

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NO. 13463-AG15-0121-007

IN THE MATTER OF:)
)
Unterberg & Associates PC)
8050 Cleveland Place)
Merrillville, IN 46410)
)
Respondent.)
)
Type of Agency Action: Enforcement)
Indiana Insurance License No.: 36904)

FILED

FEB 06 2015

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Indiana Department of Insurance (“Department”), by its counsel, Brigitte R. Collier, and Unterberg & Associates PC (“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 seven thousand two hundred fifty dollars (\$7,250.00) to the Department, in aggregate for failure to maintain licensure to act as a title agency. This

amount is due in full within thirty (30) days after the signing of this Final Order

2. 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 after the signing of this Final Order.

ALL OF WHICH IS ORDERED this 16th day of February, 2015.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Unterberg & Associates PC
8050 Cleveland Place
Merrillville, IN 46410

Brigitte R. Collier, 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: 13463-AG15-0121-007

IN THE MATTER OF:)

Unterberg & Associates PC)
8050 Cleveland Place)
Merrillville, IN 46410)

Respondent.)

Type of Agency Action: Enforcement)

Indiana Producer License No.: 36904)

FILED

FEB 06 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, Joshua Harrison, and Jay County Abstract Company, Inc. ("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 resident title insurance agency licensed in the State of Indiana, holding license number 36904; and

WHEREAS, Indiana Code § 27-1-15.6-13 (a) & (b) requires that a person shall not accept a commission, service fee, brokerage fee, or other valuable consideration for selling, soliciting, or negotiating insurance in Indiana unless that person is licensed;

WHEREAS, Respondent failed to maintain proper licensure to act as a title insurance agency in the State of Indiana hereto;

WHEREAS, Respondent's license lapsed on July 31, 2013 through May 19, 2014; and

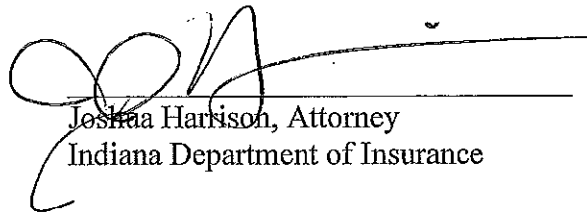
WHEREAS, the Department and Respondent (collectively, the "Parties") desire to resolve their differences and settle the issues without the necessity of a hearing;

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 the issues in this matter.
4. Respondent voluntarily and freely waives the right to judicial review of this matter.
5. Respondent shall pay an administrative fine of seven thousand two hundred fifty dollars (\$7,250.00) to the Department within thirty (30) days after the Commissioner's Final Order adopting this Agreed Entry.
6. 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.
7. The Department agrees to accept Respondent's compliance with this agreement as full satisfaction of this matter.
8. Respondent has carefully read and examined this agreement and fully understands its terms.
9. Respondent has entered into this agreement freely, and has not been subject to duress, threat or undue influence.

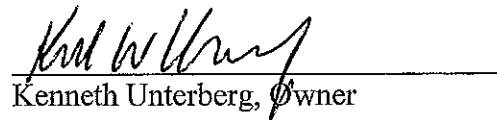
10. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Agreed Entry by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation in or resolution of these proceedings.
11. Respondent is aware that failure to comply with any of the terms of this agreement will result in the matter being set for a hearing.

2-3-15
Date Signed



Joshua Harrison, Attorney
Indiana Department of Insurance

01-28-15
Date Signed



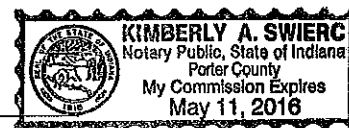
Kenneth Unterberg, Owner

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

Before me a Notary Public for Porter County, State of Indiana, personally appeared Kenneth Unterberg on behalf of Unterberg & Associates PC 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 28 day of January, 2015.

Kimberly A. Swierc
Notary Signature



Kimberly A. Swierc
Notary Name Printed

My Commission expires: May 11, 2016

County of Residence: Porter