

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 13095-AG14-0730-142

IN THE MATTER OF: )

Performance Title Inc )  
131 W. Main Street )  
Eaton, OH 45320 )

Respondent, )

Type of Agency Action: Enforcement )

Indiana Producer License No.: 794606 )

**FILED**

DEC 19 2014

STATE OF INDIANA  
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by and between the Title Division of the Indiana Department of Insurance ("Department"), by counsel, Holly Williams, and Performance Title Inc. ("Respondent"), to resolve all issues in the above-captioned matter. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner, of the Indiana Department of Insurance ("Commissioner").

WHEREAS, Respondent is a non-resident title insurance agency licensed in the State of Indiana, holding license number 794606; and,

WHEREAS, Respondent paid unlicensed persons for selling, soliciting, or negotiating insurance in Indiana, which is a violation of Ind. Code § 27-1-15.6-13 (a) & (b); and,

WHEREAS, Respondent failed to make required entries to the Residential Real Estate Acquisition of License Information and Numbers ("RREAL IN") database in

violation of Ind. Code § 27-7-3-15.5; and,

WHEREAS, Respondent benefited from the collection of premiums and closing fees resulting from transactions; and,

WHEREAS, the Department and Respondent (collectively, the "Parties") desire to resolve this matter 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 the Parties to this Agreed Entry.
2. This Agreed Entry is executed voluntarily by the Parties.
3. Respondent voluntarily and freely waives the right to a public hearing on the issues in this matter.
4. Respondent voluntarily and freely waives the right to judicial review of this matter.
5. Respondent acknowledges that Ind. Code § 27-1-15.6-13 (a) & (b) requires it to only pay a commission, service fee, brokerage fee, or other valuable consideration to a person for selling, soliciting, or negotiating insurance in Indiana if that person is licensed.
6. Respondent acknowledges that Ind. Code § 27-7-3-15.5 requires Respondent to make required entries to the Residential Real Estate Acquisition of License Information and Numbers ("RREAL IN") database.

7. Respondent agrees to pay an administrative fine in the amount of Two Thousand Eight Hundred Twenty-Five dollars (\$2825.00) to the Department within sixty (60) days of the Commissioner's Final Order adopting this Agreed Entry.
8. Respondent shall develop, provide, and implement policies to ensure all employees who sell, solicit, or negotiate insurance in Indiana are licensed. Respondent shall implement these policies and provide the Department a copy of these policies within thirty (30) days of the Commissioners Final Order.
9. The Department agrees to accept Respondent's compliance with the agreement herein as full satisfaction of this matter.
10. Respondent has carefully read and examined this agreement and fully understands its terms.
11. Respondent has entered into this agreement freely, and has not been subject to duress, threat or undue influence.
12. 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.

13. Respondent is aware that failure to comply with any term of this agreement will result in the matter being set for hearing.

12.19.14  
Date Signed

  
Holly Williams, Attorney  
Indiana Department of Insurance

11/21/2014  
Date Signed

  
Annette Owens  
Performance Title Inc.

STATE OF OHIO )  
 ) SS:  
COUNTY OF PREBLE )

Before me a Notary Public for Preble County, State of Ohio, personally appeared Annette Owens, on behalf of Performance 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 21st day of November, 2014.



CINDY HOCKENBERRY, Notary Public  
In and for the State of Ohio  
My Commission Expires March 27, 2018

Cindy Hockenberry  
Signature  
Cindy Hockenberry  
Printed

My Commissioner expires: 03/27/2018

County of Residence: Preble

STATE OF INDIANA )  
 ) SS:  
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DEPT. OF INSURANCE

Type of Agency Action: Title Enforcement

Indiana Insurance License No. 794606

**FINAL ORDER**

The Indiana Department of Insurance ("Department"), by its counsel, Josh Harrison, and Performance Title Inc ("Respondent"), a licensed title insurance agency, signed an Agreed Entry which purports to resolve all issues involved in the action by the Department and which has been submitted to the Commissioner of Insurance (the "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 an administrative penalty in the amount of Two Thousand Eight Hundred Twenty-Five dollars (\$2825.00) to the Department in the aggregate for violating the RREAL IN reporting statute as well as

employing unlicensed agents. This amount is due in full within sixty (60) days of this Final Order

2. Respondent shall enter all unreported real estate transactions onto the RREAL IN data base within (30) days after the signing of the Final Order.
3. Respondent shall develop, provide, and implement policies to ensure all employees and any agency that requires an insurance license is in compliance with Indiana insurance laws. Respondent shall implement these policies and provide the Department a copy of these policies within thirty (30) days of this Final Order.

ALL OF WHICH IS ORDERED this 19<sup>th</sup> day of December, 2014.

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Performance Title Inc  
131 W. Main Street  
Eaton, OH 45320

Josh Harrison, Attorney  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 46204