

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER:12986-AG-14-0528-101

IN THE MATTER OF: )  
 )  
Beth Johnson )  
Respondent )  
 )  
800 Lily Creek Road, Ste 102 )  
Louisville, KY 40223 )  
 )  
Type of Action: Title Enforcement )

**FILED**

JUN 20 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. Beth Johnson ("Respondent") is a non-resident title insurance producer located in Louisville, KY.
2. Respondent is an employee of Freibert & Mattingly Title Group ("Freibert & Mattingly"), which is also located in Louisville, KY.
3. On March 30, 2014, Division Senior Examiner Jonathon Handsborough conducted an examination of Freibert & Mattingly and found that Respondent has conducted business as a title insurance producer in Indiana without a title insurance producer license.

CONCLUSIONS OF LAW

1. An emergency exists in that Respondent has been, and continues to be an unlicensed title insurance producer, to the detriment of the public, despite not being properly licensed.

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. All activity requiring a title producer license, including but not limited to, the solicitation, negotiation, and sale of insurance.

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 her right to a hearing concerning this order as quickly as practicable under Ind. Code §4-21.5-4-4.

6-20-14

Date



Stephen W. Robertson,  
Commissioner  
Indiana Department of Insurance

Distribution to:

Beth Johnson  
800 Lily Creek Road, Ste 102  
Louisville, KY 40223

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

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE  
CAUSE NO. 12986-AG14-0903-154

IN THE MATTER OF: )  
 )  
Freibert & Mattingly Title Group, LLC )  
800 Lily Creek Road, Suite 102 )  
Louisville, KY 40243 )  
Respondent. )  
 )

**FILED**

JAN 09 2015

STATE OF INDIANA  
DEPT. OF INSURANCE

Type of Agency Action: Title Enforcement

Indiana Insurance License No. 794126

**FINAL ORDER**

The Indiana Department of Insurance (“Department”), by its counsel, Josh Harrison, and Freibert & Mattingly Title Group, LLC (“Respondent”), a licensed 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:

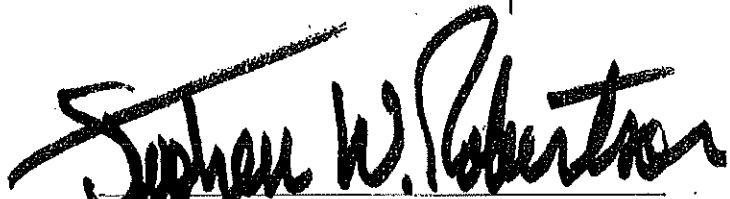
1. Respondent shall pay an administrative penalty in the amount of Two Thousand Four Hundred Sixty Seven dollars (\$2,467.00) to the Department in the aggregate for

violating the RREAL IN reporting statute as well as employing unlicensed agents.

This amount is due in full within sixty (60) days of this Final Order

2. Respondent shall enter all unreported real estate transactions onto the RREAL IN data base within (30) days after the signing of the Final Order.
3. Respondent shall develop, provide, and implement policies to ensure all employees and any agency that requires an insurance license is in compliance with Indiana insurance laws. Respondent shall implement these policies and provide the Department a copy of these policies within thirty (30) days of this Final Order.

ALL OF WHICH IS ORDERED this 9<sup>th</sup> day of January, 2015.



Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Freibert & Mattingly Title Group, LLC  
800 Lily Creek Road, Suite 102  
Louisville, KY 40243

Josh Harrison, Attorney  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 46204

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 12986-AG14-0903-154

IN THE MATTER OF: )  
 )  
Freibert & Mattingly Title Group, LLC )  
800 Lily Creek Road, Suite 102 )  
Louisville, KY 40243 )  
Respondent, )  
Type of Agency Action: Enforcement )  
Indiana Insurance License No.: 794126 )

**FILED**

JAN 09 2015

STATE OF INDIANA  
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by and between the Title Division of the Indiana Department of Insurance ("Department"), by counsel, Holly Williams, and Dennis Mattingly, ("Respondent"), to resolve all issues in the above-captioned matter. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner, of the Indiana Department of Insurance ("Commissioner").

WHEREAS, Respondent is a non-resident title insurance agency licensed in the State of Indiana, holding license number 794126; and,

WHEREAS, the Department alleges that Respondent has paid a person for selling, soliciting, or negotiating insurance in Indiana while said person was not licensed, which is a violation of Ind. Code § 27-1-15.6-13 (a & b); and,

WHEREAS, the Respondent failed to make required entries to the Residential Real Estate Acquisition of License Information and Numbers ("RREAL IN") database in violation of Ind. Code § 27-7-3-15.5; and,

WHEREAS, Respondent benefited from the collection of premiums and closing fees resulting from transactions examined by the examiner; and,


WHEREAS, the Department and Respondent (collectively, the "Parties") desire to resolve their differences and settle the issues without the necessity of a hearing.

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

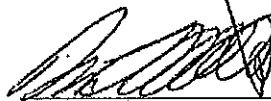
1. The Commissioner has jurisdiction over the subject matter and the Parties to this Agreed Entry.
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondent voluntarily and freely waives the right to a public hearing on this matter.
4. Respondent voluntarily and freely waives the right to a public hearing on the issues in this matter.
5. Respondent acknowledges that Ind. Code § 27-1-15.6-13 (a & b) requires it to only pay a commission, service fee, brokerage fee, or other valuable consideration to a person for selling, soliciting, or negotiating insurance in Indiana if that person is licensed
6. Respondent shall pay an administrative fine in the amount of Two Thousand Four Hundred Sixty-Seven dollars (\$2,467.00) within sixty (60) days of the Commissioner's Final Order adopting this Agreed Entry.

7. Respondent shall develop, provide, and implement policies to ensure all employees and any agency that requires an insurance license is in compliance with Indiana insurance law. Respondent shall implement these policies and provide the Department a copy of these policies within thirty (30) days of the Commissioner's Final Order.
8. The Department agrees to accept Respondent's compliance with this agreement as full satisfaction of this matter.
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.
11. Respondent is aware that failure to comply with any of the terms of this agreement will result in the matter being set for a hearing.

11/8/15  
Date Signed

  
\_\_\_\_\_  
Holly Williams, Attorney  
Indiana Department of Insurance

12/16/14  
Date Signed

  
\_\_\_\_\_  
Dennis Mattingly,  
Freibert & Mattingly Title Group, LLC



STATE OF KENTUCKY )  
COUNTY OF JEFFERSON ) SS:

Before me a Notary Public for JEFFERSON County, State of KENTUCKY  
, personally appeared Dennis Mattingly on behalf of Freibert & Mattingly Title Group, LLC 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 10<sup>th</sup> day of DECEMBER, 2014.

Sarah N Sharber  
Notary Signature

SARAH N SHARBER  
Notary Name Printed

My Commission expires: 4-14-2018

County of Residence: JEFFERSON

