

State of Washington  
Office of Insurance Commissioner  
Legal Affairs Division



### Interview of Matthew Sager

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<b>OIC Case Number</b>	1229571
<b>Interview Date</b>	3/16/2015
<b>Interviewee Contact</b>	Matthew Sager
<b>Information</b>	Work: 802-685-7511 (Preferred)
<b>Investigator Conducting</b>	Barry Walden
<b>Interview</b>	
<b>Others Present</b>	None
<b>Location of Interview</b>	Telephone
<b>Interview Recorded</b>	No
<b>Declaration Prepared</b>	No

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On the above date, Sr. Operations Counsel for FATIC Matthew Sager was interviewed by phone. He told OIC that he has just received the complaint and needed additional time to investigate the complaint and provide a response. He said that he could have it to me by April 2, 2015.



### Interview of Sara Christensen

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<b>OIC Case Number</b>	1229571
<b>Interview Date</b>	3/3/2015
<b>Interviewee Contact</b>	Sara Christensen
<b>Information</b>	Work: 206-947-6754 (Preferred)
<b>Investigator Conducting</b>	Barry Walden
<b>Interview</b>	
<b>Others Present</b>	None
<b>Location of Interview</b>	Telephone
<b>Interview Recorded</b>	No
<b>Declaration Prepared</b>	No

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On the above date, the Title Insurance Sales Manager of First American Title (FATIC) Sara Christensen was interviewed by phone. She told OIC that she assisted SCCAR event by locating the venue, and paying for the rental of the venue. Ms. Christensen said that she paid about \$895.00 rental fees for the venue, and Cobalt Mortgage paid for the food. She told OIC that she probably asked SCCAR to include the FATIC logo and phone number on the flyer that was developed by SCCAR. Ms. Christensen told OIC that she sent the flyers to her customers via email. Ms. Christensen said that Cobalt Mortgage paid for the food served at the event.

State of Washington  
Office of Insurance Commissioner  
Legal Affairs Division



### Interview of Skyler Olsen

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OIC Case Number	1229571
Interview Date	3/3/2015
Interviewee Contact	Skyler Olsen
Information	Work: 206-757-4268 (Preferred)
Investigator Conducting	Barry Walden
Interview	
Others Present	None
Location of Interview	Telephone
Interview Recorded	No
Declaration Prepared	No

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On the above date, Zillow Senior Economist Skyler Olsen was interviewed by phone. Ms. Olsen told OIC that she was the speaker at the SCCAR event on October 16, 2014. Ms. Olsen said the topic of her presentation was a general overview of economic real estate trends, and economic forecast. Ms. Olsen said that the presentation had nothing to do with training regarding title insurance, escrow, or real property law. She told OIC that Zillow does not charge for presentations, the Power Point presentations are available at Zillow.com. Ms. Olsen did not know how many people attended. Ms. Olsen did not know who rented the theater, or who paid for lunch.



## Interview of Matthew Wahlquist

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<b>OIC Case Number</b>	1229571
<b>Interview Date</b>	3/3/2015
<b>Interviewee Contact</b>	Matthew Wahlquist
<b>Information</b>	Work: 425-339-1388 (Preferred)
<b>Investigator Conducting</b>	Barry Walden
<b>Interview</b>	
<b>Others Present</b>	None
<b>Location of Interview</b>	Telephone
<b>Interview Recorded</b>	No
<b>Declaration Prepared</b>	No

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On the above date, the director of Snohomish County-Camano Association of Realtors (SCCAR) Matthew Wahlquist was interviewed by phone. Mr. Wahlquist told OIC that he reached out to FATIC, Title Insurance Sales Manager, Sara Christensen, to help organize an event presenting real estate market trends. He said they had done this before and it turned out to be a big hit with the membership. He said that SCCAR did not pay for any part of the event. He said that FATIC paid for the venue, and Cobalt Mortgage paid for the food. He said that the presenter from Zillow was free.

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STATE OF WASHINGTON  
OFFICE OF THE INSURANCE COMMISSIONER

*In the Matter of*  
First American Title Insurance Company,  
Authorized Title Insurer.

Order No. 15-0166

WAOIC No. 461  
NAIC No. 50814

**DECLARATION OF MATTHEW WAHLQUIST**

I, Matthew Wahlquist, declare as follows:

1. I am Matthew Wahlquist, and am competent to testify. I make this declaration based upon my own personal and firsthand knowledge and information.

2. For the last six years, I have been the Executive Officer of the Snohomish County Camano Association of Realtors ("SCCAR"). I am the highest ranking member of the staff of the association and report directly to the President.

3. I have been requested by First American Title Insurance Company to review the Consent Order Levying a Fine against First American in the above matter for purposes of providing information in response to some of the allegations contained in this document. The following is intended to provide those responses.

4. It is not true as alleged in paragraph 2 of the Consent Order that "First American approached SCCAR in late 2014 and requested that it sponsor a real estate economic forecast presentation by an economist from Zillow on August 16, 2014." What is true is that I, as the Executive Officer of SCCAR, approached First American through an

DECLARATION OF MATTHEW WAHLQUIST - 1

1160379.04

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Seattle, WA 98101-3034  
206.464.4224 | Fax 206.583.0369

1 email on January 29<sup>th</sup>, 2014 (see Exhibit A attached).

2 5. Paragraph 2 of the Consent Order also states that SCCAR "sent a flyer to its  
3 'active membership' excluding affiliate members that were not also producers of title  
4 insurance business, most of whom are First American competitors." That is also incorrect.  
5 SCCAR sent the subject flyer or information contained in the subject flyer to its entire  
6 membership. No effort was undertaken to exclude any affiliate members. No effort was  
7 undertaken to invite only "producers of title insurance business." In fact, affiliate members,  
8 some of whom are competitors of First American, received this notice. SCCAR provided its  
9 entire membership information about this event in two ways. First, it sent to the entire  
10 membership its monthly email newsletter that contained the subject information. Second,  
11 SCCAR placed information about the event on its website prior to the event giving notice to  
12 all members and the world. Attached as Exhibit B is a printout of the website for  
13 September 30, 2014.

14 6. Paragraph 3 of the Consent Order states that "one of the affiliate members, a  
15 manager at a First American competitor, came across the flyer advertising event on First  
16 American's Facebook page" and that he contacted SCCAR to find out why he had not  
17 received an invitation to the event. I understand the person that is referenced in this Consent  
18 Order is a Mr. Chris Schulz, an employee of Old Republic Title Insurance Company. Old  
19 Republic Title Insurance Company is an affiliate member of SCCAR. SCCAR provides  
20 notices to affiliate members by providing notices to contact persons of affiliate members  
21 designated by the affiliate members to receive SCCAR notices on their behalf. In 2014, Mr.  
22 Schulz was not a contact person whom Old Republic had designated to receive notices from  
23 SCCAR. The contact persons from Old Republic at that time were Jim Fetzer and Lois  
24 Champion Myers. Notices of the October 2014 event were provided to these contact persons  
25 at Old Republic by way of an email newsletter and on our website. Because Mr. Schulz was  
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DECLARATION OF MATTHEW WAHLQUIST - 2

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not a designated contact person for Old Republic, he would not have received an email invitation directly, but his employer who is the affiliate member did receive an invitation by way of the email newsletter. Mr. Schulz could have been apprised of this information had he looked at the SCCAR website.

