

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO: 7480-AG08-1003-263

IN THE MATTER OF:)

BRANDY MARIE FOLTZ)
7829 PALAWAN DR APT E)
INDIANAPOLIS, IN 46239)

Indiana Insurance License No. 464151)

Respondent.)
)

FILED

OCT 03 2008

STATE OF INDIANA
DEPT. OF INSURANCE

PETITION FOR EMERGENCY SUSPENSION

The Title Insurance Division of the Indiana Department of Insurance ("Department"), pursuant to Indiana Code 4-21.5-4, Indiana Code 27-1-15.6-12 and Indiana Code 27-1-3.1 *et seq.*, files its petition for emergency suspension against the title insurance producer license of Brandy Marie Foltz ("Respondent"), and states:

1. The Respondent is a title insurance producer holding license number 464151. The Respondent is also the owner of Village Title, Inc located in Indianapolis, Indiana.
2. The Department initiated a market conduct examination regarding Village Title, Inc. on September 26, 2008.
3. An analysis of Respondent's banking, accounting and reconciliation records prompted the Department to attempt to swiftly gather additional information in the interest of consumer protection.

4. On September 30, 2008 a subpoena was issued commanding Respondent to come to the Department on October 3, 2008 and produce documents and give a sworn statement under oath pursuant to Indiana Code 27-1-3.1-9.

5. Respondent failed to appear on October 3, 2008, did not provide the documents subpoenaed and did not make herself available for a sworn statement under oath. An affidavit attesting to these facts is attached hereto and incorporated as a part of this document as "**Exhibit A.**"


6. The Department has serious consumer protection concerns regarding Respondent and her business and has been unable to obtain information from Respondent in regard to these concerns.

7. An emergency exists in that Respondent has a valid Indiana insurance producer license and is the trustee of escrow accounts holding large sums of money for the benefit of others, including Indiana consumers.

8. Under Indiana Code 4-21.5-4-2(a)(1), the Commissioner may, in an emergency, issue orders without notice or an evidentiary proceeding. Upon issuance of an emergency order, the Respondent may request a hearing as quickly as practicable under Indiana Code 4-21.5-4-4.

9. Respondent should be required to cease practice as an insurance agent for a period of ninety (90) days or until terminated by the Commissioner.


WHEREFORE, the Department requests that the Commissioner issue an order suspending the insurance license of Brandy Marie Foltz under Indiana Code §4-21.5-4-2, and for all other necessary and proper relief.


Kathy Carr Hulbert, #23529-49A
Managing Attorney
Title Insurance Division

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served upon Respondent's counsel at the address listed below by United States First Class mail, postage prepaid, this 3rd day of October, 2008.

Charles David Pumphrey
PUMPHREY & MANLEY
302 N. Alabama Street
Indianapolis, IN 46004


Kathy Carr Hulbert, #23529-49A

Title Insurance Division
Indiana Department of Insurance
311 West Washington
Indianapolis, IN 46204-2787
(317) 234-5151

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Indiana Insurance License No. 464151)
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Respondent.)
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AFFIDAVIT OF STEPHEN W. ROBERTSON

I, Stephen W. Robertson, having been first duly sworn, state:

1. I am the Director of the Title Insurance Division of the Indiana Department of Insurance.
2. I personally served the above-named Respondent with a subpoena on September 30, 2008, commanding her to produce financial documents and to submit to a sworn statement under oath on October 3, 2008.
3. Respondent failed to appear for the sworn statement and she failed to produce the financial documents described in the September 30, 2008 subpoena.
4. Without the information described in the September 30, 2008 subpoena, serious questions regarding the banking, accounting and reconciliation procedures have not been answered and the Department cannot determine if Respondent or her title insurance agency have harmed Indiana consumers trying to sell, purchase or refinance real property in the State of Indiana.

EXHIBIT

"A"
2 Pages

I hereby declare, under the penalties of perjury, that the facts stated in this affidavit are personally known to me, and that they are true.

Stephen W Robertson
Stephen W. Roberston

Notary Public

Signed and sworn to
before me on October 3, 2008.

Nancy M Wilkins
Nancy M Wilkins
Notary Public

My Commission expires on August 27, 2016.

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STATE OF INDIANA
DEPT. OF INSURANCE

ORDER GRANTING EMERGENCY SUSPENSION

The Indiana Commissioner of Insurance (“Commissioner”), having reviewed the Title Insurance Division's Motion for Emergency Suspension, and being otherwise duly advised, now finds as follows:

FINDINGS OF FACT

1. Respondent currently holds title insurance qualifications in Indiana.
2. Respondent has failed to abide by a subpoena issued by the Commissioner on September 30, 2008, as Respondent failed to appear for a sworn statement and failed to produce documents.

CONCLUSIONS OF LAW

3. An emergency exists in that Respondent holds an Indiana insurance producer license, is the trustee of title insurance escrow accounts with the large sums of money held for the benefit of Indiana consumers and may plan to continue selling insurance, thereby placing her in a position of trust with consumers and their funds.

4. In an emergency, the Commissioner may issue appropriate orders without notice or an evidentiary proceeding under Indiana Code 4-21.5-4-2(a) which states in relevant part:

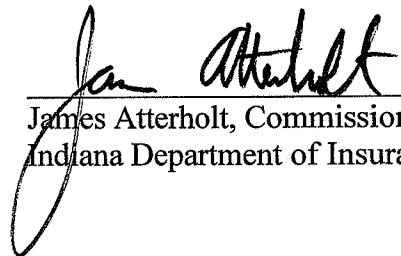
The agency shall issue the order under this chapter by one (1) of the following procedures:

(1) Without notice or an evidentiary proceeding, by any authorized individual or panel of individuals.

ORDER

It is, therefore, ORDERED, that the Indiana insurance producer license of Brandy Marie Foltz (license number 438604) is hereby SUSPENDED pursuant to Indiana Code §4-21.5-4-2 for 90 days commencing on the date this order is issued.

The Respondent is hereby notified of his right to a hearing concerning this order as quickly as practicable under Indiana Code 4-21.5-4-4.


James Atterholt, Commissioner
Indiana Department of Insurance

Distribution to:

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