

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

IN THE MATTER OF: )

Barry L. Miller, )  
Respondent. )  
2251 Vogel Road )  
Evansville, IN 47711 )

CAUSE NUMBER:11814-AG14-0321-036

Greene County Abstract Co., Inc., )  
Respondent. )  
P.O. Box 227 )  
Bloomfield, IN 47424 )

CAUSE NUMBER:11814-CO14-0321-003

**FILED**

SEP 19 2014

Type of Action: Title Enforcement

**FINAL ORDER**

STATE OF INDIANA  
DEPT. OF INSURANCE

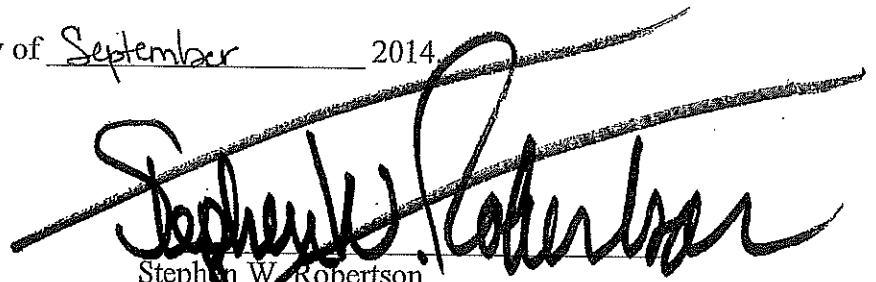
It is hereby ordered:

1. The Emergency Cease and Desist Order of March 25, 2014, for Barry L. Miller was properly issued and renewed.
2. The Emergency Cease and Desist Order of March 25, 2014, for Greene County Abstract Co., Inc., was properly issued and renewed.
3. The Emergency Cease and Desist Order for Barry L. Miller is hereby continued until the earlier of (1) an additional ninety (90) days beyond September 22, 2014, to December 21, 2014, or (2) until a producer license is issued to Barry L. Miller.
4. The Emergency Cease and Desist Order for Greene County Abstract Co, Inc., is hereby continued until the earlier of (1) and additional ninety (90) days beyond September 22, 2014, to December 21, 2014, or (2) until the Court is notified of a properly licensed producer other than Jody Fields who can and will competently and responsibly manage the agency. Notification to the Court should take the form of a Motion to

Terminate the Emergency Cease & Desist Order, accompanied by an affidavit indicating who will be managing Greene County Abstract.

Under Ind. Code § 4-21.5-5-5, Respondent has the right to appeal this Final Order by filing a petition for judicial review in the appropriate court within thirty (30) days.

So Ordered this 19 day of September 2014

  
Stephen W. Robertson  
Insurance Commissioner

Distribution:

Robert Hummel, Attorney  
INDIANA DEPARTMENT OF INSURANCE  
311 West Washington Street, Suite 103  
Indianapolis, Indiana 46204

Tammy L. Ortman  
Jennifer Ortman  
LEWIS & KAPPES, P.C.  
2500 One American Square  
Indianapolis, Indiana 46282

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
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STATE OF INDIANA  
DEPT. OF INSURANCE

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER**

Commissioner Stephen W. Robertson, being advised of the matter, and having reviewed the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order (the "Recommended Order"), plus Respondents' Objections to Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order, now modifies the Recommended Order and issues the following Findings of Fact, Conclusions of Law, and Final Order.

**FINDINGS OF FACT**

1. Administrative Law Judge Rueben B. Hill ("Judge Hill") held a hearing on this matter on June 11, 2014.
2. The Emergency Order was renewed on June 24, 2014.
3. Judge Hill issued the "Recommended Order" on August 5, 2014.

4. On August 25, 2014, Respondents Barry L. Miller (“Miller”) and Greene County Abstract Company, Inc., (“Greene County Abstract”) separately filed objections to the Recommended Order.