7. Mr. Schultz was neither a realtor member nor listed as a contact person for an affiliate member of SCCAR in 2014.

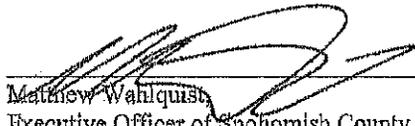
8. Paragraph 3 of the Consent Order also states that "SCCAR told him (presumably Mr. Schulz) that this was a 'private' event not open to the entire membership, only to producers of title insurance business." I have never made such statement to Mr. Schulz or anyone else concerning this event. In fact, such a statement is inconsistent with the manner in which SCCAR does business and how it seeks to promote all of its members active and affiliate.

9. Paragraph 4 of the Consent Order suggests that the October 2014 event was "entirely initiated" by First American and that SCCAR's only role was to distribute a flyer to its active members, excluding affiliate members that are competitors of First American. In fact, after I sent an email to Sara Christensen at First American on January 29, 2014 (Exhibit A), Ms. Sara Christensen followed up with us to ensure that notice of this event had been posted on our website and sent to members.

10. Further your declarant sayeth naught.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 4<sup>th</sup> day of September, 2015 at Everett, Washington.

  
Matthew Wahlquist  
Executive Officer of Snohomish County Camano  
Association of Realtors

DECLARATION OF MATTHEW WAHLQUIST - 3

1160379.01

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family of companies | NYSE: FAF



**From:** Matthew Wahlquist [<mailto:matthew@sccar.com>]  
**Sent:** Wednesday, January 29, 2014 11:27 AM  
**To:** Christensen, Sara  
**Subject:** SCCAR Partnership

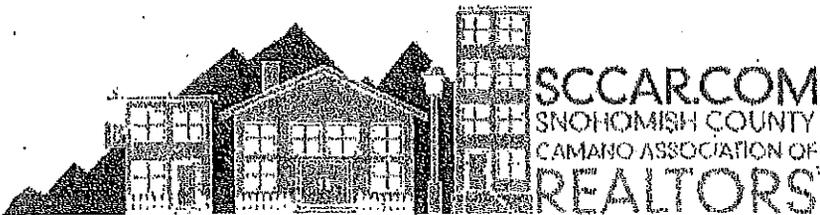
Sara,

I hope you and your team are having a great week. I am curious to know if you are planning to host another Market Update with Zillow for 2014. We really appreciated the opportunity to partner with your team and would love to participate in the event for 2014. Let me know your thoughts. I look forward to hearing from you.

Have a wonderful day.

**Matthew Wahlquist**  
Executive Director  
Snohomish County-Camano  
Association of REALTORS®  
(425) 339-1388  
[Matthew@SCCAR.com](mailto:Matthew@SCCAR.com)

**MAKE YOUR MEMBERSHIP COUNT. GET INVOLVED.**



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INTERWEB ARCHIVE <http://sccar.com/> (Go) JAN 30 DEC 2013 2014 2015 Close X Help ?



- About SCCAR
- Benefits of Member
- Find your NRDS#
- Pay Your Dues
- Calendar
- Education
- Government Affairs
- Affiliates
- Get Involved
- Broker's Page
- YPN
- Consumers
- Home

EVENTS

Installation and Awards - Save the Date!

**November 20th, 2014**  
**Everett Waterfront Center**  
**Blue Heron Room**

3201 Broadway,  
 Suite E  
 Everett, WA 98201  
 425-439-  
 1388 (phone)  
 425-333-2454 (fax)

REALTOR® Food Drive



Snohomish County-Camano  
 Association of REALTORS®

2014 FOOD DRIVE

October 1st - 31st, 2014

[www.sccar.com/fooddrive](http://www.sccar.com/fooddrive)

*You CAN Make a Difference!*

REALTOR® Food Drive - October 1st - 31st  
[www.sccar.com/fooddrive](http://www.sccar.com/fooddrive)

Real Estate in the Puget Sound and Snohomish County: Economic Forecast for 2014 with Zillow

EXHIBIT B

Internet Archive  
Wayback Machine  
http://sccar.com/

102 captures  
30% of 25 Apr 12

30  
2014

Close

2013 Economic Forecast Event

**Economic Forecast for 2015 with Zillow**  
Snohomish County-Camano Association of Realtors

The Zillow brand has become one of the most familiar names associated with real estate. Dr. Krishna Rao, Ph.D., economist at Zillow, joined the company in the summer of 2013 after finishing a Ph.D. in Economics at Stanford University focused on Macroeconomics and Finance. Prior to Zillow, Krishna also worked at the Federal Reserve Bank of New York where he helped develop structural macroeconomic forecasting models to guide monetary policy. At Zillow, Krishna works on forecasting home prices, analyzing real estate market conditions and future market trends.

Krishna's presentation will give us insight for current market conditions and what we can expect for housing in our area next year.

*This event is complimentary and is sponsored by First American Title*

**Event Information:**

**DATE:** Thursday, October 16, 2014

**TIME:** Registration begins at 11:00 a.m.  
ECONOMIC FORECAST  
11:30 a.m. - 1:00 p.m.

**LOCATION:** AMC Loew's Cinoplex 16 Alderwood  
18733 33rd Avenue W  
Lynnwood, WA, 98037

Lunch will be served.

**RSVP:** Please save your seat and help us plan for lunch.

Email [cs.sno.co.wa@firstam.com](mailto:cs.sno.co.wa@firstam.com)  
or Call 425.561.4117

**PRESENTER:**

  
**DR. KRISHNA RAO, PH.D.**  
ZILLOW ECONOMIST

 **First American Title®**  
206.947.8754 | [www.firstam.com](http://www.firstam.com)

First American Title Insurance Company and the associated company herein, with its principal office located at 10000 1st Avenue, Seattle, WA 98104, is a member of First American Financial Group, Inc. (FAG). First American Title Insurance Company is licensed in Washington State. First American Title Insurance Company is a member of First American Financial Group, Inc. (FAG). First American Title Insurance Company is a member of First American Financial Group, Inc. (FAG).

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**REALTOR BENEFITS**

**Technology Helpline**

 **TechHelpline**  
Your personal tech support team

The Tech Helpline is a member benefit offering support for hardware, software, networking, and digital devices. The best part is you have the choice of contacting their friendly and knowledgeable analysts via phone, fax, email, or online chat. They troubleshoot problems and offer solutions, often by remoteing in to your computer. They will advise you on hardware and software purchasing, and most importantly, they understand your needs as a REALTOR®.

