

ND (FR)

STATE OF INDIANA )

BEFORE THE INDIANA

) SS:

COUNTY OF MARION )

COMMISSIONER OF INSURANCE

CAUSE NUMBER:12595-CO14-0206-001

IN THE MATTER OF: )

First Title of Indiana, Inc.,  
Respondent. )

8395 Keystone Crossing, Suite 314  
Indianapolis, IN 46240 )

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 First Title of Indiana, Inc. ("Respondent"), an unlicensed 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.

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 its right to petition for judicial review of this Final Order.

ALL OF WHICH IS ORDERED this 3<sup>rd</sup> day of June, 2014.

A large, stylized handwritten signature in black ink, reading "Stephen W. Robertson".

Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Mario Garcia, Esq.  
Brattain Minnix Garcia  
Market Square Center, Suite 760  
151 N. Delaware Street  
Indianapolis, IN 46204

Robert L. Hummel, Attorney  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 46204

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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 First Title of Indiana, Inc. ("Respondent"), formerly a licensed Indiana title insurance agency, 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 agency, license number 34195 that expired on January 31, 2014; and

WHEREAS, on February 3, 2014, Adam S. Mears, co-owner of Respondent agency with Stephen D. Mears, informed Respondent'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 Respondent, effective immediately, because of shortages in Respondent's escrow account; and

WHEREAS, on February 6, 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 its right to a public hearing on the issues in this investigation.
4. Respondent admits that the allegation it failed to maintain the integrity of an escrow account could be a violation of Indiana law.
5. Respondent agrees to the permanent revocation of its title insurance agency 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 its 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, by its co-owners, has carefully read this agreement and fully understands and accepts its terms.

5/12/14

Date Signed



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

                      
Date Signed



Stephen D. Mears, Co-Owner  
First Title of Indiana, Inc.

5/13/14

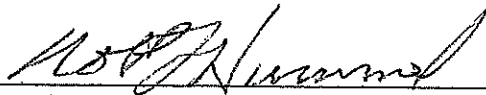
Date Signed



Mario Garcia, Attorney for Respondent

5-27-14

Date Signed



Robert L. Hummel, Attorney  
Indiana Department of Insurance

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

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

Signed and sealed this 12<sup>th</sup> day of May, 2014.

Reginald R. Hutton  
Signature

Jacquelyn R. Hutton  
Printed

My Commission expires: 1-10-2021

County of Residence: Marion

STATE OF INDIANA )  
 )  
COUNTY OF MARION )

SS:

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COMMISSIONER OF INSURANCE

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FEB 06 2014

STATE OF INDIANA  
DEPT. OF INSURANCE

**EMERGENCY CEASE AND DESIST ORDER**

The Indiana Commissioner of Insurance, having reviewed the Title Division's Motion for Emergency Cease and Desist Order, and being otherwise duly advised, now finds as follows:

**FINDINGS OF FACT**

1. On February 4, 2014, the Title Division was informed by First American Title Insurance Company that it was terminating the agency agreement with Respondent because there were shortages in Respondent's escrow account.

**CONCLUSIONS OF LAW**

1. An emergency exists in that shortages in Respondent's escrow account puts consumers who have used Respondent's title services, and who may in the future use those services, in financial jeopardy.

2. In an emergency, the Commissioner may issue appropriate orders without notice or an evidentiary proceeding under Ind. Code §4-21.5-4-2(a).

## ORDER

It is therefore, ORDERED, that Respondent, must CEASE AND DESIST from:

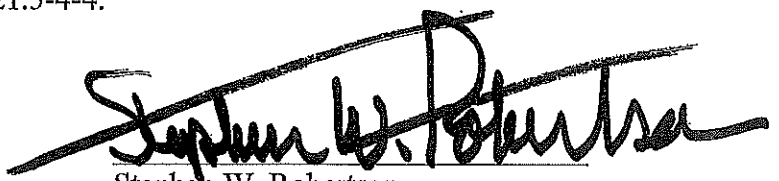
1. Any and all acts relating to the business of insurance.
2. Any and all acts in conjunction with the solicitation, negotiation, and sale of title insurance.
3. Removing any funds, files, customer information, or other property of Respondent – except for office furniture – from Respondent's premises.
4. Removing funds from Respondent's accounts except for legitimate business purposes.

A copy of this Order will be provided to all title insurance companies with whom Respondent holds appointments.

Pursuant to Ind. Code §4-21.5-4-2, this order remains effective for ninety (90) days commencing on the date this order is issued.

Respondent is hereby notified of its right to a hearing concerning this order as quickly as practicable under Ind. Code §4-21.5-4-4.

2/6/2014  
Date

  
Stephen W. Robertson,  
Commissioner  
Indiana Department of Insurance

Distribution to:

First Title of Indiana, Inc.  
8395 Keystone Crossing, Suite 314  
Indianapolis, IN 46240

Robert L. Hummel  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 46204

Joseph Attura, Senior Vice President  
First American Financial Corp.  
2082 Summit Lake Drive  
Tallahassee, FL 32317