5. The Findings of Fact in the Recommended Order are adopted in full and incorporated herein.

6. The Commissioner adds the following additional Findings of Fact:

- a. Respondent Miller does not currently have a valid insurance producer’s license. (IDOI Exhibit B).
- b. Respondent Greene County Abstract has an active insurance producer license effective March 26, 2014. (IDOI Exhibit A).
- c. Non-party Jody Fields has not proven to be competent, trustworthy, or responsible for the day-to-day management of Greene County Abstract.<sup>1</sup> (*See* Transcript, pp. 95-98, 120-121, 122, 124, 128, 129)
- d. Respondent Miller has not provided adequate oversight to Greene County Abstract. (*See* Transcript, pp. 106-112, 115)

7. Conclusions of Law that are properly stated as Findings of Fact are incorporated herein.

#### **CONCLUSIONS OF LAW**

1. The Conclusions of Law in the Recommended Order are adopted and incorporated herein.

2. The Commissioner adds the following additional Conclusions of Law:

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<sup>1</sup> Miller and Greene County Abstract have gone so far as to refer to Ms. Fields’ conduct as “fraudulent”. (Barry L. Miller’s Objection to Administrative Law Judge’s Findings of Fact, Conclusions of Law, and Recommended Order ¶ 34; Greene County Abstract Co., Inc.’s Objection to Administrative Law Judge’s Findings of Fact, Conclusions of Law, and Recommended Order ¶ 27)

a. The Department has met its burden of proof and shown by a preponderance of the evidence that the Emergency Cease & Desist Order issued to Miller should continue.

b. The Department has met its burden of proof and shown by a preponderance of the evidence that the Emergency Cease & Desist Order issued to Greene County Abstract should continue.

c. Greene County Abstract has resolved the licensing issue that caused the emergency supporting the Emergency Cease & Desist Order.

d. However, it would not be in the best interest of the title insurance buying public for Greene County Abstract to open under the management of Ms. Fields.

e. The Emergency Cease and Desist Order for Greene County Abstract should continue only until Greene County Abstract identifies a licensed title insurance producer who can and will competently and responsibly manage the agency.

3. Conclusions of Law that are properly stated as Findings of Fact are incorporated herein.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

IN THE MATTER OF: )

Barry L. Miller, )  
Respondent. )  
2251 Vogel Road )  
Evansville, IN 47711 )

CAUSE NUMBER:11814-AG14-0321-036

Greene County Abstract Co., Inc., )  
Respondent. )  
P.O. Box 227 )  
Bloomfield, IN 47424 )

CAUSE NUMBER:11814-CO14-0321-003

Type of Action: Title Enforcement )  
)  
)  
)  
)

**FILED**

AUG 05 2014

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND RECOMMENDED ORDER**

Administrative Law Judge Reuben B. Hill ("ALJ"), having considered and reviewed all of the evidence, now renders a decision in this matter. This matter came to be heard by the ALJ at the Indiana Department of Insurance, 311 West Washington Street, Indianapolis, Indiana, at 2:00 p.m. on June 11, 2014.

The Indiana Department of Insurance ("Department") was represented at the administrative hearing by counsel Robert L. Hummel. Respondent Barry L. Miller appeared in person and Respondents were represented by counsel Tammy L. Ortman. At the administrative hearing, witnesses testified under oath, evidence was heard, and exhibits were received into evidence.

Based upon the evidence presented at the hearing, the ALJ now makes the following Findings of Fact, Conclusions of Law, and Recommended Order pursuant to Ind. Code §4-21.5-3-27.

### **FINDINGS OF FACT**

1. Respondent Barry L. Miller (“Miller”) was a licensed Indiana resident title insurance producer whose license expired on May 31, 2010. *Exhibit B.*

2. Respondent Greene County Abstract Co., Inc. (“Greene County Abstract”) is a licensed title insurance agency whose license had expired on January 31, 2014 but reinstated its license on March 26, 2014. *Exhibit A.*

3. Miller and Greene County Abstract were properly notified of the above hearing date and time by U.S. Mail sent to Respondents’ attorney, Tammy J. Ortman.