1-866-640-8839

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**SCCAR Social Media**

Web Archive  
 102 captures  
 5 Dec 09 - 25 Apr 10  
<http://sccar.com/>  
 JAN 30 DEC 2013 2014 2015

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Realtor@ Night at the Aquasox. The ladies of the Board are having a blast, however they were photo bombed by Pea...  
<fb.me/1N1lce8T>

SCCAR @SnoCo\_Realtors 22 Jul  
 Existing-Home Sales Rise In June as Home Prices Surpass July 2006 Peak  
<fb.me/togLkdAA>  
 Show Summary

SCCAR @SnoCo\_Realtors 16 Jul  
 Purchase tickets online at [sccar.com/baseball](http://sccar.com/baseball) <fb.me/7MmGhc3rE>

SCCAR @SnoCo\_Realtors 14 Jul  
 NAR Call for Action: Protect the Real Estate Industry from Frivolous Lawsuits  
<bit.ly/1CCyWQl> <fb.me/4KlprnDV0t>

SCCAR @SnoCo\_Realtors 9 Jul  
 Last chance to register for this FREE webinar about new TILA/RESPA rules and changes going into effect. The...  
<fb.me/2lnUrrzh5>

SCCAR @SnoCo\_Realtors 7 Jul  
 Post-Practicing for Certified REALTOR® Candidates for Applicants  
 Tweet to @SnoCo\_Realtors

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**SCCAR Classes Schedule**

**Friday, October 24, 2014 - Foreclosure Fairness Act (FFA) for Real Estate Professionals**  
 The Foreclosure Fairness Act (FFA) is arguably the most powerful piece of legislation passed by any state during the recession. It is designed to protect mortgage holders that are trying to work out solutions to avoid foreclosure. Understand... [click here for more info]

**Wednesday, October 29, 2014 - Water Rights & Water Supply Issues for REALTORS®**  
 This class focuses on water rights and water supply issues involved in real estate transactions and development projects, an increasingly complex issue in both urban and rural areas. The existing Seller's Disclosure Form, which includes a number... [click here for more info]

**Thursday, November 06, 2014 - Making Use of Title Insurance as a Tool**  
 A deep dive look at Title Insurance from an Attorney's perspective that has represented claims for buyers and also defended against them. What are the d... [click here for more info]

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State of Washington  
Office of Insurance Commissioner  
Legal Affairs Division



### Interview of Ryan McIrvin

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<b>OIC Case Number</b>	1229571
<b>Interview Date</b>	3/5/2015
<b>Interviewee Contact</b>	Ryan McIrvin
<b>Information</b>	Work: 425-339-1388 (Preferred) Cell: 360-306-4444
<b>Investigator Conducting Interview</b>	Barry Walden
<b>Others Present</b>	None
<b>Location of Interview</b>	Telephone
<b>Interview Recorded</b>	No
<b>Declaration Prepared</b>	No

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On the above date, government affairs director for SCCAR Ryan McIrvin was interviewed by phone. He told OIC that he remembers that FATIC approached SCCAR with the idea of doing an economic forecast presentation to the membership, and customers of FATIC. He said that he sent the SCCAR logo to Sara Christensen at FATIC, and she had the flyer made. Mr. McIrvin told OIC that he did not produce the flyer, that Ms. Christensen provided it to him for distribution to SCCAR membership. Mr. McIrvin told OIC that he did not arrange for Zillow to provide a speaker, that he does not have a contact at Zillow. He said that Ms. Christensen organized the event, arranged for the speaker, located and paid to rent the venue.

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STATE OF WASHINGTON  
OFFICE OF THE INSURANCE COMMISSIONER

*In the Matter of*

First American Title Insurance Company,  
Authorized Title Insurer.

Order No. 15-0166

WAOIC No. 461  
NAIC No. 50814

**DECLARATION OF RYAN  
McIRVIN**

I, Ryan McIrvin, declare as follows:

1. I am Ryan McIrvin, am competent to testify and make the following declaration based upon my own first-hand knowledge and information.
2. I am the Government Affairs Director of the Snohomish County Camano Association of Realtors ("SCCAR") and have been in this position since March, 2008.
3. I have reviewed the Consent Order Levying A Fine against First American Title Insurance Company pertaining to SCCAR and First American Title Insurance Company's involvement in the October 16, 2014 Economic Forecast Presentation by an economist from Zillow.
4. In connection with paragraph 2 of the Consent Order, I did not tell anyone from the Office of the Insurance Commissioner that First American approached SCCAR with the idea of doing this event in 2014. My understanding is that our office, through Matthew Wahlquist, approached First American on this subject.

DECLARATION OF RYAN McIRVIN - 1

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5. In connection with statements made in paragraph 3 of the Consent Order, I do not recall telling Mr. Chris Schulz, or anyone else, that the Zillow event was a "private" event "not open to the entire membership, only to producers of title insurance business." I would not have made such a statement to anyone because it would not have been true.

6. I do not recall speaking of Mr. Schulz at any time in connection with the October 2014 event, but if he had called me and asked a question that I could not answer, I likely would have suggested that he call First American.

7. Further your declarant sayeth naught.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 4<sup>th</sup> day of September, 2015 at Everett, Washington.

  
\_\_\_\_\_  
Ryan McIrvin  
Government Affairs Director of Snohomish  
County Camano Association of Realtors

DECLARATION OF RYAN McIRVIN - 2

1160914.02

 Ryan, Swanson & Cleveland, PLLC  
1201 Third Avenue, Suite 3400  
Seattle, WA 98101-3034  
206.464.4224 | Fax 206.583.0359

State of Washington  
Office of Insurance Commissioner  
Legal Affairs Division



### Interview of Earl Schmidt

<b>OIC Case Number</b>	1229571
<b>Interview Date</b>	3/5/2015
<b>Interviewee Contact</b>	Earl Schmidt
<b>Information</b>	Work: 425-610-4344 (Preferred)
<b>Investigator Conducting</b>	Barry Walden
<b>Interview</b>	
<b>Others Present</b>	None
<b>Location of Interview</b>	Telephone
<b>Interview Recorded</b>	No
<b>Declaration Prepared</b>	No

On the above date, the manager of Cobalt Mortgage Earl Schmidt was interviewed by phone. He told OIC that in a roundabout way in late 2014, Cobalt was asked to help with a presentation that was organized by FATIC. He said that he ended up helping by buying Subway sandwiches for the attendees. He said that he remembered paying about \$1,000.00 for the food and beverages, and attended the event.



## Interview of Chris Schulz

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<b>OIC Case Number</b>	1229571
<b>Interview Date</b>	3/4/2015
<b>Interviewee Contact</b>	Chris Schulz
<b>Information</b>	19020 33rd Ave W, Suite 360 Lynnwood, WA 98036 Work: 425-776-1970 (Preferred) Email: cschulz@orc.com
<b>Investigator Conducting Interview</b>	Barry Walden
<b>Others Present</b>	None
<b>Location of Interview</b>	Telephone
<b>Interview Recorded</b>	No
<b>Declaration Prepared</b>	No

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On the above date, the general manager of Old Republic Title Co Chris Schulz was interviewed by phone. Mr. Schulz told OIC that his sales manager was looking at the FATIC Facebook page and saw the SCCAR event displayed. He said that he is a member of SCCAR and he had not received an invitation to attend the presentation. Mr. Schulz said he called SCCAR and spoke to Ryan McIrvn. He said he asked Mr. McIrvn why he had not received an invitation to attend the presentation to which Mr. McIrvn replied that it was a private event, that FATIC had planned the event, organized, and paid for the venue, then asked SCCAR to put their name on it. He said that it sounded to him that FATIC sponsored and organized the event and got SCCAR to make it look like it was their idea after the fact.

