

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO: 7480-AG08-1003-263

IN THE MATTER OF: )  
)

BRANDY MARIE FOLTZ )  
7829 PALAWAN DR APT E )  
INDIANAPOLIS, IN 46239 )

Indiana Insurance License No. 464151 )  
)

Respondent, )  
)

VILLAGE TITLE, INC. )  
333 N. PENNSYLVANIA ST, SUITE 510 )  
INDIANAPOLIS, Indiana 46204 )

Indiana Insurance License No. 36603 )  
)

Respondent. )  
)

**FILED**

OCT 16 2009

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER AND APPROVAL**

The Indiana Department of Insurance (the "Department"), and Brandy Marie Foltz , individually and as the President of Village Title, Inc. ("Respondents") and represented by counsel, James Bell, signed an Agreed Entry which purports to resolve all issues involving the Statement of Charges filed on August 4, 2009, 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. The insurance producer licenses of Brandy Marie Foltz and Village Title, Inc., (license numbers 464151 and 36603) are hereby permanently revoked.
2. Respondents, Brandy Marie Foltz and Village Title, Inc., personally, jointly and severably, shall pay restitution to consumers in the amounts listed in a table attached hereto and incorporated to this document as "Exhibit A."
3. Restitution shall be paid within 180 days following the issuance of this Final Order and shall be paid in order of priority. Tier One consumers shall be paid first, followed by Tier Two. Tier One consumers have not been reimbursed for their loss by anyone and Tier Two consumers have been reimbursed by another entity and Respondents shall pay the reimbursing entity the restitution amount.
4. If full restitution has not been made 180 days following the issuance of this Final Order, the restitution order shall be sent to the Office of the Attorney General, Collections Division, for collection.
5. In aggregate, Respondents shall personally, jointly and severably pay a total of \$46,368.11 in restitution.
6. Respondents shall not discharge the restitution order in any subsequent bankruptcy proceedings without notifying the Department of Insurance prior to filing bankruptcy.

ALL OF WHICH IS ORDERED this 16<sup>th</sup> day of October, 2009.



Carol Cutter, Commissioner  
Indiana Department of Insurance

Distribution:

James Bell  
Bingham McHale LLP  
2700 Market Tower  
10 West Market Street  
Indianapolis, IN 46204

Kathy Carr Hulbert  
INDIANA DEPARTMENT OF INSURANCE  
311 West Washington Street, Suite 300  
Indianapolis, Indiana 46204-2787

# Exhibit A

## Tier One

Buyer	Settlement Date	Property Address	City, State, Zip	Problem Type	Loss	Restitution Payee
Wilkinson, Megan	10-Jan-2006	914 N. Korby	Kokomo, IN 46901	Property Taxes	\$1,588.31	Buyer
Dodson, Pamela K	20-Nov-2007	65146 US Highway 231	Crawfordsville, IN 47933	Check to Buyer	\$375.55	Buyer
Leonard, James	16-Jun-2008	6239 Brokenhurst Road	Indianapolis, IN 46220	Property Taxes; sewer	\$1,948.70	Buyer
Draper, Jack	26-Jun-2008	608 Easty Street	Flora, IN 46913	Taxes	\$969.42	Buyer
Grady, Sandra	11-Jul-2008	825 S. 1050 East	Lafayette, IN 47909	Commission	\$300.00	Jeremy Smart
Barnes, Eric L	31-Jul-2008	1951 Oakbrook Drive	Danville, IN 46122	Cash Back	\$350.00	Buyer
Clampitt, Erica	9-Sep-2008	2225 W. 12th Street	Anderson, IN 46168	Repair Escrow	\$2,662.00	Buyer
Rogers, James & Bri	23-Sep-2008	7242 Fields Way	Indianapolis, IN 46239	Repair Escrow	\$12,375.00	Buyer
Johnson, Matthew	1-Oct-2008	3467 S. Pennsylvania	Indianapolis, IN 46227	Cash Back to Buyer	\$449.64	Buyer
Compton, Rhonda	2-Oct-2008	642 Pine Lake Drive	Greenwood, IN 46143	Commission Check	\$3,440.65	Chris Benedict
Setty, Patricia	3-Oct-2008			Commission Check	\$505.00	Patricia Setty
Dias, Isabel				Check to Buyer	\$1,344.95	Buyer
					\$26,309.22	

