



**DEPARTMENT OF INSURANCE, FINANCIAL  
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

P.O. Box 690, Jefferson City, Mo. 65102-0690

In re: Fidelity National Title Insurance Company (NAIC #51586) )  
Investigation No. 11022-51586-PC )  
Chicago Title Insurance Company (NAIC #50229) )  
Investigation No. 11025-50229-PC )  
Commonwealth Land Title Insurance Company (NAIC # 50083) )  
Investigation No. 11024-50083-PC )

**ORDER OF THE DIRECTOR**

NOW, on this 25<sup>TH</sup> day of SEPTEMBER, 2012, Director John M. Huff, after consideration and review of the market conduct investigation of Fidelity National Title Insurance Company, (NAIC #551586) (hereafter referred to as "the Fidelity National") investigation number 11022-51586-PC, Chicago Title Insurance Company, (NAIC # 50229) (hereafter referred to as "Chicago Title) investigation number 11025-50229-PC, and Commonwealth Land Title Insurance Company, (NAIC # 50083) (hereafter referred to as "Commonwealth") investigation number 11024-50083-PC, all conducted by the Division of Insurance Market Regulation pursuant to §374.190 RSMo, and the Stipulation of Settlement ("Stipulation"), does hereby issue the following orders:

This order, issued pursuant to §374.046.15, RSMo (Cum. Supp. 2011) and §374.280 RSMo, is in the public interest.

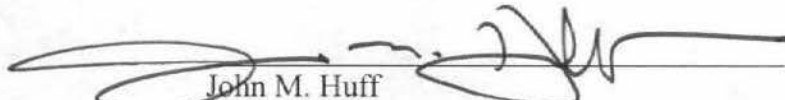
IT IS THEREFORE ORDERED that Fidelity National, Chicago Title, Commonwealth, and the Division of Insurance Market Regulation having agreed to the Stipulation, the Director does hereby approve and agree to the Stipulation.

IT IS FURTHER ORDERED that Fidelity National, Chicago Title, and Commonwealth shall not engage in any of the alleged violations of law and regulations set forth in the Stipulation and shall implement and/or continue procedures to place the Companies in full compliance with the requirements in the Stipulation and the statutes and regulations of the State of Missouri and to maintain those compliance actions at all times.

IT IS FURTHER ORDERED that the Company shall pay, and the Department of Insurance, Financial Institutions and Professional Registration, State of Missouri, shall accept, the Voluntary Forfeiture of \$237,500, payable to the Missouri State School Fund.

IT IS SO ORDERED.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office in Jefferson City, Missouri, this 25<sup>th</sup> day of SEPTEMBER, 2012.

  
John M. Huff  
Director





**DEPARTMENT OF INSURANCE, FINANCIAL  
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

P.O. Box 690, Jefferson City, Mo. 65102-0690

TO: Fidelity National Title Group  
601 Riverside Ave.  
Jacksonville, FL 32204

RE: Fidelity National Title Insurance Company (NAIC #51586)  
Missouri Market Conduct Investigation #11022-51586-PC  
Chicago Title Insurance Company (NAIC #50229)  
Missouri Market Conduct Investigation #11025-50229-PC  
Commonwealth Land Title Insurance Company (NAIC #50083)  
Missouri Market Conduct Investigation #11024-50083-PC

**STIPULATION OF SETTLEMENT  
AND VOLUNTARY FORFEITURE**

It is hereby stipulated and agreed by John M. Huff, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, hereinafter referred to as "Director," and Fidelity National Title Insurance Company (NAIC # 51586), (hereafter referred to as "Fidelity National"), Chicago Title Insurance Company (NAIC #50229) (hereafter referred to as "Chicago Title"), and Commonwealth Land Title Insurance Company (NAIC #50083) (hereafter referred to as "Commonwealth") as follows:

WHEREAS, John M. Huff is the Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration (hereafter referred to as "the Department"), an agency of the State of Missouri, created and established for administering and enforcing all laws in relation to insurance companies doing business in the State in Missouri; and

WHEREAS, Fidelity National, Chicago Title and Commonwealth have been granted certificates of authority to transact the business of insurance in the State of Missouri; and

WHEREAS, Fidelity National is the successor in interest of Lawyer's Title Insurance Corporation and Chicago Title is the successor in interest of Security Union Title Insurance Company, Ticor Title Insurance Company, and Ticor Title Insurance Company of Florida.

WHEREAS, the Department conducted Market Conduct Investigations of Fidelity National, Chicago Title, Commonwealth and their predecessors in interest; and

WHEREAS, based upon the Market Conduct Investigations of Fidelity National and its predecessors in interest, the Department alleges that:

1. In fifty nine (59) instances, Fidelity National and/or its predecessors in interest terminated an agency relationship but failed to report the termination to the Director in seven days in violation of §381.018.5;<sup>1</sup>

2. In eleven (11) instances, Fidelity National and/or its predecessors in interest terminated an agency relationship and reported the termination to the Director, but failed to report the reason for the termination in violation of §381.018.5;

3. In one (1) instance, Fidelity National and/or its predecessors in interest provided an inaccurate reason for the termination of an agency in a filing with the Director in violation of §374.210.1 (2);

4. In two (2) instances, Fidelity National and/or its predecessors in interest contracted with an unlicensed agency to issue their commitments and policies in violation of §381.018.3;

5. In nineteen (19) instances, Fidelity National and/or its predecessors in interest failed to perform on-site audits of its agents for 2009 and/or provide copies of the audit reports to the Director within 120 days in violation of §381.023.1 and §381.023.4;

6. In thirty (30) instances, Fidelity National and/or its predecessors in interest failed to perform on-site audits of its agents for 2010 and/or provide copies of the audit reports to the Director within 120 days in violation of §381.023.1 and §381.023.4;

