



August 19, 2025

Rules Coordinator
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Via: rulescoordinator@oic.wa.gov

**RE: First American Title Insurance Company's Comments
Proposal Statement of Inquiry – WSR 25-15-140
Clarifying and Updating rules concerning educational programs**

This letter serves as First American Title Insurance Company ("First American") request to participate in the formulation of the proposed rule before publication, and as comments related to a proposed rules relating to education and sponsorship of educational programs.

First American recommends clarifying paragraph 1 of WAC 284-29-235 to use consistent language and to also simplify for clarification as follows:

WAC 284-29-235

Educational seminars.

- (1) A title company may ~~conduct~~ **give** educational programs ~~training and seminars~~ at no charge ~~only if the content of the program~~ **subject** consists ~~solely of education regarding title insurance, title to real property, and escrow topics, or related topics.~~
- ~~(a) A title company must spend no more than ten dollars per person for refreshments at any one educational program.~~
- ~~(b) Any materials that the title company provides to attendees must be directly related to the topic of the seminar or are self-promotional advertising of the title company.~~

As it is not clear what it means to "conduct" an educational program, for consistency the rule should use the defined term of "give." Additionally, for consistency the rule should be modified to use the terms "educational seminar" and "training" as it's not clear what would be considered an educational program. The rule should also be modified to clarify that not all of the educational seminar must consist "solely" of education related to title and escrow as that is too restrictive. Additionally, it's not clear what is meant by or what could be included in education related to "title to real property." As such, it is recommended that this be deleted. Respectfully, as long as a title company provides education related to title, escrow or related topics, First American believes that this proposed revision to the rule provides sufficient guidance on the types of classes that may be provided.

Subparagraph (a) should be moved to another section of the rule as suggested and further discussed below.

Subparagraph (b) should be deleted as unnecessary as self-promotional advertising and the items that may be provided by title companies are addressed elsewhere within WAC 284-29.

First American recommends deleting all of paragraph 2 of WAC 284-29-215:

- ~~(2) A title company may provide a speaker at no charge for an educational program conducted or presented by other persons, only if the following conditions are met:~~
- ~~(a) The speaker is an employee of the title company;~~

- ~~(b) If a title insurance agent is providing the speaker, the speaker may be an employee of the title insurer for whom the title insurance agent has been properly appointed;~~
- ~~(c) The topic of the presentation by the employee is solely related to title insurance, escrow, or real property law; and~~
- ~~(d) Any materials that the speaker provides to attendees are directly related to the topic of the speaker or are self promotional advertising of the title company of the employee.~~

Paragraph 2 is not necessary due to the restrictions contained in paragraph 1 and elsewhere within the rule. The only provision in paragraph 2 that goes beyond what is contained in the rule is that if a title company provides a speaker for educational programs for others, then the speaker must be an employee and the topic must be title and escrow. This, arguably, is not necessary as the rule should simply allow for a title company to either provide title and escrow education for free or alternatively charge if the topic is something other than title or escrow.

First American recommends deleting all of paragraph 3 of WAC 284-29-215:

- ~~(3) A title company may sponsor an educational seminar of a trade association subject to the limits in WAC [284-29-220](#).~~

For consistency and clarification, any provision related to sponsorship of trade association events should solely be found in WAC 284-29-220.

First American recommends modifying paragraph 4 of WAC 284-26-215 as follows:

- ~~(4)~~ A title company may ~~sponsor an~~ give educational program training and seminars on topics subjects other than title insurance, title to real property, and escrow or related topics only if:
 - (a) The educational program is open to all producers; and
 - (b) The attendees ~~actually pay to attend the program the greater of:~~ a fee sufficient to cover the
 - ~~(i) All expenses and costs associated with the delivery of~~ providing the educational program training or seminar; ~~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.~~

It is not feasible to require a title company to determine what other educational providers charge for seminars and subsequently charge an amount greater than another educational provider. For example, based on the current language of the rule, a title company would be in violation if an educational provider charges \$25 for a one-hour class on contracts but the title company charges \$15 for a similar class. The rule should be clarified to state that as long as the title company charges a fee to cover the cost and expense of providing the class, there would not be a violation.

