

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NO. 12958-AG14-0903-156

IN THE MATTER OF:)
)
Nielson & Sherry, PSC)
9300 Shelbyville Road)
Suite 1000 at Hurstbourne Place)
Louisville, KY 40222)
Respondent.)
)

FILED

JAN 09 2015

STATE OF INDIANA
DEPT. OF INSURANCE

Type of Agency Action: Enforcement
Indiana Insurance License No.: 671553

FINAL ORDER

The Indiana Department of Insurance (“Department”), by its counsel, Debra McNeil, and Nielson & Sherry, PSC (“Respondent”), a licensed title insurance agent, 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 of one thousand five hundred dollars (\$1,500.00) to the Department, for failing to report data in the RREAL

IN data base as well as failing to collect the TIEFF, within ninety (90) days of the signing 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.

ALL OF WHICH IS ORDERED this 9th day of January, 2015.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Nielson & Sherry, PSC
9300 Shelbyville Road
Suite 1000 at Hurstbourne Place
Louisville, KY 40222

Debra McNeil, Deputy General Counsel
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

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AGREED ENTRY

This Agreed Entry is by and between the Title Division of the Indiana Department of Insurance (“Department”), by counsel, Holly Williams, and Nielson & Sherry, PSC (“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 671553; and,

WHEREAS, Respondent failed to make required entries in 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 failed to disclose the Title Insurance Enforcement Fund Fee on files in violation of Ind. Code § 27-7-3.6-7 (a and b); and,

WHEREAS, Respondent failed to collect the Indiana Title Insurance Enforcement Fund Fee on files in violation of Indiana Code §§ 27-7-3.6-7 (a and b); and,

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

WHEREAS, the Department and Respondent (collectively, the "Parties") desire to resolve this matter 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 judicial review of this agreement and the Commissioner's Final Order.
5. Respondent acknowledges that Ind. Code § 27-7-3-15.5 requires it to make required entries in the Residential Real Estate Acquisition of License Information and Numbers ("RREAL IN") database.
6. Respondent shall pay an administrative fine in the amount of One Thousand Five Hundred dollars (\$1,500.00) within ninety (90) days of the Commissioner's Final Order adopting this Agreed Entry.
7. The Department shall accept Respondents compliance with all

terms set forth herein as full resolution of this matter.

8. 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. Respondent has carefully read this agreement and fully understands and accepts its terms.
10. 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.

12.30.14

Date Signed



Holly Williams, Attorney
Indiana Department of Insurance

12/7/14

Date Signed



Jeffrey S. Sherry, Respondent
Nielson & Sherry, PSC

STATE OF Kentucky)
) SS:
COUNTY OF Campbell)

Before me a Notary Public for Campbell County, State of Kentucky
_____, personally appeared Jeffrey S Sherry on behalf of Nielson & Sherry, PSC 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 7 day of November, 2014.



Jennifer M Stubbeman
Notary Signature

Notary Name Printed

My Commission expires: _____

County of Residence: _____