

BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS

IN THE MATTER OF
MARCI INGRAM, LICENSE NO. 328101
and
LANDMARK CLOSING COMPANY

A.I.D. NO. 2009-061A

CONSENT REVOCATION ORDER

On this day Jay Bradford, Arkansas Insurance Commissioner ("Commissioner"), and Marci A. Ingram, ("Respondent"), reached an agreement concerning the resident title insurance agent's license issued to Respondent by the Arkansas Insurance Department ("Department"). The Commissioner was represented by Nina Samuel Carter, Associate Counsel. Respondent neither admits nor denies the Findings of Fact and Conclusions of Law as set forth below. Respondent was represented by Clay Simpson, of Simpson & Simpson, and voluntarily and intelligently waived her right to a hearing and consented to the entry of this Consent Order. From the facts and law before the Commissioner, he finds:

1. The Commissioner has jurisdiction over the parties and subject matter pursuant to Ark. Code Ann. § 23-61-103 and the authority to issue emergency license suspensions under Ark. Code Ann. § 23-64-216(e), § 23-64-512(a), and § 23-103-416.

2. Respondent is currently licensed in Arkansas as a resident title insurance agent. Respondent holds Arkansas resident title insurance agent license number 328101 and has been licensed with the Department since January of 2008. She is the president and principal shareholder of Landmark Closing Company ("Agency"), an

Arkansas resident title insurance agency, license number 328102. The Agency has been licensed with the Department since January 28, 2008. Respondent's address of record at the Department is 115 West Arch, Searcy, AR 72143.

3. Respondent was terminated by Old Republic National Title Insurance Company ("Old Republic") because Old Republic alleges that Respondent failed to properly remit premium money and has been misusing the funds in the Agency's financial accounts by making improper and unauthorized disbursements and failing to make certain disbursements from the accounts.

4. Old Republic conducted an audit of the Agency and determined that lien payoffs in at least the aggregate amount of \$426,893.41 have not been transmitted to the appropriate lienholders. These payoffs were to be made in connection with mortgage loan closings for which Old Republic title insurance policies had been issued or for which Old Republic is obligated to issue. The Audit conducted by Old Republic also revealed that the Agency failed to remit to Old Republic insurance premiums collected from customers for several real estate transactions closed by the Agency in the amount of \$14,951.27. As part of the Audit and due to the resulting agency cancellation agreement, Old Republic took possession of all of its policies issued by Respondent and maintained by the Agency.

5. According to information provided by Old Republic, on several occasions during 2007, 2008, and 2009, funds held in the Agency's primary escrow account had been transferred to other working accounts of the Agency, or had been disbursed from the escrow account for unauthorized purposes. The Agency escrow account has a negative balance and currently is severely underfunded, reflecting improper and

unauthorized disbursements. The total shortage in the escrow accounts has been determined to be in excess of \$441,000, an amount which includes the unpaid lien payoffs.

6. For the above actions, the Department alleges that Respondent is in violation of the Insurance Code for: Improperly withholding, misappropriating, or converting any moneys or properties received in the course of doing insurance business, in violation of Ark. Code Ann. § 23-64-512(a)(4); Using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, lack of good personal or business reputation or financial irresponsibility, in violation of Ark. Code Ann. § 23-64-512(a)(8); and Failing to pay premiums to the insurer, in breach of her fiduciary duty as a licensee to treat these moneys as trust funds, in violation of Ark. Code Ann. § 23-64-223.

7. At the upcoming hearing, the Department seeks administrative penalties and sanctions, up to and including revocation of the Arkansas insurance licenses of Respondent and Respondent's Agency based on the above allegations.

CONCLUSIONS OF LAW

1. That the Commissioner has jurisdiction over the parties and over the subject matter herein pursuant to Ark. Code Ann. § 23-61-103 and § 23-103-416.

2. That Respondent has been made fully aware of her right to a hearing and has voluntarily and intelligently waived said right and consents to the entry of this Consent Order.

THEREFORE, in consideration of these Findings of Fact and Conclusions of Law, it is hereby ordered and agreed that:

A. Respondent's resident Arkansas title insurance agent licenses are hereby voluntarily surrendered for immediate revocation by the Department.

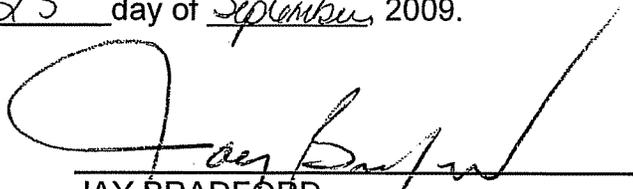
B. Pursuant to Ark. Code Ann. § 23-64-218(a)(1), Respondent shall immediately forward to the Insurance Commissioner all insurance producer and agency licenses.

C. The Department shall notify Respondent's appointing insurance companies of this action pursuant to Ark. Code Ann. § 23-64-217(a)(3).

D. Respondent shall pay restitution to the harmed party or parties within 180 days of this Order but if unable to do so, no later than when funds are released from Old Republic National Title Insurance Company v. Landmark Closing Company and Marci Ingram, Case 4-09-CV-0422-BSM in the United States District Court in the Eastern District of Arkansas. Respondent will cooperate with the Department in making a final determination of the restitution owed, the method and timing of payment.

E. The Department reserves the right to adjudicate this matter to determine the precise amount of restitution.

IT IS SO ORDERED THIS 25th day of September 2009.



JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS



MARCI INGRAM
RESPONDENT