4. Emergency Cease and Desist Orders were issued by the Commissioner against Miller and Greene County Abstract on March 25, 2014 prohibiting them from engaging in all activity as a licensed title insurance producer and agency including the solicitation, negotiation, and sale of insurance.

5. Miller and Greene County Abstract requested an administrative hearing to determine whether the Commissioner’s Cease and Desist Orders should be voided, terminated, modified, stayed, or continued.

6. Miller is the president and owner of Greene County Abstract. *Transcript pp. 99 and 107.*

7. An Outstanding Liability Spreadsheet from the Indiana Department of Revenue (“DOR”) dated February 18, 2014 shows tax liabilities in the warrant stage for Greene County Abstract’s failure to pay withholding taxes in 2012 and 2013 with an

estimated liability of eight thousand six hundred and thirty-seven dollars and forty-nine cents (\$8,637.49) including interest and penalties. *Exhibit C.*

8. Following an examination of Greene County Abstract by the Division on February 19, 2010, a letter was sent on the same day to Miller by then Senior Insurance Examiner Carrie Vavul. Under the "Comments and Required Actions" section of the letter, Ms. Vavul indicated that Miller's license was set to expire soon, in May 2010. *Exhibit D.*

9. The name Barry L. Miller appears on the "Authorized Signatory" line of a General Title Insurance Company ("General Title") Commitment Schedule A, Owner's Policy Schedule B, and Loan Policy Schedule B. *Exhibit E.*

10. The name Barry L. Miller appears on the "Authorized Signatory" line of a General Title Commitment Schedule A, Loan Policy Schedule B, and Endorsement. *Exhibit F.*

11. The name Barry L. Miller appears on the "Authorized Signatory" line of a General Title Commitment Schedule A. *Exhibit G.*

12. The name Barry L. Miller appears on the "Authorized Signatory" line of a General Title Commitment Schedule A and Exceptions from Coverage Schedule B. *Exhibit H.*

13. The name Barry L. Miller appears on a General Title Commitment Schedule A, Owner's Policy Schedule A, and Loan Policy Schedule A. *Exhibit I.*

14. The name Barry L. Miller appears on the "Authorized Signatory" line of a General Title Commitment Schedule A, Owner's Policy Schedule B, and Loan Policy Schedule B. *Exhibit J.*



15. The name Barry L. Miller appears on the "Authorized Signatory" line of a General Title Commitment Schedule A and Loan Policy Schedule B, as well as above the words "Barry L. Miller, President" on two (2) Endorsements. *Exhibit K.*

16. The name Barry L. Miller appears above the words "Barry L. Miller, President" on a Commitment Schedule A, Owner's Policy Schedule A, and Loan Policy Schedule A. *Exhibit L.*

17. The name Barry L. Miller appears above the words "Barry L. Miller, President" on a Commitment Schedule A, Owner's Policy Schedule A, and Loan Policy Schedule A. *Exhibit M.*

18. The name Barry L. Miller appears above the words "Barry L. Miller, President" on a Commitment Schedule A, Owner's Policy Schedule A, Loan Policy Schedule A, and two (2) Endorsements. *Exhibit N.*

19. Exhibits E through N were executed after Miller's title insurance license had expired and Exhibit N was executed after Greene County Abstract's license had expired.

20. Exhibits E through N were selected at random by Senior Examiner Nicole Lotter ("Examiner Lotter") when she conducted an examination of Greene County Abstract. Examiner Lotter testified that she usually selects ten (10) to thirty (30) closing files to review and in this case she selected approximately fifteen (15) files. *Transcript pp. 30-31.*

21. Examiner Lotter did not speak with Miller or see him when she conducted the examination of Greene County Abstract and did not before, during, or after the

examination ask Miller if it was his signature that appears on the closing documents she examined. *Transcript p. 42.*

