

**IN THE DEPARTMENT OF COMMERCE AND INSURANCE  
STATE OF MISSOURI**

*In Re:* )  
 )  
 FIDELITY NATIONAL TITLE ) **Market Conduct Examination**  
 INSURANCE COMPANY (NAIC #51586) ) **No. 1701-76-TGT**  
 ) **NAIC MATS NO. MO-HICKSS1-76**

**ORDER OF THE DIRECTOR APPROVING THE SECOND  
AMENDED STIPULATION OF SETTLEMENT AND VOLUNTARY FORFEITURE**

NOW, on this 09<sup>th</sup> day of February, 2021, Director, Chlora Lindley-Myers, after consideration and review of the Second Amended Stipulation of Settlement and Voluntary Forfeiture (hereinafter “Second Amended Stipulation”) entered into by the Division of Insurance Market Regulation (hereinafter “Division”), and Fidelity National Title Insurance Company (NAIC #51586) (hereinafter “Fidelity”), relating to the market conduct examination set out in the caption above, does hereby issue the following orders:

This order, issued pursuant to §§374.205.2(5) and 374.046.15 RSMo 2016, is in the public interest.

**IT IS THEREFORE ORDERED** that Fidelity and the Division having agreed to the Second Amended Stipulation, the Director does hereby approve and agree to the Second Amended Stipulation.

**IT IS FURTHER ORDERED** that paragraphs B (7) and E of the Stipulation entered into by the parties on June 26, 2020 and of the Amended Stipulation entered into by the parties on December 15, 2020 are amended as reflected in the Second Amended Stipulation.

**IT IS FURTHER ORDERED** that all other terms of the June 26, 2020 Stipulation and the December 15, 2020 Amended Stipulation shall remain in full force and effect.

**IT IS FURTHER ORDERED** that Fidelity shall not engage in any of the violations of law and regulations set forth in the Second Amended Stipulation, shall implement procedures to place it in full compliance with the requirements in the Second Amended Stipulation and the statutes and regulations of the State of Missouri, and to maintain those corrective actions at all times, and shall fully comply with all terms of the Second Amended Stipulation.

**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 09<sup>th</sup> day of February, 2021.



*Chlora Lindley-Myers*  
Chlora Lindley-Myers  
Director

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**SECOND AMENDED STIPULATION OF SETTLEMENT AND  
VOLUNTARY FORFEITURE**

It is hereby stipulated and agreed by the Division of Insurance Market Regulation (hereinafter “the Division”) and Fidelity National Title Insurance Company (NAIC #51586) (hereinafter “Fidelity”), as follows:

**WHEREAS**, the Division is a unit of the Missouri Department of Commerce and Insurance (hereinafter “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 of Missouri;

**WHEREAS**, the Division and Fidelity previously entered into a Stipulation of Settlement and Voluntary Forfeiture (hereinafter “Stipulation”) which was executed by Fidelity on June 15, 2020 and by the Division on June 24, 2020, and which was approved and agreed to by an Order issued by the Director of the Department of Commerce and Insurance (hereinafter “Director”) on June 26, 2020 (hereinafter “Order”). The Stipulation and Order are hereby incorporated by reference.

**WHEREAS**, the Division and Fidelity previously entered into an Amended Stipulation of Settlement and Voluntary Forfeiture (hereinafter “Amended Stipulation”) which was executed by Fidelity and by the Division on December 15, 2020, and which was approved and agreed to by an Order issued by the Director on December 31, 2020 (hereinafter “Amended Order”). The

Stipulation and Order are hereby incorporated by reference.

**WHEREAS**, the Division and Fidelity have agreed to further amend the Stipulation and Amended Stipulation pursuant to Paragraph I of the Stipulation and Paragraph E of the Amended Stipulation as follows:

A. **Scope of Agreement.** This Second Amended Stipulation of Settlement and Voluntary Forfeiture (hereinafter “Amended Stipulation”) embodies the entire agreement and understanding of the signatories with respect to the subject matter contained herein. The Second Amended Stipulation only modifies Paragraphs B 7 of the Stipulation and Amended Stipulation and Paragraph E of the Stipulation. . All other terms of the Stipulation and Amended Stipulation remain unchanged and in full force and effect.

