

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NO.: 17914-AG19-0218-023

IN THE MATTER OF: )

Novare National Settlement Service, LLC )  
601 Riverside Avenue, Bldg. 5 )  
Jacksonville, FL 32204 )

Respondent. )

Type of Agency Action: Enforcement )

Indiana Nonresident Producer )  
License No.: 796964 )

**FILED**

JUL 12 2019

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**


The Indiana Department of Insurance (“Department”), by its counsel Erica J. Dobbs, and Novare National Settlement Service, LLC (“Respondent”), a nonresident title insurance agency licensed to do business in Indiana, signed an Agreed Entry which purports to resolve all issues involved in the above-captioned cause number, and which has been submitted to the Commissioner of Insurance (the “Commissioner”) for approval.

The Commissioner, after reviewing the Agreed Entry, which imposes a two thousand four hundred dollar (\$2,400) civil penalty for failing to input one hundred twenty (120) real estate transactions into the RREAL IN database within the statutorily required time period, 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 a civil penalty in the amount of two thousand four hundred dollars (\$2,400) to the Department within thirty (30) days of the date of this Final Order.

July 12, 2019  
Date Signed

  
Stephen W. Robertson, Commissioner  
Indiana Department of Insurance

Distribution:

Novare National Settlement Service, LLC  
601 Riverside Avenue, Bldg. 5  
Jacksonville, FL 32204

Erica J. Dobbs, Attorney  
ATTN: Mark Faust, Senior Insurance Examiner  
Indiana Department of Insurance  
311 W. Washington St., Suite 103  
Indianapolis, IN 46204

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STATE OF INDIANA  
DEPT. OF INSURANCE

**AGREED ENTRY**

This Agreed Entry is executed by the Indiana Department of Insurance (“Department”), by counsel, Erica J. Dobbs, and Novare National Settlement Service, LLC (“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 796964 since December 29, 2011;

WHEREAS, Indiana Code § 27-1-15.6-12(b)(2)(A) states, in part, that the Commissioner may levy a civil penalty against an insurance producer for violating an insurance law;

WHEREAS, Indiana Code § 6-1.1-12-43(e)(1) is an insurance law requiring that closing agents enter real estate transactions into the Residential Real Estate Acquisition of Licensee Information and Numbers Database (“RREAL IN Database”) as soon as possible after the closing, and within the time prescribed by the Department;

WHEREAS, the Department has interpreted this to be twenty (20) business days, pursuant to Indiana Code § 27-7-3-15.5(e);

WHEREAS, Respondent failed to enter one hundred twenty (120) real estate transactions into the RREAL IN Database within the required time period;

WHEREAS, Cathy McIndoo, President of Novare National Settlement Service, LLC 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 this matter without 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. In order to avoid formal litigation in this matter, Respondent has determined that it is in their best interests to enter into this Agreed Entry. As such, Respondent acknowledges that they execute this Agreed Entry with full realization of its contents and effects.
3. This Agreed Entry is executed knowingly, voluntarily, and freely by the Parties. The Parties agree that the terms of this Agreed Entry constitute final resolution of this matter.
4. Respondent knowingly, voluntarily and freely waives the right to a public hearing on this matter, including the right to appear in person before the Commissioner, present evidence, cross-examine witnesses, and present arguments.
5. Respondent knowingly, voluntarily and freely waives the right to judicial review of this matter or otherwise appeal or challenge the validity of this Agreed Entry.

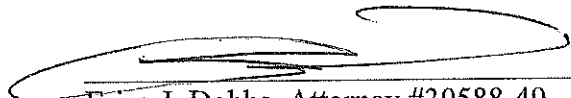
6. Respondent knowingly, voluntarily, and freely waives, releases, and forever discharges all claims or challenges, known or unknown, against the Department, its Commissioner, employees, agents, and representatives, in their individual and official capacities, that arise out of or are related to the Agreed Entry or Final Order, including but not limited to any act or omission as part of the underlying audit, investigation, negotiation, or approval process.
7. Respondent agrees to pay civil penalty in the amount of two thousand four hundred dollars (\$2,400) to the Department within thirty days (30) after the Commissioner signs the Final Order approving this Agreed Entry.
8. Respondent has carefully read and examined this Agreed Entry and fully understands its terms.
9. Respondent has had the opportunity to have this Agreed Entry reviewed by legal counsel of their choosing, at their own expense, and is aware of the benefits gained and obligations incurred by the execution of this Agreed Entry. Respondent understands and agrees that the Department cannot give them legal advice.
10. Respondent has entered into this Agreed Entry knowingly, voluntarily, and freely, and has not been subject to duress, coercion, threat, or undue influence.
11. This Agreed Entry constitutes the entire agreement between the Parties, and no other promises or agreements, express or implied, have been made by the Department or by any employee, director, agent or other representative thereof to induce Respondent to enter this Agreed Entry.
12. The Department agrees to accept Respondent's compliance with the terms of this Agreed Entry as full satisfaction of this matter, and warrants and represents that so long as

Respondent complies with the terms of this Agreed Entry, the Department will not bring any further action against Respondent based on the facts that gave rise to this Agreed Entry.

