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

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

NO. C-07-207-07-CO01

RICHMOND TITLE SERVICES, a Limited
Partnership,

CONSENT ORDER

Respondent.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Richmond Title Services (hereinafter Respondent Richmond), and finding that the issues raised in the captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 18.44 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-07-207-07-SC01 (Statement of Charges), entered June 29, 2007, (copy attached hereto). Pursuant to chapter 18.44 RCW, the Escrow Agent Registration Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges and agree that Respondent does not admit any

CONSENT ORDER

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DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

1 wrongdoing by its entry. Respondent is agreeing not to contest the Statement of Charges in consideration of the
2 terms of this Consent Order.

3 Based upon the foregoing:

4 A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the
5 activities discussed herein.

6 B. **Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a hearing
7 before an administrative law judge, and that it has waived their right to a hearing and any and all administrative
8 and judicial review of the issues raised in this matter, or of the resolution reached herein.

9 C. **No Admission of Liability.** The parties intend this Consent Order to fully resolve the Statement of
10 Charges and agree that Respondent does not admit to any wrongdoing by its entry.

11 D. **Fine.** It is AGREED that Respondent shall pay to the Department a fine of \$22,750.00, in the form of
12 a cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order.

13 E. **Authority to Execute Order.** It is AGREED that the undersigned Respondent represents and
14 warrants that it has the full power and right to execute this Consent Order on behalf of the parties represented.

15 F. **Non-Compliance with Order.** It is AGREED that Respondent understands that failure to abide
16 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the
17 event of such legal action, Respondent may be responsible to reimburse the Director for the cost incurred in
18 pursuing such action, including but not limited to, attorney fees.

19 G. **Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily entered into
20 this Consent Order, which is effective when signed by the Director's designee.

21 H. **Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read this Consent
22 Order in its entirety and fully understands and agrees to all of the same.

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RESPONDENT:

Richmond Title Services, LP

By: *[Signature]*

Joe Freeman
Name: _____
Title: *Manager*

7-2-07
Date

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS 12th DAY OF July, 2007.

[Signature]

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions



CONSENT ORDER

DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
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IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Escrow Agent Registration Act of Washington
by:

RICHMOND TITLE SERVICES, a Limited
Partnership,

Respondent.

NO. C-07-207-07-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENT TO IMPOSE FINE

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INTRODUCTION

Pursuant to RCW 18.44.410 and RCW 18.44.430, the Director of the Department of Financial Institutions (Director) is responsible for the administration of chapter 18.44 RCW, the Escrow Agent Registration Act (Act). After having conducted an investigation pursuant to RCW 18.44.420, and based upon the facts available as of the date of this Statement of Charges, the Director, through his designee, Deborah Bortner, Division Director, Division of Consumer Services, institutes this proceeding and finds as follows:

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I. FACTUAL ALLEGATIONS

1.1 Respondent Richmond Title Services, LP (Respondent Richmond). Respondent Richmond is not and has never been licensed by the State of Washington to operate as an escrow agent.

1.2 Unlicensed location. Respondent is known to have conducted business as an Escrow Agent in the State of Washington from the following out-of-state locations: National Processing Center 2901 N. Dallas Parkway, Ste. 100 Plano, Texas 75093 and Corporate Offices 209 10th Ave. South, Suite 337, Nashville, TN 37203. To date, the Department has not issued a license to Respondent to conduct the business of an escrow agent in the State of Washington from those or any location.

1.3 Unlicensed Activity. Between January 1, 2006 and March 30, 2007, Respondent performed escrow agent functions in connection with at least eight-hundred forty-five (845) loans made for properties located in Washington State. The total fees collected by Respondent for these loans was at least \$202,500.00.

1 **1.4 On-Going Investigation:** The Department's investigation into the alleged violations of the Act by
2 Respondent continues to date.

3 **II. GROUNDS FOR ENTRY OF ORDER**

4 **2.1 Definition of Escrow.** Pursuant to RCW 18.44.011(4), "Escrow" means any transaction wherein any
5 person or persons, for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance,
6 or lease of real or personal property to another person or persons, delivers any written instrument, money,
7 evidence of title to real or personal property, or other thing of value to a third person to be held by such third
8 person until the happening of a specified event or the performance of a prescribed condition or conditions, when
9 it is then to be delivered by such third person, in compliance with instructions under which he or she is to act, to
10 a grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor, or any agent or employee
11 thereof.

12 **2.2 Definition of Escrow Agent.** Pursuant to RCW 18.44.011(6) "Escrow Agent" means any person engaged
13 in the business of performing for compensation the duties of the third person referred to in RCW 18.44.011(4).

14 **2.3 Requirement to Obtain and Maintain License.** Based on the factual allegations set forth in Section I
15 above, Respondent is in apparent violation of RCW 18.44.021 for engaging in business as an escrow agent by
16 performing escrows or any of the functions of an escrow agent within this state or with respect to transactions
17 that involve personal property or real property located in this state without first obtaining a license.

