Respondents' respective registrations were revoked.

7. As a result, sufficient grounds exist for disciplining Respondents' Missouri insurance licenses pursuant to § 375.141.1(9), RSMo.

COUNT II

8. Respondents violated the insurance laws of the state of Illinois, grounds for discipline of their respective Missouri insurance licenses pursuant to § 375.141.1(2), RSMo.

9. The facts are as follows:

a. Petitioner incorporates the facts alleged in paragraph 6, above, as though set forth here.

b. Sections 18 and 21 of the Illinois Title Insurance Act, 215 ILCS 155/18, 155/21 are Illinois insurance laws.

10. Respondents' violation of Sections 18 and 21 of the Illinois Title Insurance Act, 215 ILCS 155/18, 155/21, constitutes a violation of the insurance laws of the state of Illinois.

COUNT III

11. Respondents used fraudulent or dishonest practices, or demonstrated untrustworthiness or financial irresponsibility in the conduct of business in the state of Illinois, grounds for discipline of their respective Missouri insurance licenses pursuant to § 375.141.1(8), RSMo.

12. Petitioner incorporates the facts alleged in paragraphs 6 and 9-10, above, as though fully stated here.

13. Respondents' failure to disclose business interests and defrauding of consumers constitutes fraudulent and dishonest practices, and demonstrates untrustworthiness and financial irresponsibility in the conduct of business in the state of Illinois.

WHEREFORE, based on the foregoing, Petitioner respectfully requests that the Commission make findings of fact and conclusions of law stating that Petitioner has established cause to discipline Respondent Senior Title Agency, LLC's and Respondent All American Title Agency, LLC's respective insurance producer licenses pursuant to §§ 375.141.1(9), 375.141.1(2), and 375.141.1(8), RSMo.

Respectfully submitted,

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