

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
13170
CAUSE NO. ~~13154~~-AG14-1117-207

IN THE MATTER OF:)

Prominent Title Agency, LLC)
7365 E Kemper Rd., Suite B)
Cincinnati, OH 45249)

Respondent.)

Type of Agency Action: Title Enforcement
Indiana Insurance License No.: 35775

FILED

JAN 23 2015

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Indiana Department of Insurance (“Department”), by its counsel, Debra J. McNeil, and Prominent Title Agency, 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:

1. ✓ Respondent shall pay an administrative penalty in the amount of Fifteen Thousand dollars (\$15,000.00) to the Department, in the aggregate for failure to report Four Hundred Seventy Five (475) RREAL IN transactions into the database, overcharging on premiums, government fees, and paying unlicensed personnel, within One Hundred Twenty (120) days of this Final Order.
2. ✓ Respondent shall refund consumers Thirty Thousand Two Hundred Eighty One dollars (\$30,281.00) within One Hundred Eighty (180) days of the signing of the Final Order.
3. Respondent shall provide a letter to the consumers with a reimbursement check stating that, "On (Date of exam) the Indiana Department of Insurance (IDOI), examined our title insurance records in accordance with Indiana Code 27-1-3.1 et seq. and discovered we overcharged you. The correct amount should have been (amount). As a result the IDOI has ordered us to issue a refund check in the amount of (amount)."
4. ✓ Respondent shall provide a copy of the letter and refund check sent to the consumers, to the Department within one hundred eighty (180) days of this Final Order.
5. 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.

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER: 13170-AG14-0903-154

IN THE MATTER OF:)
)
Prominent Title Agency, LLC)
7365 E Kemper Rd., Suite B)
Cincinnati, OH 45249)
Respondent.)
Type of Agency Action: Enforcement)
Indiana Producer License No.: 35775)

FILED
JAN 23 2015
STATE OF INDIANA
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by Joshua Harrison, Attorney for and on behalf of the Indiana Department of Insurance ("Department"), and Prominent Title Agency, LLC; ("Respondent"), a title insurance agency unlicensed to do business in Indiana, to resolve all issues in the above-captioned cause number. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner, Indiana Department of Insurance ("Commissioner").

WHEREAS, Respondent is a non-resident title insurance agency with an expired license in the State of Indiana, license number 35775;

WHEREAS, Ind. Code § 27-1-15.6-13 (a) & (b) requires an insurance company or producer to only pay a commission, service fee, brokerage fee, or other valuable

6. Respondent shall enter all unreported real estate transactions onto the RREAL IN database with thirty (30) days after the signing of this Final Order.

ALL OF WHICH IS ORDERED this 23rd day of January, 2015.

A handwritten signature in black ink, reading "Stephen W. Robertson". The signature is written in a cursive style with a horizontal line underneath it.

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:
Prominent Title Agency, LLC
7365 E Kemper Rd., Suite B
Cincinnati, OH 45249

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

consideration to a person for selling, soliciting, or negotiating insurance in Indiana if that person is licensed.

WHEREAS, the Respondent has paid persons for selling, soliciting, or negotiating insurance in Indiana when Respondent was not licensed, which is a violation of Indiana Code 27-1-15.6-13(a) & (b);

WHEREAS, Ind. Code § 27-7-2-20.1 states that minimum premiums and rates may not be excessive, inadequate, or unfairly discriminated; and

WHEREAS, the Respondent has overcharged of premiums, which is a violation of Ind. Code § 27-7-2-20.1;

WHEREAS, failure to record real estate transactions into the RREAL IN database is a violation of Ind. Code § 27-7-3-15.5 (d) and Ind. Code § 6-1.1-12-43 (e)(1)(g); A closing agent is subject to a civil penalty for each instance in which the closing agent fails to comply with this section with respect to a customer.

WHEREAS, the Respondent failed to enter four hundred seventy five (475) real estate transactions into the RREAL IN database which is a violation of Ind. Code § 27-7-3-15.5;

WHEREAS, the Department and Respondent desire to resolve their differences and settle their issues without incurring the time and expense of a hearing;

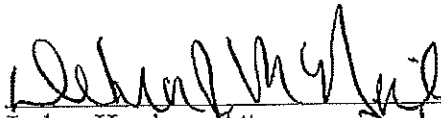
IT IS, THEREFORE, NOW AGREED by and between the parties as follows:

1. The Commissioner has jurisdiction over the subject matter and Respondent in this administrative action.
2. This Agreed Entry is executed voluntarily by the parties.

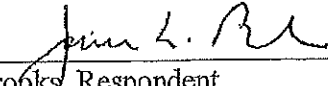
3. Respondent voluntarily and freely waives the right to a public hearing in this matter.
4. Respondent voluntarily and freely waives the right to judicial review of this matter.
5. Respondent admits to overcharging three hundred seventy one (371) files on premiums.
6. Respondent shall reimburse Indiana customers thirty thousand two hundred eighty one dollars (\$30,281.00) within one hundred eighty (180) days of the Final Order.
7. Respondent shall make these reimbursements payments directly to the affected customers and provide proof of reimbursement to the customers with copies of checks for the customers to the department, within one hundred eighty days (180).
8. Respondent shall enter all four hundred seventy five (475) real estate transactions into the RREAL IN database within thirty (30) days of this Agreed Entry.
9. Respondent agrees to pay an administrative penalty in the amount of fifteen thousand dollars (\$15,000.00) to the Department. The amount is due in full 120 days after the Commissioner's Final Order.
10. 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 Commissioners Final Order.

11. The Department agrees to accept Respondent's compliance with the agreement herein as full satisfaction of this matter.
12. Respondent has carefully read and examined this agreement and fully understands its terms.
13. Respondent has entered into this agreement freely, and has not been subject to duress, threat or undue influence.
14. 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.
15. Respondent is aware that failure to comply with any term of this agreement will result in the matter being set for hearing.

1-9-15
Date Signed


~~Joshua Harrison, Attorney~~
Indiana Department of Insurance *Debra J McNeil*

12-26-14
Date Signed


Joe Brooks, Respondent
Prominent Title Agency, LLC

STATE OF OHIO)
) SS:
COUNTY OF Hamilton)

Before me a Notary Public for Hamilton County, State of Ohio,
personally appeared Joseph Brooks, on behalf of Prominent Title Agency,
LLC, 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 26 day of December, 2014.



Signature

Robert A. Calabrese

Printed

My Commission expires: _____

County of Residence: _____



ROBERT A. CALABRESE
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Date. Section 147.03 O.R.C.