

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO. 14039-AG15-0612-170

IN THE MATTER OF:)
)
Sammons and Sammons dba)
Newton County Title Company)
116 N 3rd Street)
Kentland, IN 47951)
Respondent.)
Type of Agency Action: Title Enforcement)
Indiana Insurance License No.: 37028)

FILED
AUG 07 2015
STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Indiana Department of Insurance (“Department”), by its counsel, Joshua Harrison, and Sammons and Sammons, dba Newton County Title Company, (“Respondent”), a resident 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.

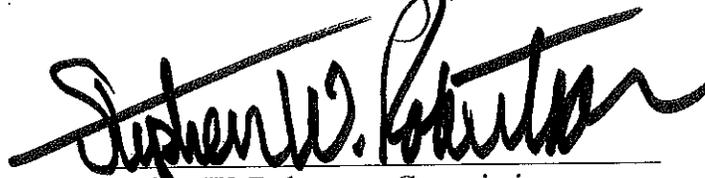
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IT IS THEREFORE ORDERED by the Commissioner:

1. Respondent shall pay an administrative penalty in the amount of one thousand five hundred dollars (\$1,500.00) to the Department, in aggregate, for overcharging on premiums and inappropriately bundling charges on the HUD-1 form. This amount is due in full within thirty (30) days after the signing of this Final Order.
2. Responding will be placed on probation for inappropriately bundling charges on the HUD-1 form until the conclusion of the next examination in one year.
3. Respondent shall refund consumers one hundred sixty-seven dollars and fifty cents (\$167.50) within thirty (30) days after the signing of this Final Order.
4. Respondent shall provide a letter to the consumer with a reimbursement check stating that "On May 26, 2015 the Indiana Department of Insurance ("IDOI"), examined our title insurance records in accordance with Indiana Code 27-1-3.1 seq. and discovered we overcharged you. The correct amount should have been (amount). As a result, the IDOI has ordered us to issue a refund check in the amount of (amount)." Respondent shall provide a copy of the letter and check sent to the consumer to the Department within thirty (30) days after the signing of this Final Order.

5. Respondent shall provide a letter stating their new policy to avoid continuing the practice of bundling within thirty (30) days after the signing of this Final Order

ALL OF WHICH IS ORDERED this 7 day of August, 2015.

A handwritten signature in black ink, appearing to read "Stephen W. Robertson", written over a horizontal line.

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Sammons and Sammons dba
Newton County Title Company
116 N 3rd Street
Kentland, IN 47951

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

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER: 14039-AG15-0612-170

IN THE MATTER OF:)
)
Sammons and Sammons dba)
Newton County Title Company)
116 N 3rd Street)
Kentland, IN 47951)
Respondent.)
Type of Agency Action: Enforcement)
Indiana Producer License No.: 37028)

FILED

AUG 07 2015

STATE OF INDIANA
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by the Indiana Department of Insurance ("Department"), by counsel Joshua Harrison, and Sammons and Sammons, dba Newton County Title Company, ("Respondent"), a title insurance agency licensed to do business in Indiana, to resolve all issues in the above captioned matter. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner, Indiana Department of Insurance ("Commissioner").

WHEREAS, Respondent is a title insurance agency licensed in the State of Indiana, holding license number 37028; and

WHEREAS, Indiana Code § 27-1-22-18 prohibits insurers, brokers, and agents from deviating from Department authorized premiums and government recording fees;

WHEREAS, the Respondent charged title insurance premium rates higher than

First American Title Insurance Company and Chicago Title Insurance Company (“Underwriter”) contractual rates for Five (5) title policies in violation of Indiana Code § 27-1-22-18; and

WHEREAS, the Respondent did not comply to RESPA rules regarding disclosure of fees by inappropriately bundling charges on the HUD-1 form; and

WHEREAS, the Department and Respondent desire to resolve their differences and settle their issues without incurring the time and expense 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 Respondent in this administrative action.
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondent voluntarily and freely waives the right to a public hearing in this matter.
4. Respondent voluntarily and freely waives the right to judicial review of this matter.
5. Respondent shall refund consumers one hundred sixty seven dollars fifty cents (\$167.50) within thirty (30) days after the signing of the Final Order.
6. Respondent shall provide letter to the customer with a reimbursement check stating that “On May 26, 2015 Indiana Department of Insurance (IDOI), examined our title insurance records in accordance with Indiana Code 27-1-3.1 seq. and discovered we over charged you. The correct amount should have been (amount). Per result IDOI has ordered us to issue a refund check in the amount of

(amount).” Respondent shall provide a copy of the letter and check sent to the customer, to the Department within thirty (30) days of Final Order.

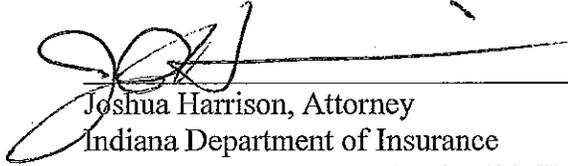
7. Respondent agrees to pay an administrative penalty in the amount of one thousand five hundred dollars (\$1,500.00) to the Department. The amount is due in full within thirty (30) days of the Commissioner’s Final Order adopting this Agreed

Entry.

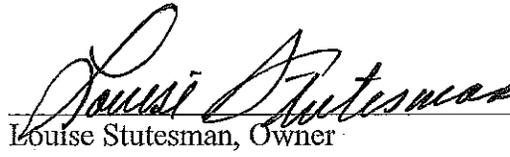
8. Respondent shall provide a letter stating their new policy to avoid continuing the practice of bundling and provide the Department a copy of these policies within thirty (30) days of the Commissioner Final Order.
9. Respondent will be placed on probation until the conclusion of the next examination.
10. The Department agrees to accept Respondent’s compliance with the agreement herein as full satisfaction of this matter.
11. Respondent has carefully read and examined this agreement and fully understands its terms.
12. Respondent has entered into this agreement freely, and has not been subject to duress, threat or undue influence.
13. 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.

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

6-29-15
Date Signed


Joshua Harrison, Attorney
Indiana Department of Insurance

6/26/15
Date Signed


Louise Stutesman, Owner

STATE OF INDIANA)
) SS:
COUNTY OF NEWTON)

Before me a Notary Public for NEWTON County, State of
Indiana, personally appeared Louise Stutesman, on behalf of Sammons and Sammons
~~dba Newton County Title Company, 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 25th day of June, 2015.



George M. Sammons
Signature

George M. Sammons
Printed

My Commission expires: 10/22/2022

County of Residence: Newton