

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER: 12409-AG13-0924-114

IN THE MATTER OF:)
)
)
Smith, Carpenter, Fondrisi,)
and Cummins, LLC.)
)
)
Smith, Carpenter, Thompson,)
Fondrisi, and Cummins, LLC.)
Respondents.)
209 East Chestnut Street)
Jeffersonville, IN 47130)
)
)
Type of Agency Action: Enforcement)
Insurance License No. 386061)

FILED

DEC 13 2013

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

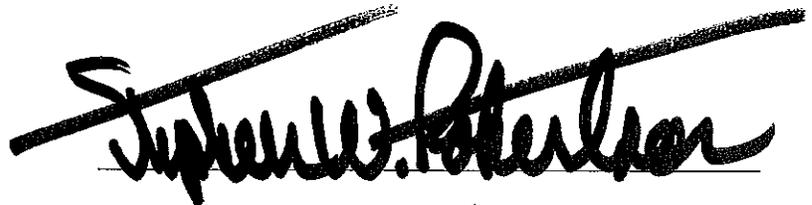
The Indiana Department of Insurance (“Department”) and Smith, Carpenter, Fondrisi, and Cummins, LLC. and Smith, Carpenter, Thompson, Fondrisi, and Cummins, LLC. (“Respondents”), licensed resident insurance producer firms, signed an Agreed Entry which purports to resolve all matters regarding an investigation by the Department’s Title Insurance Division and which has been submitted to the Commissioner of Insurance (“Commissioner”) for approval.

The Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

IT IS THEREFORE ORDERED, by the Commissioner of Insurance:

1. Respondent Smith, Carpenter, Thompson, Fondrisi, and Cummins, LLC. shall pay a civil penalty of one thousand dollars (\$1000.00) to the Indiana Home Ownership Education account within thirty (30) days of the signing of this Final Order.
2. Respondent Smith, Carpenter, Fondrisi, and Cummins, LLC. shall pay a civil penalty of three hundred and forty dollars (\$340.00) to the Indiana Home Ownership Education account within thirty (30) days of the signing of this Final Order
3. Respondents shall enter all unreported real estate transactions onto the RREAL IN data base within (30) days after the signing of the Final Order.

ALL OF WHICH IS ORDERED this 13th day of December, 2013

A handwritten signature in black ink, reading "Stephen W. Robertson", is written over a horizontal line. The signature is written in a cursive style.

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Mary E. Fondrisi
Smith, Carpenter, Fondrisi,
and Cummins, LLC
209 East Chestnut Street
Jeffersonville, IN 47130

Robert L. Hummel, Attorney
Indiana Department of Insurance
311 West Washington St. Suite 103
Indianapolis, Indiana 46204

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Smith, Carpenter, Fondrisi,
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Jeffersonville, IN 47130

Type of Agency Action: Enforcement
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STATE OF INDIANA
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is entered into by Robert L. Hummel, Attorney for and on behalf of the State of Indiana, Department of Insurance ("Department"), and Smith, Carpenter, Thompson, Fondrisi, and Cummins, LLC. and Smith, Carpenter, Fondrisi, and Cummins, LLC. ("Respondents"), licensed resident insurance producers, to resolve all matters regarding an investigation by the Department's Title Division. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner of the Indiana Department of Insurance.

WHEREAS, Respondents are licensed resident insurance producer firms doing business in the State of Indiana; and

WHEREAS, on August 14, 2013, during an examination of Respondents, Senior Examiner Fred Medley found in 2011 and 2012 Respondent Smith, Carpenter, Thompson, Fondrisi, and Cummins, LLC. failed to enter one hundred (100) real estate transactions and in

2013 Smith, Carpenter, Fondrisi, and Cummins, LLC failed to enter thirty four (34) real estate transactions onto the RREAL IN data base in violation of Indiana law; and

WHEREAS, Mary E. Fondrisi, Partner, with Smith, Carpenter, Fondrisi, and Cummins, LLC., is authorized to act on behalf of Respondents and obligate them to perform in accordance with this agreement; and

WHEREAS, Respondents are in the process of entering the previously omitted real estate transactions onto the RREAL IN data base; and

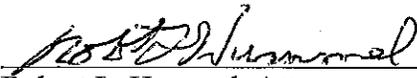
WHEREAS, the Department and Respondents desire to resolve their differences and settle the issues without a hearing;

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

1. The Commissioner has jurisdiction over the subject matter and the Respondents in this administrative action.
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondents voluntarily and freely waive their rights to a public hearing on the issues in this action.
4. Respondents voluntarily and freely waive their rights to petition for judicial review of this agreement and the Commissioner's Final Order.
5. Respondent Smith, Carpenter, Thompson, Fondrisi, and Cummins, LLC. admits it failed to record one hundred (100) real estate transactions onto the RREAL IN database in violation of Indiana law.
6. Respondent Smith, Carpenter, Fondrisi, and Cummins, LLC. admits it failed to record thirty four (34) real estate transactions onto the RREAL IN database in violation of Indiana law.

7. Respondent Smith, Carpenter, Thompson, Fondrisi, and Cummins, LLC. agrees to pay a civil penalty of one thousand dollars (\$1000.00) to the Indiana Home Ownership Education Account within thirty (30) days of the signing of the Commissioner's Final Order.
8. Respondent Smith, Carpenter, Fondrisi, and Cummins, LLC. agrees to pay a civil penalty of three hundred and forty dollars (\$340.00) to the Indiana Home Ownership Education Account within thirty (30) days of the signing of the Commissioner's Final Order.
9. Respondents shall enter all unreported real estate transactions onto the RREAL IN data base within (30) days after the signing of the Final Order
10. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that 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.
11. The Department agrees to accept Respondents compliance with the terms of this Agreed Entry as full resolution of this matter.
12. Respondents are aware that their failure to comply with any of the terms of this agreement will result in the matter being set for a hearing and may result in the permanent revocation of their insurance license and/or an additional civil penalty.
13. Respondents have carefully read this agreement and fully understand and accept its terms.

11-21-13
Date Signed


Robert L. Hummel, Attorney
Indiana Department of Insurance

