

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 16433-AG17-1025-203

IN THE MATTER OF:

First Title & Escrow, Inc
7361 Calhoun Place, Suite 200
Rockville, MD 20855

Respondent.

Type of Agency Action: Enforcement

Indiana Producer License No.: 1457150

FILED

DEC 04 2017

STATE OF INDIANA
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by the Indiana Department of Insurance ("Department"), by counsel, Claire Szpara, and First Title & Escrow, Inc ("Respondent"), a nonresident 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 nonresident title insurance agency holding license number 1457150;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(4) states, in part, the commissioner may levy a civil penalty for any of the following causes: improperly withholding, misappropriating, or converting any monies or property received in the course of doing insurance business;

WHEREAS, Respondent overcharged and undercharged premium fees on three (3) title insurance policies;

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

WHEREAS, the Department has interpreted this to be twenty (20) business days;

WHEREAS, Respondent failed to enter sixty-nine (69) real estate transactions into the RREAL IN database within the interpreted time period;

WHEREAS, Stephen J. Papermaster, President of First Title & Escrow, Inc, is authorized to act on behalf of Respondent and obligate it to perform in accordance with this agreement; and

WHEREAS, the Department and Respondent (collectively, "the Parties") desire to resolve their differences and settle their issues without incurring the time and expense of a hearing.

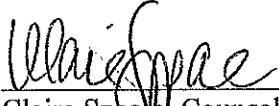
IT IS, THEREFORE, NOW AGREED by and between the Parties as follows:

1. The Commissioner has jurisdiction over the subject matter and the Parties in 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 in this matter.
4. Respondent voluntarily and freely waives the right to judicial review of this matter.
5. Respondent agrees to pay an administrative penalty in the amount of three thousand three hundred and sixty-seven dollars (\$3,367) to the Department within thirty (30) days of the Commissioner's Final Order adopting this Agreed Entry.

6. Respondent agrees to refund customers twenty-eight dollars and thirty cents (\$28.30) on the three (3) overcharged title policies.
7. Respondent agrees to provide a letter to the customer with a reimbursement check stating that "On October 11, 2017, 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)." Respondent shall provide a copy of the letter and check sent to the customer, to the Department within thirty (30) days after the Commissioner approves this Final Order.
8. The Department agrees to accept Respondent's compliance with the Agreed Entry herein as full satisfaction of this matter.
9. Respondent has carefully read and examined this Agreed Entry and fully understands its terms.
10. Respondent has entered into this Agreed Entry freely, and has not been subject to duress, threat or undue influence.
11. 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.

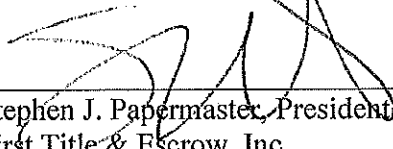
12. Respondent is aware that failure to comply with any term of this agreement will
result in the matter being set for hearing.

11.27.17
Date Signed



Claire Szpala, Counsel (34219-64)
Indiana Department of Insurance

11/14/17
Date Signed

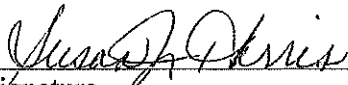


Stephen J. Papermaster, President
First Title & Escrow, Inc.

STATE OF MARYLAND)
) SS:
COUNTY OF MONTGOMERY)

Before me a Notary Public for Montgomery County, State of Maryland, personally appeared Stephen J. Papermaster, on behalf of First Title & Escrow, Inc., and being first duly sworn by me upon his oath, says that the facts alleged in the foregoing instrument are true.

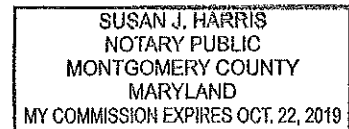
Signed and sealed this 14 day of November, 2017.


Signature

Susan J. Harris
Printed

My Commission expires: 10/22/19

County of Residence: Montgomery



STATE OF INDIANA)
) SS:
COUNTY OF MARION)

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DEPT. OF INSURANCE

FINAL ORDER

The Indiana Department of Insurance ("Department"), by its counsel Claire Szpara, and First Title & Escrow, 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, which imposes a three thousand three hundred and sixty-seven dollars (\$3,367) penalty for failing to input sixty-nine (69) real estate transactions into the RREAL IN database within the required time period and overcharging on three (3) policies, 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 three thousand three hundred and sixty-seven dollars (\$3,367) to the Department, in aggregate, for failure to input sixty-nine (69) real estate transactions into the RREAL IN database within the required time period in violation of Indiana Code § 6-1.1-12-43(e)(1). This amount is due in full within thirty (30) days after the signing of this Final Order.
2. Respondent shall refund consumers twenty-eight dollars and thirty cents (\$28.30) on the three (3) overcharged title policies.
3. Respondent shall provide a letter to the customer with a reimbursement check stating that "On October 11, 2017, 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)." Respondent shall provide a copy of the letter and check sent to the customer, to the Department within thirty (30) days after the Commissioner approves this Final Order.

ALL OF WHICH IS ORDERED this 4th day of December, 2017.

A large, bold, handwritten signature in black ink, which appears to read "Stephen W. Robertson". The signature is written over a horizontal line.

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

First Title & Escrow, Inc
7361 Calhoun Place, Suite 200
Rockville, MD 20855

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