22. Examiner Lotter did not ask office manager Jody J. Fields (“Fields”), who was present at Greene County Abstract during the examination, whether the signatures that say Barry L. Miller were Miller’s signatures. *Transcript pp. 45-46.*

23. Examiner Lotter testified that during the examination of Greene County Abstract, she asked Fields if she was aware of Greene County Abstract’s tax liabilities. Fields indicated that she was aware of them but did not know the amount owed. *Transcript p. 51.*

24. Examiner Lotter testified that the fact that the licenses of Miller, Greene County Abstract, and Fields were all expired was a “red flag” to her and indicative of an emergency situation. *Transcript p. 53.*

25. Examiner Lotter testified that when she conducts an examination, she typically does not question any signatures unless they are illegible. *Transcript p. 61.*

26. Fields reinstated her title insurance producer license and the agency license for Greene County Abstract on March 26, 2014. *Exhibit 1.*

27. Miller submitted evidence that he completed ten (10) hours of continuing education on April 2, 2014 and applied to reinstate his title insurance producer license. Miller’s business address was incorrectly listed as being in Bloomington, Indiana instead of Bloomfield, Indiana. *Exhibit 1.*

28. Miller testified that he has been friends with Fields since 1987 and she worked for him since 2006 as office manager of Greene County Abstract. Miller testified

that Fields took care of all office duties and conducted the closings. *Transcript pp. 64-65.*

29. Miller testified that he has not closed any transactions, issued any policies, signed any commitments, sold any title insurance, quoted any premiums, or solicited any business in 2014. *Transcript p. 85.*

30. Miller testified that none of the signatures appearing on the exhibits entered into evidence were his. *Transcript pp. 106-107.*

31. Miller testified that five (5) closings were conducted through Greene County Abstract after January 31, 2014 when the agency license expired and before the license was reinstated on March 26, 2014. *Exhibits A and 2, Transcript p. 80.*

32. Miller testified that he did not participate in the closing of any of the five (5) transactions represented by Exhibit 2. *Transcript p. 89.*

33. Miller testified that Fields, as office manager of Greene County Abstract, was responsible for payroll including payroll tax reporting and Miller stated that he does not monitor her. *Transcript pp. 90-91.*

34. Miller presented evidence showing confirmations of withholding tax payments made to the DOR on behalf of Greene County Abstract and all made between March 27 and April 30, 2014, after the Commissioner's Cease and Desist Order was issued on March 25, 2014. *Exhibit 3.*

35. Miller testified that he never received a tax warrant and that Fields never told him about any tax warrants. *Transcript p. 98.*

36. Miller testified that the address the DOR had for Greene County Abstract as shown on Exhibit C was correct and he stated that he thought the warrant information was hidden from him. *Transcript p. 122.*

37. Miller testified that he did not know his title insurance producer license had expired until he received the Commissioner's Cease and Desist Order. *Transcript p. 101.*

38. Miller testified that he did not know that Greene County Abstract's title insurance agency license had expired until he received the Commissioner's Cease and Desist Order. *Transcript p. 102.*

39. Miller testified that even though he is the owner of Greene County Abstract, he did not review documents produced by his agency. *Transcript pp. 107-108.*

40. Miller's signed Affidavit states that he was not involved in the day-to-day operations of Greene County Abstract. *Exhibit 4.*

41. Miller testified that he did not personally give Fields permission to sign his name to closing documents but it was always done that way. *Transcript p. 111.*

42. Miller testified that since the time his license expired on May 31, 2010, he assumed his name was signed on closing documents but he did not know. *Transcript p. 115.*

43. Miller testified that he did see his name on closing documents but did not question Fields about it. *Transcript p. 116.*

44. Miller testified that he talked to Fields about the taxes not being paid and her license not being renewed. Her response was that she got behind, a response that did not make sense to Miller. *Transcript pp. 120-121.*

45. Miller agreed that he takes a very hands-off approach to the running of Greene County Abstract. *Transcript p. 110.*

#### CONCLUSIONS OF LAW

1. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action.

2. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code and all procedures and rules set forth by such Act have been followed in this matter.

