

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER: 12409-AG13-1002-116

IN THE MATTER OF:)
)
Smith, Carpenter, Thompson,)
Fondrisi, and Cummins, LLC)
Respondent.)
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, Thompson, Fondrisi, and Cummins, LLC ("Respondent"), a licensed Indiana insurance producer firm, signed an Agreed Entry which purports to resolve all issues involved in the action by the Department regarding Respondent's action 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 shall pay a civil penalty of five hundred (\$750.00) within thirty (30) days of the signing of this Final Order.

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

A handwritten signature in black ink, reading "Stephen W. Robertson". The signature is written in a cursive style and is positioned above the printed name and title.

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Mary E. Fondrisi
Smith, Carpenter, Thompson,
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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AGREED ENTRY

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

WHEREAS, Respondent is a licensed insurance producer firm in the State of Indiana; and

WHEREAS, during the course of an examination of Respondent, Senior Examiner Fred Medley discovered Respondent employed Mary E. Fondrisi as a closing agent whose license was expired for a period of fifteen (15) months; and

WHEREAS, the agency benefited from the collection of premiums and closing fees resulting from transactions examined by the examiners; and

WHEREAS, Mary E. Fondrisi, Partner, is authorized to act on behalf of the agency and obligate it to perform in accordance with this agreement; and

WHEREAS, the parties 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 Respondent in this administrative action.
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondent voluntarily and freely waives its right to a public hearing on the issues in this action.
4. Respondent waives its right for a judicial review of this matter.
5. Respondent admits that it allowed an individual to sell, solicit, and negotiate title insurance without a valid license in violation of Indiana law.
6. Respondent agrees to pay a civil penalty of five hundred dollars (\$750.00) within thirty (30) days after the Commissioner signs the Final Order.
7. 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.
8. The Department agrees to accept Respondent's compliance with the terms of this Agreed Entry as full resolution of this matter.
9. Respondent is aware that 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 its insurance license and/or an additional civil penalty.