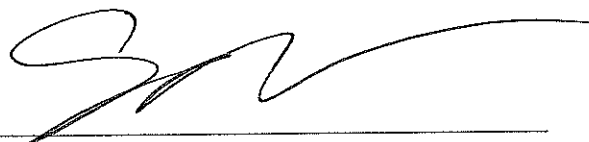
13. In the event the Department finds there has been a breach of any of the provisions of this Agreed Entry, the Department may reopen this matter and pursue alternative action pursuant to Indiana Code § 27-1-15.6-12.
14. Respondent waives any applicable statute of limitations for purposes of any enforcement of the terms and conditions of this Agreed Entry.
15. Respondent acknowledges that this Agreed Entry may be admitted into evidence in any judicial or administrative proceeding against Respondent to enforce the terms and conditions contained herein.
16. Respondent understands that this Agreed Entry resolves only the matter pending with the Department and does not affect any criminal prosecution or civil litigation that may be pending or hereinafter commence against Respondent.
17. This Agreed Entry does not in any way affect the Department's authority in future audits, investigations, examinations, negotiations, or other complaints involving Respondent.
18. It is expressly understood that this Agreed Entry is subject to the Commissioner's acceptance and has no force or effect until such acceptance is evidenced by the entry of a Final Order by the Commissioner.
19. 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 or Respondent from further participation in or resolution of these proceedings.

20. If this Agreed Entry is accepted by the Commissioner, it will become part of Respondent's permanent record and may be considered in future actions brought by the Department or any other regulator against Respondent. It is further understood that, if accepted by the Commissioner, this Agreed Entry and resulting Final Order are public records pursuant to Indiana Code § 4-21.5-3-32 that may not be sealed or otherwise withheld from the public, and may be reported to the National Association of Insurance Commissioners and published on the Department's website as required.
21. Respondent acknowledges that this is an Administrative Action they may be required to report to other jurisdictions in which they are licensed and on future licensing applications.

7/1/2019  
Date Signed

  
Erica J. Dobbs, Attorney #30588-49  
Indiana Department of Insurance

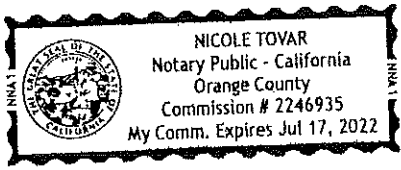
6/24/2019  
Date Signed

  
Cathy McIndoo, President  
Novare National Settlement Service, LLC

STATE OF CALIFORNIA )  
 ) SS:  
COUNTY OF Orange )

Before me a Notary Public for Orange County, State of California,  
personally appeared Cathy McIndoo, on behalf of Novare National Settlement Service, 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 24<sup>th</sup> day of June, 2019.



Micofe (Tovar)  
Signature  
NICOLE TOVAR  
Printed

My Commission expires: JULY 17, 2022 07/17/2022  
County of Residence: Orange



Indiana Department of Insurance – CONFIDENTIAL AND PRIVILEGED  
Title Division

To: Holly Williams Lambert, Chief Deputy Commissioner  
CC: Erica J. Dobbs, Counsel  
From: Mark Faust, Senior Examiner, Title Division  
Date: July 1, 2019

Re: Novare National Settlement Service, LLC  
Cause Number: 17914-AG19-0218-023

Final Order  
nonresident title agency  
failed to enter 120  
RREAL transactions  
\$2,400 penalty

Purpose:

The purpose of this memo is to request the Commissioner approve the attached Final Order, which imposes a civil penalty of two thousand four hundred dollars (\$2,400) for failing to report real estate transactions.

Issue:

Whether a nonresident title insurance agency that failed to enter one hundred twenty (120) real estate transactions into the Residential Real Estate Acquisition of Licensee Information and Numbers Database (“RREAL IN Database”) within the interpreted time period should be issued a civil penalty.

Facts:

Respondent is a title insurance agency licensed to do business in Indiana, holding license number 796964. Mark Faust, Senior Insurance Examiner for the Department, performed an examination of Respondent on February 12, 2019. The examination revealed that Respondent failed to enter one hundred twenty (120) real estate transactions into the RREAL IN Database within the interpreted time period.

Analysis:

Indiana Code § 27-1-15.6-12(b)(2)(B) authorizes the Commissioner to levy a civil penalty against an agency for violating an insurance law.

Indiana Code § 6-1.1-12-43(e)(1) is an insurance law that requires a closing agent to enter real estate closing transactions into the RREAL IN Database as soon as possible after the closing. The Department has interpreted this to be twenty (20) business days per Indiana Code § 27-7-3-15.5(e). Respondent failed to enter one hundred twenty (120) real estate transactions into the database, within the interpreted time period.

Per the fine and penalty guidelines, the appropriate total fine is two thousand four hundred dollars (\$2,400) for this violation.

Respondent has entered an agreed entry to pay a civil penalty in the amount of two thousand four hundred dollars (\$2,400) for the violations to the Department within thirty (30) days after the Commissioner signs the Final Order.

Recommendation

We request the Commissioner execute this Final Order, which imposes a two thousand four hundred dollar (\$2,400) penalty based on the Respondent's agreement to the fine and terms as set forth in the Agreed Entry.

Mark Faust  
Mark Faust, Senior Insurance Examiner