3. Service of process was completed via the use of the United States Mail in compliance with the statute and due process requirements.

4. The Division has met its burden of proof and shown by a preponderance of the evidence that an emergency existed on March 25, 2014 when the Commissioner issued his Emergency Cease and Desist Order.

5. The Division has met its burden of proof and shown by a preponderance of the evidence that as president and owner of Greene County Abstract, Barry L. Miller knew, or should have known, that his title insurance license and that of office manager Jody Fields and Greene County Abstract had expired, that his name was being signed to closing documents despite being unlicensed, and that the agency had been issued numerous withholding tax warrants by the Department of Revenue, thus making the continued operation of Greene County Abstract and the participation of Barry L. Miller in the business of title insurance detrimental to the public interest.

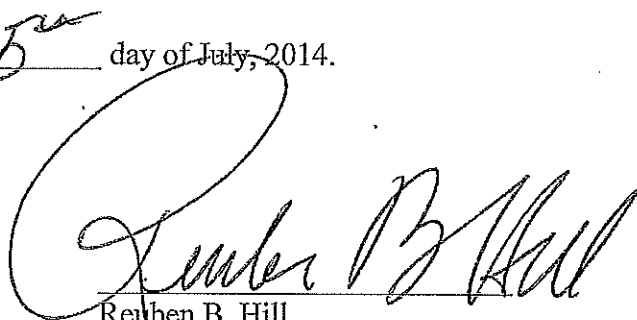
6. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

**RECOMMENDED ORDER**

With the Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the Commissioner of Insurance the following:

1. The Commissioner's Emergency Cease and Desist Orders of March 25, 2014 for both Barry L. Miller and Greene County Abstract Co., Inc. was properly issued and should be upheld pending resolution of this matter through an agreed settlement or the outcome of an administrative disciplinary hearing.

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 5<sup>th</sup> day of July, 2014.

  
Reuben B. Hill  
Administrative Law Judge

Distribution:

Tammy L. Ortman, Esq.  
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One American Square, Suite 2500  
Indianapolis, IN 46282

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

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE  
CAUSE NUMBER:11814-AG14-0321-036

IN THE MATTER OF: )  
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Barry L. Miller, )  
Respondent. )  
 )  
2251 Vogel Road )  
Evansville, IN 47711 )  
 )  
Type of Action: Title Enforcement )

**FILED**  
JUN 24 2014  
STATE OF INDIANA  
DEPT. OF INSURANCE

**RENEWAL OF EMERGENCY CEASE AND DESIST ORDER**

The Indiana Commissioner of Insurance, having reviewed the Title Division's Motion to Renew the March 25, 2014 Emergency Cease and Desist Order, and being otherwise duly advised, now finds as follows:

**FINDINGS OF FACT**

1. Respondent was a resident title insurance producer, holding license number 493299 which expired on May 31, 2010.
2. Respondent is the owner of Greene County Abstract Co., Inc. ("Greene County Abstract"), a resident title insurance agency located in Bloomfield, Indiana. Greene County Abstract held license number 1502510 which expired on January 31, 2014 but was reinstated on March 26, 2014.
3. Jody Fields was a resident title insurance producer, holding license number 2283140 which expired on September 30, 2013 but was reinstated on March 26, 2014.

4. Respondent placed Jody Fields in charge of managing Greene County Abstract's office, conducting closings, reconciling the escrow account, overseeing payroll, reporting to underwriters, conducting title examinations, and issuing policies.

5. On March 17, 2014, Division Senior Examiner Nicole Lotter conducted an examination of Greene County Abstract and found that Respondent's title insurance producer license had expired on May 31, 2010, manager Jody Fields' title insurance producer license had expired on September 30, 2013, and that the Greene County Abstract's title agency license had expired on January 31, 2014.

