

No. **2024-8606**

**Official Order
of the
Texas Commissioner of Insurance**

Date: 4/11/2024

Subject Considered:

BH Title Agency, LLC
1050 E State Highway 114, Suite 210
Southlake, Texas 76092-5255

Consent Order
TDI Enforcement File No. 30400

General remarks and official action taken:

This is a consent order with BH Title Agency, LLC (BH Title). The Texas Department of Insurance (TDI) conducted a compliance audit and discovered BH Title violated several provisions of the Texas Insurance Code and the Title Insurance Basic Manual. BH Title has agreed to pay an administrative penalty of \$12,000.

Waiver

BH Title acknowledges that the Texas Insurance Code and other applicable law provide certain rights. BH Title waives all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order.

Findings of Fact

Licensure and Background

1. BH Title, firm identification no. 20052760, holds a title insurance agent license issued by TDI on September 2, 2021.

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2. On May 16, 2022, TDI conducted a compliance audit of BH Title's operations (the Audit) and found several violations.

Unappointed Personnel Performing Duties of an Escrow Officer

3. On September 1, 2015, the licensing requirements for escrow officers were amended by H.B. 2491. Escrow officers now individually maintain their licenses, while the title insurance agent or direct operation is responsible for filing an Escrow Officer Appointment form with the department and ensuring the escrow officer is covered by a surety bond or deposit.
4. The Audit indicated approximately 508 real estate transactions were closed by three unappointed escrow officers between January 1, 2022, and May 6, 2022. TDI notified BH Title of the problem, and the company subsequently appointed all three of the escrow officers involved by May 24, 2022.
5. Further, the policies and commitments were signed by another unappointed escrow officer. BH Title submitted the required Escrow Officer Appointment form for the officer on November 4, 2021. Title Licensing sent BH Title a deficiency notice on November 11, 2021. BH Title failed to respond to the deficiency notice, and the appointment for the escrow officer was never completed. The escrow officer involved was appointed by BH Title on May 24, 2022.

Failure to Timely Submit Escrow Officer Appointment Cancellation

6. The Audit indicated that a former BH Title escrow officer's last day was April 29, 2022. BH Title failed to cancel her appointment. The escrow agent was unappointed as of May 19, 2022.

Failure to Timely Submit Quarterly Tax Reports

7. BH Title did not submit Form T-S5 for the fourth quarter of 2021 timely. The form was due on February 15, 2022. However, BH Title submitted the form on May 10, 2022, approximately three months late.

Conclusions of Law

1. The commissioner has jurisdiction over this matter under TEX. INS. CODE §§ 82.051–82.055, 84.021–84.044, 2501.005, 2502.001, 2551.001, 2551.003,

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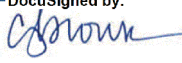
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2652.201, 4001.002, 4005.102-4005.104; 28 TEX. ADMIN CODE § 9.1, which adopts the Title Insurance Basic Manual by reference; and TEX. GOV'T CODE §§ 2001.051-2001.178.

2. The commissioner has the authority to informally dispose of this matter as set forth in TEX. GOV'T CODE § 2001.056, TEX. INS. CODE §§ 36.104 and 82.055, and 28 TEX. ADMIN. CODE § 1.47.
3. BH Title has knowingly and voluntarily waived all procedural rights to which it may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intention to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, rehearing by the commissioner, and judicial review.
4. BH Title violated TEX. INS. CODE § 2652.001 by allowing licensed escrow officers to act as escrow officers on BH Title's behalf without appointing them.
5. BH Title violated the Title Insurance Basic Manual, Section VI, Administrative Rule L-2, by failing to timely complete and submit the Escrow Officer Appointment (FINT09) form to TDI.
6. BH Title violated the Title Insurance Basic Manual, Section VI, Administrative Rule S.5 by failing to timely submit a copy of the agent's quarterly withholding tax report along with Form T-S5 and proof of payment.

Order

It is ordered that BH Title Agency, LLC pay an administrative penalty of \$12,000 within 30 days from the date of this order. The administrative penalty must be paid as instructed in the invoice, which the department will send after entry of this order.

DocuSigned by:

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Cassie Brown
Commissioner of Insurance

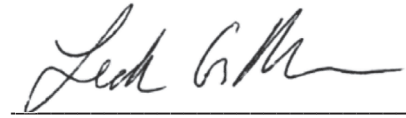
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Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Fraud and Enforcement Division



Allison J. Anglin, Staff Attorney
Enforcement

Affidavit

STATE OF Texas §

COUNTY OF Tarrant §

Before me, the undersigned authority, personally appeared Gina M Hickman, who being by me duly sworn, deposed as follows:

"My name is Gina M Hickman. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

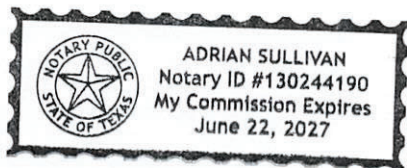
I hold the office of VP of Operations and am the authorized representative of BH Title Agency, LLC. I am duly authorized by said organization to execute this statement.

BH Title Agency, LLC has knowingly and voluntarily entered into the foregoing consent order and agrees with and consents to the issuance and service of the same by the commissioner of insurance of the State of Texas."

[Signature]
Affiant

SWORN TO AND SUBSCRIBED before me on Feb 26, 2024.

(NOTARY SEAL)



[Signature]
Signature of Notary Public

Printed Name of Notary Public