

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER:12595-AG14-0206-019

IN THE MATTER OF:

Adam S. Mears,
Respondent.

1188 Clay Spring Dr.
Carmel, IN 46032

Type of Action: Title Enforcement

Type of Action: Title Enforcement

FILED

JUN 03 2014

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER AND APPROVAL

The Indiana Department of Insurance ("Department"), by its counsel, Robert L. Hummel, and Mario Garcia, attorney for Adam S. Mears ("Respondent"), an unlicensed title 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 (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's title insurance producer license is permanently revoked, effective on the date of this Final Order.

2. Respondent waives his right to petition for judicial review of this Final Order.

ALL OF WHICH IS ORDERED this 30th day of June, 2014.

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:

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Indiana Department of Insurance
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AGREED ENTRY

This Agreed Entry is executed by Robert L. Hummel, attorney for the Indiana Department of Insurance ("Department"), and Mario Garcia, attorney for Adam S. Mears ("Respondent"), formerly a licensed Indiana title insurance producer, to resolve all issues concerning an investigation by the Department. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner, Indiana Department of Insurance.

WHEREAS, Respondent was a licensed title insurance producer, license number 465320 that expired on January 31, 2011; and

WHEREAS, on February 3, 2014, Respondent, co-owner of First Title of Indiana, Inc. ("First Title") with Stephen D. Mears, informed First Title's title insurance company, First American Title Insurance Company ("First American"), that there was a shortage in the agency escrow account of between one hundred thousand dollars (\$100,00.00) and one hundred and fifty thousand dollars (\$150,000.00); and

WHEREAS, on February 4, 2014, the Department received a copy of a letter dated February 3, 2014 from First American terminating the agency agreement between

First American and First Title, effective immediately, because of shortages in First Title's escrow account; and

WHEREAS, on February 7, 2014, the Commissioner signed a Cease and Desist Order prohibiting Respondent from, among other things, all acts in conjunction with the solicitation, negotiation, and sale of title insurance; and

WHEREAS, the parties conversed prior to the initiation of an administrative action for the purpose of negotiating a settlement of the issues that have arisen; and

WHEREAS, the Department and Respondent desire to resolve their differences and settle the issues without a hearing and without either party admitting any violation of Indiana law;

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

1. The Commissioner has jurisdiction over the subject matter and the Respondent in this investigation commenced on February 4, 2014
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondent voluntarily and freely waives his right to a public hearing on the issues in this investigation.
4. Respondent admits that the allegation he failed to maintain the integrity of an escrow account could be a violation of Indiana law.
5. Respondent agrees to the permanent revocation of his title insurance producer license.
6. The Department agrees to accept Respondent's compliance with the terms of this agreement as full resolution of the issues in the investigation commenced on February 4, 2014.

7. Respondent voluntarily and freely waives his right to petition for judicial review of this agreement and the Commissioner's Final Order.
8. Respondent is aware that failure to comply with any of the terms of this agreement will result in the matter being set for hearing and may result in the imposition of a civil penalty.
9. 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.
10. Respondent has carefully read this agreement and fully understands and accepts its terms.

5/12/14
Date Signed

Adam S. Mears
Adam S. Mears, Co-Owner
First Title of Indiana, Inc.

5/13/14
Date Signed

Mario Garcia
Mario Garcia, Attorney for Respondent

5-27-14
Date Signed

Robert L. Hummel
Robert L. Hummel, Attorney
Indiana Department of Insurance

STATE OF INDIANA)
COUNTY OF Marion) SS:

Before me, a Notary Public for Marion County, State of
Indiana, personally appeared Adam S. Mears and being first duly sworn by me
upon his oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 12th day of May, 2014.

Jacquelyn R. Hutson
Signature

Jacquelyn R. Hutson
Printed

My Commission expires: 1-10-2021

County of Residence: Marion