6. Senior Examiner Lotter found that Respondent had acted as a title insurance producer after his license had expired.

7. On March 25, 2014, the Commissioner of the Indiana Department of Insurance issued an Emergency Cease and Desist order pursuant to Ind. Code §4-21.5-4-2(a) requiring that Respondent cease and desist from "[a]ll activity as a licensed title insurance producer including the solicitation, negotiation, and sale of insurance." The order is to remain effective until June 23, 2014, ninety (90) days from the date the order was issued.

8. During the ninety (90) day period, the Division made attempts to reach a settlement. Respondent, Greene County Abstract, and Jody Fields requested an evidentiary hearing on the March 25, 2014 Emergency Cease and Desist order. The hearing date was set for June 11, 2014 and to be heard by Administrative Law Judge Reuben B. Hill.



9. Jody Fields filed an Order Vacating Hearing on the Emergency Cease and Desist order on June 11, 2014. Said order was granted. The hearings for Respondent and Greene County Abstract proceeded as scheduled.

10. Due to Jody Fields' failure to attend the June 11, 2014 hearing, and Respondent's failure to reach settlement terms, this matter will not be completed by the June 23, 2014 Emergency Cease and Desist expiration date.

### **CONCLUSIONS OF LAW**

1. There remain outstanding issues pertaining Respondent's and Jody Fields' operation of Greene County Abstract.

2. Under Ind. Code §4-21.5-4-5(b), the Department of Insurance may renew the Emergency Cease and Desist order during the pendency of any related proceeding under Ind. Code §4-21.5-3 for successive ninety (90) day periods unless prohibited by statute.

### **ORDER**

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

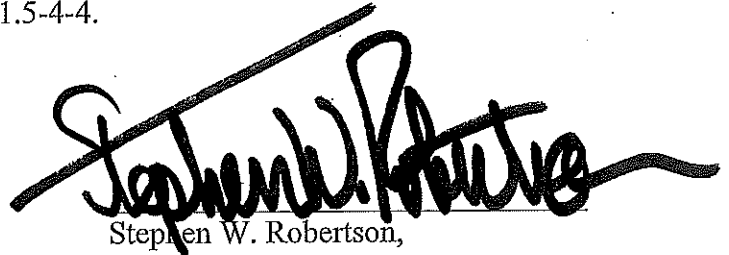
1. All activity as a licensed title insurance producer including the solicitation, negotiation, and sale of insurance.

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

Pursuant to Ind. Code §4-21.5-4-5(b), this order remains effective for ninety (90) days commencing on the date this order is issued.

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

6-24-14  
Date

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 to:

Tammy L. Ortman  
Jennifer S. Ortman  
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Bloomington, IN 47404

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 NUMBER: 11814-AG14-0321-036

IN THE MATTER OF: )  
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Barry L. Miller, )  
Respondent. )  
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2251 Vogel Road )  
Evansville, IN 47711 )  
 )  
Type of Action: Title Enforcement )

**FILED**

JUN 24 2014

STATE OF INDIANA  
DEPT. OF INSURANCE

**MOTION TO RENEW EMERGENCY CEASE AND DESIST ORDER**

The Title Division (“Division”) of the Indiana Department of Insurance, pursuant to Ind. Code §4-21.5-4, files its petition to renew the March 25, 2014 Emergency Cease and Desist order against Barry L. Miller (“Respondent”), and states:

1. Respondent was a resident title insurance producer, holding license number 493299 which expired on May 31, 2010.
2. Respondent is the owner of Greene County Abstract Co., Inc. (“Greene County Abstract”), a resident title insurance agency located in Bloomfield, Indiana. Greene County Abstract held license number 1502510 which expired on January 31, 2014 but was reinstated on March 26, 2014.
3. Jody Fields was a resident title insurance producer, holding license number 2283140 which expired on September 30, 2013 but was reinstated on March 26, 2014.

4. Respondent placed Jody Fields in charge of managing Greene County Abstract's office, conducting closings, reconciling the escrow account, overseeing payroll, reporting to underwriters, conducting title examinations, and issuing policies.