## Tier Two

Buyer	Settlement Date	Property Address	City, State, Zip	Problem Type	Loss	Restitution Payee
Holdeman, Robert	17-May-2007	7486 Glendale Drive	Avon, IN 46123	Repair Escrow	\$1,875.00	Ticor Title Insurance Company
Tharpe, Anthony &	15-Sep-2007	2124 August Court	Shelbyville, IN 46176	Taxes	\$2,635.72	Ticor Title Insurance Company
Smith, Cindy	28-Feb-2008	801 N. Lane	Lindin, IN 47955	Check to Buyer	\$588.39	Ticor Title Insurance Company
Walker, Ethan	25-Mar-2008	6626 Olive Branch Lane	Indianapolis, IN 46237	HOA Dues	\$375.00	Ticor Title Insurance Company
Lackey, Richard Jo	28-May-2008	1363 River Ridge Drive	Brownsburg, IN 46254	Property Taxes	\$1,972.28	Ticor Title Insurance Company
Smith, Jennifer	10-Jun-2008	525 Mark Lane	Plainfield, IN 46168	Property Taxes	\$998.11	Ticor Title Insurance Company
James, Rodney	25-Aug-2008	2195 Shadowbrook Drive	Plainfield, IN 46168	Taxes	\$1,131.90	Eagle Land Title
Johnson, Heather	29-Aug-2008	10034 Yosemite Lane	Indianapolis, IN 46234	Taxes	\$1,436.62	Eagle Land Title
Luc, Cal	11-Sep-2008	8163 Whittaker Valley	Indianapolis, IN 46237	Homeowner's Ins.	\$472.40	Eagle Land Title
Selomon Tesfayhi	11-Sep-2008	10153 Morning Light Drive	Avon, IN	Repair Escrow	\$2,367.00	Ticor Title Insurance Company
Hioct, Jonathan D.	16-Sep-2008	7220 Bracken Lane	Indianapolis, IN 46239	Judgment	\$3,075.00	Eagle Land Title
Wright, Michael	24-Sep-2008	7639 Dancy Drive	Indianapolis, IN 46239	Homeowner's Ins.	\$665.00	Eagle Land Title
Krug, Leslie and Ch	29-Sep-2008	113 N. Arch Street	Morton, IN 47959	Homeowner's Ins.	\$596.47	Eagle Land Title
Garcia Cardozo, Pat	22-Jul-2008	535 Blueberry Lane	Fort Wayne, IN 46825	Repair Escrow	\$1,870.00	Ticor Title Insurance Company
					\$20,058.89	

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Respondent. )

**FILED**

OCT 16 2009

STATE OF INDIANA  
DEPT. OF INSURANCE

**AGREED ENTRY**

This Agreed Entry is entered into by Kathy Carr Hulbert, Attorney for and on behalf of the State of Indiana, Department of Insurance ("Department"), and Brandy Marie Foltz, individually and as President of Village Title, Inc. ("Village Title") and represented by James Bell, of Bingham McHale.

This Agreed Entry is subject to the review and approval of Carol Cutter, Commissioner of the Indiana Department of Insurance.

WHEREAS, The Department initiated an examination of Village Title on September 26, 2008.

WHEREAS, during the examination, an analysis of Village Title's banking, accounting and reconciliation record was performed and it prompted the Department to attempt to gather additional information.

WHEREAS, on September 30, 2008, a subpoena was issued by the Commissioner requiring Foltz to come to the Department on October 3, 2008, to produce documents and give a sworn statement under oath pursuant to Indiana Code 27-1-3.1-9.

WHEREAS, Foltz failed to appear on October 3, 2008, did not provide the documents subpoenaed and did not make herself available for a sworn statement under oath.