State of Washington  
Office of Insurance Commissioner  
Legal Affairs Division



**Memorandum of Interview**

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**Date:** November 16, 2015

**OIC Case #:** 1229571

**Person Interviewed:** Ruth Hopkins

**Investigator Conducting Interview:** Barry M. Walden

**Others Present During Interview:** None

**Location of Interview:** Phone # 425-508-4397

**Interview Audio Recorded:** Yes

**Declaration Prepared:** Yes

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On the above date, Old Republic Title Company sales manager Ruth Hopkins was interviewed by phone. She told OIC that a co-worker directed her the FATCO Facebook page which posted a free economic forecast event co-sponsored by FATCO, SCCAR, and Zillow. She said wondered why Old Republic was not invited and called SCCAR director Mathew Wahlquist. She said Wahlquist told her that it was closed private event put on by FATCO. She said that Wahlquist told her that FATCO approached them about the event, they invited who they wanted to, and SCCAR did not control who was invited. She said that FATCO used SCCAR to put on this free seminar when they should be charging an entry fee. She told OIC that she told Chris Schulz about the Facebook posting because she thought it was a violation. She said that she retired shortly after.



Office of Insurance Commissioner  
Investigations Unit  
Audio Recorded Statement

OIC Case #: 1229571  
 Statement from a person under investigation: Yes  No   
 Statement from a witness: Yes  No   
 Name: (Last, First): HOPKINS, RUTH SALES MGR  
 Home Address: 3642 SHOREWOOD City: GREENBANK  
 State: WA Zip Code: 98253 Home Telephone #: \_\_\_\_\_ Cell #: 425-508-4397  
 Work Telephone #: \_\_\_\_\_ Email Address: ER.HOPKINS@WHIDBEY.COM  
 Drivers License #: \_\_\_\_\_ State: \_\_\_\_\_

INVESTIGATOR STATEMENTS:

This is an audio recorded statement regarding OIC Case # 1229571. Today's date is NOV 16, 2015  
 and the time now is 1:23 PM. This is the recorded statement of RUTH HOPKINS.  
 I am BARRY WALDEN of the Office of the Insurance Commissioner, Legal Affairs Division,  
 Investigations Unit. This statement is being recorded (in person) at (location): OIC TUMWATER  
 or (over the telephone) via telephone # 360-725-7231

The following additional individuals are also present for this interview (list the names and association):

- 1) \_\_\_\_\_ 3) \_\_\_\_\_  
 2) \_\_\_\_\_ 4) \_\_\_\_\_

For the purposes of voice identification, would each person please state and spell your name one at a time.

AUTHORIZATION TO AUDIO RECORD STATEMENT:

Mr./Ms. HOPKINS, do you understand that this statement is being recorded?  Yes  No  
 And do you authorize me to record your statement?  Yes  No  
 Ask all others present if they are aware that the statement is being recorded?  Yes  No  
 And do you authorize me to record you as well?  Yes  No

**DECLARATION**

Mr./Ms. HOPKINS, do you declare that you are over the age of eighteen and are voluntarily providing this recorded statement today freely and without threats or promises?  Yes  No

Do you also declare, and state under penalty of perjury, under the laws of the State of Washington, that the information you are going to provide to me today is personally known to you, is true and correct to the best of your knowledge, and, if called upon to do so, you could and would testify competently to the information you provide today?

Yes  No

**INTERVIEW**

- State purpose of the Interview
- Begin Interview

**END OF INTERVIEW**

• Do you have anything else you would like to add to this statement?  Yes  No

• Is the information you provided today true and correct?  Yes  No

The time is now 11:47 and this concludes this statement.

Signature of Investigator: 

EXHIBIT 20

DECLARATION OF RUTH HOPKINS  
OIC SIMBA Case #1229571  
First American Title Insurance Company

State of Washington  
Office of the Insurance Commissioner  
Legal Affairs Division  
Investigations Unit



**Final Investigative Report  
Cover Page Synopsis**

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OIC Case #: 1229571  
Related Cases: none

Final Report Date: May 5, 2015  
Date Complaint Received: November 21, 2014

Name of Person or Entity under Investigation: First American Title Insurance Company, 1  
First American Way, Santa Ana, CA 92707, 714-558-3211

WAOIC License Number and Status: 461 / Non-Resident / Active

Representative for Person or Entity under Investigation: Matthew B. Sager, 9000 East  
Pima Center Parkway, Scottsdale, AZ. 85258, Office 602-685-7511, email msager@firstam.com

Complainant: Chris Schulz 19020 33rd Ave W, Suite 360 Lynnwood, WA 98036 425-776-  
1970 cshulz@ortc.com

Name of Insured (if different from complainant): N/A

Relationship to Insured: N/A

Allegation(s): First American Title Insurance Company sponsored a free educational program for producers of title insurance business, paid for the venue, co-advertised the event by publishing a flyer, and distributed the flyer to recipients of their email data base. The presentation did not consist of training regarding title insurance, escrow, or real property law. Possible violation of WAC 284-29-215(3), 284-29-220(2)(a)(b)(3), and 284-29-235 (2)(a)(b)(c) (4)(b).

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Investigative Findings: The allegation is substantiated

Potential RCW's or WAC's Violated: WAC 284-29-215(3), RCW 48.29.210(2),  
WAC 284-29-200(6), and 284-29-235(2)(a)(b)(c).



***Final Report of Investigation***  
***Executive Summary***

---

The allegation that, First American Title Insurance Company (FATIC) co-sponsored a free educational seminar with a mortgage company, which FATIC organized, arranged for the speaker, developed the flyer, located a suitable venue, and paid to rent the venue, under the guise that the event was a trade association sponsored event is substantiated. 270 producers of title insurance business attended the presentation.

In an interview, Chris Schulz the general manager of Old Republic Title Co, told OIC that his sales manager was looking at the FATIC Facebook page and saw a Snohomish County Camano Association of Realtors (SCCAR) training advertisement for an economic forecast presentation by Zillow. Schulz said that he is a member of SCCAR and he had not received an invitation to attend the presentation. Schulz said he called SCCAR and spoke to director Ryan McIrvine. Schulz said he asked Mr. McIrvine why he had not received an invitation to attend the presentation to which Mr. McIrvine replied that it was a private event, that FATIC had planned the event, organized, and paid for the venue, then asked SCCAR to put their name on it. He said that it sounded to him that FATIC sponsored and organized the event and got SCCAR to make it look like it was their idea after the fact.

