

STATE OF INDIANA )  
 )  
 ) SS:  
 )  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO. 10621-AG11-0919-126

IN THE MATTER OF: )  
 )  
MARSHA L. GRUBB )  
 )  
1991 East Dutcherman Drive )  
 )  
Bloomington, Indiana 47401 )  
 )  
License Number: 1715250 )  
 )  
A-1 TITLE, INC. )  
 )  
205 N. College Avenue, Suite 512 )  
 )  
Bloomington, Indiana 47404 )  
 )  
License Number: 34304 )  
 )  
 )

**FILED**

OCT 26 2012

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On September 10, 2012, the appointed Administrative Law Judge, Wade D. Fulford, filed his Findings of Fact, Conclusions of Law, and Recommended Order in the above captioned matter. As ultimate authority in this case, the Commissioner of the Indiana Department of Insurance, Stephen R. Robertson, having read and reviewed the Findings of Fact, Conclusions of Law, and Recommended Order and being duly advised in the premises, denies ALJ Fulford's Recommended Order pursuant to Indiana Code §4-21.5-3-29.

**FINDINGS OF FACT**

1. The ALJ's Findings of Fact are incorporated into this Order.

2. Without prior authorization from General Title, Applicant proceeded to conduct insurance transactions and collect premiums after the April 20, 2010 termination date (O'Boyle Testimony, p. 85 at 14-17 & p.102 at 17-25).
3. Although EnTitle Insurance Company (EnTitle) appointed Applicant from August 5, 2010 to May 25, 2011, Applicant admitted to preparing insurance documents and collecting premiums after the 2011 termination date without prior approval (Grubb Cross Examination Testimony, p. 165 at 6-9, Testimony of Carrie Vavul, p. 26 at 14-17).
4. It is a violation of Ind. Code § 27-1-15.6-14 to act as an agent of an insurer without having been appointed as a producer of the insurer.
5. It is a violation of Ind. Code § 27-1-15.6-12(b)(8) to use fraudulent, coercive, or dishonest practices, and/or demonstrate incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana.
6. Conclusions of Law that should be adopted as Findings of Fact are hereby incorporated herein as such.

#### **CONCLUSIONS OF LAW**

7. The ALJ's Conclusions of Law numbers 1-7 are adopted and incorporated into this Order.
8. Applicant violated Ind. Code § 27-1-15.6-14 by purposefully issuing closing protection letters, title insurance commitments, insurance policies, authorizing HUD-1 settlement statements, and collecting premium payments, for General Title and EnTitle after their respective dates of termination.
9. Applicant violated Ind. Code § 27-1-15.6-12(b)(8) by engaging in the business of insurance on behalf of General Title and EnTitle after being by those underwriters.

10. Findings of Fact that should be adopted as Conclusions of Law are hereby incorporated herein as such.

**ORDER**

THEREFORE, the Commissioner of Insurance, being fully advised, now ORDERS:

1. Respondent's application for an insurance producer license is PERMANENTLY REVOKED.

ORDERED by the Commissioner this 26<sup>th</sup> day of October 2012.

  
Stephen W. Robertson  
Insurance Commissioner

Distribution:

Adam Berry, Attorney  
Indiana Department of Insurance  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204

Paul Watts  
Watts Law Office, P.C.  
85 South Main St  
Spencer, IN 47460-1787

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205 N. College Avenue, Suite 512 )  
Bloomington, Indiana 47404 )  
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License Number: 34304 )

**AGREED ENTRY**

This Agreed Entry is entered into by Nikolas P. Mann, attorney for and on behalf of the State of Indiana, Department of Insurance ("Department"), and Marsha L. Grubb ("Grubb"), a licensed insurance producer, and A-1 Title, Inc. ("A-1") (collectively, "Respondents"), a licensed title insurance agency, to resolve all matters in the administrative action commenced by the Department. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner for the Indiana Department of Insurance.

WHEREAS, Grubb is a licensed resident insurance producer in the State of Indiana, holding license number 1715250; and,

WHEREAS, A-1 is a licensed resident producer organization in the State of Indiana, holding license number 34304; and,

WHEREAS, on or about April 7, 2009, A-1 was appointed to write title insurance for General Title Insurance Company ("General Title"), pursuant to an agency contract; and,

WHEREAS, on or about April 30, 2010, General Title terminated its agency relationship and all appointments with A-1; and,

WHEREAS, Respondents continued to engage in the business of insurance, specifically, through the issuance of title insurance policies on behalf of General Title after receiving notification of termination; and,