WHEREAS, during the course of the examination, Department received information that Respondents employed an individual named Kevin Cameruca ("Cameruca") and that Cameruca has a physical office located within the downtown branch.

WHEREAS, Cameruca does not have a valid Indiana insurance producer license.

WHEREAS Cameruca had access to the operating and escrow accounts of Village Title and wrote checks on these accounts, including checks to Cameruca's consulting service "Cameruca Consulting, Inc."

WHEREAS The Department has also received information confirming that Cameruca pled guilty to and was convicted under Ohio Code 2913.02 "Theft," a second degree felony in Columbus, Ohio on or about May 21, 1998. This conviction relates to Cameruca's employment at an Ohio title agency.

WHEREAS , in order for an individual who has been convicted of a felony to work in the business of insurance, the individual must request that that state insurance commissioner grant Consent under 18 USC § 1033 ("1033 Consent").

WHEREAS , after Village Title closed, the Department received twenty-seven (27) consumer complaints from individuals and their representatives concerning money that Village Title collected during a real estate closing, but failed to disburse according to the HUD-1 Settlement Statement.

WHEREAS, by failing to properly disburse consumer monies Respondents received, has demonstrated incompetence and financial irresponsibility in the conduct of business in Indiana in violation of Indiana Code 27-1-15.6-12(b)(8).

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

WHEREAS, neither Brandy Marie Foltz nor Village Title concede the truth of any allegation in this Agreed Entry, nor do they concede that they have violated any U.S. or Indiana statutes. Rather, Brandy Marie Foltz and Village Title are entering this Agreed Entry solely to avoid the expense and uncertainty of litigation.

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

1. This Agreed Entry is executed voluntarily by the parties.
2. Respondents knowingly, voluntarily and freely waive their right to a public hearing on the issues in this action.
3. Respondents waive their right for a judicial review of this matter.
4. The Commissioner of the Indiana Department of Insurance has jurisdiction over the subject matter contemplated in this action and the licensees identified in this action.

5. Respondent Brandy Marie Foltz, is the President of Village Title, Inc. and has the authority to sign on behalf of Village Title, Inc. and obligate Village Title, Inc. to the conditions set forth in this agreement.
6. The insurance producer licenses of Brandy Marie Foltz and Village Title, Inc., (license numbers 464151 and 36603) shall be permanently revoked.
7. Respondents, Brandy Marie Foltz and Village Title, Inc., personally, jointly and severably agree to pay restitution to consumers in the amounts listed in a table attached hereto and incorporated to this document as "Exhibit A."
8. Restitution shall be paid within 180 days following the issuance of a final order adopting this agreement and shall be paid in order of priority. Tier One consumers shall be paid first, followed by Tier Two. Tier One consumers have not been reimbursed for their loss by anyone and Tier Two consumers have been reimbursed by another entity and Respondents shall pay the reimbursing entity the restitution amount.
9. If full restitution has not been made 180 following the issuance of a final order, the restitution order shall be sent to the Office of the Attorney General, Collections Division, for collection.
10. In aggregate, Respondents agree personally, jointly and severably pay a total of \$46,368.11 in restitution.
11. Respondents agree that the consumer restitution shall not be discharged in any subsequent bankruptcy proceedings without notifying the Department of Insurance prior to filing bankruptcy.

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10/16/09

Date Signed

Brandy Marie Foltz

Brandy Marie Foltz, individually and as  
President of Village Title, Inc.

STATE OF Indiana )

) SS:

COUNTY OF Marion )

Before me a Notary Public for Marion County, State of  
~~Indiana~~ personally appeared Brandy Marie Foltz and being first duly sworn by me  
upon his oath, states that the facts alleged in the foregoing instrument are true. Signed  
and sealed this 10th day of October, 2009.



Laura E. Thirion  
Notary Signature

LAURA E. A. THIRION  
Notary Name Printed

My Commission expires: January 5, 2017  
County of Residence: Marion

10/16/09

Date Signed

James Bell

James Bell, Attorney for Respondents

10/16/09

Date Signed

Kathy Carr Hulbert

Kathy Carr Hulbert, Attorney  
Indiana Department of Insurance

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