

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NO. 13683-AG15-0226-032

IN THE MATTER OF:)
)
American Homeland Title Agency INC)
9656 Cincinnati-Columbus Rd)
Cincinnati, OH 45241)
Respondent.)
Type of Agency Action: Title Enforcement)
Indiana Insurance License No.: 37976)

FILED

MAR 20 2015

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

The Indiana Department of Insurance (“Department”), by its counsel, Joshua Harrison, and American Homeland Title Agency, Inc. (“Respondent”), a nonresident 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 seventy thousand eighty two dollars (\$70,082.00) to the Department, in three payments of twenty three thousand three hundred sixty one dollars (\$23,361.00), in aggregate, for overcharging on premiums, overcharging on Government fees, failing to collect TIEFF fees, paying unlicensed personnel for signing HUD-1s, failing to input real-estate transactions into the RREAL IN database, and failing to issue final policies within forty five (45) days. This amount is due in full within one hundred twenty (120) days after the signing of this Final Order.
2. Respondent shall refund consumers forty two thousand two hundred two dollars (\$42,202.00) within thirty (30) days after the signing of the Final Order.
3. Respondent shall provide a letter to the consumer with a reimbursement check stating that "On January 28, 2015 the Indiana Department of Insurance ("IDOI"), examined our title insurance records in accordance with Indiana Code 27-1-3.1 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)." Respondent shall provide a copy of the letter and check sent to the consumer to the Department within thirty (30) days after the signing of this Final Order.
4. Respondent's non-resident agency license of 37976 shall be permanently revoked.

5. Respondent co-owner John Yonas' non-resident insurance producer's license of 453708 shall be permanently revoked.
6. Respondent co-owner Martin Rink's non-resident insurance producer's license of 492203 shall be permanently revoked.
7. Respondent shall enter all two hundred fifty (250) unreported real estate transactions into the RREAL IN data base within thirty (30) days after the signing of this Final Order.

ALL OF WHICH IS ORDERED this 20th day of March, 2015.



Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

American Homeland Title Agency INC
9656 Cincinnati-Columbus Rd
Cincinnati, OH 45241

Joshua 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: 13683-AG15-0226-032

IN THE MATTER OF:)
)
American Homeland Title Agency INC)
9656 Cincinnati-Columbus Rd)
Cincinnati, OH 45241)
Respondent.)
Type of Agency Action: Enforcement)
Indiana Producer License No.: 37976)

FILED

MAR 20 2015

STATE OF INDIANA
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by the Indiana Department of Insurance ("Department"), by counsel Joshua Harrison, and American Homeland Title Agency, Inc. ("Respondent"), a title insurance agency licensed to do business in Indiana, to resolve all issues in the above captioned matter. 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 licensed in the State of Indiana, holding license number 37976; and

WHEREAS, Respondent is co-owned by John Yonas (holding a non-resident producer's license number 453708) and Martin Rink (holding a non-resident producer's license number 492203); and

WHEREAS, Indiana Code § 27-1-22-18 prohibits insurers, brokers, and agents from deviating from Department authorized premiums and government recording fees;

WHEREAS, the Respondent charged title insurance premium rates higher than First American Title Insurance Company (Ohio Bar Title Insurance Company) (“Underwriter”) contractual rates for One Hundred Thirty Nine (139) title policies in violation of Indiana Code § 27-1-22-18; and

WHEREAS, Indiana Code § 6-1.1-12-43 (e)(1) requires that title producers enter information into the RREAL IN database; and

WHEREAS, Indiana Code § 6-1.1-12-43 (g) states that 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; and

WHEREAS, an investigation identified that the Respondent failed to enter Two Hundred Fifty (250) real estate transactions into the RREAL IN database;

WHEREAS, Indiana Code § 27-1-15.6-13 (a) requires Respondent 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;

WHEREAS, the Respondent has paid personnel for selling, soliciting, or negotiating insurance in Indiana while said personnel was not licensed;

WHEREAS, Respondent failed to collect the Indiana Title Insurance Enforcement Fund Fee on One Hundred Forty Five (145) transactions which is violation of Indiana Code § 27-7-3.6-7; and

WHEREAS, the NAIC Guidelines provides that “final polices need to be issued within forty-five (45) days.”

WHEREAS, Respondent failed to issue ninety three (93) final policies within forty five (45) days;

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

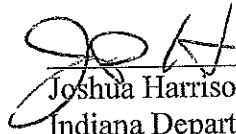
IT IS, THEREFORE, NOW AGREED by and between the parties as follows:

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 shall refund consumers forty two thousand two hundred two dollars (\$42,202.00) within thirty (30) days after the signing of the Final Order.
6. Respondent shall provide letter to the customer with a reimbursement check stating that "On January 28, 2015 Indiana Department of Insurance (IDOI), examined our title insurance records in accordance with Indiana Code 27-1-3.1 seq. and discovered we over charged you. The correct amount should have been (amount). Per result IDOI has ordered us to issue a refund check in the amount of (amount)." Respondent shall provide a copy of the letter and check sent to the customer, to the Department within thirty (30) days of Final Order.
7. Respondent shall enter all two hundred fifty (250) real estate transactions into the RREAL IN database within thirty (30) days after the signing of the Final Order.

8. Respondent agrees to pay an administrative penalty in the amount of seventy thousand eight two dollars (\$70,082.00) to the Department, in three payments of twenty three thousand three hundred sixty one (\$23,361.00). The amount is due in full within one hundred twenty (120) days of the Commissioner's Final Order adopting this Agreed Entry.
9. Respondent's non-resident title insurance agency license of 37976 shall be permanently revoked.
10. Respondent agrees that co-owner John Yonas' non-resident insurance producer's license of 453708 shall be permanently revoked.
11. Respondent agrees that co-owner Martin Rink's non-resident insurance producer's license of 492203 shall be permanently revoked.
12. The Department agrees to accept Respondent's compliance with the agreement herein as full satisfaction of this matter.
13. Respondent has carefully read and examined this agreement and fully understands its terms.
14. Respondent has entered into this agreement freely, and has not been subject to duress, threat or undue influence.
15. 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.

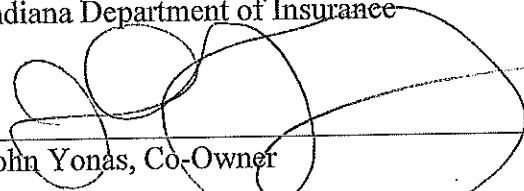
16. Respondent is aware that failure to comply with any term of this agreement will result in the matter being set for hearing.

3-17-15
Date Signed



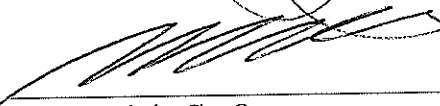
Joshua Harrison, Attorney
Indiana Department of Insurance

3-13-15
Date Signed



John Yonas, Co-Owner

3/13/15
Date Signed



Martin Rink, Co-Owner

STATE OF OHIO)
COUNTY OF Butler) SS:

Before me a Notary Public for Butler County, State of Ohio,
personally appeared John Yonas, on behalf of American Homeland Title Agency, Inc.,
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 13th day of March, 2015.



HEATHER D. HAFZIGER, Notary Public
In and for the State of Ohio
My Commission Expires April 3, 2018

Heather D. Hafziger
Signature
Heather D. Hafziger
Printed

My Commission expires: April 3, 2018

County of Residence: Montgomery