In an interview, the Title Insurance Sales Manager of FATIC Sara Christensen told OIC that she assisted SCCAR in planning the event by locating the venue and paying for the rental of the venue. Ms. Christensen said that she paid about \$895.00 in rental fees for the venue and that Cobalt Mortgage paid for the food. She told OIC that she probably asked SCCAR to include the FATIC logo and phone number on the flyer that was developed by SCCAR. Ms. Christensen told OIC that she sent the flyers to her customers via email.

In an interview, government affairs director for SCCAR Ryan McIrvine told OIC that he remembers that FATIC Sales Manager Christensen approached SCCAR with the idea of doing an economic forecast presentation for SCCAR members and customers of FATIC. He said that

he sent the SCCAR logo to Sara Christensen, that she or someone in her office created the flyer containing both logos. Mr. McLvin told OIC that he did not produce the flyer, that Christensen provided it to him for distribution to SCCAR membership. Mr. McLvin told OIC that he did not arrange for Zillow to provide a speaker. He told OIC that he does not have a contact at Zillow. He said that Ms. Christensen organized the event, arranged for the speaker, developed the flyer, located, and paid to rent the venue.

In an interview, Earl Schmidt the manager of Cobalt Mortgage, told OIC that in a roundabout way in late 2014, Cobalt was asked to help with a presentation that was organized by FATIC. He said that the request came to him without him knowing who at FATIC made the request. He said that he ended up helping by buying Subway sandwiches for the attendees. Mr. Schmidt said that he remembered paying about \$1,000.00 for the food and beverages, and he personally attended the event.

The Senior Operations Counsel for FATIC, Matthew Sager provided a response to the OIC complaint notification letter. Sager wrote, "First American respectfully responds by stating that its sponsorship of the education seminar held on October 16, 2014 was in compliance with WAC 284-29-220. First American was a sponsor of the educational seminar presented by the Snohomish County Camino Association of Realtors ("SCCAR"). As shown in the flyers advertising the event, this was a SCCAR educational seminar. It can also be seen in the flyer that First American's role in the event was that of a sponsor. The total fee paid to sponsor the educational seminar was \$875, below the \$1,000 limit per WAC 284-29-220 (5)(b)(i). First American respectfully answers that the sponsorship of the education seminar held by SCCAR on October 16, 2014 was permitted and done in accordance with WAC 284-29-220 and 284-29-235." In his response, Sager told OIC that 270 producers of title insurance business attended the seminar.

In an interview, Zillow Senior Economist Skyler Olsen told OIC that she was the speaker at the SCCAR event on October 16, 2014. Ms. Olsen said the topic of her presentation was a general overview of economic real estate trends and economic forecast. Ms. Olsen said that the presentation had nothing to do with training regarding title insurance, escrow, or real property law. She told OIC that Zillow does not charge for presentations, that the Power Point presentations are available at Zillow.com. Ms. Olsen did not know how many people attended. Ms. Olsen did not know who rented the theater or who paid for lunch.



***Final Report of Investigation***  
***Investigative Findings***

This investigation was opened upon the receipt of a complaint from, Chris Schulz who alleged that licensee First American Title Insurance Company (FATIC), organized, promoted, and paid for an economic forecast presentation. When I received this case several documents were included. OIC Compliance Analyst Fritz Denzer of Consumer Advocacy originally investigated this complaint. Mr. Denzer sent a complaint notification letter to FATIC requesting information. FATIC Sr. Operations Counsel, Matthew Sager responded to the request by sending Mr. Denzer a cover letter, copies of email, and a list of attendees. OIC Staff Attorney Jim Tompkins of Policy and Litigation wrote an analysis of the case. Attached is a copy of the complaint from Mr. Schulz (Exhibit 1a), a copy of the complaint notification to FATIC (Exhibit 1b), copies of the cover letter, email, and a list of attendees from FATIC (Exhibit 1c), a copy of Mr. Tompkins analysis (Exhibit 1d).

A review of the OIC licensing database reveals that FATIC was originally licensed by the OIC in January 2, 1969 and their status is active, they have 25 active appointments. On May 6, 2013, FATIC agreed to pay OIC \$25,000.00 to resolve pending proceedings for violation of WAC 284-29-220, and WAC 284-29-235. Attached is a copy of the SIMBA printouts showing licensing information (Exhibit 2a), and a copy of the Stipulation and Agreed Order Dismissing Adjudicative Proceedings No. 13-0021 (Exhibit 2b).

The senior operations counsel for FATIC, Matthew Sager was notified of this investigation by the OIC. Attached is a copy of the OIC notification letter to Mr. Sager (Exhibit 3).

The Senior Operations Counsel for FATIC, Matthew Sager provided a response to the OIC complaint notification letter. Sager said that the October 16, 2014 event was a trade association seminar initiated by SCCAR for their members. Sager asserts that FATIC sponsored the event at the behest of SCCAR. He also describes the event as a educational seminar. Sager writes that the event is not a violation of WAC 284-29-235(3). The response is addressed to OIC Fredrick Denzler. In his response, Sager told OIC that 270 producers of title insurance business

attended the seminar. Attached is a copy of the response letter submitted by Sager (Exhibit 4a), a copy of other evidence submitted by the Mr. Sager (Exhibit 4b), and a copy of the Memorandum of Interview with Mr. Sager (Exhibit 4c).

In an interview, the Title Insurance Sales Manager of First American Title (FATCO) Sara Christensen told OIC that she assisted SCCAR in planning the event by locating the venue, and paying for the rental of the venue. Ms. Christensen said that she paid about \$895.00 in rental fees for the venue, and that Cobalt Mortgage paid for the food. She told OIC that she probably asked SCCAR to include the FATCO logo and phone number on the flyer that was developed by SCCAR. Ms. Christensen told OIC that she sent the flyers to her customers via email. Attached is a copy of the Memorandum of Interview with Ms. Christensen (Exhibit 5).

In an interview, Zillow Senior Economist Skyler Olsen told OIC that she was the speaker at the SCCAR event on October 16, 2014. Ms. Olsen said the topic of her presentation was a general overview of economic real estate trends, and economic forecast. Ms. Olsen said that the presentation had nothing to do with training regarding title insurance, escrow, or real property law. She told OIC that Zillow does not charge for presentations, the Power Point presentations are available at Zillow.com. Ms. Olsen did not know how many people attended. Ms. Olsen did not know who rented the theater, or who paid for lunch. Attached is a copy of the Memorandum of Interview with Ms. Olsen (Exhibit 6).

The government affairs director for SCCAR, Ryan McLrvin was interviewed by phone. He told OIC that he remembers that FATIC approached SCCAR with the idea of doing an economic forecast presentation to the membership, and customers of FATIC. He said that he sent the SCCAR logo to Sara Christensen at FATIC, and she had the flyer made. Mr. McLrvin told OIC that he did not produce the flyer, that Ms. Christensen provided it to him for distribution to SCCAR membership. Mr. McLrvin told OIC that he did not arrange for Zillow to provide a speaker, that he does not have a contact at Zillow. He said that Ms. Christensen organized the event, arranged for the speaker, located and paid to rent the venue. Attached is a copy of the Memorandum of Interview with Mr. McLrvin (Exhibit 7).