WHEREAS, on or about August 5, 2010, Grubb entered into an agency contract which authorized A-1 to write title insurance for EnTitle Insurance Company ("EnTitle"); and,

WHEREAS, on or about May 25, 2011, EnTitle terminated its agency relationship and all appointments with A-1; and,

WHEREAS, Respondents continued to engage in the business of insurance, specifically, through the issuance of title insurance policies on behalf of Entitle, after receiving notification of termination; and,

WHEREAS, Respondents maintained all records associated with the issuance of title insurance policies, on behalf of General Title and/or EnTitle; and,

WHEREAS, the Department alleges Respondents continued to collect premiums for title insurance policies from consumers without the proper authority granted by an insurer to produce the policies; and,

WHEREAS, the Department alleges Respondents misled consumers to believe that valid and enforceable title insurance policies were issued by General Title and/or EnTitle, both as underwriters, when, in fact, no valid and enforceable title insurance policies were issued; and,

WHEREAS, the Department alleges Respondents failed to enter transactions to the Residential Real Estate Acquisition of Licensee Information and Numbers Database ("RREAL IN") as required by Indiana Code § 6-1.1-12-43(e)(2); and,

WHEREAS, Respondents have since relinquished policy files and premiums, which were held in escrow for the benefit of General Title and/or EnTitle, whose policy forms were allegedly used without authority, so that consumers will receive valid and enforceable policies; and,

WHEREAS, Grubb is authorized to act on behalf of A-1 and obligate it to perform in accordance with this agreement; and,

WHEREAS, the Department and Respondents desire to resolve their differences and settle the issues without the necessity of a hearing.

IT IS, THEREFORE, NOW AGREED by and between the parties as follows:

1. The Commissioner has jurisdiction over the subject matter and Respondents in this administrative action.
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondents voluntarily and freely waive any right to a public hearing on this matter.
4. Respondents voluntarily and freely waive any right to petition for judicial review of this agreement and the Commissioner's Final Order.
5. Respondents' license numbers 1715250 and 34304 shall be on probation for a period of 24 months.
6. Respondents will pay a fine in the amount of \$5,000.00 for violations of Indiana Code §27-1-15.6-14.
7. Respondents will pay a fine in the amount of \$2,500.00 for failing to submit transactions to the RREAL IN database in violation of Indiana Code § 6-1.1-12-43(e)(2).

8. The fines will be due seven (7) days from the date of the Commissioner's Final Order.
9. Respondents will enter all transactions which were not entered into the RREAL IN database within ninety (90) days after the date of the Commissioner's Final Order.
10. Respondents have carefully read and examined this Agreed Entry and fully understand its terms.
11. Respondents have entered into this Agreed Entry freely of their own volition and have not been subject to duress, threat, undue influence, or any form of coercion.
12. Respondents are aware that failure to comply with any term of this Agreed Entry or with any insurance law during the probation period will result in the filing of a Statement of Charges that seeks permanent revocation of Respondents' licenses and the matter being set for a hearing.
13. Respondents understand that this Agreed Entry will result in an administrative action against their Indiana resident licenses, and Respondents may be required to report the action to other states where they hold or apply for professional licenses.
14. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that the presentation to and consideration of this Agreed Entry by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation in or resolution of these proceedings.
15. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that the submission and consideration of this Agreed Entry to the Commissioner shall

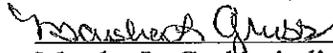
not be construed as an admission by A-1 and/or Grubb as to any allegations nor shall it prejudice them from asserting their defenses in these proceedings.

16. The Department agrees to accept Respondents' compliance with the terms of this Agreed Entry as full resolution of this matter.
17. Respondents have been represented by attorney Paul Watts during this matter.

1/13/12  
Date Signed

  
\_\_\_\_\_  
Nikolas P. Mann, Attorney  
Indiana Department of Insurance

01/10/12  
Date Signed

  
\_\_\_\_\_  
Marsha L. Grubb, individually and as owner  
of A-1 Title, Inc.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MONROE )

Before me a Notary Public for MONROE County, State of INDIANA,  
personally appeared Marsha L. Grubb, individually and as owner of A-1 Title, Inc. and being  
first duly sworn by me upon her oath, says that the facts alleged in the foregoing instrument are  
true. Signed and sealed this 10<sup>th</sup> day of January, 2012.

Paul J. Watts  
Notary Signature

Paul J. Watts  
Printed

My Commission Expires: 5/22/2015

County of Residence: MONROE

**Return executed originals to:**  
INDIANA DEPARTMENT OF INSURANCE  
Enforcement Division, Suite 103  
311 West Washington Street  
Indianapolis, IN 46204-2787