

Docket No. 2022-0054

Application for Default Order
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system, <https://www.usps.com/> indicates that separate envelopes containing the Order were delivered as follows:

- a. to 500 Marquette Ave NW Suite 1200 Albuquerque, NM 87102 (tracking # 70203160000074280174) on July 29, 2022; *see* Exhibit 1;
- b. to 530-B Harkle Rd. suite 100 Santa Fe, NM 87505 (tracking # 70203160000074280167) on August 1, 2022; *see* Exhibit 2; and
- c. to 30 N. Gould Suite R. Sheridan, WY 82801 (tracking # 70051820000331542511) on August 1, 2022; *see* Exhibit 3.

3. Defendant has failed to plead or otherwise defend this action, and the United States is entitled to judgment by default against defendant. More than thirty (30) days have elapsed since the service of Order to Cease and Desist upon the Respondent, and no written request for a hearing within such time has been requested by Respondent. The OSI is therefore entitled to a default order against Respondent.

4. Pursuant to sections 59A-4-15(B) and 59A-16-27(A), the Superintendent is empowered to enter a default order against the Respondent for the relief sought by the OSI in the Order.

PRAYER

WHEREFORE, the OSI requests that the Superintendent enter a default order against the Respondent and an order enjoining the Respondent from engaging in an unfair method of competition or act or practice defined or prohibited by Article 16 of the Insurance Code, as provided in the proposed Final Default Order filed contemporaneously with this Application.

Respectfully submitted,

/s/ Stephen Thies

Stephen Thies, Legal Counsel
NM Office of Superintendent of Insurance
PO Box 1689, Santa Fe, NM 87504-1689
505-470-7366 || Stephen.Thies2@state.nm.us

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 27th day of September, 2022, I filed the foregoing *Order* through the OSI's e-filing system, which caused the individuals indicated below to be served by electronic means. Respondents were served via USPS-certified mail and or USPS-regular mail, as indicated below on the same date.

Service Contract Underwriters LLC dba Titan Auto Warranty

500 Marquette Ave NW Suite 1200

Albuquerque, NM 87102

Sent by USPS regular mail

Service Contract Underwriters LLC dba Titan Auto Warrant

C/O Registered Agents Inc.

530-B Harkle Rd. suite 100

Santa Fe, NM 87505

Sent by USPS regular mail

Service Contract Underwriters LLC dba Titan Auto Warrant

C/O Registered Agents Inc.

30 N. Gould Suite R.

Sheridan, WY 82801

Sent by USPS regular mail and by

CERTIFIED MAIL TRACKING NO.: 7020 0640 0002 1325 5308

Mark Hayden, General Counsel

Office of Superintendent of Insurance

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Stephen.Thies2@state.nm.us

BY: 

Freya Joshi, Law Clerk
OSI Office of Legal Counsel

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Tracking Number:

70203160000074280167



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Latest Update

Your item was delivered to an individual at the address at 3:36 pm on August 1, 2022 in SANTA FE, NM 87505.



Delivered

Delivered, Left with Individual

SANTA FE, NM 87505

August 1, 2022, 3:36 pm

[See All Tracking History](#)

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USPS Tracking Plus®



Product Information



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Exhibit 2

BEFORE THE NEW MEXICO OFFICE OF SUPERINTENDENT OF INSURANCE

**IN THE MATTER OF
SERVICE CONTRACT UNDERWRITERS, LLC
DBA TITAN AUTO WARRANTY,**

Respondents.

Docket No. [2022-0054](#)

[PROPOSED] DEFAULT FINAL ORDER

BACKGROUND

This is a default order taken against Service Contractors Underwriters, LLC, dba Titan Auto Warranty (“Respondent”) because the Respondent issued, sold, or offered for sale, service contracts without first registering with the OSI pursuant to the Service Contract Regulation Act, Chapter 59A, Article 58 NMSA 1978, and engaged in unfair methods of competition or acts or practices defined or prohibited by Article 16 of the Insurance Code.

FINDINGS OF FACT

1. On July 27, 2022, the New Mexico Office of Superintendent of Insurance (“OSI”) filed an Order to Cease and Desist and Order to Show Cause (“Order”). A copy of the Order can be obtained using this link <https://edocket.osi.state.nm.us/api/documents/5775-001>.
2. The OSI’s factual allegations set out in the Order are incorporated in this Proposed Default Final Order as findings of fact.
3. On July 27, 2022, a copy of the Order was sent to Respondent via USPS-certified mail to the known addresses associated with Respondent.
4. Respondent failed to file a written request for a hearing within the periods specified in the Order.

5. Respondent further failed to cooperate with the OSI pursuant to section 59A-58-16 of the Service Contract Regulation Act regarding the number of service contracts issued, sold or offered for sale by the Respondent. Respondent's failure to cooperate has made it impossible for the Superintendent to determine the necessary and appropriate civil penalty pursuant to section 59A-58-17 of said Act.

CONCLUSIONS OF LAW

1. The New Mexico Superintendent of Insurance (“Superintendent”) has jurisdiction pursuant to the New Mexico Insurance Code, Chapter 59A NMSA 1978, including §§ 59A-2-1(B), 59A-2-8(A)(3), and 59A-16-27(A), NMSA 1978.

2. The OSI provided proper notice to the Respondent pursuant to § 59A-2-10(C), NMSA 1978.

3. Respondent’s acts and practices are violation of §§ 59A-16-3 and 59A-16-4 of the Insurance Code subjecting Respondent to the imposition of a civil penalty and an order requiring Respondent to cease and desist from engaging in such acts or practices.

4. Respondent has committed acts that provide justification for the Superintendent to order the payment of a civil penalty pursuant to § 59A-58-17 of the Service Contract Regulation Act.

5. Based on Respondent’s failure to file a written request for a hearing, an entry of default is appropriate.

6. The OSI’s factual and legal allegations set out in the Order are incorporated in this Proposed Default Final Order and deemed admitted as true.

7. Respondent's acts and practices are in violation of §§ 59A-16-3 and 59A-16-4 of the Insurance Code.

ORDER

- A. **IT IS HEREBY ORDERED** that the Respondent is in default.
- B. **IT IS FURTHER ORDERED** that Respondent shall cease and desist from providing, issuing, selling, or offering for sale, service contracts, as that term is defined by 59A-58-2(M), within the State of New Mexico without first registering with the OSI pursuant to the Service Contract Regulation Act, and from engaging in any of the acts, methods, or practices determined as violations herein pursuant to §§ 59A-16-3 and 59A-16-4 of the Insurance Code. Any violations of the terms of this Order to Cease and Desist by the Respondent will render the Respondent subject to the full penalties authorized by the Insurance Code of the State of New Mexico.
- C. **IT IS FURTHER ORDERED** that notwithstanding the entry of a default judgment, the Superintendent shall retain jurisdiction for purposes of determining the appropriate civil penalty pursuant to section 59A-58-17 of the Service Contract Regulation Act.

DONE AND ORDERED this ____ day of _____, 2022.

RUSSELL TOAL, Superintendent