B. **Remedial Action.** Fidelity agrees to take remedial action bringing it into compliance with the statutes and regulations of Missouri and agrees to maintain such remedial actions at all times, to reasonably ensure that the errors noted in the market conduct examination report do not recur. Such remedial actions shall consist of the following:

7. Fidelity agrees that premium refunds will be provided to all policyholders listed on pages 12-13, on pages 18-19, Section III, Paragraph 11, and on pages 19-20, Section III, Paragraph 13 of the final market conduct examination report, in the amount of the difference between the rate charged as listed on the disclosure statement and the filed rate. Fidelity further agrees to ensure that either Fidelity or its agents will conduct a review of all Fidelity policies issued from January 1, 2017 until December 31, 2019 by Hogan Land Title Company, Michelle Jorgensen, and Fidelity, to determine if the policyholder was charged a rate as listed on the disclosure statement in excess of the filed rate. In the event that a policyholder was charged a rate as listed on the disclosure statement in excess of the filed rate, Fidelity agrees that a premium

refund will be provided to the policyholder in the amount of the difference between the rate charged as listed on the disclosure statement and the filed rate. Interest will be included with all premium refunds in an amount to be determined pursuant to §374.191. A letter will accompany all premium refunds noting that as a result of a Missouri Market Conduct Examination it was determined that the policyholder was entitled to a partial refund of premium. Fidelity and its agents are not required to issue premium refunds if the amount of the refund is less than \$5.00. Fidelity and its agent Hogan Land Title Company are not required to include interest with premium refunds if the interest payment alone is less than \$5.00.

C. **Non-Admission.** Nothing in this Amended Stipulation shall be construed as an admission by Fidelity, this Amended Stipulation being part of a compromise settlement to resolve disputed factual and legal allegations arising out of the above-referenced market conduct examination.

D. **Waivers.** Fidelity, after being advised by legal counsel, does hereby voluntarily and knowingly waive any and all rights for procedural requirements, including notice and an opportunity for a hearing, and review or appeal by any trial or appellate court, which may have otherwise applied to the above-referenced market conduct examination.

E. **Voluntary Forfeiture.** Fidelity has already paid a voluntary forfeiture of \$45,900 to the Missouri State School Fund. Fidelity agrees, voluntarily and knowingly, to surrender and forfeit the additional sum of \$1,003.78, such sum payable to the Missouri State School Fund, in accordance with §374.049.11 and §374.280.2.

F. **Changes.** No changes to this Second Amended Stipulation shall be effective unless made in writing and agreed to by representatives of the Division and Fidelity.

G. **Governing Law.** This Second Amended Stipulation shall be governed and

construed in accordance with the laws of the State of Missouri.

H. **Authority.** The signatories below represent, acknowledge and warrant that they are authorized to sign this Second Amended Stipulation, on behalf of the Division and Fidelity respectively.

I. **Counterparts.** This Second Amended Stipulation may be executed in multiple counterparts, each of which shall be deemed an original and all of which taken together shall constitute a single document. Execution and delivery of this Second Amended Stipulation by facsimile or by an electronically transmitted signature shall be fully and legally effective and binding.

J. **Effect of Amended Stipulation.** This Second Amended Stipulation shall become effective only upon entry of a Final Order by the Director approving this Second Amended Stipulation.

K. **Request for an Order.** The signatories below request that the Director issue an Order approving this Second Amended Stipulation, and ordering the relief agreed to in the Amended Stipulation, and consent to the issuance of such Order.

DATED: 2-1-2021



Stewart Freilich  
Chief Market Conduct Examiner and  
Senior Counsel  
Division of Insurance Market Regulation

DATED: 1-29-21



Lewis Dunton, IV  
VP / Compliance & Regulatory Counsel  
Fidelity National Title Insurance Company