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19 **III. AUTHORITY TO IMPOSE SANCTIONS**

20 **3.1 Authority to Impose Fines.** Pursuant to RCW 18.44.430(3) and WAC 208-680G-040(3), the Director
21 may impose fines for violating any provisions of this Act.

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IV. NOTICE OF INTENTION TO ENTER ORDER

Respondent's violations of the provisions of chapter 18.44 RCW as set forth in the above Factual Allegations, Grounds For Entry Of Order, and Authority to Impose Sanctions constitute a basis for the entry of an Order under RCW 18.44.410, RCW 18.44.430, RCW 18.44.301, and WAC 208-680G-030 which authorize the Director to enforce all laws, rules, and regulations related to the registration of escrow agents and licensing of escrow officers. Therefore, it is the Director's intention to ORDER that:

4.1 Respondent Richmond shall pay a fine in the amount of \$22,750.00.

4.2 That Respondents Richmond Title Services, LP maintain records in compliance with the Act and provide the Department with the location of the books, records, and other information relating to Respondent Richmond Title Services, LP escrow agent business, and the name, address, and telephone number of the individual responsible for maintenance of such records in compliance with the Act.

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V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intent to Impose Fine is entered pursuant to the provisions of RCW 18.44.410 and RCW 18.44.430, and is subject to the provisions of chapter 34.05 RCW. Respondent may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of Charges and Notice of Intent Impose Fine.

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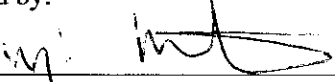
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DATED this 27th day of June 2007.



DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:



WILLIAM J. HALSTEAD
Financial Legal Examiner



Approved by:



JAMES BRUSSELBACK
Enforcement Chief

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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:

RICHMOND TITLE SERVICES, a Limited
Partnership,
Respondent.

C-07-207-07-SC01

NOTICE OF OPPORTUNITY TO DEFEND
AND OPPORTUNITY FOR HEARING

9 THE STATE OF WASHINGTON TO: RICHMOND TITLE SERVICES, LP

10 YOU ARE HEREBY NOTIFIED that a STATEMENT OF CHARGES has been filed by the Department
11 of Financial Institutions, a true and correct copy of which is attached and made a part hereof.

12 YOU ARE HEREBY NOTIFIED that you may file an application for an adjudicative hearing before the
13 Washington State Department of Financial Institutions on the Statement of Charges. Service of this notice is
14 deemed complete upon deposit in the United States mail. YOUR APPLICATION MUST BE RECEIVED BY
15 THE DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS FROM THE DATE
16 YOU RECEIVED THIS NOTICE. If you demand a hearing, you will be notified of the time and place for the
17 hearing at least seven (7) days in advance of the hearing date.

18 At the hearing, you may appear personally, and by counsel, if you desire. The hearing will be as informal
19 as is practical within the requirements of the Administrative Procedure Act (see chapter 34.05 RCW). The hearing
20 will be recorded. The primary concern will be getting to the truth of the matter insofar as the Statement of Charges
21 is concerned. Technical rules of evidence will not be binding at the hearing except for the rules of privilege
22 recognized by law. You have the right to present evidence and witnesses in your own behalf, and to cross-examine
23 those witnesses presented in support of the Statement of Charges. You may require the attendance of witnesses by
24 subpoena. If you are limited English- speaking or hearing impaired, you have the right to have an interpreter
25 appointed at no cost to you, as discussed below.

1 INTERPRETER AVAILABILITY. If you or a witness for you is a person who, because of non-English-
2 speaking cultural background, cannot readily speak or understand the English language, or if you or a witness for
3 you is a person who, because of a hearing impairment or speech defect, cannot readily understand or communicate
4 in spoken language, including persons who are deaf, deaf and blind, or hard of hearing, AND YOU NEED AN
5 INTERPRETER, then a qualified interpreter will be appointed at no cost to you or to the witness. You may request
6 the appointment of a qualified interpreter by indicating your request on the attached Application for Adjudicative
7 Hearing form.

8 YOU ARE FURTHER NOTIFIED that if the Department of Financial Institutions does not RECEIVE the
9 Application for Adjudicative Hearing form within twenty (20) days from the date you received this notice, this will
10 constitute a waiver of your right to a hearing and the Director will find that you do not contest the allegations of the
11 Statement of Charges. Upon such a finding by the Director a final order will be immediately entered disposing of
12 this matter as described in the Statement of Charges. If you desire a hearing in this matter, please return the
13 attached Application for Adjudicative Hearing to:

14 Department of Financial Institutions
15 Division of Consumer Services
16 Attn: Fatima Batie
17 PO Box 41200
18 Olympia, Washington 98504-1200

19 Dated this 27th day of June, 2007.



20 *Deborah Bortner*

21 DEBORAH BORTNER
22 Director
23 Division of Consumer Services
24 Department of Financial Institutions