

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO: 6495-AG08-0206-056

IN THE MATTER OF:)
)
JOSEPH M. YONKMAN)
1701 Eisenhower Street)
Valparaiso, IN 46383)
)
Indiana Insurance License No. 438604)
)
Respondent.)
)
Type of Agency Action: Enforcement)

FILED

FEB 11 2008

STATE OF INDIANA
DEPT. OF INSURANCE

MOTION FOR EMERGENCY SUSPENSION


The Title Insurance Division of the Indiana Department of Insurance (“Department”), pursuant to Indiana Code 4-21.5-4, files its petition for emergency suspension against the title insurance producer license of Joseph M. Yonkman (“Respondent”), and states:

1. The Department has recently obtained information that Respondent has endorsed third-party checks, in aggregate estimated to be \$49,000.00, from the escrow account of Stewart Title Services of Northwest Indiana and deposited them into his personal account.
2. The Department has contacted Respondent’s attorney, Rhett Tauber, and he has no objection to this motion or the emergency suspension of Respondent’s license.
3. An emergency exists in that Respondent has a valid Indiana insurance producer license and may continue to sell insurance, thereby placing him in a position of trust with consumers and their funds.

4. 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 4-21.5-4-4.

5. 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 Joseph M. Yonkman under Indiana Code §4-21.5-4-2, and for all other necessary and proper relief.




Kathy 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 7th day of February, 2008.

Rhett L. Tauber
TAUBER, WESTLAND & BENNETT, P.C.
1415 Eagle Ridge Drive
Scherville, Indiana 46375



Kathy Hulbert, #23529-49A

Title Insurance Division
Indiana Department of Insurance
311 West Washington
Indianapolis, IN 46204-2787

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ORDER GRANTING EMERGENCY SUSPENSION

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

Findings of Fact

1. The Department of Insurance is authorized to regulate the practice of insurance producers in Indiana under Indiana Code §27-1-15.6, which was effective at all times relevant to these charges.
2. The Department may hold disciplinary hearings under Indiana Code 27-1-15.6.
3. Respondent currently holds title insurance qualifications in Indiana.
4. Respondent has allegedly misappropriated money from his employer's escrow account for personal gain.

5. It appears that Respondent may plan to continue selling insurance, thereby placing him in a position of trust with consumers and their funds.

Conclusions of Law

1. An emergency exists in that Respondent holds an Indiana insurance producer license and may plan to continue selling insurance, thereby placing him in a position of trust with consumers and their funds.

2. 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 Joseph M. Yonkman (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:

Kathy Hulbert, Attorney
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