5. On March 17, 2014, Division Senior Examiner Nicole Lotter conducted an examination of Greene County Abstract and found that Respondent's title insurance producer license had expired on May 31, 2010, manager Jody Fields' title insurance producer license had expired on September 30, 2013, and that the Greene County Abstract's title agency license had expired on January 31, 2014.

6. Senior Examiner Lotter found that Respondent had acted as a title insurance producer after his license had expired.

7. On March 25, 2014, the Commissioner of the Indiana Department of Insurance issued an Emergency Cease and Desist order pursuant to Ind. Code §4-21.5-4-2(a) requiring that Respondent cease and desist from "[a]ll activity as a licensed title insurance producer including the solicitation, negotiation, and sale of insurance." The order is to remain effective until June 23, 2014, ninety (90) days from the date the order was issued.

8. During the ninety (90) day period, the Division made attempts to reach a settlement. Respondent, Greene County Abstract, and Jody Fields requested an evidentiary hearing on the March 25, 2014 Emergency Cease and Desist order. The hearing date was set for June 11, 2014 and to be heard by Administrative Law Judge Reuben B. Hill.

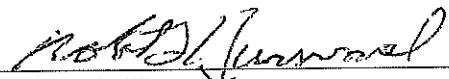
9. Jody Fields filed an Order Vacating Hearing on the Emergency Cease and Desist order on June 11, 2014. Said order was granted. The hearings for Respondent and Greene County Abstract proceeded as scheduled.

10. Due to Jody Fields' failure to attend the June 11, 2014 hearing, and Respondent's failure to reach settlement terms, this matter will not be completed by the June 23, 2014 Emergency Cease and Desist expiration date.

11. There remain outstanding issues pertaining Respondent's and Jody Fields' operation of Greene County Abstract.

12. Under Ind. Code §4-21.5-4-5(b), the Department of Insurance may renew the Emergency Cease and Desist order during the pendency of any related proceeding under Ind. Code §4-21.5-3 for successive ninety (90) day periods unless prohibited by statute.

WHEREFORE, the Title Division requests that the Commissioner renew the March 25, 2014 Emergency Cease and Desist order against Respondent under Ind. Code §4-21.5-4-5(b) for an additional period of ninety (90) days, and for all other necessary and proper relief.


  
Robert L. Hummel  
Attorney #20936-49

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

Certificate of Service

I certify that a copy of the foregoing has been served upon Respondent by Certified United States Mail, return receipt requested, postage prepaid, this 20<sup>th</sup> day of June, 2014.

Tammy L. Ortman  
Jennifer S. Ortman  
LEWIS & KAPPES, P.C.  
One American Square, Suite 2500  
Indianapolis, IN 46282

  
Robert L. Hummel, #20936-49

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

Via Certified Mail, Receipt #9214 8901 0661 5400 0034 6797 80

STATE OF INDIANA )  
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COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER:11814-AG14-0321-036

IN THE MATTER OF: )

Barry L. Miller, )  
Respondent. )

2251 Vogel Road )  
Evansville, IN 47711 )

Type of Action: Title Enforcement )

**FILED**

MAR 25 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. Respondent was a resident title insurance producer, holding license number 493299 which expired on May 31, 2010.

2. Respondent is the owner of Greene County Abstract Co., Inc. ("Greene County Abstract") located in Bloomfield, Indiana.

3. On March 17, 2014, Division Senior Examiner Nicole Lotter conducted an examination of Greene County Abstract and found that the agency's title insurance license had expired on January 31, 2014 and that Respondent's title insurance producer license had expired on May 31, 2010.

4. Senior Examiner Lotter found that Respondent had acted as a title insurance producer after his license had expired.

5. Senior Examiner Lotter found that Greene County Abstract owes in excess of eight thousand six hundred dollars (\$8,600.00) in withholding tax to the Indiana Department of Revenue and the tax liabilities are in the warrant stage.

**CONCLUSIONS OF LAW**

1. An emergency exists in that Respondent has conducted, and continues to conduct, title insurance business without a license and operates a title insurance agency in a financially irresponsible manner, contrary to Indiana law.