In an interview, the director of the Snohomish County-Camano Association of Realtors (SCCAR) Matthew Wahliquist told OIC that in 2013, SCCAR was approached by FATIC with the idea of doing an economic forecast type presentation. He said that at that time, Sara Christensen organized the event much like the event she organized in October 2014. He said

that SCCAR did not pay for any part of the event. He said Ms. Christensen organized the entire event. He said that Mr. McIrvine helped produce the 2014 flyer to advertise the event to the membership. Attached is a copy of the Memorandum of Interview with Mr. Wahlquist (Exhibit 8).

In an Interview, the manager of Cobalt Mortgage, Earl Schmidt told OIC that in a roundabout way in late 2014, Cobalt was asked to help with a presentation that was organized by FATIC. He said that he ended up helping by buying Subway sandwiches for the attendees. Mr. Schmidt said that he remembered paying about \$1,000.00 for the food and beverages, and personally attended the event. Attached is a copy of the Memorandum of Interview with Mr. Schmidt (Exhibit 9).

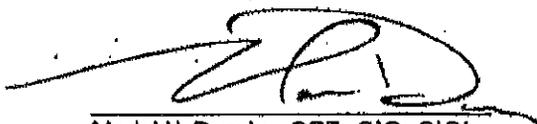
The general manager of Old Republic Title Co, Chris Schulz was interviewed by phone. Mr. Schulz told OIC that his sales manager was looking at the FATIC Facebook page and saw the SCCAR event displayed. He said that he is a member of SCCAR and he had not received an invitation to attend the presentation. Mr. Schulz said he called SCCAR and spoke to Ryan McIrvine. He said he asked Mr. McIrvine why he had not received an invitation to attend the presentation to which Mr. McIrvine replied that it was a private event, that FATIC had planned the event, organized, and paid for the venue, then asked SCCAR to put their name on it. He said that it sounded to him that FATIC sponsored and organized the event and got SCCAR to make it look like it was their idea after the fact. Attached is a copy of the Memorandum of Interview with Mr. Schulz (Exhibit 10).



Barry M. Walden  
CFCE Investigator



Brandon M. Lee  
Investigator Supervisor



Mark W. Durphy, CFE, CIG, CIGI  
Investigations Manager





***Final Report of Investigation***  
***Exhibits List***

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- Exhibit 1a: A copy of the original complaint from Chris Schulz
- Exhibit 1b: A copy of the OIC Fritz Denzer's Complaint Notification letter to FATIC
- Exhibit 1c: A copy of the response from FATIC Sr. Operation Counsel Martin Sager
- Exhibit 1d: A copy of the analysis of OIC Jim Tompkins
  
- Exhibit 2a: A copy of SIMBA licensing printout for FATIC
- Exhibit 2b: A copy of 13-0021 previous action against FATIC
  
- Exhibit 3: A copy of the complaint notification letter to FATIC
  
- Exhibit 4a: A copy of the response from FATIC attorney Sager
- Exhibit 4b: A copy of the list of attendees provided by Sager
- Exhibit 4c: The mailed response from FATIC attorney Sager
- Exhibit 4d: A copy of the Memorandum of Interview with Sager
  
- Exhibit 5: A copy of the Memorandum of Interview Sara Christensen
  
- Exhibit 6: A copy of the Memorandum of Interview Skyler Olsen / Zillow
  
- Exhibit 7: A copy of the Memorandum of Interview Matthew Wahlquist / SCCAR
  
- Exhibit 8: A copy of the Memorandum of Interview Ryan McLrvin / SCCAR
  
- Exhibit 9: A copy of the Memorandum of Interview Earl Schmidt /Cobalt
  
- Exhibit 10: A copy of the Memorandum of Interview complainant Chris Schulz

MIKE KREIDLER  
STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON



OFFICE OF  
INSURANCE COMMISSIONER

OLYMPIA OFFICE:  
INSURANCE BUILDING  
P.O. BOX 40255  
OLYMPIA, WA 98504-0255  
Phone: (360) 725-7000

July 1, 2015

First American Title Insurance Company  
Matthew B. Sager  
9000 East Pima Center Parkway  
Scottsdale, AZ 85258

Re: First American Title Insurance Company  
Proposed Consent Order Levying a Fine - OIC Order No. 15-0166

Dear Mr. Sager:

The Office of the Insurance Commissioner has investigated a complaint against First American Title Insurance Company, and finds that it has violated a provision of the law that must be followed as part of their licensing expectations. The violation(s) are detailed in the attachment to this letter.

When a violation occurs, the Insurance Commissioner is granted the authority to take action. The action may range from levying a fine to suspension or revocation of a Certificate of Authority.

We are offering First American Title Insurance Company an opportunity to settle this matter by signing the attached Consent Order and paying a fine. As part of this settlement, First American Title Insurance Company will admit their violation, pay the imposed fine, and agree to fully comply with all applicable laws of Washington State going forward.

The deadline to accept the settlement offer is **July 31, 2015**. Please refer to the instructions on the next page. If the settlement offer is not accepted by that date, it will be withdrawn.

Upon withdrawal of the settlement offer, the Insurance Commissioner may revoke First American Title Insurance Company's Certificate of Authority pursuant to the Revised Code of Washington (RCW) 48.05.185 and request a hearing to impose the fine. Alternatively, you may request a hearing yourself. If this matter results in a hearing, the Insurance Commissioner is not bound by this settlement offer and may seek a fine in the full amount warranted for your particular situation.

If you have any questions regarding this matter, I can be reached at (360) 725-77048 or by email at MarciaS@oic.wa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Marcia G. Stickler".

Marcia G. Stickler, JD, LLM  
Insurance Enforcement Specialist  
Legal Affairs Division

Enclosure: Consent Order

**How do I accept this time-limited settlement offer?**

By July 31, 2015, you must:

1. Sign the attached settlement order. The settlement order is called a Consent Order because you are agreeing or consenting to the terms of the agreement.
2. Pay the fine amount indicated in the order by check.
3. Mail the signed order with your payment check(s) to:

Office of the Insurance Commissioner  
ATTN: Fiscal  
PO Box 40257  
Olympia, Washington 98504-0255

When we receive your signed order and fine payment, the Insurance Commissioner will execute the agreement and provide you with a validated copy of the settlement agreement for your records.

**How do I request an administrative hearing?**

By September 29, 2015, you must:

1. Provide a written request for an administrative hearing. Your written request should include:
  - A brief statement of how you are harmed by the commissioner's proposed action.
  - A statement of the outcome you seek.
  - Your contact information: name, mailing address, email address, and phone number.
  - A copy of the commissioner's proposed order you are challenging.

