

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE  
CAUSE NUMBER: 7207-AG09-0304-053

IN THE MATTER OF: )

Cheryl A. Weber )  
12083 E CR 100N )  
Seymour, IN 47274 )  
Respondent )  
License Number: 2301430 )

And )

PW Development Corp. d/b/a )  
AB-Solutions )  
210 S Chestnut Street )  
Seymour, IN 47274 )  
Respondent )  
License Number: 2305250 )

**FILED**

SEP 02 2009

STATE OF INDIANA  
DEPT. OF INSURANCE

Type of Agency Action: Enforcement

**FINAL ORDER**

On July 7, 2009, the Administrative Law Judge, filed his Findings of Fact, Conclusions of Law and Recommended Order in the above-captioned matter.

1. The Department served Findings of Fact, Conclusions of law, and Recommended Order and Notice of Filing Recommended Order on Respondent by mailing the same to her home address and her place of business.

2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.


3. Respondent has not filed an objection with the Commissioner regarding the Administrative Law Judge's Recommended Order, and more than eighteen (18) days have elapsed.

Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. The Indiana Insurance Producer license of Respondent Cheryl A. Weber is permanently revoked.
2. The Indiana Insurance Agency license of Respondent PW Development Corp. d/b/a AB-Solutions is permanently revoked.
3. Respondents are to pay restitution to First American for the premium collected in the amount of \$58,867.98 within sixty (60) days of the Commissioner's Final Order.
4. Respondents are to pay restitution to First American for the TIEFF fees collected in the amount of \$4,005.00 within sixty (60) days of the Commissioner's Final Order.
5. Respondents are to pay a fine in the amount of six thousand dollars (\$6,000.00) within ninety (90) days of the Commissioner's Final Order.

ALL OF WHICH IS ORDERED by the Commissioner this 21 day of September, 2009.

  
\_\_\_\_\_  
Carol Cutter, Commissioner  
Indiana Department of Insurance

Copies to:

Kathy Carr Hulbert, Attorney  
Indiana Department of Insurance  
311 W. Washington Street  
Suite 300  
Indianapolis, Indiana 46204

Cheryl Weber  
12083 E CR 100N  
Seymour, IN 47274

PW Development Corp. d/b/a AB-Solutions  
210 South Chestnut Street  
Seymour, IN 47274

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JUL 07 2009

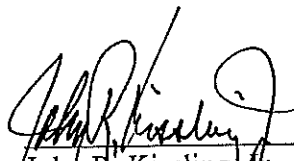
STATE OF INDIANA  
DEPT. OF INSURANCE

Type of Agency Action: Enforcement

**NOTICE OF FILING OF RECOMMENDED ORDER**

The parties of this action are hereby notified that the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order are deemed filed as of this date.

To preserve an objection to this order for judicial review, you must object to the order in a writing that: 1) identifies the basis for your objection with reasonable particularity; and 2) is filed with the Commissioner of the Department of Insurance within eighteen (18) days from the date of this Order.

  
\_\_\_\_\_  
John R. Kissling Jr.  
Administrative Law Judge

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STATE OF INDIANA  
DEPT. OF INSURANCE

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**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND RECOMMENDED ORDER**

Administrative Law Judge, John R. Kissling, Jr., having considered and reviewed all of the evidence, will now render a decision in the matter of Respondents Cheryl A. Weber and PW Development Corp. d/b/a AB-Solutions ("Respondents"), which came to be heard on the 21st day of April, 2009 at 2:10 p.m. in the second floor conference room at the offices of the Indiana Department of Insurance ("Department"), 311 W. Washington St., Indianapolis, Indiana.

The Indiana Department of Insurance was represented by counsel, Kathy Hulbert. Respondent was not present and unrepresented by counsel. Witnesses testified under oath, evidence was heard, and exhibits were received into evidence.

Based upon the evidence presented at said hearing, the Administrative Law Judge now makes the following Findings of Fact and Conclusions of Law, and issues his Recommended Order as follows:

**FINDINGS OF FACT**

1. Respondent Cheryl A. Weber has an resident producer license, license number 2301430.
2. Respondent PW Development Corp. d/b/a AB-Solutions has an resident producer license, license number 2305250.
3. Respondent Cheryl A. Weber was sent notification of the hearing date and time by U.S. Certified Mail #7005 3110 0002 4443 0589.
4. Respondent PW Development Corp. d/b/a AB-Solutions was sent notification of the hearing date and time by U.S. Certified Mail #7005 3110 0002 4443 0596. (Exhibit E).
5. On July 23, 2008, the Department received a letter from First American Title Insurance Co. ("First American"), stating that the agency agreement with Respondent was suspended effective May 29, 2008, and terminated effective June 28, 2008. First attached a letter that was sent to Respondent requesting that Respondent produce a copy of a valid insurance producers license. (Exhibit A).
6. Respondent Cheryl A. Weber's insurance license expired on February 28, 2006 for failure to renew. (Exhibit B).
7. Respondent PW Development d/b/a AB-Solutions' insurance license expired on January 31, 2006 for failure to renew. (Exhibit C).
8. Respondents provided insurance policies to their clients but failed to remit the premiums in the amount of \$58,867.98 and the TIEFF fees in the amount of \$4,005.00 to First

American. Respondents owe a total of \$62,872.98 to First American for premiums and TIEFF fees collected. (Exhibit D).

9. First American filed a civil suit against Respondents on February 17, 2009. (Exhibit F).

### CONCLUSIONS OF LAW

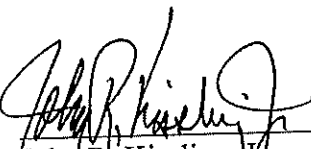
1. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action.
2. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code.
3. The Commissioner has the discretionary authority to revoke the Respondent's license to sell insurance and to fine Respondent.
4. Service of process was completed via the use of the United States Mail in compliance with the statute and due process requirements.
5. Respondents violated Indiana Code §27-1-15.6-3(a) and Indiana Code §27-1-15.6-12(b)(8) by negotiating and selling title insurance policies regarding real property in Indiana without possessing a valid Indiana insurance producer or agency license.
6. Respondents violated Indiana Code §27-1-15.6-12(b)(4) for failure to remit insurance premium to their underwriter.
7. Respondents violated Indiana Code §27-1-15.6-12(b)(4) for collecting TIEFF fees from consumers and their failure to remit TIEFF fees to their underwriter.
8. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

**RECOMMENDED ORDER**

With the Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the Commissioner of Insurance the following:

1. The Indiana Insurance Producer license of Respondent Cheryl A. Weber shall be permanently revoked.
2. The Indiana Insurance Agency license of Respondent PW Development Corp. d/b/a AB-Solutions shall be permanently revoked.
3. Respondents shall pay restitution to First American for the premium collected in the amount of \$58,867.98 within sixty (60) days of the Commissioner's Final Order.
4. Respondents shall pay restitution to First American for the TIEFF fees collected in the amount of \$4,005.00 within sixty (60) days of the Commissioner's Final Order.
5. Respondents shall pay a fine in the amount of six thousand dollars (\$6,000.00) within ninety (90) days of the Commissioner's Final Order.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 7<sup>TH</sup> day of July, 2009.

  
\_\_\_\_\_  
John R. Kissling, Jr.  
Administrative Law Judge



Distribution:

Kathy Hulbert, Attorney  
Indiana Department of Insurance  
311 West Washington St., Suite 300  
Indianapolis, IN 46204

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