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:

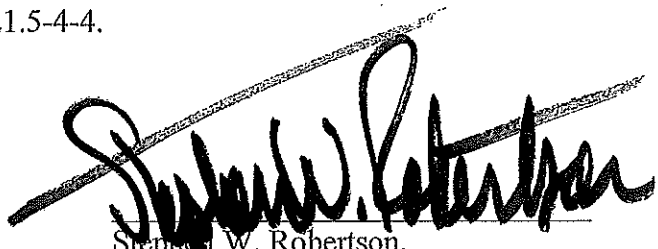
1. All activity as a licensed title insurance producer including the solicitation, negotiation, and sale of insurance.

A copy of this Order will be provided to all title insurance companies with whom Greene County Abstract 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 his right to a hearing concerning this order as quickly as practicable under Ind. Code §4-21.5-4-4.

3-25-14  
Date

  
Stephen W. Robertson,  
Commissioner  
Indiana Department of Insurance



Distribution to:

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Evansville, IN 47711

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 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER:11814-AG14-0321-036

IN THE MATTER OF: )

Barry L. Miller, )  
Respondent. )

2251 Vogel Road )  
Evansville, IN 47711 )

Type of Action: Title Enforcement )

**FILED**

MAR 25 2014

STATE OF INDIANA  
DEPT. OF INSURANCE

**MOTION FOR EMERGENCY CEASE AND DESIST ORDER**

The Title Division ("Division") of the Indiana Department of Insurance, pursuant to Ind. Code §4-21.5-4, files its petition for an emergency order against Barry L. Miller ("Respondent"), and states:

1. Respondent was a resident title insurance producer, holding license number 493299 which expired on May 31, 2010.
2. Respondent is the owner of Greene County Abstract Co., Inc. ("Greene County Abstract") located in Bloomfield, Indiana.
3. On March 17, 2014, Division Senior Examiner Nicole Lotter conducted an examination of Greene County Abstract and found that the agency's title insurance license had expired on January 31, 2014 and that Respondent's title insurance producer license had expired on May 31, 2010.
4. Senior Examiner Lotter found that Respondent had acted as a title insurance producer after his license had expired.

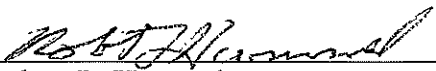
5. Senior Examiner Lotter found that Greene County Abstract owes in excess of eight thousand six hundred dollars (\$8,600.00) in withholding tax to the Indiana Department of Revenue and the tax liabilities are in the warrant stage.

6. An emergency exists in that Respondent has conducted, and continues to conduct, title insurance business without a license and operates a title insurance agency in a financially irresponsible manner, contrary to Indiana law.

7. Respondent should be required to cease and desist all activity as a licensed title insurance producer including the solicitation, negotiation, and sale of insurance.

8. Under Ind. Code §4-21.5-4-2(a)(1), the Commissioner may, in an emergency, issue orders without notice or an evidentiary proceeding. Upon issuance of an emergency order, Respondent may request a hearing as quickly as practicable under Ind. Code §4-21.5-4-4.

WHEREFORE, the Title Division requests that the Commissioner issue an emergency cease and desist order against Respondent under Ind. Code §4-21.5-4-2, and for all other necessary and proper relief.

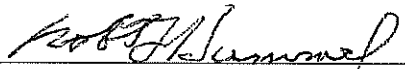
  
Robert L. Hummel  
Attorney #20936-49

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

Certificate of Service

I certify that a copy of the foregoing has been serviced upon Respondent by Certified United States Mail, return receipt requested, postage prepaid, this 24<sup>th</sup> day of March, 2014.

Barry L. Miller  
2251 Vogel Road  
Evansville, IN 47711

  
\_\_\_\_\_  
Robert L. Hummel, #20936-49

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

Via Certified Mail, Receipt #9214 8901 0661 5400 0030 3262 51