Although not required, it would be helpful if you also included the following information in your written request for a hearing:

- A statement identifying the facts in the Consent Order you disagree with or believe are inaccurate, and why you think so.
  - A statement identifying any additional facts or information you want the Insurance Commissioner to consider.
2. Mail your written request to:

Office of the Insurance Commissioner  
ATTN: Hearings Unit  
PO Box 40255  
Olympia, WA 98504-0255

For more information about the hearings process, please visit: <http://www.insurance.wa.gov/laws-rules/administrative-hearings/>

**STATE OF WASHINGTON  
OFFICE OF THE INSURANCE COMMISSIONER**

*In the Matter of*

**First American Title Insurance  
Company,**

Authorized Title Insurer.

Order No. 15-0166

WAOIC No. 461

NAIC No. 50814

**CONSENT ORDER LEVYING  
A FINE**

This Consent Order Levying a Fine ("Order") is entered into by the Insurance Commissioner of the state of Washington ("Insurance Commissioner"), acting pursuant to the authority set forth in RCW 48.02.060 and RCW 48.05.185, and First American Title Insurance Company. This Order is a public record and will be disseminated pursuant to Title 48 RCW and the Insurance Commissioner's policies and procedures.

**BASIS:**

1. First American Title Insurance Company ("First American") is an authorized title insurer domiciled in Nebraska and duly authorized to engage in the business of title insurance in the state of Washington since January 2, 1969.

2. First American approached the Snohomish County Camano Association of Realtors ("SCCAR") in late 2014 and requested that it sponsor a real estate "Economic Forecast" presentation by an economist from Zillow® on October 16, 2014. Zillow® does not charge for this presentation. First American would take care of all of the planning and execution of the event, but it would technically be a "trade association event" under WAC 284-29-220. First American arranged to have a mortgage lender, Cobalt Mortgage, bring in and pay for lunch. First American prepared the advertisement flyer with its logo affixed, and

CONSENT ORDER LEVYING A FINE  
ORDER NO. 15-0166

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Office of Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255

sent it to SCCAR for addition of its logo and email distribution. First American rented a local venue that cost \$875. SCCAR sent the flyer to its "active membership," excluding affiliate members that were not also producers of title insurance business, most of whom are First American competitors. A total of 270 members of SCCAR, producers of title insurance business, attended the presentation. Trade association events involving title companies are limited by WAC 284-29-220. Title company-sponsored educational seminars are also governed by WAC 284-29-235.

3. One of the affiliate members, a manager at a First American competitor, came across the flyer advertising the event on First American's Facebook page. He contacted SCCAR to find out why he had not received an invitation to the free event, as he was also a member of SCCAR. SCCAR told him that this was a "private" event not open to the entire membership, only to producers of title insurance business. The competitor then made a complaint to the Insurance Commissioner, citing violations of the title insurance rules in WAC 284-29. The gist of his complaint was that First American used SCCAR to disguise their own event as a trade association event, a violation of WAC 284-29-200(6). Had it been offered as a free event sponsored by First American alone, it would have had to have been restricted to education regarding title insurance, title to real property, or escrow topics. This economic forecast information seminar could not have been properly given by First American alone without charging attendees for it. First American confirmed to the Insurance Commissioner's investigator that it had put on a similar SCCAR event in 2013.

4. The event was entirely initiated, organized, and presented by First American. SCCAR's only role was to distribute the flyer to its "active" members, excluding affiliate members that are competitors of First American. First American denied this allegation, saying all members were invited. However, the attendee list provided to the Insurance Commissioner by First American confirmed that of the 270 attendees, the only affiliate members who attended the event were those that could also bring title insurance business to First American, mortgage lenders and homebuilders. According to SCCAR's membership rules, people who are not real estate licensees are only eligible for affiliate membership status.

5. First American's representative falsely told the investigator that SCCAR initiated the idea of the seminar and asked First American to participate. When requested by the investigator, First American reported that the total employee time used to put on the event

CONSENT ORDER LEVYING A FINE  
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was fewer than three hours. First American would not elaborate further nor remit any documentation of names, salaries or other expenses incurred other than the bill for the venue showing an \$875 rental fee. First American's counsel indicated several times that to gather the requested information would be unduly burdensome and that the request for information concerning the educational seminar was overly broad. The same response was made to the investigator's request for emails between First American and the other sponsor and the trade association in connection with the presentation. First American's counsel admitted that it was not able to access the emails between First American and Cobalt Mortgage, the other sponsor of the event.

6. First American is limited to a contribution of \$1,000 per event with a trade organization. Even if the First American event had been a legitimate trade organization function, it exceeded the contribution limit since it refused to add to the \$875 venue rental cost to the value of its employee time used in coordinating with Zillow®, finding a co-sponsor for the lunch, creating the flyer, arranging for the venue, etc., as required by WAC 284-29-235(4). Documentation of compliance is required to be kept and shared with the Insurance Commissioner under WAC 284-29-265.

7. RCW 48.29.210(2) states that a title insurer, title insurance agent, or employee, agent, or other representative of a title insurer or title insurance agent shall not, directly or indirectly, give anything of value to any person in a position to refer or influence the referral of title insurance business to either the title insurance company or title insurance agent, or both, *except as permitted under rules adopted by the commissioner*. [Emphasis added]. That is, if the thing of value is not given in strict compliance with the regulations, it is given in violation of the statute.

8. WAC 284-29-200(6) states that title companies must not enter into any agreement, arrangement, scheme, or understanding or in any other manner pursue any course of conduct, designed to avoid RCW 48.29.210 and WAC 284-29-200 through 284-29-265. First American's arrangement with SCCAR violated this regulation.

9. WAC 284-29-220(2) states that a title company may donate to, contribute to or otherwise sponsor a trade association event only if all of the following conditions are met:

- (a) The event is a recognized association event that generally benefits all members and affiliated members of the association in an equal manner;

CONSENT ORDER LEVYING A FINE  
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- (b) The donation must not benefit a selected producer member of the association unless through a random process; and
- (c) Solicitation for the donation must be made of all association members and affiliated members in an equal manner and amount.

By excluding some affiliate members from the event, First American violated this regulation.

10. WAC 284-29-235 states that (1) A title company may conduct educational programs at no charge only if the content of the program consists solely of education regarding title insurance, title to real property, and escrow topics; (3) A title company may sponsor an educational seminar of a trade association subject to the limits in WAC 284-29-220; (4) A title company may sponsor an educational program on topics other than title insurance, title to real property, and escrow only if: (a) The educational program is open to all producers; and (b) The attendees actually pay to attend the program the greater of: (i) All expenses and costs associated with the delivery of the educational program by the title company; or (ii) What the attendee would pay to attend a similar seminar sponsored by entities other than title companies on the open market. The calculation by the title company of the expenses and costs associated with the delivery of the education program must include, but not be limited to, all travel, refreshments, speaker fees or wages of the speaker, facility rental, preparation of materials distributed at the program, parking, advertisement, and wages of arranging and planning for the program. By giving an educational seminar without cost on subjects other than solely about title insurance, title to real property, and escrow topics, First American violated this regulation.

