

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

In the Matter of **Fidelity National Title Insurance Company**) **STIPULATION** and
) **FINAL ORDER**
) Case No. INS 07-01-002

STIPULATION

The Director of the Oregon Department of Consumer and Business Services (director) commenced this administrative proceeding, pursuant to Oregon Revised Statutes (ORS) 731.256, to take enforcement action against Fidelity National Title Insurance Company (FNTIC).

FNTIC desires to conclude this proceeding without a hearing by entering into this stipulation pursuant to ORS 183.415(5).

FNTIC waives all rights relative to an administrative hearing and judicial review thereof.

FNTIC stipulates to the following facts, conclusions, action, and to the issuance of a final order incorporating this stipulation.

Facts and Conclusions

Licensing Information

FNTIC has been licensed in Oregon as a foreign insurer since 8/5/97. FNTIC's last recorded principal business address is located in Jacksonville, Florida.

Made or Issued Policy Not in Compliance with Approved Rate Filing

FNTIC is subject to enforcement action pursuant to ORS 737.330(1) because of the following circumstances. ORS 737.330(1) prohibits an insurer from making or issuing a policy except in accordance with the filings which are in effect for the insurer as provided in ORS Chapter 737. At all relevant times, Bear Stearns Commercial Mortgage, Inc. (Bear Stearns) agreed to lend up to \$24.5 million to RPP Bend I, LLC, (RPP) to refinance a loan secured by the River Bend Mall in Bend, Oregon. On 5/12/05, FNTIC, by and through its national commercial accounts division located in Newport Beach, California, offered to RPP to issue or have issued

an extended lender's title insurance policy to Bear Stearns insuring the title to the property at the rate of \$.60 per \$1,000 loaned amount for a total premium of \$14,700. FNTIC did not calculate the premium in accordance with its rate filings. If FNTIC had calculated the premium in accordance with its rate filings, then the premium would, and thus should, have been \$37,136.25. RPP accepted the offer. Subsequently, a title insurance policy was issued.

Action

Pursuant to ORS 731.988, FNTIC is assessed a civil penalty of \$10,000. The payment shall be made in the form of a check payable to the "Department of Consumer and Business Services" for the full amount due. The payment shall be delivered to the Insurance Division at the Labor and Industries Building, 350 Winter Street NE, Room 440 (4th Floor), Salem, Oregon; or mailed to the Insurance Division at PO Box 14480, Salem, OR 97309-0405. The payment shall be *received* by the Insurance Division by the date of the final order.

Dated January 29, 2007

/s/ Kevin R. Chiarello

[Signature of Representative]

Kevin R. Chiarello

[Printed Name of Representative]

Senior Vice President

[Printed Title of Representative]

Fidelity National Title Insurance Company

FINAL ORDER

The director incorporates herein the above stipulation, adopts it as the director's final decision in this proceeding, and orders that the action stated therein be taken.

Dated March 19, 2007

/s/ Cory Streisinger

Cory Streisinger

Director

Department of Consumer and Business Services