

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

**Director of the Department of Insurance, )  
Financial Institutions & Professional )  
Registration )  
State of Missouri, )**

**Petitioner, )**

**Case No.: 08-2128 DI**

**vs. )**

**SENIOR TITLE AGENCY, LLC, )**

**And, )**

**ALL AMERICAN TITLE AGENCY, )  
LLC, )**

**Respondents. )**

**PETITIONER'S FIRST REQUEST FOR ADMISSIONS**

The Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, through counsel, requests Respondents Senior Title Agency, LLC, and All American Title Agency, LLC, respond in accordance with § 536.073, RSMo (2000), 1 CSR 15-3.420 and Missouri Rule of Civil Procedure 59.01.

1. Petitioner is the Director of the Department of Insurance, Financial Institutions and Professional Registration (“the Director”).

**RESPONSE:**

2. The Director has the duty to administer Chapters 374, 375, and 381 RSMo, which includes the supervision, regulation, and discipline of title insurance producers.

**RESPONSE:**

3. The Commission has jurisdiction over this Complaint pursuant to § 621.045, RSMo (Supp. 2007).

**RESPONSE:**

4. 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.

**RESPONSE:**

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

**RESPONSE:**

6. In 2006, Respondents Senior Title and All American Title were registered under the Title Insurance Act, 215 ILCS 155/1 to /25.

**RESPONSE:**

7. In 2006, Respondents Senior Title and All American Title were subject to regulation by the State of Illinois Department of Financial & Professional Regulation Division of Financial Institutions (Illinois Division).

**RESPONSE:**

8. In 2006, Respondents Senior Title and All American Title were registered under Agent Registration No. 16-2120 and No. 16-2111, respectively.

**RESPONSE:**

9. Exhibit 1 (attached) is a true and accurate copy of Respondent Senior Title's Illinois registration.

**RESPONSE:**

10. Exhibit 2 (attached) is a true and accurate copy of Respondent All American Title's Illinois registration.

**RESPONSE:**

11. 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.

**RESPONSE:**

12. Respondents' failure to disclose a mortgage broker's financial interest in one of the commonly owned or managed title agencies was 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.

**RESPONSE:**

13. 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 paragraph 11, above.

**RESPONSE:**

14. Respondents' actions in paragraph 11, above, deprived consumers of sale proceeds that were rightfully due them.

**RESPONSE:**

15. 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.

**RESPONSE:**

16. Exhibit 3 (attached) is a true and accurate copy of the Illinois Order.

**RESPONSE:**

17. 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 paragraph 11, above.

**RESPONSE:**

18. 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.

**RESPONSE:**

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

**RESPONSE:**

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

**RESPONSE:**

21. Respondents' insurance producer licenses, or their equivalents, were revoked in the state of Illinois, which is a ground for discipline of their respective Missouri insurance producer licenses pursuant to § 375.141.1(9), RSMo (Supp. 2008).

**RESPONSE:**

22. Respondents violated the insurance laws of the state of Illinois, which is a ground for discipline of their respective Missouri insurance producer licenses pursuant to § 375.141.1(2), RSMo.

**RESPONSE:**

23. Respondents' alteration of HUD-1 statements, 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, which are grounds to discipline of Respondents' respective insurance producer licenses pursuant to § 375.141.1(8), RSMo (Supp. 2008).

**RESPONSE:**

Respectfully submitted,



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ATTORNEY FOR PETITIONER  
Director  
Missouri Department of Insurance, Financial  
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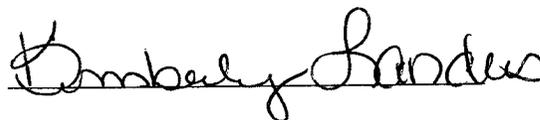
**CERTIFICATE OF SERVICE**

I hereby certify that I served the original of Petitioner's First Request for Admissions, in paper format along with a copy of Rule 59.01 and regulation 1 CSR 15-3.420 and a CD ROM containing Petitioner's First Request for Admissions in Word for Windows format, and that such was mailed, postage prepaid this 5th day of May, 2009 to:

**SENIOR TITLE AGENCY, LLC**  
601 North Hicks Road, Suite B  
Palatine, Illinois 60067

**ALL AMERICAN TITLE AGENCY, LLC**  
National Registered Agents, Inc.  
300-B East High Street  
Jefferson City, Missouri 65101

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

A handwritten signature in black ink, appearing to read "Kimberly Sanders". The signature is written in a cursive style with a horizontal line underneath the name.