7. In one (1) instance, Fidelity National and/or its predecessors in interest submitted an on-site audit report to the Director, but failed to include information on escrow practices, account reconciliation, and failed to provide a summary of the on-site review results in violation of §§ 381.023.4, 381.023.2 (9) and (12) and 20 CSR 500-7.080 (2) (L) and (3) (A);

8. In sixteen (16) instances, Fidelity National and/or its predecessors in interest performed on-site audits of its agents but failed to provide those audits to the Director in violation of §381.023.4 and 20 CSR 500-7.080 (3) (B);

9. In one (1) instance, Fidelity National and/or its predecessors in interest performed on-

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1 All references, unless otherwise noted, are to Missouri Revised Statutes 2000, as amended.

site audits of its agents but failed to provide those audits to the Director within 120 days of the completion of the audit in violation of §381.023.4 and 20 CSR 500-7.080 (3) (B).

WHEREAS, based upon the Market Conduct Investigations of Chicago Title and its predecessors in interest, the Department alleges that:

1. In one (1) instance, Chicago Title and/or its predecessors in interest contracted with an agency when that agency was not licensed by the Director in violation of §381.018.3;

2. In sixty four (64) instances, Chicago Title and/or its predecessors in interest terminated an agency relationship but failed to report the termination to the Director in violation of §381.018.5;

3. In twenty eight (28) instances, Chicago Title and/or its predecessors in interest failed to perform on-site audits of its agents for 2009 and/or provide copies of the audit reports to the Director in violation of §381.023.1 and §381.023.4;

4. In twenty six (26) instances, Chicago Title and/or its predecessors in interest failed to perform on-site audits of its agents for 2010 and/or provide copies of the audit reports to the Director in violation of §381.023.1 and 381.023.4;

5. In twenty eight (28) instances, Chicago Title and/or its predecessors in interest submitted on-site audit reports to the Director, but failed to submit the reports within 120 days following completion of the audit in violation of §381.023.4 and 20 CSR 500-7.080 (3) (B).

WHEREAS, based upon the Market Conduct Investigation of Commonwealth, the Department alleges that:

1. In one (1) instance, Commonwealth contracted with an unlicensed agency to issue their commitments and policies in violation of §381.018.3;

2. In thirty three (33) instances, Commonwealth terminated an agency relationship but failed to report the termination and the reasons for the termination to the Director in seven days in violation of §381.018.5;

3. In eleven (11) instances, Commonwealth terminated an agency relationship and reported the termination to the Director, but failed to report the reason for the termination in violation of §381.018.5;

4. In one (1) instance, Commonwealth provided an inaccurate reason for the termination of an agency in a filing with the Director in violation of §374.210.1 (2);

5. In four (4) instances, Commonwealth failed to perform on-site audits of its agents for 2009 and/or provide copies of the audit reports to the Director within 120 days in violation of §381.023.1 and §381.023.4;

6. In three (3) instances, Commonwealth failed to perform on-site audits of its agents for

2010 and/or provide copies of the audit reports to the Director within 120 days in violation of §381.023.1 and §381.023.4;

7. In seven (7) instances, Commonwealth performed on-site audits of its agents but failed to provide those audits to the Director within 120 days of the completion of the audit in violation of §381.023.4 and 20 CSR 500-7.080 (3) (B).

WHEREAS, Fidelity National, Chicago Title and Commonwealth hereby agree to comply with the statutes and regulations and agree to maintain those compliance measures at all times including, but not limited to, taking the following actions:

1. Fidelity National, Chicago Title and Commonwealth agree to take remedial action to assure that the errors noted in the above-referenced market conduct investigation reports do not recur; and

2. Fidelity National, Chicago Title and Commonwealth agree to file documentation with the Director within 90 days of the entry of a final order closing these investigations of any remedial actions taken by them to implement compliance with the terms of this Stipulation.

WHEREAS, nothing contained in this Stipulation shall be deemed an admission of fact or an admission of legal violation by Fidelity National, Chicago Title or Commonwealth;

WHEREAS, nothing contained in this Stipulation shall be deemed a waiver of future rights by Fidelity National, Chicago Title or Commonwealth;

WHEREAS, Fidelity National, Chicago Title and Commonwealth, after being advised by legal counsel, do hereby voluntarily and knowingly waive any and all rights for procedural requirements, including notice and an opportunity for a hearing, which may have otherwise applied to the above referenced Market Conduct Investigations; and

WHEREAS, Fidelity National, Chicago Title and Commonwealth hereby agree to the imposition of the ORDER of the Director and further agree, voluntarily and knowingly to surrender and forfeit the sum of \$237,500.

WHEREAS, the undersigned acknowledges and warrants that he is authorized to sign this Stipulation of Settlement and Voluntary Forfeiture on behalf of Fidelity National, Chicago Title and Commonwealth.

NOW, THEREFORE, in lieu of the institution by the Director of any action for the SUSPENSION or REVOCATION of the Certificate(s) of Authority of Fidelity National, Chicago Title

or Commonwealth to transact the business of insurance in the State of Missouri or the imposition of other sanctions, Fidelity National, Chicago Title and Commonwealth do hereby voluntarily and knowingly waive all rights to any hearing, consent to the ORDER of the Director, and surrender and forfeit the sum of \$237,500, such sum payable to the Missouri State School Fund, in accordance with §374.280.

DATED: 8/28/12

  
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Vice President and Regulatory Counsel  
Fidelity National Title Insurance Company

DATED: 8/28/12

  
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Vice President and Regulatory Counsel  
Chicago Title Insurance Company

DATED: 8/28/12

  
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Vice President and Regulatory Counsel  
Commonwealth Land Title Insurance Company