

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 10637-AG11-0923-128

IN THE MATTER OF:)

James A. Lyons III)

9838 Gulfstream Court)
Fishers, Indiana 46037)

Producer License No. 384557)

Respondent)

Type of Agency Action: Enforcement)

FILED

SEP 28 2011

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Indiana Department of Insurance (“Department”) and James A. Lyons III (“Respondent”), a licensed resident Indiana insurance producer, 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 (“Commissioner”) for approval.

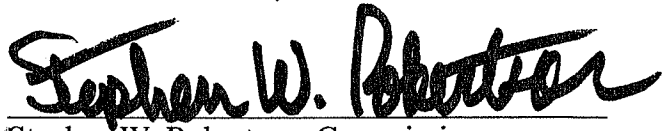
The Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

IT IS, THEREFORE, ORDERED by the Commissioner of Insurance:

1. Respondent will pay an administrative fine to the Department in the amount of five hundred dollars (\$500.00) within thirty (30) days of the filing of this Final Order.

2. Respondent will fully comply with all other terms set forth in the Agreed Entry
in this matter.

ALL OF WHICH IS ORDERED this 28th day of September, 2011.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Nikolas P. Mann
INDIANA DEPARTMENT OF INSURANCE
311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787

James A. Lyons III
9838 Gulfstream Court
Fishers, Indiana 46037

WHEREAS, on the settlement statement for the transaction between Party A and Party B, both parties were to bring a sum of money to complete the transaction wherein Party A's mortgage lender agreed to release its mortgage and accept a sum of money which was not adequate to pay off the principal balance owed on the Promissory Note, a transaction commonly known as a "short sale" mortgage payoff; and

WHEREAS, on the settlement statement for the transaction between Party B and Party C, it appears another mortgage payoff was to be made; and

WHEREAS, Respondent acknowledges the entry made for the mortgage payoff on the settlement statement for the transaction between Party B and Party C disclosed an amount which included the short sale mortgage payoff amount as well as other, miscellaneous, items; and

WHEREAS, Respondent acknowledges falsifying the entry made for the mortgage payoff on the transaction between Party B and Party C; and

WHEREAS, Respondent acknowledges that neither Party A nor Party B provided funds as required by the settlement statement to complete the transaction wherein Party B purchased the property from Party A and that the funds sent by Party C were used by Party B to purchase the property; and

WHEREAS, Respondent allowed Party B to convey title to the property to Party C prior to paying for it; and

WHEREAS, the Department alleges that the action of Respondent in the settlement of these transactions demonstrate the use of fraudulent, coercive, or dishonest practices, or demonstrate incompetence, untrustworthiness, or financial irresponsibility in the conduct of business and are a violation of Indiana Code 27-1-15.6-12(b)(8); and


WHEREAS, the Department and Respondent 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 Respondent in this administrative action.
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondent knowingly, voluntarily and freely waives the right to a public hearing on the issues in this action.
4. Respondent waives the right to judicial review of this matter.
5. Respondent does not admit or deny the allegations made by the Department.
6. Respondent agrees to pay an administrative fine of five hundred dollars (\$500.00) within thirty (30) days of the filing of the Final Order in this matter.
7. Respondent agrees not to disburse funds on any escrow transaction unless and until all conditions of the transaction have been met.
8. Respondent agrees to comply with all current Indiana insurance statutes.
9. Failure on the part of Respondent to complete the terms of this Agreed Entry will result in the filing of a Statement of Charges that seeks permanent revocation of Respondent's license and the matter being set for hearing.
10. The Department agrees to accept Respondent's compliance with the terms of this Agreed Entry as full resolution of this matter.

11. 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.

9/26/11
Date Signed


Nikolas P. Mann, Attorney
Indiana Department of Insurance

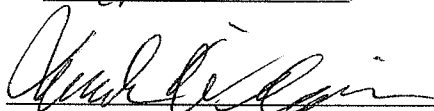
9-23-2011
Date Signed


James A. Lyons III

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me a Notary Public for Hancock County, State of Indiana,
personally appeared James A. Lyons III being first duly sworn by me upon his oath, says that the
facts alleged in the foregoing instrument are true.

Signed and sealed this 23rd day of September, 2011



Signature



MARK WILKINSON, Notary Public
My Commission Expires April 5, 2016
County of Residence: Hancock

Printed

My Commission expires: _____

County of Residence: _____