

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 21283-AG22-0608-092

IN THE MATTER OF:)
)
Daviss County Abstract Co. Inc.)
201 E. Main Street, Suite 401)
Washington, IN 47501)
)
Respondent.)
)
Type of Agency Action: Enforcement)
)
License Number: 1529070)

FILED

JUL 28 2022

STATE OF INDIANA
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by the Indiana Department of Insurance (“Department”), by counsel, Victoria Hastings, and Daviess County Abstract Co. Inc. (“Respondent”), a resident 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 Amy L. Beard, Commissioner, Indiana Department of Insurance (“Commissioner”).

WHEREAS, Respondent is a resident title insurance agency holding license number 1529070 since February 10, 1972;

WHEREAS, Respondent failed to enter one hundred thirty two (132) real estate transactions into the RREAL IN Database within the required time period;

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 title insurance producers 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, Linda Veale, Owner, Daviess County Abstract Co 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 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 shall pay a civil penalty in the amount of one thousand seven hundred twenty dollars (\$1,720) to the Department within thirty days (30) after the Commissioner signs the Final Order approving this Agreed Entry. Failure to timely pay the civil penalty may result in the Department seeking another administrative action against Respondent.
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 that they may be required to report to other jurisdictions in which they are licensed and on future licensing applications.

7/21/2022
Date Signed


Victoria Hastings, Attorney #34052-29
Indiana Department of Insurance

6/30/2022
Date Signed


Linda Veale, Owner
Daviess County Abstract Co. Inc., Respondent

STATE OF INDIANA)
) SS:
COUNTY OF DAVISS)

Before me a Notary Public for DAVISS County, State of Indiana,
personally appeared Linda Veale, on behalf of Daviess County Abstract Co. Inc. and being first
duly sworn by me upon her oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 30th day of June, 2022.



Heather D. Pierce
Signature

HEATHER D. PIERCE
Printed

My Commission expires: MARCH 1, 2023

County of Residence: DAVISS

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

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FINAL ORDER

The Indiana Department of Insurance (“Department”), by its counsel, Victoria Hastings, and Daviness County Abstract Co. Inc. (“Respondent”), a resident 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 the Indiana Department of Insurance (the “Commissioner”) for approval.

The Commissioner, after reviewing the Agreed Entry, which imposes a one thousand seven hundred twenty dollar (\$1,720) civil penalty for failing to enter one hundred thirty-two (132) real estate transactions into the RREAL IN Database within the 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 as follows:

1. Respondent shall pay a civil penalty in the amount of one thousand seven hundred twenty dollars (\$1,720) to the Department within thirty (30) days of the date of this Final Order. Failure to timely pay the civil penalty may result in the Department seeking another administrative action against Respondent.

7.28.2022
Date Signed



Amy L. Beard, Commissioner
Indiana Department of Insurance

Distribution:

Daviess County Abstract Co. Inc.
201 E. Main Street, Suite 401
Washington, IN 47501

Victoria Hastings, Attorney
ATTN: Mark Faust, Title Director
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204