First American recommends adding a paragraph 3 which is a modification of paragraph 1(a) of WAC 284-29-235 as follows:

(3) A title company must spend no more than ~~ten~~ twenty dollars for food and beverage per person reasonably anticipated to attend the ~~for refreshments at any one educational seminar program.~~

As the cost to provide food and beverages has increased since the original implementation of the rule, it's not reasonable to limit the amount per person to \$10. As such, we respectfully ask for consideration of an increase to the amount that may be spent on providing food and beverages at an educational seminar. Additionally, it is not always known how many people will actually attend a class. It should not be a violation of the rule if the charge per person goes slightly above the permitted amount due to something that is out of the control of the title company: actual attendance.

First American recommends modifying WAC 284-29-220 as follows:

WAC 284-29-220

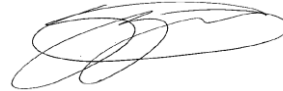
Trade associations.

- (1) A title company may donate the time of its employees to serve on a trade association committee.
- (2) 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;
 - (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.
- (3) A title company may pay for its employees and a single guest of each employee to attend trade association events only if all of the following conditions are met:
 - (a) The title company pays a fee equal to fees paid by producer members of the association in the events;
 - (b) The title company employees and their guest(s) actually attend the event (except when attendance is prevented by an emergency); and
 - (c) The guest of the title company employee is not a producer (except where the guest is related to the title company employee by blood or marriage or their domestic partner).
- (4) For purposes of this section, trade association events include, but are not limited to, conventions, award banquets, symposiums, educational seminars, breakfasts, lunches, dinners, receptions, cocktail parties, open houses, sporting activities and other similar activities.
- (5) A title company may:
 - (a)(i) Donate to, contribute to, or otherwise sponsor a trade association event under subsection (2) of this section; ~~and~~
 - (ii) Advertise in a trade association publication under WAC [284-29-215\(1\)](#); ~~and~~
 - ~~(iii) Sponsor a trade association educational seminar under WAC 284-29-235(3);~~
 - (b) Give a thing of value listed under (a) of this subsection to a trade association only if all of the following requirements are met:
 - (i) The thing of value is limited to one thousand dollars per event, advertisement, or sponsorship ~~of an educational seminar;~~
 - (ii) The title company must not give a thing of value to all trade associations more than three times in a calendar year;
 - (iii) The title company must not combine any of these permitted expenditures into one expenditure; and

- (iv) The title company must not accumulate or carry forward left over or unused expenditures from one of these permitted expenditures to a subsequent expenditure.
- (6) If a title company owns or leases and maintains a complete set of tract indexes in more than one county:
 - (a) The limits set forth in subsection (5) of this section apply on a county by county basis for donations, contributions, sponsorships, payments for events, advertisements, or sponsorship of educational seminars of trade associations a majority of whose members are located in that county;
 - (b) A donation, contribution, sponsorship, payment for an event, advertisement, or sponsorship of an educational seminar to a statewide trade association shall constitute one of its expenditures for each and every county in which the title company is authorized to issue title insurance policies; and
 - (c) The title company must not combine or accumulate unused expenditures of these permitted expenditures from one county to another county nor to a statewide trade association.
- (7) If a title company that is under common ownership makes a donation, contribution, sponsorship, payment for an event, advertisement, or sponsorship of an educational seminar to a statewide trade association, the expenditure shall constitute an expenditure as one of the expenditures for each and every one of the title companies that are under common control.
- (8) Providing an Educational Seminar to a trade association under 284-29-235 will not be considered a thing of value subject to the limitations in subsection (5).

A title company should be allowed to provide education at a trade association event without it being classified as a limited sponsorship provided to a trade association. Providing education to a trade association should be treated differently than sponsorship of an association event for \$1,000. Additionally, if a title company were to provide education, based on the proposed changes, the title company would only be able to provide education limited to title, escrow or related topics.

Respectfully submitted,



Matthew B. Sager