11. WAC 284-29-265 states that (1) A title company must keep and maintain complete, accurate, and sufficient records to demonstrate compliance with WAC 284-29-200 through this section and keep them for a period of five years after the end of the year during which any thing of value was given to a producer; (2) All records of a title company kept in order to meet the terms of WAC 284-29-200 through this section must be made available to the commissioner or the commissioner's representative during regular business hours; (3) Failure of the title company to keep the records required by WAC 284-29-200 through this section is a violation of RCW 48.29.210. By failing to have records demonstrating compliance with WAC 284-29 available to the Commissioner, First American violated this regulation.

12. RCW 48.05.185 provides that after hearing or with the consent of the insurer and in addition to or in lieu of the suspension, revocation, or refusal to renew any certificate of

CONSENT ORDER LEVYING A FINE  
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Office of Insurance Commissioner  
PO Box 40255  
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authority the Insurance Commissioner may levy a fine upon the insurer in an amount not less than two hundred fifty dollars and not more than ten thousand dollars.

**CONSENT TO ORDER:**

The Insurance Commissioner of the state of Washington and First American agree that the best interest of the public will be served by entering into this Order. NOW, THEREFORE, First American consents to the following in consideration of its desire to resolve this matter without further administrative or judicial proceedings. The Insurance Commissioner consents to settle this matter in consideration of First American's payment of a fine, and upon such terms and conditions as are set forth below:

1. First American acknowledges its duty to comply fully with the applicable laws of the state of Washington.
2. First American consents to the entry of this Order, waives any and all hearing or other procedural rights, and further administrative or judicial challenges to this Order.
3. By agreement of the parties, the Insurance Commissioner will impose a fine of \$100,000.00 (One Hundred Thousand Dollars) to be paid by July 31, 2015.
4. First American understands and agrees that any further failure to comply with the statutes and/or regulations that are the subject of this Order constitutes grounds for further penalties, which may be imposed in direct response to further violations.
5. This Order and the violations set forth herein constitute admissible evidence that may be considered in any future action by the Insurance Commissioner involving the Company. However, the facts of this Order, and any provision, finding or conclusion contained herein does not, and is not intended to, determine any factual or legal issue or have any preclusive or collateral estoppel effects in any lawsuit by any party other than the Insurance Commissioner.

CONSENT ORDER LEVYING A FINE  
ORDER NO. 15-0166

1229571

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Office of Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

First American Title Insurance Company

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Corporate Title: \_\_\_\_\_

**AGREED ORDER:**

Pursuant to the foregoing factual Basis and Consent to Order, the Insurance Commissioner of the state of Washington hereby Orders as follows:

1. First American shall pay a fine in the amount of \$100,000 (One Hundred Thousand Dollars), receipt of which is hereby acknowledged by the Insurance Commissioner.
2. This Order and the violations set forth herein constitute admissible evidence that may be considered in any future action by the Insurance Commissioner involving the Company. However, the facts of this Order, and any provision, finding or conclusion contained herein does not, and is not intended to, determine any factual or legal issue or have any preclusive or collateral estoppel effects in any lawsuit by any party other than the Insurance Commissioner.

ENTERED at Tumwater, Washington, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.



MIKE KREIDLER  
Insurance Commissioner

By and through his designee

\_\_\_\_\_  
MARCIA G. STICKLER  
Insurance Enforcement Specialist  
Legal Affairs Division

CONSENT ORDER LEVYING A FINE  
ORDER NO. 15-0166

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Olympia, WA 98504-0255

1229571

RECEIVED

DEC 08 2015

OIC - INVESTIGATIONS

In Re the Matter of:

FIRST AMERICAN TITLE  
INSURANCE COMPANY

OIC Case #: 1229571

DECLARATION OF WITNESS  
JIM FETZER

I, JIM FETZER, am over the age of eighteen and do voluntarily provide this declaration freely and without threats or promises, and state under penalty of perjury under the laws of the State of Washington that the following facts are personally known to me, and, if called upon to do so, I could and would testify competently to them.

1. I am an employee of Old Republic Title Insurance Company. Old Republic is a member of the Snohomish Camano County Association of Realestate Agents (SCCAR). I am a member of SCCAR and normally receive and respond to invitations and notifications of SCCAR events.
2. I was contacted by Marcia Stickler of the OIC who asked if I remember receiving an invitation from SCCAR in regards to an economic forecast seminar sponsored by First American Title Insurance Company (FATCO), on October 16, 2014.
3. I have no recollection of receiving an invitation to attend a FATCO seminar from SCCAR. I would not normally attend such an event sponsored by a competing tile company. I have conferred with my co-worker Lois who did not receive an invitation.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF WASHINGTON  
STATE THAT THE FOREGOING IS TRUE AND CORRECT.

Dated this 3<sup>rd</sup> day of December, 2015.

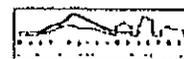
  
Signature of Declarant

JAMES FETZER  
Printed Name of Declarant

DECLARATION OF JIM FETZER  
Page 1 of 1

OIC Exhibit 23 - Page 1 of 1

EXHIBIT OIC-23



facebook



- About SCCAR
- Benefits of Membership
- Find your NRDS#
- Pay Your Dues
- Calendar
- Education
- Government Affairs
- Affiliates
- Get Involved
- Broker's Page
- YPN
- Consumers
- Home

3201 Broadway, Suite E  
 Everett, WA 98201  
 425-339-1388 (phone)  
 425-339-2454 (fax)

Name	Office	Location
Butner, Lori	VanDam's Abbey Carpet & Floor	Marysville, WA 98270
Jorgensen, Carl	WFG National Title Company	Everett, WA 98201
MacDonald, Patty	Union Bank	Marysville, WA 98270
Dunn, Cheri	Excel Escrow, Inc.	Everett, WA 98201

Ray, Traci	Procura Mortgage Company	Everett, WA 98201
Carroll, Mike	Chicago Title Insurance Co	Everett, WA 98201
Christensen, Sara	First American Title Insurance	Everett, WA 98201
Peterson, Eric	Rainier Title & Escrow	Everett, WA 98201
Engstrom, Kevin	Peoples Bank	Everett, WA 98201
Carlson, Beverly	Fidelity National Home Warranty	Lake Stevens, WA 98258
Kelly, Carmen	Heritage Bank	Marysville, WA 98270
Jackson, Kristi	YP	Tukwila, WA 98188
Sundin, Julie	Fidelity National Title & Escr	Lynnwood, WA 98037
Hatfield, Casey	Wells Fargo Home Mortgage	Everett, WA 98208
Myers, LoisChampion	Old Republic Title, Ltd.	Lynnwood, WA 98036
Spry, Geoff	Hawks Eye Home Inspection	Shoreline, WA 98155
Boyle, Jayne	Stewart Title	Everett, WA 98201
Huber, Kathy	Ticor Title - Everett	Everett, WA 98201
Kvistad, C Michael	Anderson Hunter Law Firm	Everett, WA 98201
Paulsen, Taryn	HomeStreet Bank	Everett, WA 98201
Umbelino, Lisa	CW Title and Escrow	Bellevue, WA 98004
Pukis, Paul	Mosaic Insurance Alliance LLC	

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