

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- 061

EMERGENCY LICENSE SUSPENSION ORDER

On this day the emergency matter of Marci A. Ingram, ("Respondent") and Landmark Closing Company ("Agency"), came before Jay Bradford, Arkansas Insurance Commissioner ("Commissioner"). The Arkansas Insurance Department ("Department") was represented by Nina Samuel Carter, Associate Counsel. From the facts before the Commissioner, it is found:

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 \$460,000, an amount which includes the unpaid lien payoffs.

6. The actions of Respondent, as described in the preceding paragraphs, are 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.

IT IS THEREFORE ORDERED AND ADJUDGED, as follows:

1. Due to the gravity of the allegations and averments, it is found that a public emergency exists for the immediate suspension of Respondent's and the Agency's title insurance licenses.

2. Pursuant to Ark. Code Ann. §§ 23-64-216(e) and 23-103-416, any and all licenses issued by the Department, whether acquired by Respondent, Marci Ingram, or her Agency, Landmark Closing Company, for being a broker, agent, agency, solicitor, or consultant in this State, are hereby suspended, pending a promptly instituted hearing on the above matter. Respondent's failure to appear at the administrative hearing will

prompt a recommendation to the Commissioner and the hearing officer to immediately revoke all insurance licenses issued to Respondent and her Agency.

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

4. The Department reserves the right to amend and/or supplement the facts contained in this Order to include additional violations of state law, with notice to Respondent.

5. A Notice of Hearing is enclosed. At the Hearing, the Department will seek to revoke all insurance licenses of Respondent based on the above allegations.

IT IS SO ORDERED THIS 1st day of JULY, 2009.



JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS