

ORDER SUMMARY – Case Number: C-03-082

Name(s): Dona M. Dvorak

Order Number: C-03-082-03-FO01

Effective Date: July 30, 2003

License Number: n/a

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)
If applicable, you must specifically note the ending dates of terms.

License Effect: n/a

Not Apply Until: July 30, 2008

Not Eligible Until:

Prohibition/Ban Until:

Investigation Costs	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Fine	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Assessment(s)	\$12,500	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date
Restitution	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Judgment	\$12,990.80	Due	Paid <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Date 7/6/2011
Satisfaction of Judgment Filed?		<input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
No. of Victims:				

Comments:

STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
CONSUMER SERVICES DIVISION

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Escrow Agent Registration Act of Washington by:

BURIEN ESCROW COMPANY, INC.,
CYNDI A. OHRT, Owner, President And
Individually,
CHAD K. OHRT, Owner, Secretary, And
Individually,
RAYMOND W. HOLLIDAY,
TERRY A. HOLLIDAY, AND
DONA M. DVORAK,

Respondents.

NO. C-03-082-03-FO01

FINAL ORDER

DONA M. DVORAK

I. DIRECTOR'S CONSIDERATION

A. Default. This matter has come before the Director pursuant to RCW 34.05.440(1). On May 30, 2003, the Director through her designee Consumer Services Division Director Mark Thomson, entered a Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist, to Deny Licenses, Prohibit from Participation in the Industry, Collect Examination Fees, and Impose Monetary Fines ("Statement of Charges"). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Department served the Statement of Charges on Respondent Dona M. Dvorak by certified mail on May 31, 2003, and June 4, 2003. Respondent Dvorak did not request an administrative hearing.

B. Record Presented. The records presented to the Director for her review and for entry of a final decision included the Statement of Charges and documentation of service.

1 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1), the
2 Director hereby adopts the Statement of Charges, which is attached hereto.

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4 II. FINAL ORDER

5 Based upon the foregoing, and the Director having considered the record and being
6 otherwise fully advised, NOW, THEREFORE:

7 A. IT IS HEREBY ORDERED, That:

- 8 1. Dona M. Dvorak cease and desist from any and all escrow activity requiring a
9 license issued pursuant to chapter 18.44 RCW;
- 10 2. Dona M. Dvorak is prohibited from participation in the conduct of the affairs of
11 any licensed escrow agent, in any manner, to include but not be limited to
12 holding the position of Designated Escrow Officer, escrow officer, officer,
13 director, partner, manager, controlling person, stockholder, employee, or
14 independent contractor of an escrow agent for a period of five (5) years;
- 15 3. Dona M. Dvorak pay a fine of \$12,500 for her violation of RCW 18.44.430(1)(e).

16 B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a
17 Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition
18 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150
19 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,
20 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The
21 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for
22 Reconsideration a prerequisite for seeking judicial review in this matter.

23 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date
24 the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written
25 notice specifying the date by which it will act on a petition.

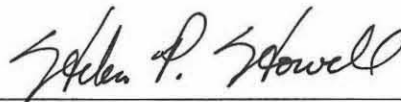
1 C. Stay of Order. The Director has determined not to consider a Petition to Stay the
2 effectiveness of this order. Any such requests should be made in connection with a Petition for Judicial
3 Review made under chapter 34.05 RCW and RCW 34.05.550.

4 D. Judicial Review. Respondent has the right to petition the superior court for judicial
5 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing
6 a Petition for Judicial Review, see RCW 34.050.510 and sections following.

7 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for
8 Judicial Review, service is effective upon deposit of this order in the U.S. mail, affidavit of service
9 attached hereto.

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11 DATED this 30th day of July, 2003.

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13 STATE OF WASHINGTON
14 DEPARTMENT OF FINANCIAL INSTITUTIONS

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16 _____
17 Helen P. Howell
18 Director

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Escrow Agent Registration Act of Washington by:

NO. C-03-082-03-SC01

BURIEN ESCROW COMPANY, INC.,
CYNDI A. OHRT, Owner, President And
Individually,
CHAD K. OHRT, Owner, Secretary, And
Individually,
RAYMOND W. HOLLIDAY,
TERRY A. HOLLIDAY, AND
DONA A. DVORAK,

STATEMENT OF CHARGES
and NOTICE OF INTENTION TO ENTER
AN ORDER TO CEASE AND DESIST, TO
DENY LICENSES, PROHIBIT FROM
PARTICIPATION IN THE INDUSTRY,
COLLECT EXAMINATION FEES, AND
IMPOSE MONETARY FINES

Respondents.

Pursuant to RCW 18.44.410, the Director of the Department of Financial Institutions of the State of Washington ("Director") is responsible for the administration of chapter 18.44 RCW, the Escrow Agent Registration Act ("Act"). The referenced statutes (RCW) and rules (WAC) are attached, in pertinent part. After having conducted an investigation, and based upon the facts available as of May 30, 2003, the Director institutes this proceeding and alleges as follows:

I. FACTUAL ALLEGATIONS

1.1 Burien Escrow Company, Inc. formerly conducted the business of an escrow agent at:

116 SW 153rd Street
Seattle, Washington 98166

1.2 Raymond W. Holliday formerly was a co-owner and Designated Escrow Officer (DEO) of Burien Escrow Company, Inc.

1.3 Terry A. Holliday formerly was a co-owner of Burien Escrow Company, Inc.

STATEMENT OF CHARGES
and NOTICE OF INTENTION TO ENTER AN ORDER
TO CEASE AND DESIST, TO DENY LICENSES,
PROHIBIT FROM PARTICIPATION IN THE
INDUSTRY, COLLECT EXAMINATION FEES, AND
IMPOSE MONETARY FINES

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DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8795

1.4 Cyndi Ann Ohrt is a current co-owner and President of Burien Escrow Company, Inc.
1.5 Chad K. Ohrt is a current co-owner and Secretary of Burien Escrow Company, Inc.
1.6 Dona M. Dvorak formerly was associated with Burien Escrow Company, Inc.
1.7 The Department of Financial Institutions ("Department") issued a license to Burien Escrow Company, Inc., owned by Raymond W. and Terry A. Holliday, on or about December 19, 1997, to conduct business as an escrow agent, license number 540-EA-18487. (The prior license number was BU-RI-EE-*344BC.)

1.8 The Department issued an escrow officer license to Raymond A. Holliday on or about March 11, 1996, license number HO-LL-IR-W5510Z. In or about October 1998, Raymond W. Holliday became the Designated Escrow Officer for Burien Escrow Company, Inc.

1.9 On or about July 13, 2001, Cyndi A. Ohrt and Chad K. Ohrt purchased Burien Escrow Company, Inc. from Raymond W. Holliday and Terry A. Holliday.

1.10 Burien Escrow Company, Inc. currently is not licensed to conduct business as an escrow agent and under the ownership of Cyndi A. Ohrt and Chad K. Ohrt has not been licensed.

1.11 Burien Escrow Company, Inc. currently does not have a Designated Escrow Officer and under the ownership of Cyndi A. Ohrt and Chad K. Ohrt has not had a Designated Escrow Officer.

1.12 From at least July 13, 2001, Burien Escrow Company, Inc. and owners Cyndi A. Ohrt and Chad K. Ohrt have operated Burien Escrow Company, Inc. without an escrow agent license and without a licensed Designated Escrow Officer.

1.13 On or about January 3, 2002, the Department received an Escrow Agent Renewal Notice for Burien Escrow Company, Inc. The document lists Raymond A. Holliday as the Designated Escrow Officer and the new address location as 241 SW 153rd Street, Seattle, 98166.

1.14 On or about January 8, 2002, the Department received an Escrow Agent Address Change Amendment application indicating the effective date of the change as "immediately" to the new address of 241 S.W. 153rd Street, Seattle 98166. The document indicates Raymond W. Holliday as the "licensed escrow officer employed at this office." The document is sworn and affirmed by Raymond W. Holliday dated January 3, 2002 as DEO." Part of the attestation includes the statement: "Any false statement or omission of material information in connection with this application shall be punished as provided by law and may subject the applicant to denial of a license or the revocation of any license granted."

1.15 On or about January 22, 2002, the Department received the Escrow Officer License Renewal Notice dated January 16, 2002 for Raymond W. Holliday.

1.16 On or about January 25, 2002, the Department sent via telefacsimile to Burien Escrow Company, Inc. and Cyndi A. Ohrt regarding the necessary steps to complete the requested address change.

1.17 On or about May 14, 2002, the Department sent a letter to Burien Escrow Company, Inc. and Raymond W. Holliday regarding their failure to respond to the Department's requests and outlined the outstanding steps.

1.18 On or about May 16, 2002, the Department received the Original Designated Escrow Officer license of Raymond W. Holliday with a check for the address change fee dated May 15, 2002.

1.19 On or about May 16, 2002, the Department sent a letter to Burien Escrow Company, Inc. and Raymond W. Holliday enclosing the licenses reflecting the new address.

1.20 On or about May 23, 2002, the Department received an acknowledgment of receipt of the licenses. Raymond W. Holliday signed the acknowledgment dated May 22, 2002.

1.21 On or about June 26, 2002, Cyndi A. Ohrt received a passing score on the Escrow Officer Examination.

1.22 On or about July 22, 2002, the Department received an application dated July 18, 2002 to change Designated Escrow Officer for Cyndi A. Ohrt. The application named the outgoing Designated Escrow Officer as Raymond W. Holliday and the incoming Designated Escrow Officer as Cyndi A. Ohrt. In the blank for the license number for Cyndi A. Ohrt it is handwritten, "don't have yet." Page 2 of the application specifies the instructions to the Escrow Agent, to the outgoing Designated Escrow Officer, and to the incoming Designated Escrow Officer. With the application were submitted a check to the Department for the Burien Escrow Company, Inc. Escrow Agent license renewal fee and the original of each license – Burien Escrow Company, Inc.'s Escrow Agent license and Raymond W. Holliday's Designated Escrow Officer license. The signatory purportedly appointing Cyndi A. Ohrt as an escrow officer to represent, act for and in behalf of Burien Escrow Company, Inc. was Raymond W. Holliday. (Although unknown to the Department at this time, Raymond W. Holliday did not hold a valid escrow agent license or a valid escrow officer license.)

1.23 On or about July 22, 2002, the Department received an application for an Escrow Officer license dated July 5, 2002, from Cyndi A. Ohrt. The application included an appointment as escrow officer "to represent, act for and in behalf of, the escrow agent named herein" (Burien Escrow Company, Inc.). The signatory purportedly appointing Cyndi A. Ohrt to such capacity was Raymond W. Holliday. (Although unknown to the Department at this time, Raymond W. Holliday did not hold a valid escrow agent license or a valid escrow officer license.)

1.24 On or about August 27, 2002, in a conversation with Cyndi A. Ohrt, the Department first learned Cyndi A. Ohrt owned Burien Escrow Company, Inc. Based on the information, the Department informed Cyndi A. Ohrt to send in a closure form and to reapply for the necessary licenses.

1.25 On or about September 12, 2002, the Department sent a note by telefacsimile to Burien Escrow Company, Inc. and Cyndi A. Ohrt detailing the steps needed to comply with the law and confirming the date of a meeting.

1.26 On or about September 19, 2002, the Department met with Cyndi A. Ohrt. The Department provided Cyndi A. Ohrt with three packets – the statutes and rules pertaining to escrow agents, the escrow agent interpretive letters issued by the Department, and a trust account and record keeping reference manual.

1.27 On or about September 19, 2002, Cyndi A. Ohrt filed an Escrow Agent License Application replacing the application submitted in or around July 22, 2002. This application lists Raymond W. Holliday as the Designated Escrow Officer.

1.28 On or about December 27, 2002, the Department received a data verification form from Burien Escrow Company, Inc. indicating Raymond W. Holliday as the Designated Escrow Officer.

1.29 On or about January 7, 2003, the Department sent a letter to Cyndi A. Ohrt and Burien Escrow Company, Inc. seeking clarification of the sequence of events for the purchase of Burien Escrow Company, Inc.

1.30 On or about January 25, 2003, Cyndi A. Ohrt sent a letter to the Department stating, "I was not licensed as DEO at time of purchase in July 2000. I assumed Holliday contacted DFI."

1.31 On or about January 28, 2003, the Department sent a letter to Cyndi A. Ohrt and Burien Escrow Company, Inc. (1) requesting clarification of the purchase date – July 2000 or 2001, (2) indicating that notification of the sale was not timely, and (3) stating that no business can be conducted without a properly licensed Designated Escrow Officer in place.

1.32 On or about February 10, 2003, Burien Escrow Company, Inc. and Cyndi A. Ohrt sent a letter to the Department indicating (1) July 2001 is the correct date of the sale, (2) she believed

1 Raymond W. Holliday took care of the notification, and (3) "I do understand the guidelines for the
2 DEO."

3 1.33 On or about February 27, 2003, the Department received a completed Escrow Officer
4 License Renewal Notice which had Raymond W. Holliday's name and Designated Escrow Officer
5 license number printed on the form. A new address and telephone number were indicated. However,
6 the social security number (SSN) and date of birth of Cyndi A. Ohrt were written on the form as if they
7 applied to Raymond W. Holliday.

8 1.34 On or about March 5, 2003, Cyndi A. Ohrt sent a letter to the Department addressing
9 the question of whether Raymond A. Holliday remained at Burien Escrow Company, Inc. She
10 indicated, "And yes he is."

11 1.35 On or about March 21, 2003, the Department provided a letter to Burien Escrow
12 Company, Inc. and Cyndi A. Ohrt detailing the current status of licensure and instructing them not to
13 operate as an escrow agent. Also, on or about March 21, 2003, during an unscheduled in-person
14 meeting with the Department, Cyndi A. Ohrt stated that Raymond W. Holliday was still working at
15 Burien Escrow Company, Inc. and that that day (March 21, 2003) happened to be his last.

16 1.36 On or about March 28, 2003 and April 1, 2003, the Department conducted an on-site
17 examination of Burien Escrow Company, Inc. From that review, the Department discovered, among
18 other items, the following:

19 a. In or around July 2002, Burien Escrow Company, Inc. through Dona M. Dvorak
20 converted funds held in trust for the benefit of Chon I. Chong. Funds in the amount of \$40,000 were
21 transferred without the written consent of all principal parties to another escrow account. The final
22 HUD1 settlement statement dated July 22, 2002, indicated these funds had been paid to AMEX
23 Business Finance for a debt owed by Chong. It was not until about February 3, 2003 and April 4,
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2003, that AMEX Business Finance received \$29,000 and \$10,250 respectively from Burien Escrow Company, Inc.

b. Thirty-two checks totaling over \$2600 have been outstanding for more than ninety days.

c. Fourteen accounts have been closed for more than six months with a total outstanding balance of over \$3000.

1.37 On or about April 1, 2003, Raymond W. Holliday sent a letter to the Department explaining his situation with Burien Escrow Company, Inc.: "I felt that by August/September 2002 my responsibilities to BE [Burien Escrow Company, Inc.] were over."

II. GROUNDS FOR ENTRY OF ORDER

2.1 Pursuant to RCW 18.44.021 it is unlawful to operate as an escrow agent without a valid license to do so. Pursuant to RCW 18.44.071 every licensed escrow agent shall ensure that all escrow transactions are supervised by a licensed escrow officer. Further, the Designated Escrow Officer must be an officer of the corporation and must act on behalf of the corporation. In addition, RCW 18.44.041 prohibits a licensed escrow agent from operating an escrow business in a location other than the location set forth on the agent's license. WAC 208-680B-015 provides that an escrow agent license may not be transferred. Also, under RCW 18.44.101, when a licensed escrow officer ceases for any reason to represent the agent, the license ceases to be in force.

Based on the Factual Allegations above, Burien Escrow Company, Inc., Cyndi A. Ohrt, and Chad K. Ohrt violated RCW 18.44.021 and RCW 18.44.071.

Raymond W. Holliday, and Terry A. Holliday violated RCW 18.44.021, RCW 18.44.071, RCW 18.44.041, and RCW 18.44.101. Upon the sale of Burien Escrow Company, Inc., the Hollidays

1 no longer represented Burien Escrow Company, Inc. Further, Raymond W. Holliday was not an
2 officer in the corporation. Therefore, on or about July 13, 2001, the escrow officer license of
3 Raymond W. Holliday ceased to be in force.

4 2.2 Pursuant to RCW 18.44.081 an applicant for an escrow officer license must "make
5 application endorsed by a licensed escrow agent." In addition, the applicant must furnish such proof as
6 the Director may require concerning his or her honesty, truthfulness, good reputation, and identity.

7 Based on the Factual Allegations above, Cyndi A. Ohrt failed to comply with RCW 18.44.081.

8 2.3 Pursuant to RCW 18.44.301(1), (2), and (3), it is a violation of chapter 18.44 RCW for
9 any escrow agent, controlling person, officer, designated escrow officer, independent contractor,
10 employee of an escrow business, or other person subject to this chapter to directly or indirectly employ
11 any scheme, device, or artifice to defraud or mislead borrowers or lenders or to defraud any person, to
12 directly or indirectly engage in any unfair or deceptive practice toward any person, or to directly or
13 indirectly obtain property by fraud or misrepresentation.

14 Based on the Factual Allegations above, Burien Escrow Company, Inc., Cyndi A. Ohrt, Chad
15 K. Ohrt, Raymond W. Holliday, and Terry A. Holliday violated RCW 18.44.301(1), (2), and (3).

16 2.4 Based on the Factual Allegations above, Burien Escrow Company, Inc., Cyndi A. Ohrt,
17 and Chad K. Ohrt violated RCW 18.44.430(1)(a) by obtaining a license by means of fraud,
18 misrepresentation, concealment, or through the mistake or inadvertence of the Director.

19 2.5 Based on the Factual Allegations above, Burien Escrow Company, Inc., Cyndi A. Ohrt,
20 Chad K. Ohrt, Raymond W. Holliday, and Dona M. Dvorak violated RCW 18.44.430(1)(i) by
21 committing acts or engaging in conduct that demonstrates them to be incompetent or untrustworthy, or
22 a source of injury and loss to the public. This conduct demonstrates that Burien Escrow Company,
23

1 Inc., Cyndi A. Ohrt, Chad K. Ohrt, and Raymond W. Holliday are not capable of complying with
2 chapter 18.44 RCW and chapter 208-680A-G WAC. Pursuant to WAC 208-680D-080(1), it is the
3 responsibility of every licensed escrow officer to be knowledgeable of and keep current with these
4 chapters.

5 2.6 Pursuant to WAC 208-680B-015(3) whenever a licensed escrow agent contemplates a
6 transfer involving all or substantially all of its assets, the licensee must provide written notice to the
7 Director at least thirty days prior to the effective date of the transfer.

8 Based on the above Factual Allegations, Raymond W. Holliday and Terry A. Holliday violated
9 WAC 208-680B-015(3).

10 2.7 Based on the above Factual Allegations, Raymond A. Holliday violated WAC 208-
11 680B-070 by permitting the use of his license, whether for compensation or not, to enable any person
12 to in fact establish and carry on an escrow agency wherein the escrow officer does not have full
13 management and supervisory responsibilities.

14 2.8 Based on the above Factual Allegations, Burien Escrow Company, Inc., Cyndi A. Ohrt,
15 and Chad K. Ohrt violated WAC 208-680D-050 and WAC 208-680D-060 by failing to perform all
16 acts as expeditiously as possible and within the time periods identified in the escrow instructions and
17 by failing to disburse funds as set forth in the escrow instructions.

18 2.9 Based on the above Factual Allegations, Burien Escrow Company, Inc., Cyndi A. Ohrt,
19 Chad K. Ohrt, and Dona M. Dvorak violated RCW 18.44.430(1)(e) by converting money to their own
20 use or to the use of their principal or of any other person. Burien Escrow Company, Inc., Cyndi A.
21 Ohrt, Chad K. Ohrt, and Dona M. Dvorak failed to return the money within thirty days after the owner
22 thereof was entitled. Burien Escrow Company, Inc., Cyndi A. Ohrt, Chad K. Ohrt, and Dona M.

1 Dvorak also violated WAC 208-680D-060 by failing to disburse funds in accordance with the
2 instructions and without the written consent of all principal parties.

3 **III. AUTHORITY FOR THE DEPARTMENT'S INTENDED ACTIONS**

4 **A. Authority to Require Persons to Cease and Desist:** Under conditions specified therein,
5 pursuant to RCW 18.44.440, the Director may issue an order requiring a person to cease and desist
6 from unlawful practices and to take such affirmative action as in the judgment of the Director will
7 carry out the purposes of chapter 18.44 RCW.

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9 **B. Authority to Deny License Applications:** Pursuant to RCW 18.44.430(1) and WAC 208-
10 680G-040(1), the Director may deny an application for a license to operate as an escrow agent or
11 escrow officer for obtaining a license by means of fraud, misrepresentation, concealment, or through
12 the mistake or inadvertence of the director, for violating any of the provisions of chapter 18.44 RCW
13 or any lawful rules promulgated pursuant thereto, and for committing acts or engaging in conduct that
14 demonstrates the applicant to be incompetent or untrustworthy, or a source of injury and loss to the
15 public.

16 **C. Authority to Impose Fines:** Pursuant to RCW 18.44.430(3) and WAC 208-680G-040(3), the
17 Director may impose fines in addition to or in lieu of denial.

18 **D. Authority to Prohibit from the Industry:** Pursuant to RCW 18.44.430(3) and WAC 208-
19 680G-040(2), the Director may remove and/or prohibit from participation in the conduct of the affairs
20 of a licensed escrow agent, any officer, controlling person, director, employee, or licensed escrow
21 officer in addition to or in lieu of denial.

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23 **E. Authority to Charge Examination Fee:** Pursuant to RCW 18.44.121(5) and WAC 208-680G-
24 050, the person subject to examination shall bear the costs of the examination.

IV. NOTICE OF INTENT TO ENTER ORDER

Respondents' violations of the provisions of chapter 18.44 RCW and chapter 208-680 WAC, as set forth in the above Factual Allegations and Grounds for Entry of Order constitute a basis for the entry of an Order under RCW 18.44.410, RCW 18.44.430, and WAC 208-680G-030, which authorize the Director to enter an Order against a person subject to the Act. Therefore, it is the Director's intention to ORDER that:

1. Burien Escrow Company, Inc., Cyndi A. Ohrt, Chad K. Ohrt, Raymond W. Holliday, Terry A. Holliday, and Dona M. Dvorak cease and desist from any and all escrow activity requiring a license issued pursuant to chapter 18.44 RCW.
2. Burien Escrow Company, Inc.'s application for a license to conduct the business of an escrow agent be denied;
3. Cyndi A. Ohrt's application for a license to act as an Escrow Officer be denied;
4. Cyndi A. Ohrt be prohibited from participation in the conduct of the affairs of any licensed escrow agent, in any manner, to include but not be limited to holding the position of Designated Escrow Officer, escrow officer, officer, director, partner, manager, controlling person, stockholder, employee, or independent contractor of an escrow agent for a period of five (5) years;
5. Chad K. Ohrt be prohibited from participation in the conduct of the affairs of any licensed escrow agent, in any manner, to include but not be limited to holding the position of Designated Escrow Officer, escrow officer, officer, director, partner, manager, controlling person, stockholder, employee, or independent contractor of an escrow agent for a period of five (5) years;
6. Raymond W. Holliday be prohibited from participation in the conduct of the affairs of any licensed escrow agent, in any manner, to include but not be limited to holding the position of Designated Escrow Officer, escrow officer, officer, director, partner, manager, controlling person, stockholder, employee, or independent contractor of an escrow agent for a period of five (5) years;
7. Terry A. Holliday be prohibited from participation in the conduct of the affairs of any licensed escrow agent, in any manner, to include but not be limited to holding the position of Designated Escrow Officer, escrow officer, officer, director, partner, manager,

controlling person, stockholder, employee, or independent contractor of an escrow agent for a period of five (5) years;

8. Dona M. Dvorak be prohibited from participation in the conduct of the affairs of any licensed escrow agent, in any manner, to include but not be limited to holding the position of Designated Escrow Officer, escrow officer, officer, director, partner, manager, controlling person, stockholder, employee, or independent contractor of an escrow agent for a period of five (5) years;
9. Burien Escrow Company, Inc., Cyndi A. Ohrt, and Chad K. Ohrt provide the Department with the location of the books, records and other information relating to Burien Escrow Company, Inc.'s escrow business, and the name, address and telephone number of the individual responsible for the maintenance of such records in compliance with the Act;
10. Burien Escrow Company, Inc., Cyndi A. Ohrt, Chad K. Ohrt, Raymond W. Holliday, Terry A. Holliday, and Dona M. Dvorak jointly and severally pay an examination fee in the amount of \$ 3,933.57 calculated at \$69.01 per staff hour for 57 staff hours devoted to the investigation;
11. Burien Escrow Company, Inc., Cyndi A. Ohrt, and Chad K. Ohrt jointly and severally pay a fine of \$25,000;
12. Raymond W. Holliday and Terry A. Holliday jointly and severally pay a fine of \$15,000; and
13. Burien Escrow Company, Inc., Cyndi A. Ohrt, Chad K. Ohrt, Raymond W. Holliday, Terry A. Holliday, and Dona M. Dvorak jointly and severally pay a fine of \$12,500 for their violation of RCW 18.44.430(1)(e).

V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice is entered pursuant to the provisions of RCW 18.44.410, RCW 18.44.430, and WAC 208-680G-030, and is subject to the provisions of chapter 34.05 RCW (the Administrative Procedure Act). Respondents may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this order.

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1 Dated this 30th day of May, 2003.




MARK THOMSON, DIRECTOR
DIVISION OF CONSUMER SERVICES

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STATEMENT OF CHARGES
and NOTICE OF INTENTION TO ENTER AN ORDER
TO CEASE AND DESIST, TO DENY LICENSES,
PROHIBIT FROM PARTICIPATION IN THE
INDUSTRY, COLLECT EXAMINATION FEES, AND
IMPOSE MONETARY FINES